

Memo

9 July 2018

To: Phill Reid, Auckland-wide Manager
From: Jo Hart, Principal Planner, Planning North West and Islands

Subject: **Plan Modification: Clause 20A Amendment to Operative in part Management Layer – Designations (Designation 1470: The construction, operation and maintenance of a new road and improvements to the existing Gills Road) of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

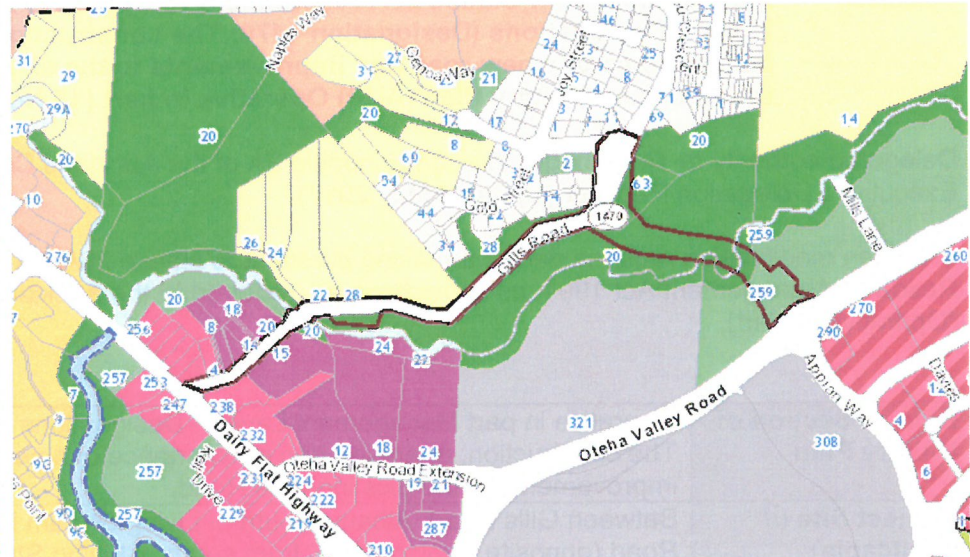
Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Operative in part Management Layer – Designations – Designation 1470: The construction, operation and maintenance of a new road and improvements to the existing Gills Road.
Subject Site (if applicable)	Between Gills Road, Albany (south of Living Stream Road) to Oteha Valley Road (opposite Appian Way), from south of Living Stream Road along Gills Road to east of the Lucas Creek bridge.
Legal Description (if applicable)	
Nature of change	<p>This is an update to a previous Clause 20A, dated 17 April 2018, which amended the designation boundaries to correctly reflect that of the confirmed designation.</p> <p>An email, dated 3 July 2018, was received from Auckland Transport (as attached). After further investigation Auckland Transport has found that the previous correction to the maps does still not align with that of the original NoR. The designation boundary should also cover Gills Road between Living Stream Road and the eastern abutment of the Lucas Creek bridge.</p> <p>A map amendment is required to correct the designation boundaries in the Operative in Part version.</p> <p>Discussion</p> <p>Designation 1470 was confirmed in 2013 and the North Shore District Plan was updated using a shape file provided by Auckland Transport. A Clause 20(A) was done prior to the rollover into the AUP as the designation boundary incorrectly included the northern end of Gills Road to Living Stream Road and from the west of the Gills Road Bridge to Dairy Flat Highway (which did not reflect the NoR as lodged or the confirmed designation). However, the section from Gills Road Bridge was not updated correctly.</p> <p>The designation was then rolled over into the PAUP without modifications using a shape file provided by Auckland Transport. The AUP hearing</p>

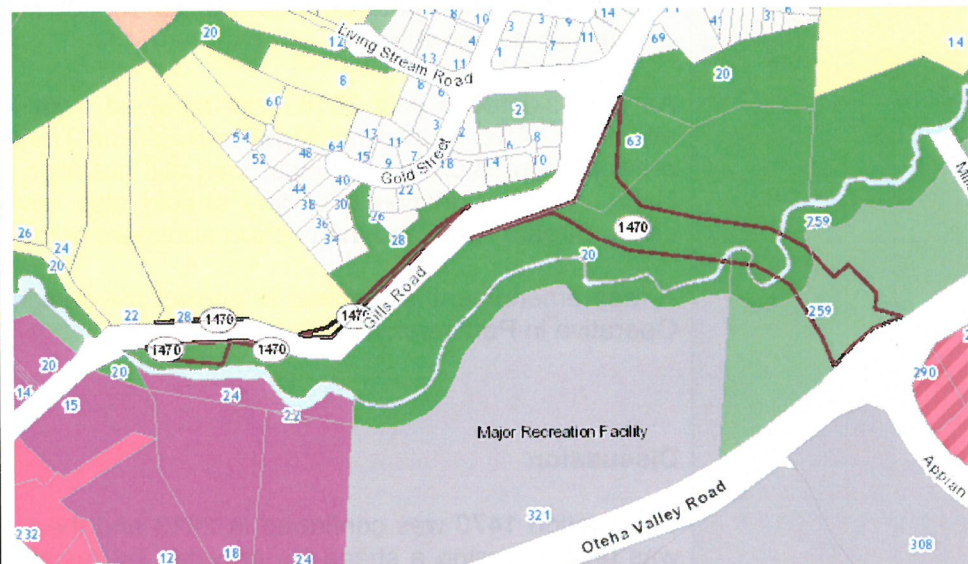
process did not result in any amendments to the designation as rolled over and notified.

Auckland Transport will be lodging an alteration to the designation conditions this year and as part of their investigations discovered that the designation boundary was still shown incorrectly in the AUP management layer (see Map 1 below).



Map 1: Auckland Unitary Plan (as at 17 April 2018)

A Clause 20A amendment, dated 17 April 2018, was completed and signed off. Auckland Transport also confirmed that the GIS Viewer had been updated correctly (see Map 2 below).



Map 2: Auckland Unitary Plan (as at 6 July 2018)

Auckland Transport has now advised the council that they incorrectly identified the boundary subject to the previous Clause 20A. Gills Road between Living Stream Road and the eastern abutment of the Lucas Creek Bridge should also be covered by the designation to align with the original NoR as confirmed.

Effect of change

The effect of the amendment is less than minor and administrative in nature.

	The error in the mapping of the boundary of the designation is over road controlled by Auckland Transport and does not affect owners or occupiers of private property. Auckland Transport is aware that this was their error and that there could've been a potential on-charging of costs to amend the maps in the GIS Viewer.
Changes required to be made	Amend Management Layer – Designations in the Operative in Part version (Designation 1470: The construction, operation and maintenance of a new road and improvements to the existing Gills Road) as per the attached shape file and original designation plans.

Prepared by:
 Jo Hart
 Principal Planner
 Planning North West and Islands

Team Leader
 David Sanders

Signature:

T4 Manager Approval

Signature:

Signature

Jo Hart

From: Haylee Minoprio (AT) <Haylee.Minoprio@at.govt.nz>
Sent: Tuesday, 3 July 2018 2:36 PM
To: Jo Hart
Subject: Gills Road - extent of designation
Attachments: FINAL EVIDENCE Lloyd Barton.docx; FINAL Proposed Designation Plan.pdf; FW: Gills: final evidence for your record; x_17015_001b_designation.dxf

Follow Up Flag: Follow up
Due By: Monday, 9 July 2018 9:30 AM
Flag Status: Flagged

Hi Jo

As per our phone conversation a few weeks back, Gerald Lanning has confirmed to me that the attached plans are the designation plans that were tabled at the hearing for Gills Road (email to this effect also attached). As you will see the designation covers Gills Road from the one way bridge up to Living Stream Road. Can you please get the AUP maps updated (again sorry!)

Shape file attached. Let me know if there are any issues.

Kind regards
Haylee

Haylee Minoprio | Principal Planner
Central and Joint Initiatives | Planning Integration Team
Integrated Networks Division
Level 5, 20 Viaduct Harbour Ave, Auckland
Private Bag 92-250, Auckland 1142

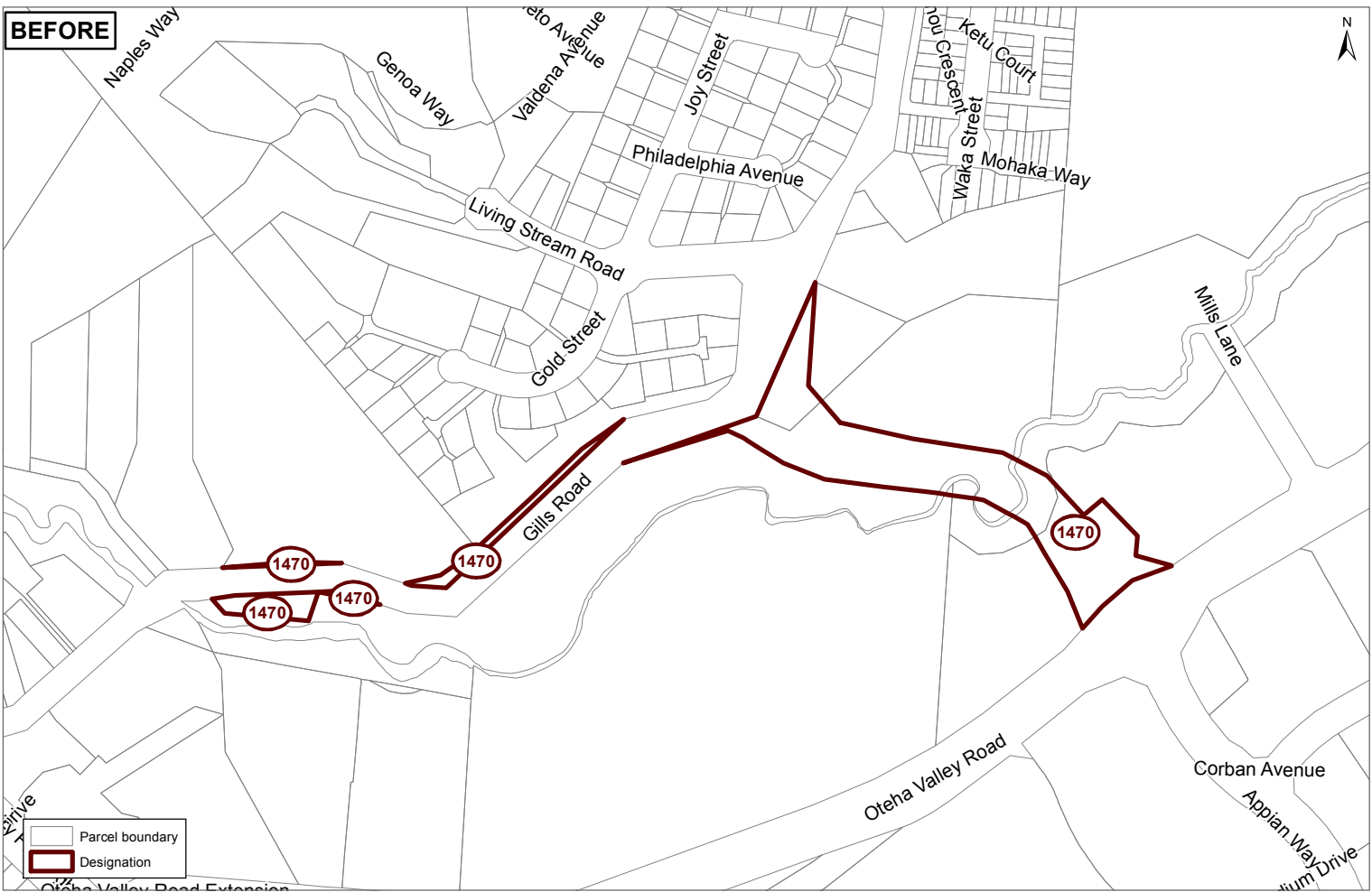
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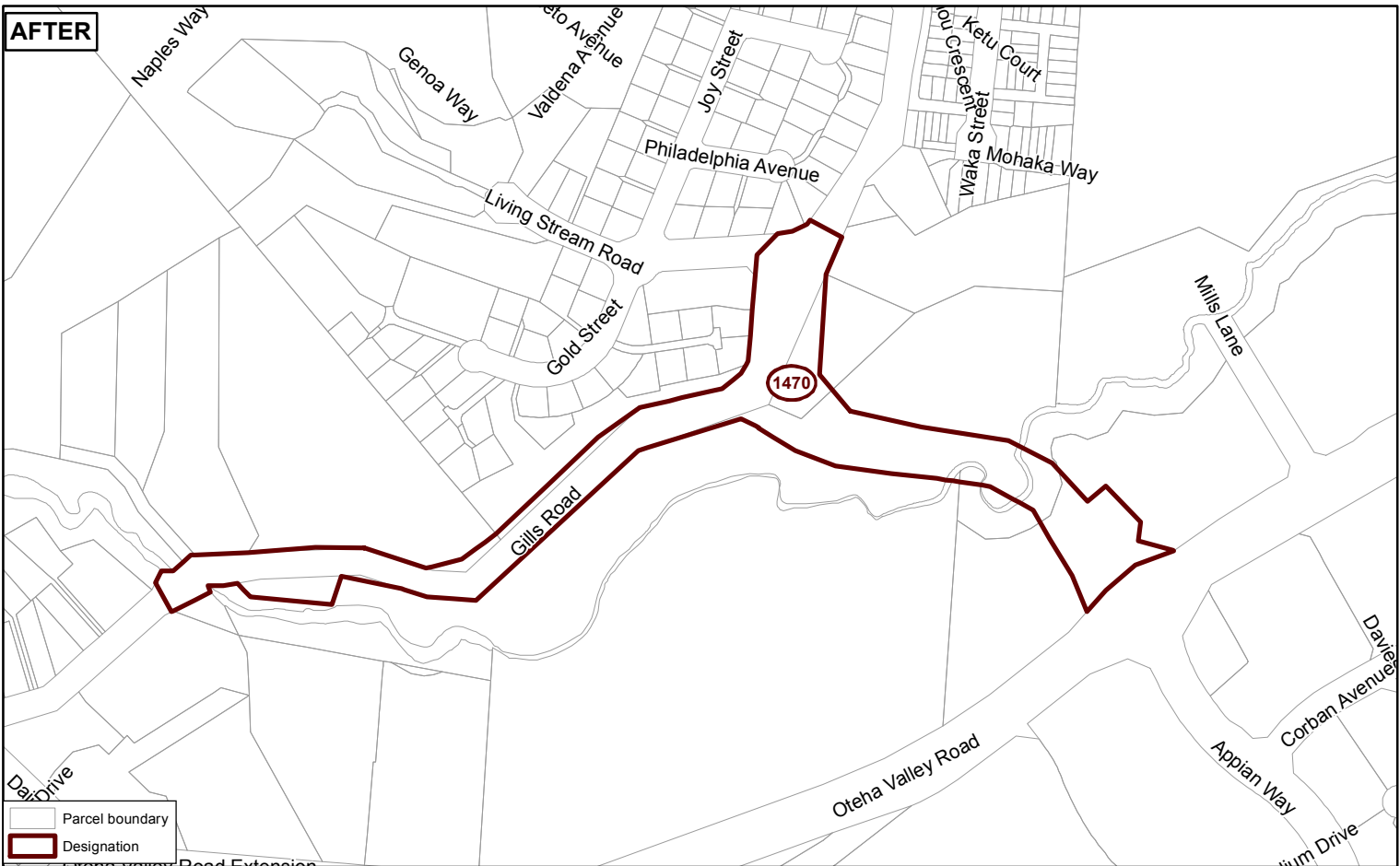


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BEFORE



AFTER



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 30/08/2018

Alteration to Gills Road to Oteha Valley Road new road link Designation 1470



Plans and Places

Memo

Date 31 July 2018

To: Phill Reid, Auckland-wide Manager
From: **Matt Spiro - Planner**

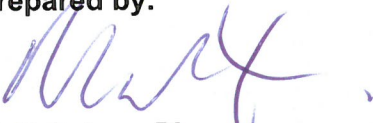
Subject: **Plan Modification: Clause 20A Amendment to City Rail Link Limited Designation 2500 of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	City Rail Link Limited – Designation 2500
Subject Site (if applicable)	Multiple sites between Britomart Station and Mt Eden Station
Legal Description (if applicable)	As above
Nature of change	<p>A mapping change is required to correct Designation 2500 to the Operative in Part version.</p> <p>Discussion Designation 2500 (City Rail Link) relates to the 6 spatially distinct designations that collectively provide for the construction and operation of the City Rail Link project, comprising the 4 stations and the tunnels (strata and substrata designations) between.</p> <p>Currently, the GIS shows an overarching 'Designation 2500' which has no specific conditions and serves no function except to show the combined extent of the 6 designations. This overarching mapping extent was not required to be included in the GIS mapping and could cause confusion for plan users.</p> <p>The requiring authority responsible for Designation 2500, City Rail Link Limited, has therefore requested removal of this GIS layer as it erroneously depicts an annotation that has no legal effect. Plans and Places staff support the removal of the spatial data that depicts the overarching designation boundaries as having no purpose and no applicable conditions.</p>
Effect of change	None (removal of duplicate spatial data)
Changes required to be made	Amend Designation 2500 in the Operative in Part version.

Prepared by:



Matt Spiro – Planner

Signature:



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Joao Machado – Team Leader

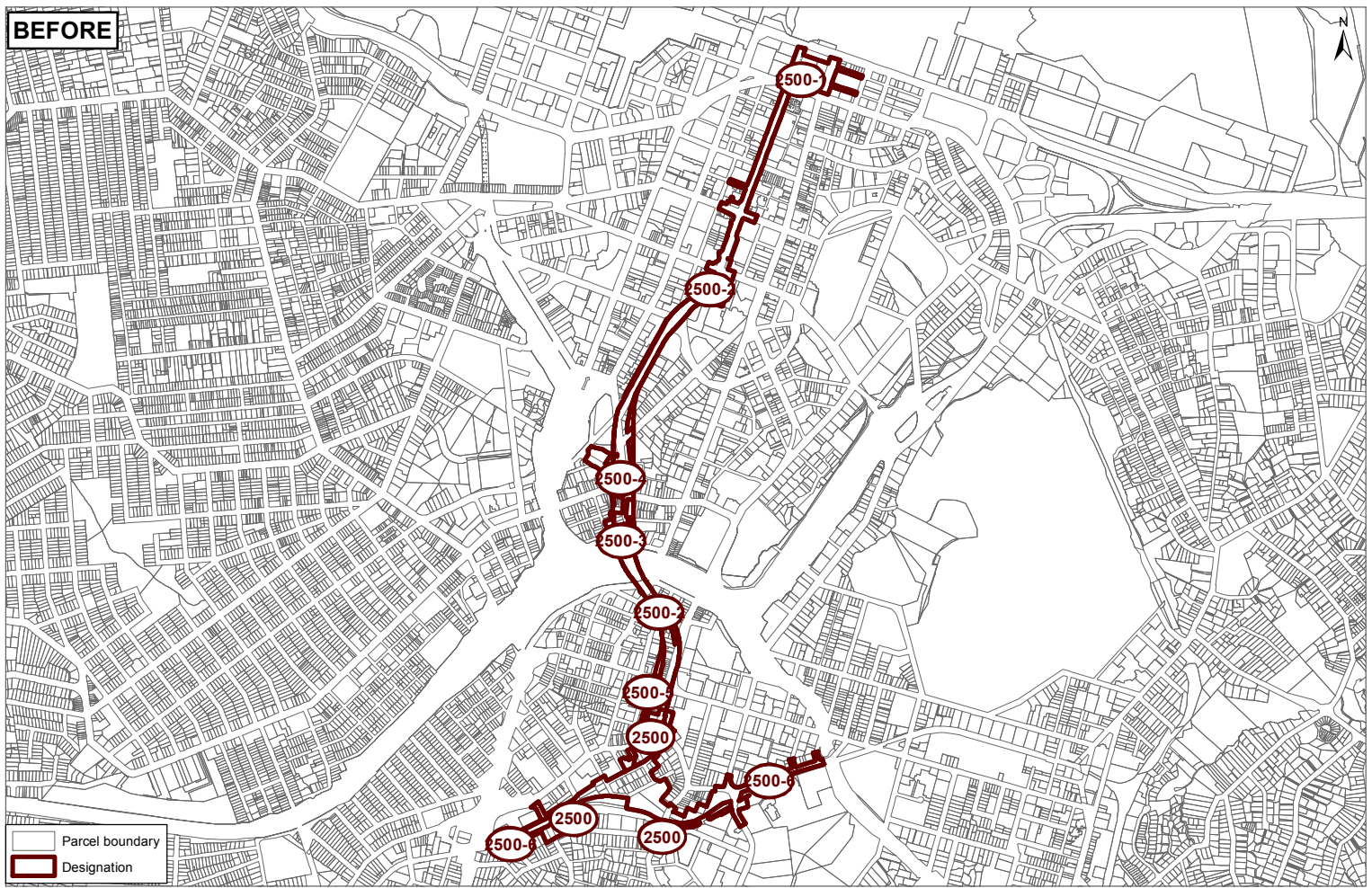
Signature:

T4 Manager Approval

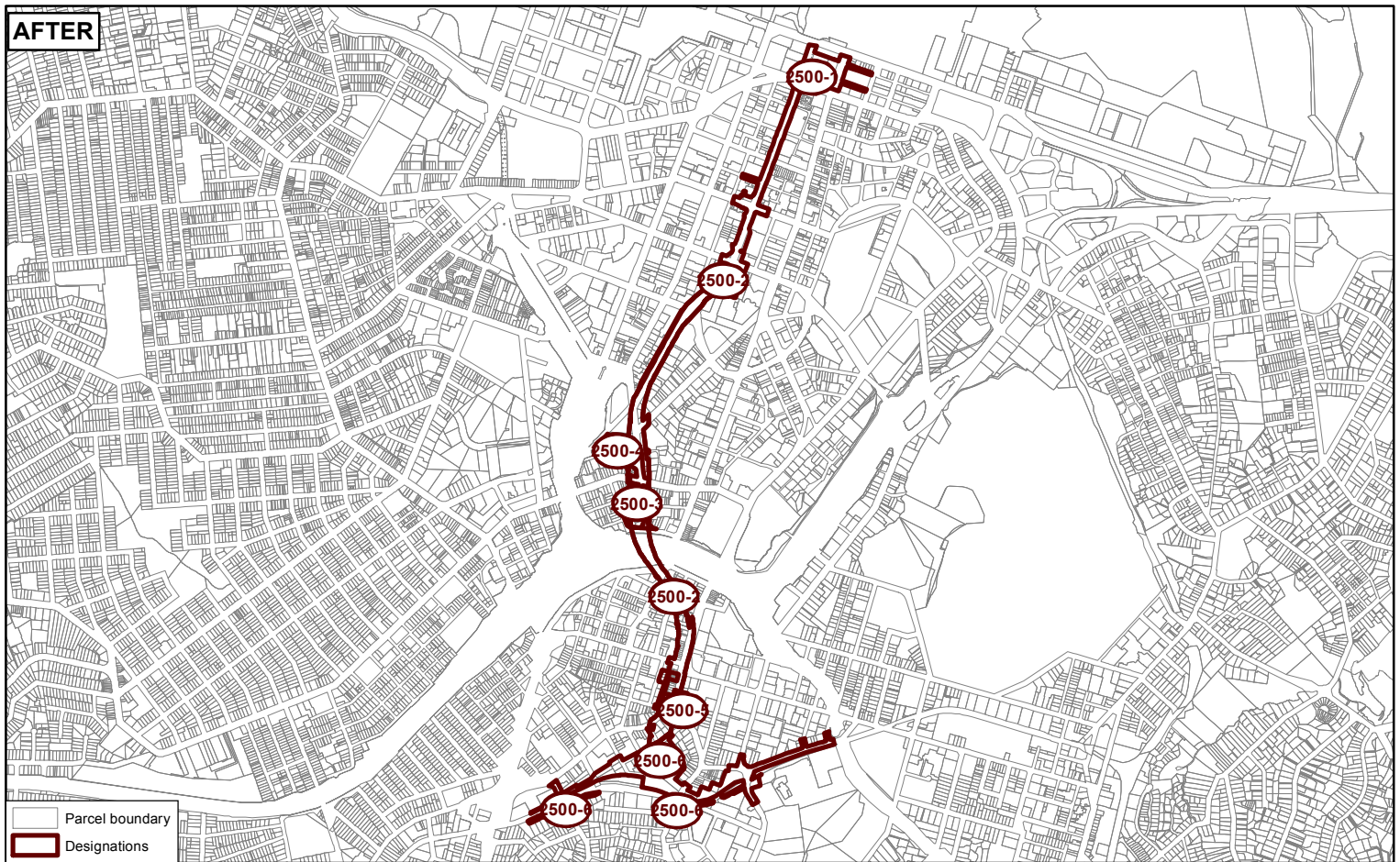


Signature

BEFORE



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Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 30/08/2018

City Rail Link Limited Designation 2500

Removed the overarching mapping extent "Designation 2500"



Plans and Places

Memo

Date 24 August 2018

To: Celia Davison, Central and South Manager

From: Matthew Gouge- Principal Planner

Subject: Plan Modification: Clause 20A Amendment to Chapter K of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Chapter K - Designations - Schedules and Designations - NZTA Designation 6774- Condition LV.8 (p.29)
Subject Site (if applicable)	N/A
Legal Description (if applicable)	N/A
Nature of change	<p>Condition LV.8 is to be deleted from Designation 6774 as this applies to a separate Notice of Requirement (an alteration to Designation 6718) and is identified as such in the confirmed Board of Inquiry conditions.</p> <p>Discussion Condition LV.8 has been erroneously retained within operative Designation 6774 when it applies to a separate East West Link Notice of Requirement- an alteration to Designation 6718.</p>
Effect of change	There is no effect as the erroneous condition applies to a site outside the boundary of Designation 6774 therefore can never be given effect to as part of this designation. There are no consequential changes arising from this change.
Changes required to be made	Remove Condition LV.8 (p.29) of Chapter K, NZTA Designation 6774 in the Operative in Part version.

Prepared by:

Matthew Gouge - Planner

Marc Dendale- Team Leader

Signature:



Signature:



Celia Davison- T4 Manager Approval



Signature

6774 East West Link

[CIV-2018-404-236: Royal Forest and Bird Protection Society of New Zealand Incorporated]
[CIV-2018-4040-239: The Onehunga Enhancement Society Incorporated]
[CIV-2018-404-240: Jackson Electrical Industries Limited]
[CIV-2018-404-234: Ngāti Whātua Orākei Whaia Maia Limited]
[CIV-2018-404-205: Mercury NZ Ltd]

Designation Number	6774
Requiring Authority	New Zealand Transport Agency Limited
Location	Between Onehunga and Ōtāhuhu on the northern side of the Māngere Inlet
Lapse Date	13 July 2033

Purpose

Construction, operation and maintenance of a State highway, being the East West Link between Onehunga and Ōtāhuhu, and associated works.

Conditions

GUIDE TO READING THE DESIGNATION CONDITIONS

The proposed designation conditions are numbered as follows:

Set of proposed conditions	Numbering format
General Designation Conditions	DC
Communication and Social	CS
Recreation and Open Space	ROS
Network Utilities	NU
Mana Whenua Collaboration	MW
Historic Heritage	HH
Urban Design, Landscape and Visual	LV
Trees	TR
Traffic Noise (Operation)	ON
Construction Noise and Vibration	CNV
Construction Traffic	CT
Southdown Site	SD
Property Specific	PS

DESIGNATION CONDITIONS – DEFINITIONS

GENERAL

The table below defines the acronyms and terms used in the conditions. Defined terms are capitalised throughout the conditions.

Acronym/term	Definition
Acceptable or Tolerable Risk Level	<p>The Acceptable or Tolerable Risk Level is to be determined using the Victorian Interim Risk Criteria offsite tolerability and acceptability values for location specific individual fatality risk for gas releases, and the societal risk criteria (F-N) for the aggregated risks for the site, unless superseded by new regulatory standards or alternative criteria mutually agreed by the parties, in which case the new standard of alternative criteria will apply.</p> <p>In accordance with those values, an Acceptable Risk Level means an offsite risk within the broadly acceptable region, that is: Risk < 1 x 10⁻⁷ (lower than 1 in 10 million per year). A Tolerable Risk Level means an offsite risk within the tolerable region, that is: 1 x 10⁻⁷ < Risk < 1 x 10⁻⁵ (between 1 in 100,000 and > 1 in 10 million per year) for gas related risks, and if all reasonably practicable control measures to reduce the risk are undertaken.</p> <p>For the aggregated risks, the risk curve or values must be in or below the medium region, or in the low region of the F-N criteria.</p>
AMETI	Auckland Manukau Eastern Transport Initiative
Anns Creek East Construction Restriction Area	The area of land shown on the drawing titled <i>Anns Creek East Construction Restriction Area</i> , dated 31 March 2017 (located in Appendix 1 of these conditions).
Application	The Notices of Requirement dated December 2016 and supporting information dated November and December 2016.
Auckland Urban Design Panel	A panel consisting of appointed specialists facilitated by Auckland Council and providing independent design review of significant projects.
AUP	Auckland Unitary Plan Operative in Part (Updated 23 May 2017).
BPO or Best Practicable Option	Has the same meaning as in section 2 of the Resource Management Act 1991.
Commencement of Construction	The time when Construction Works for the Project (or part of the Project) commence. This excludes Site Investigations and Enabling Works.
Completion of Construction	When construction of the Project (or part of the Project) is complete and is available for use.
Construction Works	One or more of the various activities undertaken in relation to construction of the Project under this designation.
Control Measures	A measure or action taken to eliminate or minimise risk so far as is reasonably practicable.

Council	Auckland Council
Dangerous Goods Vehicles	A vehicle used for the transport of dangerous goods and required to display a placard under Section 7 of Land Transport Rule: Dangerous Goods 2005 (Rule 45001/1).
East West Link or EWL	East West Link Project being the construction, operation and maintenance of a new State highway and associated works between State Highway 2- (SH20) in Onehunga , and State Highway 1 (SH1) in Mt Wellington (the East West Link Main Alignment), and associated works on SH1 between Mt Wellington and the Ōtāhuhu Interchange at Princes Street.
Enabling Works	Includes the following and similar activities: <ul style="list-style-type: none"> • Demolition and removal of buildings and structures; • Relocation of underground and overhead services; and • The establishment of site entrances and fencing.
EWL Land Bridge	The cover of the EWL Trench which provides a local road connection from the southern and northern sides of East West Link at Onehunga Harbour Road.
EWL Main Alignment	The four land arterial road between the existing State Highway 20 (SH20) Neilson Street Interchange in Onehunga and State Highway 1 (SH1) at Mt Wellington.
EWL Trench	The lowered portion of the East West Link Main Alignment between the SH20 Neilson Street offramp and the SH20 Manukau Harbour Bridge.
HSNO	Hazardous substances and new organisms
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014. The Act to promote the identification, protection, preservation, conservation of the historical and cultural heritage of New Zealand.
HNZPT	Heritage New Zealand Pouhere Taonga
Manager	The Manager – Resource Consents, of the Auckland Council, or authorised delegate.
Mana Whenua Group	The group established under Condition MW.1.
Network Utility, Network Utility Operator or Network Utility Operators	Has the same meaning as set out in section 166 of the RMA.
NoR	Notice of Requirement
Operation/Operational	When construction of the Project is complete and the State highway is open to traffic.
Outline Plan	An outline plan prepared in accordance with section 176A of the RMA.
PPF	Protected Premises and Facilities.
Project	The construction, maintenance and operation of the East West Link Project and associated works.
Reasonably Practicable	'Reasonably Practicable' in the context of matters or risks relating to health, safety and/or hazards has the meaning set out in section 22 of the Health and Safety at Work Act 2015.
Requiring Authority	The New Zealand Transport Agency.

RMA	Resource Management Act 1991.
Road Controlling Authority	Has the same meaning as under section 2 of the Land Transport Act 1998.
Site Investigations	Includes geotechnical investigations (outside the Auckland Unitary Plan (Operative in Part) Historic Heritage Overlay Extent of Place), identifying service locations, surveys, monitoring activities, surveys and other similar activities.
Southdown Power Station	'Southdown Power Station' means a natural gas- and/or diesel-fired power station of at least 135MW located at Hugo Johnston Drive, and includes all ancillary equipment, plant and infrastructure and all associated activities.
Southdown Site	The facilities located at Lot 1 DP 178192 and Lot 2 DP 178192 comprising the Southdown Power Station, 11kV switchroom and high voltage equipment, energy storage technology, Transpower control and relay room and Transpower 220kV substation, and the Southdown Solar Research and Development Centre.
Southdown Rail Supply Substation	The transformer, switchgear and associated cabling servicing the Auckland rail network and shown on the plan titled " <i>Transpower New Zealand - East-West Connection Southdown Substation</i> ", dated 9 May 2017.
Suitably Qualified Person	A person: <ul style="list-style-type: none"> • With a recognised qualification in the subject matter of the condition; or • With recognised experience in the subject matter of the condition; or • Is a member of relevant professional body for the subject matter of the condition.
Unacceptable Risk	The Unacceptable Risk Level is to be determined using the Victorian Interim Risk Criteria offsite tolerability and acceptability values for location specific individual fatality risk of gas release related risks. In accordance with those values, an Unacceptable Risk Level means an offsite risk that is higher than 1 in 100,000 per year for gas release related risks, and for the aggregated site risks, the region noted by the societal risk (F-N) curves of tolerability and acceptability.
Working Day	Has the same meaning as under section 2 of the Resource Management Act 1991.

TR GROUP SITE

The table below defines the acronyms and terms used in the conditions. Defined terms are capitalised throughout the conditions.

Covenants	Means covenants (or similar legal mechanisms) in favour of Auckland Council on the same terms (or substantially similar terms) as those covenants required by the TR Resource Consents which protect and restrict the use of the Lava Shrubland Management Area and Wetland Management Area and require ongoing pest plant and pest animal control.
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Lava Shrubland Management Area and Wetland Management Area	The lava shrubland and wetland areas identified in the TR Resource Consents
TR Resource Consents	Means the following resource consents held by TR Group as at December 2017: R/LUC/2008/4724 – land use (earthworks, vegetation removal); Permit 36055 – diversion and discharge of stormwater from new impervious surface; Permit 36056 – earthworks/land disturbance associated with construction of new hardstand; Permit 36058 – streamworks/culverting and reclamation; and Permit 30316 – disturbance and remediation of contaminated land.
TR Group Land	The land at 781 Great South Road (Lot 1 DP 328383, CT 115789), 785 Great South Road (Lot 2 DP 344775, 1/3 SH Lot 5 DP 328383, CT 183736), 787 Great South Road (Lot 3 DP 328383, 1/3 SH Lot 5 DP 328383, CT 115791) and 791-793 Great South Road (SEC 1 SO 69440, CT NA125B/43).

General Designation Conditions (DC)

DC.1

Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated December 2016, and in particular, the following supporting documents:

- (a) Part C: Description of the Project in Volume 1: Assessment of Effects on the Environment Report dated December 2016;
- (b) The following plan sets in Volume 2: Drawing Set:
 - (i) Plan Set 3: Road Alignment
 - (ii) Plan Set 4: Landscape
 - (iii) Plan Set 6: Plan and Long Section
 - (iv) Plan Set 7: Typical Cross Section
 - (v) Plan Set 8: Structural
 - (vi) Plan Set 12: Utilities Relocation
- (bb) Except as modified by the revised plans and plan sets presented at the close of the BoI hearing which are listed in Appendix 1.
- (c) The Key Design Principles and Sector Outcomes of the Project's Urban and Landscape Design Framework dated November 2016 and Addendum dated December 2016; and
- (d) The Draft Construction Traffic Management Plan Framework.

DC.2

Except where explicitly provided for, the construction related conditions of this designation do not apply to works associated with on-going operation and maintenance of the State highway following construction, such as changes to street furniture or signage over time. The provisions of section 176A of the RMA apply to on-going operation, maintenance or other works within the designation.

DC.3

The Project website shall include these conditions and the plans and reports referred to in these conditions prior to and throughout Construction Works, and a hard copy shall be available at the Project site office(s).

DC.4

Where there is inconsistency between:

- (a) The documents listed in Condition DC.1 above and the requirements of these conditions, these conditions shall prevail;
- (b) The information and plans lodged with the NoR and further information provided post lodgement, the most recent information and plans shall prevail; and
- (c) The draft management plans and/or management plan frameworks lodged with the NoR and the management plans required by the conditions of this designation and submitted through the Outline Plan process, the requirements of the management plans as set out in the relevant conditions shall prevail.

DC.5

As soon as practicable following Completion of Construction, the Requiring Authority shall:

- (a) Review the extent of the area designated for the Project;
- (b) In consultation with the relevant landowners, identify any areas of designated land that are no longer necessary for the on-going operation, maintenance or mitigation of effects of the Project. For the avoidance of doubt, this shall include the designated land on the Onehunga Wharf to the south of the EWL Trench and shared path;
- (c) Identify any areas of designated land that apply to local roads to be vested in Auckland Council; and
- (d) Give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified in (b) and (c) above.

DC.6

The designation shall lapse if not given effect to within 15 years from the date on which it is included in the Auckland Unitary Plan under section 175 of the RMA.

Outline Plan(s) – General**DC.7**

An Outline Plan or Plans shall be prepared in accordance with section 176A of the RMA.

DC.8

Any Outline Plan or Plans may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects) or to reflect the staged implementation of the Project.

DC.9 The Outline Plan or Plans shall include the following plans for the relevant stage(s) of the Project:

- (a) Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with Condition CNV.1;
- (b) Construction Traffic Management Plan (CTMP) in accordance with Condition CT.1;
- (c) Heritage Management Plan (HMP) in accordance with Condition HH.3; and
- (d) Urban and Landscape Design Master Plan (ULDMP) in accordance with Condition LV.1.

DC.10

The CNVMP, CTMP, HMP and ULDMP may be amended following submission of the Outline Plan(s) if necessary to reflect any changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager for information without the need for a further Outline Plan process, unless those amendments once implemented would result in a materially different outcome to that described in the original plan.

For the avoidance of doubt, this condition does not apply to any Site Specific Construction Noise Management Plan, Site Specific Construction Vibration Management Plan, Site Specific Traffic Management Plan or other management plans required by the conditions of these designations. These management plans do not form part of the OPW.

DC.11

As part of the Outline Plan(s) prepared under section 176A of the RMA, the Requiring Authority shall demonstrate how the following outcomes will be achieved for the relevant stage of the Project for which the Outline Plan has been submitted:

- (a) A local road connection via a land bridge linking Orpheus Drive and Onehunga Harbour Road including two traffic lanes (one in each direction), pedestrian access on both sides including a 3m (minimum) shared pedestrian and cycle path on one side;
- (b) A shared pedestrian and cycle path connection between Orpheus Drive and the proposed new Old Māngere Bridge, providing a linkage from Taumanu Reserve to Onehunga Wharf, with design details as set out in Condition LV.5D;
- (c) Provision for access achieving all movements for all road legal vehicles between the local road and Onehunga Wharf;
- (d) A high quality pedestrian and cycle connection providing a linkage along Onehunga Mall to and from Onehunga Town Centre;
- (e) Replacement of on-street carparks removed outside The Landing with the same number of carparks in reasonable proximity;
- (f) Provision for safe right turn movement westbound from Neilson Street into Onehunga Mall;
- (g) Operation of clearways, in the morning and evening peaks, to provide on-street parking on Captain Springs Road (south of Neilson Street) in off-peak times;
- (h) Provision for safe turning of large vehicles and a separate public parking area at the southern end of Hugo Johnston Drive;
- (i) Provision for a safe u-turning facility for westbound vehicles (including 18m semi- trailers) on Sylvia Park Road in the vicinity of Great South Road;
- (j) Provision for a safe u-turning facility for eastbound vehicles (including 18m semi- trailers) on Sylvia Park Road in the vicinity of Pacific Rise;
- (k) Separation of pedestrian and cycle facilities from general traffic on the EWL Main Alignment;
- (l) Provision for pedestrians and cyclists access from the EWL Main Alignment into Sylvia Park Town Centre, in coordination with the requirement for not precluding the multi-modal link road in Condition DC.12A); and
- (m) High quality pedestrian and cycle facilities across the Princes Street Interchange, providing appropriate protection between pedestrian/cycle facilities and general traffic and consideration of how the Interchange cycle facilities can integrate with the local road network, particularly Luke Street, Todd Place and Avenue Road.

DC.11A

- (a) Commencing at least 3 months prior to preparation of the Outline Plan under section 176A of the RMA, the Requiring Authority shall facilitate a collaborative design process to develop the design details for the EWL Land Bridge.
- (b) The purpose of the design process is to achieve the design outcomes for the EWL Land Bridge as set out in Condition LV.5C.
- (c) The Requiring Authority shall invite the following parties to participate in the collaborative design process:
 - i. Auckland Transport;
 - ii. Council;
 - iii. Panuku Development Auckland;
 - iv. Mana Whenua Group;

- v. HNZPT;
- vi. Maungakiekie-Tāmaki Local Board;
- vii. The Onehunga Enhancement Society; and
- viii. Owners of land immediately adjacent to the Land Bridge.

(d) The Requiring Authority shall appoint a Suitably Qualified Person to assist with development of the methodology and programme for the collaborative design process, and to facilitate joint meetings with the parties above.

(e) The design process shall include technical advice from Suitably Qualified Persons to provide direction and oversight of the engineering considerations, including geology, structures, geometrics, fire life safety, and surface and groundwater management.

(f) The design process shall be iterative, with input from engineering, urban design and other directly relevant environmental disciplines.

(g) The Requiring Authority shall appoint a panel of independent experts to review the design. The membership of the panel shall be agreed with Auckland Council. The Requiring Authority shall seek comment from the panel on the design outcomes set out in Condition LV.5C prior to finalisation of the design details.

(h) The collaborative design process, and the outcomes of it, shall be set out in the Outline Plan.

DC.11AA

When preparing the Outline Plan(s) under section 176A of the RMA, the Requiring Authority shall consider options for providing the design features listed below. The Outline Plan(s) must include the features unless it is not reasonably practicable to do so. Where a design feature has not been incorporated into the Outline Plan(s), the reasons why shall be set out.

(a) A 3.0m wide at grade shared use path along the southern side of Sylvia Park Road to the south east corner of the Great South Road intersection (between chainage 5100 and 5500 as illustrated on Drawings AEE-AL-108 and AEE-AL- 109); and

(b) A crossing facility for active modes between Gloucester Park Road North and destinations to the south of Neilson Street.

DC.11B

(a) The Requiring Authority shall review and develop the design details for the Galway Street link in consultation with Council and Auckland Transport, and shall include consideration of layout options to connect Onehunga Harbour Road to Galway Street directly, or via a link road. The detailed design shall achieve the following outcomes:

(i) Efficient intersection performance to minimise queuing between intersections on local roads and on the EWL;

(ii) High amenity for cycling and walking, particularly on the main routes via Onehunga Harbour Road and Onehunga Mall;

(iv) Efficient and reliable bus access between SH20 and Onehunga Town Centre; Safe property access;

(v) Appropriate allowance for potential increase in traffic flows associated with planned and consented local development (e.g. at Onehunga Town Centre or at Onehunga Wharf); and

(vi) Measures to achieve compliance with Condition DC.12A (i) relating to a future Mass Rapid Transit connection to the Auckland International Airport.

(b) The Requiring Authority shall include the design details within the Outline Plan prepared under section 176A of the RMA. The Outline Plan shall detail the input and comments from Council and Auckland Transport, describe how this has been incorporated into the design and, where any input has not been incorporated, set out the reason why.

DC.12

The Requiring Authority shall consult with Auckland Transport during the preparation of the Outline Plan(s) in relation to:

(a) Local roads, including walking and cycling and public transport facilities, and other interfaces between the State highway and local roading networks; and

(b) The proposed Auckland Transport projects identified in Condition DC.12A.

The Outline Plan(s) shall detail the input and comments from Auckland Transport, describe how this has been incorporated into the design and, where any input has not been incorporated, set out the reason why.

DC.12A

As part of the Outline Plan(s) prepared under section 176A of the RMA, the Requiring Authority shall demonstrate how the following proposed transport projects are not precluded, and where practicable, are accommodated by the Project:

- (a) A future Mass Rapid Transit connection to the Auckland International Airport, and in particular ensuring as a minimum the preferred alignment identified in the South- West Multi-Modal Airport Rapid Transit Draft Indicative Business Case is provided for by the Project;
- (b) A future multi-modal link road to the Sylvia Park Town Centre as part of the AMETI programme, in particular ensuring that the location of piers does not preclude the alignment and any of the proposed modes; and
- (c) Future potential improvements to rail at the Westfield Junction including provision for grade-separation and a new north-facing connection between the North Island Main Trunk and the North Auckland Line, and additional lines for freight.

Outline Plan(s) – Special Conditions: Heliport

DC.13A

The Requiring Authority shall adopt all reasonable and practicable measures to relocate, at the Requiring Authority's expense, the existing Auckland Heliport Limited Partnership (AHLP) Heliport facility at 59 Miami Parade (Part Lot 2 DP98342, NA53C/561), including constructing a replacement building and all other existing associated facilities, to the site shown as "*Heliport Relocation Area*" on the plan titled "*Heliport Relocation Area - East West Link*" dated 10 July 2017 ("the Solution").

DC.13B

Unless otherwise agreed between the Requiring Authority and AHLP, the Requiring Authority shall not commence Construction Works on the designated land at 59 Miami Parade unless:

- (a) Either Condition DC.13D(a) or (b); and
- (b) In circumstances where they have been applied, Conditions DC.13E and DC.13F – have been satisfied.

DC.13C

For the purpose of Condition DC.13A (unless otherwise agreed between the Requiring Authority and AHLP) implementation of the Solution shall include (but is not limited to) the Requiring Authority (at the Requiring Authority's expense):

- (a) Acquiring all necessary interests in land to facilitate the Solution;
- (b) Obtaining such statutory authorisations or variations to existing resource consents or other authorisations (including under the RMA) as are required to facilitate the Solution;
- (c) Undertaking the physical and site establishment works required to relocate the Heliport to the new site; and
- (d) Implementing such design, staging and / or engineering solutions as may be required to, as far as practicable, minimise disruption to the Heliport's operations as a result of constructing the EWL and relocating the Heliport.

DC.13D Condition DC.13A will be satisfied if:

- (a) The Solution is implemented; or
- (b) Following consultation with AHLP, the Requiring Authority advises in writing (including reasons), that all reasonable and practicable measures have been taken to achieve the requirements of Condition DC.13A but that:
 - (i) The Solution cannot be achieved; and
 - (ii) No other reasonable and practicable measures to achieve the Solution, or within the boundary of the designation, to refine the EWL Main Alignment, to avoid where practicable or otherwise reduce adverse effects on Auckland Unitary Plan Operative in part

the Heliport, are available to the Requiring Authority; and

(iii) Based on the reasons provided by the Requiring Authority, and consultation undertaken with the Requiring Authority and AHLPL, a Suitably Qualified Person, jointly appointed by the Requiring Authority and AHLPL, confirms that they agree with the Requiring Authority that all reasonable and practicable measures have been taken.

DC.13E

In the event that the Suitably Qualified Person appointed under Condition 13.D(b)(iii) does not agree with the Requiring Authority, they shall record (as soon as practicable) in writing the reasons for their position and may make recommendations to the Requiring Authority as to reasonable and practicable measures that may be available to achieve the Solution.

DC.13F

The Requiring Authority shall consider the recommendations in Condition DC.13E above, and shall:

- (a) Confirm that that it will implement the measures recommended; or
- (b) Following consultation with AHLPL, advise in writing that the recommendations cannot be achieved (including reasons), in which case the Requiring Authority shall not be required to comply with Condition DC.13A.

DC.13G

If relocation of the Heliport within the designated land is confirmed as practicable, and any required authorisations are granted, the detail of the relocated Heliport site shall be included, for information only, within the Outline Plan prepared in accordance with Condition DC.7.

Outline Plan(s) – Special Conditions: ChemWaste

DC.14A

As part of the Outline Plan prepared under section 176A of the RMA for the area adjacent to the ChemWaste site at 39 Miami Parade (Lot 1 DP 135209), the Requiring Authority shall include:

(a) Written confirmation that the Requiring Authority has applied its best endeavours, including through detailed design undertaken in consultation with the occupier of 39 Miami Parade, to reduce and minimise the extent of the designated area along the western half of the southern boundary (between chainages 2825 and 2865 as shown on Road Alignment Plan, Sheet 5, AEE-AL-05); an explanation of what those best endeavours comprise and the consultation undertaken, and any revised designation boundary resulting from application of those best endeavours. If practicable, the designation boundary shall be altered prior to Commencement of Works to reduce the area of designated land at 39 Miami Parade, or following Completion of Construction in accordance with Condition DC.14B below and Condition DC.5.

(b) Subject to Condition DC.14B and C below, provision for a fire protection wall will be of up to three metres height (above finished ground level at the site of 39 Miami Parade), constructed of concrete, and designed to provide a 240/240/240-minute fire resistance rating along the full width of the northern boundary of the designated area on the southern portion of 39 Miami Parade as determined under (a) above (*fire protection wall*), and extending 4m into the ChemWaste site at the western and eastern ends.

DC.14B

The Outline Plan for the area adjacent to the ChemWaste Site may, instead of the fire protection wall, and following consultation with the occupier of the ChemWaste Site, provide for an alternative method which is no less effective than the fire protection wall in ensuring that the requirements of the Health and Safety at Work (Hazardous Substances) Regulation 2017 are met in relation to the interface between the ChemWaste Site and any protected or public place (as defined under those regulations) established under the Project, including through ensuring that there is no greater reduction in the ability to utilise the ChemWaste Site for the storage and handling of Class 3, 4 and 6 Hazardous Substances, than for the fire protection wall.

DC.14C

Any Outline Plan providing for an alternative method meeting the requirements of Condition DC14B shall be submitted along with details of the consultation undertaken with the occupier, and any comments received from the occupier regarding that alternative.

DC.14D

Following completion of the permanent EWL works at 39 Miami Parade, any areas of land that have been occupied during Construction Works and are no longer necessary for the on-going operation, maintenance or mitigation of effects of the Project shall be reinstated to a similar ground condition as existed prior to Commencement of Construction, to Auckland Unitary Plan Operative in part

enable ongoing use of the land for business activities similar to those which occurred prior to Commencement of Construction (i.e. storage and vehicle manoeuvring). The requirements in Condition DC.5 (b) shall also apply to any areas of land at 39 Miami Parade which are no longer necessary for the on-going operation, maintenance or mitigation of effects of the Project.

Outline Plan(s) – Other Special Conditions

DC.15A

The Requiring Authority shall consult with the landowner(s) during the preparation of the Outline Plan(s) in relation to the design of the Anns Creek viaduct access points to and from 39 and 59 Miami Parade, Pikes Point.

The Outline Plan(s) shall describe how the input and comments from the landowner(s) has been incorporated in the design.

DC.15B

As part of the Outline Plan prepared under section 176A of the RMA for the area within the Anns Creek Construction Restriction Area, the Requiring Authority shall include details of how the design has:

- (a) Aligned permanent transport infrastructure (road, pedestrian and cycle facilities) to the northern-most extent of the Restriction Area as far as practicable;
- (b) Avoided the placement of temporary and permanent piers;
- (c) Avoided earthworks and vegetation removal that directly impacts on lava shrubland and lava outcrops, and minimise any vegetation alteration; and
- (d) Minimised the footprint of temporary works required for construction of permanent works.

For the avoidance of doubt, only the following activities may be undertaken within the Anns Creek East Construction Restriction Area: weed removal, pest plant and animal management, geological heritage restoration, restoration planting, interpretative signage relating to cultural, ecological and geological heritage, protective fencing, and associated earthworks to undertake those activities.

DC.15C

(a) The Requiring Authority shall consult with the owner of the land at 781 Great South Road (Lots 1 and 2 DP 328383) and 791-793 Great South Road (Section 1 SO 69440) during the detailed design phase in relation to the post-construction use of land immediately south east of the EWL viaduct and adjacent to Great South Road (791-793 Great South Road) ("the residual land").

(b) The Requiring shall make reasonable provision for heavy vehicle access post- construction, for the types of vehicles normally in use at 781 Great South Road, under the EWL viaduct, between 781 Great South Road and the residual land.

(c) The access shall be located and designed to provide suitable vertical clearance under the EWL viaduct and to minimise, to the extent practicable, further encroachment into Anns Creek East.

(d) The Outline Plan prepared in accordance with Condition DC.7 shall include information to demonstrate how the requirements of this condition have been achieved.

DC.15CC

If, after completion of the 10 year period post Completion of Construction on the TR Group Land as set out in Condition EM.3A(c) of the resource consents granted for the Project, the Requiring Authority receives confirmation that the Covenants have been registered against the certificates of title for the TR Group Land then, the Requiring Authority shall give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation on the TR Group Land no longer necessary for the on-going operation, maintenance or mitigation of effects associated with the Project.

DC.15D

(a) The Requiring Authority shall consult with the owner of the land at 430 Mt Wellington Highway (Lot 1 DP 188694) during preparation of the Outline Plan in relation to the location and design of vehicular access to and from the site to Mt Wellington Highway and the proposed Auckland Transport AMETI corridor.

(b) As part of the Outline Plan prepared under section 176A of the RMA, the Requiring Authority shall demonstrate how the following outcomes will be achieved:

- (i) Vehicular access from the land under the EWL to SH1 ramps, to the boundary of the proposed Auckland Transport AMETI corridor; and
- (ii) Vehicular access from the land to Mt Wellington Highway.
- (c) The Outline Plan shall detail the input and comments from the land owner, describe how this has been incorporated into the design and, where any input has not been incorporated, set out the reason why

DC.15E

As part of the Outline Plan prepared under Section 176A of the RMA, the Requiring Authority shall demonstrate how the requirements of Conditions SD.1, SD.2A, SD.2B and SD.3 have been achieved.

COMMUNICATION AND SOCIAL (CS)

Liaison person

CS.1

A Project Liaison Person shall be appointed by the Requiring Authority for the duration of the construction phase of the Project to be the main and readily accessible point of contact for persons affected by Construction Works. The Requiring Authority shall take appropriate steps to advise all affected parties of the liaison person's contact details. This person must be reasonably available for on-going consultation on matters of concern to affected persons arising from Construction Works. If the liaison person will not be available for any reason, an alternative contact shall be provided, to ensure that a Project contact person is available by telephone 24 hours per day/seven days per week during the construction phase of the Project.

The Requiring Authority shall inform the Manager of the Project Liaison Person's contact details 20 working days prior to the Commencement of Construction and/or Enabling Works for the Project.

Communications Plan

CS.2

Prior to the Commencement of Construction and/or Enabling Works, the Requiring Authority shall prepare and implement a **Communications Plan**.

The purpose of the plan is to set out procedures detailing how the public, stakeholders, businesses and residents will be communicated with throughout the pre-construction and construction phases of the Project.

As a minimum, the Communications Plan shall include:

- (a) Details of the Project Liaison Person (Condition CS.1). The contact details shall be on the Project website and prominently displayed at the entrance to the site(s) so that they are clearly visible to the public at all times;
- (b) A list of stakeholders, organisations, businesses and residents who will be communicated with;
- (c) Methods to consult on and to communicate the proposed hours of construction activities outside of normal working hours and on weekends and public holidays, to surrounding businesses and residential communities, and methods to deal with concerns raised about such hours;
- (d) Methods to record concerns raised about hours of construction activities and methods to avoid particular times of day which have been identified as being particularly sensitive for neighbours;
- (e) Methods to provide early notification to businesses of construction activities.
- (f) Methods to consult with businesses to identify and implement:
 - (i) Measures to maximise opportunities for pedestrian and service access to businesses that will be maintained during construction;
 - (ii) Measures to mitigate potential severance and loss of business visibility issues by way-finding and supporting signage for pedestrian detours required during construction;
 - (iii) Other measures to assist businesses to maintain customer accessibility, including but not limited to customer information on temporary parking or parking options for access;
 - (iv) Other measures to assist businesses to provide for service delivery requirements; and
- (v) The process (if any) for re-establishment and promotion of normal business operation following construction.
- (g) Any stakeholder/business specific communication plans required;

- (h) Details of communications activities proposed including:
 - (i) Publication of newsletters, or similar, and proposed delivery areas;
 - (ii) Information days, open days or other mechanisms to facilitate community engagement;
 - (iii) Newspaper advertising;
 - (iv) Notification and consultation with business owners and operators and individual property owners and occupiers with premises/dwellings within 100 metres of active construction;
 - (v) Identify processes, mechanisms and / or specific methods to facilitate two- way communication with those with impairments or for those for whom English is a second language;
 - (vi) The use of social media tools.
- (i) Details of the Project website for providing information to the public;
- (j) Linkages and cross-references to communication methods set out in other conditions and management plans where relevant (e.g. consultation; and
- (k) Details of when the Plan will be reviewed and amended.

The Communications Plan shall be provided to the Manager for information 20 working days prior to Commencement of Construction and following any material amendments of the Plan.

Community Liaison Groups

CS.3

(a) The Requiring Authority shall establish and co-ordinate a Community Liaison Group (CLG) in each of the following areas at least 3 months prior to the Commencement of Construction in each of those areas:

- (i) Onehunga and Penrose including the Onehunga Harbour Road and Onehunga Mall Cul-de-Sac residential area and Māngere Bridge; and
- (ii) State Highway 1 including the Ōtāhuhu and Panama Road residential areas.

(b) The purpose of the CLG is to provide a means for:

- (i) Sharing information on design (including the ULDMPs prepared under Condition LV.1), Construction Works and programme;
- (ii) Reporting and responding to concerns and issues raised in relation to Construction Works; and
- (iii) Monitoring the effects on the community arising from Construction Works in these areas.

(c) The Requiring Authority shall assist the CLG to hold regular meetings (at least once every three months) throughout the construction period in these areas. The CLG shall continue until six months after Completion of Construction so that on-going monitoring information can continue to be shared, discussed and responded to. The frequency and duration of the meetings can be reduced where the majority of the members of the group agree.

(d) In addition to the Project Liaison Person and representative(s) of the Requiring Authority and its principal construction contractor, membership of the CLG shall be open to all interested parties within the Project area including, but not limited to representatives of the following groups:

- (i) Council, Auckland Transport and other Council Controlled Organisation;
- (ii) Department of Conservation;
- (iii) Mana Whenua;
- (iv) Business groups;
- (v) Community/environmental/historical groups;
- (vi) Transport user groups;
- (vii) Local Boards;
- (viii) Local residents and business owners/operators;
- (ix) Representatives from those organisations identified in the Communications Plan (as required by Condition CS.2); and

- (x) Ministry of Education.
- (e) The Requiring Authority shall prepare an agenda for each meeting and prepare minutes recording actions. A copy of the minutes shall be provided to the meeting invitees within a reasonable time following the meeting.
- (f) The Requiring Authority shall be responsible for all reasonable costs associated with resourcing of the CLGs.

Business Forums

CS.4

(a) The Requiring Authority shall establish and coordinate **Business Forums** in each of the following industrial/commercial areas, or a combined Business Forum in two or more of those areas, at least 3 months prior to Commencement of Construction in those areas:

- (i) Onehunga (including businesses on Neilson Street (east), Onehunga Mall, Onehunga Harbour Road, Galway Street and Gloucester Park Road);
- (ii) Onehunga Industrial (including businesses on Neilson Street (west), Captain Springs Road, Miami Parade and Hugo Johnston Drive);
- (iii) Sylvia Park Road (including Pacific Rise, Great South Road and Vestey Drive); and
- (iv) SH1 (including Vestey Drive, Monahan Road and Clemow Drive).

(b) In addition to the Project Liaison Person and representative(s) of the Requiring Authority and its principal construction contractor, membership of the Business Forum(s) shall be open to all interested parties within the Project area including, but not limited to representatives of the following groups:

- (i) Business owners;
- (ii) Land owners;
- (iii) Business groups including the Onehunga Business Association;
- (iv) Road carriers / freight operators in the area and NZ Heavy Haulage Association; and
- (v) Auckland Transport.

(c) The purpose of the Business Forums is to provide a forum for:

- (i) Timely provision of information on the Construction Works and programme and planned business and community activities;
- (ii) Reporting and responding to concerns and issues raised in relation to Construction Works; and
- (iii) Monitoring the effects on the business community arising from Construction Works in these areas.

(d) The Requiring Authority shall assist the Business Forum(s) to hold regular meetings (at least once every three months) throughout the construction period in these areas. The Business Forum(s) shall continue until six months after Completion of Construction so that on-going monitoring information can continue to be shared, discussed and responded to. The frequency and duration of the forums can be reduced where the majority of the members of the group agree.

(e) In addition to the general purpose set out in (b) above, the matters to be considered by the Business Forums may include, but are not limited to, the following matters:

- (i) The timing of construction activities including consideration of specific operational requirements for businesses;
- (ii) Temporary traffic management including closures, detours, parking restrictions and signage; and
- (iii) Alternative access to and from businesses during construction.

(f) The Requiring Authority shall prepare an agenda for each meeting and prepare minutes recording actions. A copy of the minutes shall be provided to the meeting invitees within a reasonable time following the meeting.

(g) The Requiring Authority shall be responsible for all reasonable costs associated with the resourcing of the Business Forum.

Complaints Management

CS.5

At all times during Construction Works, the Requiring Authority shall maintain a record of any complaints received in Auckland Unitary Plan Operative in part

relation to the Construction Works.

The record shall include:

- (a) The name and address (as far as practicable) of the complainant;
- (b) Identification of the nature of the complaint;
- (c) Location, date and time of the complaint and of the alleged event giving rise to the complaint;
- (d) The weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality or noise.
- (e) The outcome of the Requiring Authority's investigation into the complaint;
- (f) Measures taken by the Requiring Authority to respond to the complaint or confirmation of no action if deemed appropriate
- (g) Any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally; and
- (h) The response provided to the complainant.

The Requiring Authority shall also keep a record of any remedial actions undertaken. The complaints record shall be made available to the Manager upon request.

CS6.

The Requiring Authority shall respond to a complaint related to Construction Works as soon as reasonably practicable and as appropriate to the circumstances.

RECREATION AND OPEN SPACE (ROS)

Aotea Sea Scouts Activities

ROS.1

The Requiring Authority shall offer to temporarily relocate the Aotea Sea Scouts activities located at Onehunga Harbour Road for the duration of Construction Works adjacent to the Aotea Sea Scouts Hall.

The offer shall be made no later than 3 months prior to Commencement of Construction on Onehunga Harbour Road adjacent to the Aotea Sea Scout Hall. The offer shall remain valid until 3 months after the Commencement of Construction on Onehunga Harbor Road adjacent to the existing Aotea Sea Scouts Hall. If the offer is not accepted within that timeframe, the Requiring Authority is not required to temporarily relocate the Aotea Sea Scouts activities.

The offer shall include as a minimum:

- (a) Relocation of the activities at least 20 working days prior to Commencement of Construction on Onehunga Harbour Road adjacent to the existing Aotea Sea Scouts Hall; and
- (b) Relocation of the activities until Completion of Construction affecting Onehunga Harbour Road adjacent to the Aotea Sea Scouts Hall.

The offer of temporary relocation shall be developed in consultation with the Aotea Sea Scouts.

Waikaraka Park (temporary facilities during construction)

ROS.2

(a) To address the loss of on leash dog walking and passive open space during Construction Works, the Requiring Authority shall, subject to agreement of the landowner, provide an alternative area of up to 6,000m² for those activities and temporary parking for a minimum of 4 cars on the northern portion of the Waikaraka Park South future development site at 60 Captain Springs, Onehunga.

(b) The recreation space shall be available for use prior to the permanent closure of any part of the Manukau Foreshore Walkway located between Onehunga Harbour Road and Hugo Johnston Drive. The recreation space shall consist of a space suitable for on leash dog walking and informal sports.

(c) The temporary parking in (a) shall be available for use by the public for the period of construction requiring the removal of on road parking in Captain Springs Road. The temporary parking will be formed from metal or similar material reflecting its temporary use.

(d) The recreation space shall be maintained by the Requiring Authority until such time as either:

- (i) The coastal walkway located along the coastal edge of the reclamation is open to the public; or
 - (ii) The shared path on the road embankment is open to the public.
- (e) The temporary parking shall be maintained until such time as the extension to Captain Springs Road is open to traffic.

Open Space Reinstatement Plans

ROS.3

Prior to any works that affect Auckland Council parks and open space, the Requiring Authority shall prepare a register of assets and a photographic record of the pre- construction state of the parks and open space. This shall be provided to the Manager prior to construction commencing.

ROS.4

- (a) The Requiring Authority shall prepare a **Reinstatement Plan** in consultation with the landowner for the following parks and reserves (or parts thereof) directly impacted by Construction Works:
- (i) Gloucester Park North and South;
 - (ii) Waikaraka Park; and
 - (iii) Bedingfield Memorial Park.
- (b) Where other areas of open space are affected by Construction Works, the reinstatement of those areas shall be based on a like-for-like reinstatement based on the record prepared under ROS.3.
- (c) The purpose of the Reinstatement Plans is to provide details of the reinstatement works in open space areas directly affected by construction works.
- (d) The Reinstatement Plans shall:
- (i) Be prepared in accordance with the ULDMP for the area prepared under Condition **LV.1**;
 - (ii) Include details for the reinstatement of land used for Construction Works including:
 - Removal of structures, plant and materials associated with construction (unless otherwise agreed with the landowner);
 - Replacement or reinstatement of boundary fences to the same or similar type to that removed (as recorded through Condition ROS.3);
 - Reinstatement of grassed areas to a similar condition as existed prior to construction;
 - Replacement of trees and other planting removed for Construction Works on a one-for-one basis (or as otherwise agreed with the landowner);
 - Details of way finding and interpretation signage within and adjacent to the open space.
 - (iii) Include record of consultation and agreement with the landowner; and
 - (iv) Take account of any Council management plans prepared for the park, reserve or area of open space.
- (e) The Reinstatement Plan shall be provided to the Manager and implemented within 3 months of Completion of Construction, or at a later date as agreed with the landowner.

Gloucester Park Reinstatement Plan

ROS.5 In addition to the matters set out in Condition ROS.4, the Gloucester Park Reinstatement Plan shall include:

- (a) Details of proposed ecological enhancement to extend the existing saltmarsh area in Gloucester Park South;
- (b) Details of interpretive features for identifying geological heritage features;
- (c) Details of fencing required to manage the safe interface of SH20 and Gloucester Park North for the current use of the park as a sportsfield;
- (d) Details of the artwork referred to in Condition LV.5B; and
- (e) Pedestrian and service vehicle connection points to Onehunga Harbour Road as referred to in Condition LV.5C(c) and (d).

Waikaraka Cemetery and Waikaraka Park South Reinstatement Plan

ROS.6

In addition to the matters set out in Condition ROS.4, the Waikaraka Cemetery and Waikaraka Park South Reinstatement Plan shall include:

- (a) Details of proposed landscaping along the southern boundary of Waikaraka Cemetery as referred to in Condition LV.5F. The landscaping is to be developed in consultation with HNZPT and Auckland Council Heritage Unit;
- (b) Details of proposed grades and grass surfacing of Waikaraka Park South to a standard which reasonably accommodates Council's future implementation of the Waikaraka Park South Development Plan; and
- (c) Details of temporary construction phase carparking to be retained, and details of proposed works to integrate this carparking with the Waikaraka Park South Development Plan;
- (d) Accessibility from Waikaraka Cemetery and Waikaraka Park South to the recreational walkway on the foreshore and (if practicable) direct access between the Cemetery and Waikaraka Park South.

ROS.6A

For a period of up to 2 years following occupation of Construction Yard 3, the Requiring Authority shall make a financial payment to Council to reimburse any capital costs incurred by Council for works undertaken in the Maungakiekie-Tamaki Local Board area to improve the weekly hours of playing capacity of sportsfields, where such works are undertaken to offset the delay in implementation of the planned sports fields in Waikaraka Park South (arising from use of this site for Construction Yard 3).

The value of any financial support shall be agreed between the Requiring Authority and Council, and shall be limited to the confirmed budgeted amount of approximately \$1.54M (\$2017 NZD) indicated in the Draft Sports Field Capacity Development Programme (endorsed by the Maungakiekie-Tamaki Local Board in 2012). For clarity, the financial support will cover any capital works expenditure but does not impose any responsibility on the Requiring Authority for consenting or approval of such works (this remains the responsibility of Council).

The purpose of this requirement is to ensure that Council can both improve weekly hours of playing capacity for local sportsfields in the medium term and retain their budgeted funds for the development of Waikaraka Park South, so that this work can be implemented following the Requiring Authority's use of this site.

Coastal Access Parking Plan

ROS.7

The Requiring Authority shall assist Auckland Transport and Auckland Council to prepare and promote a Coastal Access Parking Plan to identify appropriate parking locations for universal access and recreational access as close as is practicable to the coastal edge of the Manukau Harbour and Māngere Inlet between Taumanu Reserve and Hugo Johnston Drive. The Plan shall include parking at Taumanu, Onehunga Harbour Road, Captain Springs Road and Hugo Johnston Drive.

The Plan shall be completed and made available to the public as soon as practicable following Completion of Construction.

Network Utilities (NU)

Design – Permanent Access to Network Utilities

NU.1A

The Requiring Authority shall design permanent batters, retaining walls, crash barriers, fencing, acoustic barriers, and other such physical measures to be constructed as part of the Project in a manner which does not prevent practical ongoing access to existing and relocated Network Utilities during construction and operation of the works authorised by the designation.

NU.1B

If, prior to the Commencement of Construction, Transpower has developed a proposal to underground any transmission line through the designated land of a sufficient detail of design that resource consents and/or a notice of requirement could be sought by Transpower, the Requiring Authority shall take all reasonable measures to accommodate that work in the design and construction of the EWL.

The measures taken to accommodate any proposed undergrounding of transmission lines shall be set out in the Outline Plan or Plans prepared in accordance with Condition DC.7.

Design – New Network Utilities Opportunities

NU.2

The Requiring Authority shall consult with Network Utility Operators during the detailed design phase to identify opportunities to enable, or to not preclude, the development of new network utility and telecommunications facilities within the Project, where practicable to do so.

The consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, shall be summarised in the Outline Plan or Plans prepared in accordance with Condition DC.7.

Utilities Management Plan

NU.3

(a) The Requiring Authority shall prepare and implement a **Network Utilities Management Plan (NUMP)**. The NUMP shall be prepared in consultation with the Network Utility Operators who have existing assets that are directly affected by the Project.

(b) The purpose of the NUMP is to ensure that the design and construction of the Project takes account of, and includes measures to, address the safety, integrity, protection and (where necessary) the relocation of existing network utilities.

(c) The NUMP shall include methods and measures to:

(i) Ensure that network utilities can be accessed for maintenance at all reasonable times, or emergency works at all times, during construction activities;

(ii) Manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage, beyond normal wear and tear, to overhead high voltage transmission lines through the Project area; and

Manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage, beyond normal wear and tear, to overhead high voltage transmission lines through the Project area ; and

(iii) Ensure that no activity is undertaken during construction that would result in ground vibrations, ground instability and/or ground settlement likely to cause material damage to network utilities.

(d) Demonstrate compliance with relevant standards and Codes of Practice including:

i) NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances 2001; and

ii) AS/NZS 4853:2012 Electrical hazards on Metallic Pipelines.

(e) The NUMP shall also include the specific matters set out in Conditions NU.5 – NU.9.

(f) At least 40 working days prior to commencement of Construction Works affecting a network utility, the Requiring Authority shall provide a draft of the NUMP to the relevant Network Utility Operator for review and comment. The NUMP shall describe how the input from the Network Utility Operator in relation to its assets has been incorporated. The Requiring Authority shall consider any comments received from the Network Utility Operator when finalising the NUMP.

(g) Any amendments to the NUMP related to assets of a Network Utility Operator shall be prepared in consultation with that asset owner.

NU.4

A copy of the NUMP shall be provided to the Manager for information at least 20 working days prior to the commencement of any Enabling Works or Commencement of Construction where those enabling or Construction Works impact on network utilities.

NU.5

(a) The NUMP shall include procedures, methods and measures to manage effects of the construction works on the following transmission lines:

(i) Māngere-Mt Roskill A 110 kV Line;

(ii) Penrose – Mt Roskill A 110 kV Line; and

(iii) Henderson – Ōtāhuhu A 220 kV Line.

(b) The NUMP shall include:

(i) Details of any dispensations and associated procedures, methods and measures agreed with Transpower for construction works that cannot meet *New Zealand Electrical Code of Practice for Electrical Safe Distances 2001*

(NZECP 34:2001) or any subsequent revision of the code;

(ii) For all other works, procedures, methods and measures to demonstrate how construction works will meet the safe distances within the NZECP 34:2001 or any subsequent revision of the code and including specific measures and methods relating to:

- Excavation or disturbance of the land around any Transpower transmission support structures under Clause 2.2.3;
- Building to conductor clearances under Section 3;
- Depositing of material under or near overhead electric lines under Clause 4.3.1;
- Mobile plant or load to Transpower transmission lines under Clause 5.2;
- People to conductor clearances; and
- Warning notices during use of mobile plant in proximity of overhead lines under Clause 5.

(iii) Details of measures to control induction and transferred voltages and Earth Potential Rise where use of conductive material for road infrastructure or relocated network utilities is within 12 metres of the outer foundations of any transmission tower or proposed tower or monopole;

(iv) Details of areas within which additional management measures are required, such as fencing off, entry and exit hurdles and the minimum height for any hurdles;

(v) Details of contractor training for those working near transmission lines and other assets; and

(vi) Provision for Transpower involvement in contractor briefings for works involving the following:

- Works within 12m of any Transpower overhead transmission line support structure;
- Works within the maximum extent of line swing (at maximum operating temperature) of any Transpower overhead transmission line; and
- Works within 20m of or encroaching into the Southdown Rail Supply Substation.

NU.6

(a) The NUMP shall include procedures, methods and measures to manage effects of the construction works on the following Watercare assets:

- (i) Hunua 1 at Sylvia Park Road/Great South Road intersection;
- (ii) Sylvia Park watermain;
- (iii) Hunua 3 transmission watermain;
- (iv) Hunua 4 transmission watermain;
- (v) Eastern Interceptor Westfield Siphon; and
- (vi) Onehunga Harbour Road watermain.

(b) The NUMP shall:

(i) Demonstrate how construction works will meet safety procedures required by Watercare for works within the vicinity of its assets; and

(ii) Describe the areas within which additional management measures are required; and

(iii) Describe the process for obtaining approval from Watercare before works commence within close proximity to Watercare assets under the *Water Supply and Wastewater Network Bylaw 2015*.

NU.7

(a) The NUMP shall include procedures, methods and measures to manage effects of the construction works on the First Gas East Tamaki to Taupaki Gas Pipeline.

(b) The NUMP shall demonstrate how construction works will meet First Gas operating standards and codes including:

- AS2885: Pipelines – Gas and Liquid Petroleum (Part 1 for design and Part 3 for operation and maintenance); and
- New Zealand Health and Safety in Employment (Pipelines) Regulations 1999.

NU.8

The NUMP shall include procedures, methods and measures to manage effects of the construction works on Spark assets, and in particular, shall include provisions so that:

- (a) The relocated AOHB Otāhuhu cellular site at Princes Street is fully operational prior to decommissioning of the existing AOHB Otāhuhu cellular site; and
- (b) The relocated and/or reconfigured AHAM Hamlins Hill cellular site at Great South Road is fully operational before the existing AHAM Hamlins Hill site Radio Frequency coverage is impacted by the construction of the EWL Project.

Advice Note:

Further conditions relating to network utilities located at the Southdown Site are included in the SD conditions.

Network Utility Approvals

NU.9

The Requiring Authority shall not require Auckland Transport or Network Utility Operators with existing infrastructure within the designated land to seek written consent under section 176 of the RMA for on-going access to enable work associated with the routine construction, operation and maintenance of existing assets. To the extent that written approval is required, this condition shall constitute written approval.

Advice Note:

In addition to the RMA processes, there are other additional processes and approvals applying to any work or activity that affect network utilities. The Requiring Authority may require additional approvals from Network Utility Operators prior to any works commencing in proximity to network utilities.

Mana Whenua Collaboration (MW)

Mana Whenua Group

MW.1

- (a) Six months prior to the Commencement of Construction, the Requiring Authority shall invite mandated representatives of Mana Whenua to participate in a Mana Whenua Group (MWG).
- (b) The purpose of the MWG is to facilitate engagement between the Requiring Authority and Mana Whenua in respect of the activities authorised by this designation.
- (c) The group will include invited representatives from:
 - (i) Ngāi Tai Ki Tāmaki;
 - (ii) Ngāti Maru;
 - (iii) Ngāti Paoa;
 - (iv) Ngāti Tamaoho;
 - (v) Ngāti Te Ata Waiohua;
 - (vi) Ngāti Whātua Ōrākei;
 - (vii) Te Ahiwaru;
 - (viii) Te Ākitai Waiohua;
 - (ix) Te Kawerau ā Maki; and
 - (x) Te Rūnanga o Ngāti Whātua.
- (d) The MWG will hold regular meetings (at least three monthly) throughout the construction period. The MWG shall continue until six months after Completion of Construction. The frequency and duration of the meetings can be reduced or increased where the majority of the members of the group agree.
- (e) The Requiring Authority shall record the main points arising from each meeting of the MWG, and shall provide a copy of that record to the meeting invitees within a reasonable time following the meeting.
- (f) The Requiring Authority shall be responsible for all reasonable costs associated with the resourcing of the MWG.

MW.2

The MWG will be provided opportunities to review and comment on the following (amongst other things):

- (a) The ULDMP, with particular reference to design elements of the following features:

- i) Works in the vicinity of Te Hōpua a Rangī including how Mana Whenua artworks or design themes are incorporated and delivered into that design and nomination of an artist to design the artwork referred to in Condition LV.5B;
 - ii) Design of the reclamation, coastal paths and boardwalk along the Mangere Inlet.
 - iii) Landscape treatment (including plant species, plant sources and planting methodology), alignment and design of the recreation walkway, interpretive signage and other amenities along the Māngere Inlet foreshore recreation walkway;
 - iv) Aesthetic design through the upper reaches of the Māngere Inlet (Anns Creek), including reflection of the Kāretu Portage in the design of the viaduct and interpretive signage;
 - v) Design associated with the Kāretu Portage Path (an elevated shared path from west of Great South Road and along Sylvia Park Road), including reflection of the historic Kāretu Portage in design of this feature;
 - vi) Structures in the vicinity of the waahi tapu at Mt Wellington Interchange; and
 - vii) Design of the Ōtāhuhu Creek bridges and in particular the treatment beneath these structures to reflect and respond to the Ōtāhuhu portage.
- (b) The Heritage Management Plan (as required by designation Condition HH.3) including details of Mana Whenua construction monitoring for sites identified as having significance to the Mana Whenua Group (including but not limited to Te Hōpua a Rangī, Anns Creek and foreshore, Mt Wellington Interchange area, Ōtāhuhu Creek);
- (c) Accidental Discovery Protocol (as required by designation Condition HH.2);
- (d) The ECOMP (as required by consent Condition EM.1) including the detail of ecological restoration planting along the northern shoreline of the Māngere Inlet, Anns Creek and Ōtāhuhu Creek;
- (e) The CEMP and Coastal Works CEMP (as required by consent Conditions RC.10 and C.4), including details on site inductions, training programme(s) and tikanga for construction works (particularly for works in sensitive areas such as Te Apunga o Tainui at Mt Wellington Interchange) to respond to matters of significance to Mana Whenua; and
- (f) Results of environmental monitoring prior to and during construction as required by conditions of the designation and related resource consents (e.g. water and leachate design performance monitoring under Condition C.1H and the scientific analysis of material of geological interest from the cut into the Te Hōpua a Rangī tuff ring under Condition HH.8), including information to support cultural monitoring requirements.

Cultural Monitoring Plan (Construction)

MW.3

Prior to the Commencement of Construction, a **Cultural Monitoring Plan** or plans shall be prepared by a person endorsed by the Mana Whenua Group.

MW.4

The purpose of the Cultural Monitoring Plan is to set out the agreed cultural monitoring requirements and measures to be implemented during construction activities, to acknowledge the historic and living cultural values of the area to Mana Whenua and to minimise potential adverse effects on these values.

MW.5

The Cultural Monitoring Plan shall include (but not be limited to):

- (a) Requirements for formal dedication or cultural interpretation to be undertaken prior to works commencing in areas identified as having significance to Mana Whenua (including but not limited to Te Hōpua a Rangī, Anns Creek and foreshore, Mt Wellington Interchange area, Ōtāhuhu Creek);
- (b) Requirements and protocols for cultural inductions;
- (c) Identification of sites and areas where cultural monitoring is required during particular Construction Works;
- (d) Identification of any other specific activities requiring cultural monitoring (e.g. implementation of spill contingency measures or specific works in the CMA);
- (e) Identification of personnel nominated by Mana Whenua to undertake cultural monitoring, including any geographic definition of their responsibilities;
- (f) Details of personnel nominated by the Requiring Authority and Mana Whenua to assist with management of any issues identified during cultural monitoring, including implementation of the Accidental Discovery Protocol developed under Condition HH.2;

(g) Identification of any opportunities and intent from Mana Whenua to reuse excavated natural material from the EWL Trench at Te Hōpua a Rangī, and if so, proposed measures to achieve this; and

(h) Details of any pre-construction monitoring that may assist Mana Whenua in their monitoring role (e.g. avifauna monitoring, baseline water quality monitoring).

Historic Heritage (HH)

Archaeology

HH.1

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HH.2

The Requiring Authority shall prepare an Accidental Discovery Protocol for any accidental archaeological discoveries which occur during Construction Works.

The Accidental Discovery Protocol shall be consistent with Auckland Unitary Plan Accidental Discovery Rule in Standard E.11.6.1, and E.12.6.1.

The Accidental Discovery Protocol shall be prepared in consultation with the Mana Whenua Group and modified to reflect the site specific Project detail.

The Accidental Discovery Protocol shall be implemented throughout the Construction Works.

Heritage Management Plan

HH.3

(a) Prior to Commencement of Construction, the Requiring Authority shall prepare and implement a **Heritage Management Plan** (HMP)

(b) The purpose of the HMP is to identify procedures and practices to be adopted to protect, as far as reasonably practicable, historic heritage and remedy and mitigate any residual effects.

(c) The HMP shall be implemented throughout Construction Works.

HH.4

The HMP shall be prepared by a Suitably Qualified Person in consultation with Council, HNZPT and Mana Whenua, and shall identify:

(a) Known historic heritage within the designation boundary;

(b) Any pre-1900 areas covered by an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA);

(c) Roles, responsibilities and contact details of personnel and/or relevant agencies (including but not limited to Auckland Council, New Zealand Police, HNZPT, and mana whenua representatives) involved with historic heritage matters including surveys and monitoring of conditions;

(d) Methods for identifying avoiding, protecting and/or minimising effects on historic heritage during construction where practicable in line with the ICOMOS NZ Charter and including construction methods that minimise vibration;

(e) Details for recording and salvage prior to removal of the historic railway bridge and tunnel located adjacent to Onehunga Harbour Road. The recording and salvage shall be aligned, as appropriate, with the Salvage and Conservation Heritage Plan for the proposed removal of the 1875/1915 Māngere Bridge (being part of a separate works project planned by the NZ Transport Agency).

(f) Training requirements for contractors and subcontractors on historic heritage areas/features within the designation boundary and any accidental discovery protocols. The training shall be undertaken under the guidance of a Suitably Qualified Person and representatives of the Mana Whenua Group;

(g) Cultural inductions for site/places of importance to Mana Whenua;

(h) Proposed methodology for assessing the condition of historic heritage, and the means to mitigate any adverse effects (if any) on the built heritage features listed in Condition HH.5, including allocation of resources and the timeframe for implementing the proposed methodology in accordance with *Heritage New Zealand guideline AGS 1A: Investigation and Recording of Buildings and Standing Structures for assessing and recording built heritage*

dated 4 July 2014 (or any subsequent revision); and

(i) Proposed methodology for documentation of historic heritage exposed during construction and the recording of these sites in the Auckland Council Cultural Heritage Inventory (www.chi.net/Home.aspx).

HH.4A

Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring etc.), including interim reports, shall be submitted to the Manager as soon as they are produced.

Advice note:

HNZPTA provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from HNZPT. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.

According to the Act (section 6) archaeological site means, subject to section 42(3) –

a) any place in New Zealand, including any building or structure (or part of a building or structure), that –

i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

b) includes a site for which a declaration is made under section 43(1)

It is the responsibility of the Requiring Authority to consult with HNZPT about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.

For information please contact the HNZPT Northern Regional Archaeologist – 09 307 0413 / archaeologistMN@historic.org.nz.

Built Heritage Features – Condition Survey

HH.5

(a) Subject to receiving the owners written approval, a building condition survey shall be undertaken by a Suitably Qualified Person for the following built heritage structures prior to the Commencement of Construction in the vicinity of those structures:

(i) The Aotea Sea Scouts Hall at 1 Orpheus Drive and stone walls including an inventory and photographic survey of the interior fittings;

(ii) The Landing at 2 Onehunga Harbour Road;

(iii) The Extent of Place as identified in the Auckland Unitary Plan (Operative in Part) and any contributing buildings on Onehunga Wharf at 55 Onehunga Harbour Road;

(iv) The Waikaraka Park stone walls in the following locations:

- along the southern boundary between Waikaraka Park and the EWL Main Alignment;
- along the western boundary at Alfred Street; and
- along the eastern boundary at Captain Springs Road.

(v) The Waikaraka Park stone caretakers' cottage on Captain Springs Road.

(b) The purpose of the survey is to determine the pre-construction condition, context and physical features of the built heritage structures to form the basis of construction monitoring.

(c) The outcome of the survey shall be provided to the building owner within 20 working days following completion of the survey and a copy shall be provided to the Manager.

(d) Regular visual inspections of the built heritage structures shall also be undertaken during periods of construction activity that have the potential to result in significant vibration. The visual inspection shall be undertaken at a

frequency appropriate to the nature and duration of the construction activity.

(e) A post-construction condition survey shall be undertaken within 3 months following Completion of Construction in the vicinity of the built heritage feature. The outcome of the survey shall be provided to the building owner following completion of the survey and a copy shall be provided to the Manager.

(f) If any damage occurs that is verified as attributable to the Construction Works, the Requiring Authority shall (with the agreement of the building owner and subject to any additional approval required) make good the damage and advise the Manager of the work undertaken.

HH.6

The Requiring Authority is deemed to have complied with Condition HH.5 if:

- (a) The Requiring Authority has written to the building owner offering the structural condition survey and the owner did not accept the Requiring Authority's offer within three months of the date of the Requiring Authority's written offer; or
- (b) The built heritage feature owner cannot, after reasonable enquiry, be found.

Aotea Sea Scout Hall – Conservation Plan

HH.7

The Requiring Authority shall update the Conservation Plan for the Aotea Sea Scout Hall contained in the document titled *Aotea Sea Scouts Building Conservation Plan, 19 February 2007, Revision: FINAL DRAFT, MHX REF:X025*.

The update shall consider the following:

- (a) Any changes to history and narrative as a result of new information;
- (b) Statements of heritage value;
- (c) Review current condition including any changes, deterioration or loss of heritage fabric;
- (d) Document any maintenance or repairs undertaken; and
- (e) Review of policy regarding use of the building.

The updated Conservation Plan shall also include:

- (i) A structural and condition survey, a schedule of recommended prioritised conservation repair and maintenance work, and preliminary cost estimates; and
- (ii) An assessment of works required to provide a wastewater connection.

The updated Conservation Plan shall be submitted to the Manager for information at the same time as the submission of the Heritage Management Plan prepared under Condition HH.3.

HH.7A

- (a) The recommendations of the updated Conservation Plan shall be discussed with the landowner(s), building owner, HNZPT and Auckland Council's Heritage Unit.
- (b) The Requiring Authority, in consultation with the parties identified in (a) above shall identify which recommendations of the updated Conservation Plan will be implemented (in part or in full) as part of the Project. For example, this could include prioritised conservation repair and maintenance works and / or a wastewater connection.

Subject to the agreement of the building owner and/or the landowner(s), and the grant of any required statutory approvals, the Requiring Authority shall implement any works identified in (b) above, prior to or within 12 months of Completion of Construction.

Geological Heritage

HH.8

The Requiring Authority shall engage a Suitably Qualified Person to record the geology of the proposed cut into the Te Hōpua a Rangi tuff ring that will be undertaken to form the EWL Trench on Onehunga Harbour Road. The record may include information obtained in advance of construction (e.g. borehole logs), and / or information obtained as the cut progresses.

Provision shall be made for sampling of materials of geological interest and suitable scientific analysis. The site records and findings of further geological analysis shall be prepared in a manner which enables the information to contribute to the geological knowledge of Auckland's volcanic heritage, and shall be provided in a report to the Auckland Unitary Plan Operative in part

Manager.

Subject to compliance with site health and safety requirements, the Requiring Authority shall provide an opportunity for a Council representative with specialist interest in geological heritage to view the cutting at an appropriate time during excavations, whilst exposed natural material is visible.

Urban Design, Landscape and Visual (LV)

LV.1

The Requiring Authority shall prepare an **Urban and Landscape Design Master Plan (ULDMP)** for the Project. The ULDMP may be submitted in sectors or in parts.

The ULDMP shall be included in the Outline Plan submitted prior to the Commencement of Construction of permanent works.

A ULDMP is not required for Enabling Works and Site Investigations.

LV.2

The purpose of the ULDMP is to:

- (a) Integrate the Project's permanent works into the surrounding landscape and urban context and to illustrate the urban and landscape design elements of the Project.
- (b) Outline the requirements for the Project's permanent landscape mitigation works; and
- (c) Outline the maintenance and monitoring requirements for planting undertaken as part of the ULDMP.

LV.3

The ULDMP shall be prepared in consultation with:

- i) Council for areas of the Project to become Council assets;
- ii) Auckland Transport for areas within and adjoining local roads;
- iii) the Mana Whenua Group;
- iv) HNZPT;
- v) Landowners;
- vi) Adjacent landowners in relation to noise barriers on their boundary;
- vii) Auckland Council Heritage Unit for works within AUP Historic Heritage Overlay Extent of Place and/or affecting AUP Historic Heritage Overlay and Schedule items; and
- viii) Panuku Development Auckland for works adjacent to Onehunga Wharf.

Any comments and inputs received from the parties listed above shall be summarised within the ULDMP or supporting document, along with explanation of where any comments or suggestions have not been incorporated and the reasons why.

LV.4

The ULDMP shall be prepared by a Suitably Qualified Person and shall:

- (a) Reflect the Key Design Principles and Sector Outcomes of the Project's *Urban and Landscape Design Framework* dated November 2016 and the Addendum dated December 2016 (hereafter referred to as the ULDF);
- (b) Be prepared in general accordance with the following (or equivalent update):
 - i) NZ Transport Agency's *Urban Design Guidelines: Bridging the Gap* (2013); and
 - ii) NZ Transport Agency Landscape Guidelines (final draft dated 2014); and NZ Transport Agency's *P39 Standard Specification for Highway Landscape Treatments*, 2013; and
- (c) Be integrated with the ULDMP for the areas of the Project within the Coastal Marine Area, and, where relevant, the Ecological Management Plan, both plans to be prepared in accordance with conditions of the resource consents granted for the Project.

LV.5

The ULDMP shall demonstrate how the Sector-Specific Outcomes in Chapter 5 of the ULDF have been incorporated and shall include the following:

- (a) Design that describes and illustrates the overall urban and landscape design concept, and explains the rationale for the landscape and urban design proposal if different from the ULDF concepts;
- (b) Developed design details for the urban and landscape design features. These shall cover the following:
- i) Roadside furniture – elements such as lighting, sign gantries and signage, guard rails, fences and median barriers;
 - ii) Architecture and landscape treatment of all major structures, including bridges, structures, underpasses and retaining walls;
 - iii) Architecture and landscape treatment of noise barriers;
 - iv) Land use re-instatement following construction;
 - v) Landscape treatment of permanent stormwater management wetlands and swales;
 - vi) Integration of passenger transport facilities;
 - vii) Pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses;
 - viii) Features (such as interpretive signage) for the purpose of identifying and interpreting cultural heritage, built heritage, archaeology, geological heritage and ecology in the Project area;
 - ix) Proposed maintenance boundaries;
 - x) Consideration of:
 - Crime Prevention Through Environmental Design (CPTED) principles;
 - Safety in Design (SID) requirements;
 - Maintenance requirements and anti-graffiti measures; and
 - Protected viewshafts, character areas and protected heritage sites, structures or features, as identified in the Auckland Unitary Plan.

The ULDF shall also describe how road design elements such as median width and treatment, roadside width and treatment, and earthworks contouring, have taken into account the Sector-Specific Outcomes in Chapter 5 of the ULDF.

LV.5A

The ULDF shall include the following information in relation to works in the vicinity of the Aotea Sea Scouts Building:

- (a) Design details for the area surrounding the Aotea Sea Scout Building to achieve the design outcomes set out in Section 5.1 of the ULDF. These shall cover the following:
- i) Continued vehicular access to the building from Orpheus Drive, with sufficient curtilage for parking to support ongoing use of the building;
 - ii) Retaining uninterrupted views towards the building from public areas along the Manukau Harbour edge;
 - iii) Acknowledgement and interpretation of the history of the building;
 - iv) Design treatment of the retaining walls immediately opposite to acknowledge or recall the history of the building;
 - v) Interpretive signage as required by LV.5(b)(viii);
 - vi) Landscaping to soften interface with the road environment; and
 - vii) Detailing / finish of walls to respond to heritage context.
- (b) Identified opportunities for public parking on Onehunga Harbour Road within proximity to the Aotea Sea Scouts Building. The design of any new parking areas shall be integrated with the outcomes to be achieved in Condition LV.5C.

LV.5B

- (a) The ULDF shall include developed design details for a commissioned artwork that is to highlight the circular form of the Te Hōpua a Rangi crater and emphasise Te Hōpua a Rangi as a landmark. The artwork:
- i) Shall not compromise the use of the park for sports fields;
 - ii) Shall respond to opportunities to recognise the cultural values of the site as identified by the Mana Whenua Auckland Unitary Plan Operative in part

Group; and

iii) Shall accentuate the legibility of the natural landform, and avoid modification of the natural ground in the area identified in the Auckland Unitary Plan as Outstanding Natural Feature. For the avoidance of doubt, this does not exclude excavation for foundations and the like into areas that have been landfilled or otherwise modified;

(b) Subject to agreement of the landowner(s) for the artwork to be located on land outside of the designation, the Requiring Authority shall install the artwork within 12 months of Completion of Construction in this sector. In the event that the landowner does not agree to the artwork, the Requiring Authority shall develop design details and implement an alternative artwork which best emphasises Te Hōpua a Rangī as a landmark.

LV.5C

The ULDMP shall include developed design details for the EWL Trench and EWL Land Bridge and immediately adjacent land to achieve the following outcomes:

(a) Provide a generous connection between the vicinity of The Landing (2 Onehunga Harbour Road) and Onehunga Wharf, with the length of the EWL Land Bridge (i.e. the distance between its western and eastern end) to be a minimum of 80m and a maximum of 110m. In determining the appropriate length of the Land Bridge, the Requiring Authority shall take account of the outcomes in (b) to (f) below, along with the following technical considerations:

(i) design to retain the vertical alignment of the EWL trench, maintaining appropriate gradients between the trench and the bridge over SH20 (to the west) and Galway Street intersection (to the east);

(ii) design to avoid Dangerous Goods Vehicles from being prevented from using the EWL trench;

(iii) design to avoid the trench being classified as a tunnel to the extent that forced ventilation / deluge systems / active monitoring or similar would be required, with the design input to include a Fire Life Safety Assessment;

(iv) retention of Onehunga Harbour Road in its current (or similar) vertical alignment to maintain appropriate gradients of the local road,

(v) design to minimise ongoing operation and maintenance requirements; and

(vi) minimise visual severance on either side of the land bridge, including between Onehunga Harbour Road and the harbour and wharf, and between Gloucester Park South and the rim of Te Hōpua a Rangī.

(b) Provide for local traffic over the EWL Trench accessing Onehunga Wharf, including heavy vehicle access;

(c) Enhance pedestrian and cycle access, including to Old Māngere Bridge, Onehunga Wharf, Taumanu, EWL, and Onehunga town centre;

(d) Incorporate appropriate parking facilities and service vehicle access to Gloucester Park South;

(e) Incorporate appropriate vehicle crossings and driveways to maintain access to private land on Onehunga Harbour Road;

(f) Respond to the historic context of the former Manukau Tavern (now The Landing at 2 Onehunga Harbour Road) and the Onehunga Wharf, aligning the land bridge between the two to reference their historic relationship and heritage values including interpretive signage as required by LV.5(b)(viii) ;

(g) Where practicable, acoustic treatment within the EWL Trench (e.g. surface treatment on the trench walls) to manage operational noise effects from traffic in the EWL Trench on pedestrians, cyclists and users of adjacent public areas.

(h) Not preclude and where practicable accommodate a bus lane from the SH20 northbound off-ramp connecting to Onehunga Harbour Rd in the vicinity of The Landing.

The design details for the EWL Land Bridge shall be developed in a collaborative design process in accordance with Condition DC.11A.

LV.5D

The ULDMP shall include developed design details for the pedestrian and cycle connection between Onehunga Wharf and the eastern extent of Taumanu Reserve to achieve the following outcomes:

(a) A minimum of 4m width, with occasional wider sections where practicable for amenity features such as lookouts or seating; and

(b) Planting or other landscape treatment where practicable, to soften hard edges and integrate with the coastal environment.

LV.5E

The ULDMP shall include developed design details for the pedestrian and cycle connection between Onehunga Mall and Onehunga Harbour Road / Old Māngere Bridge (including the existing or replacement Old Māngere Bridge) to achieve the following outcomes:

- (a) A primary route by way of Onehunga Mall and an underpass beneath SH20, that is:
 - (i) Legible as the primary route;
 - (ii) As direct as possible, and has sightlines as open as possible;
 - (iii) Incorporates a high amenity streetscape in Onehunga Mall;
 - (iv) Addresses amenity and CPTED matters in the underpass; and
 - (v) Incorporates a minimum 5m wide bridge over the EWL Trench, with design details that provide a sense of separation from the EWL Main Alignment;
- (b) An alternative route adjacent to Onehunga Harbour Road that addresses amenity and CPTED matters beneath the SH20 bridge.

LV.5F

The ULDMP shall include developed design details for works at the southern boundary of Waikaraka Cemetery and Waikaraka Park South to achieve the following outcomes:

- (a) A high quality urban design and landscape treatment between the EWL Main Alignment and Waikaraka Cemetery and Waikaraka Park South to:
 - i) Soften views of the EWL Main Alignment from within the Cemetery and Park;
 - ii) Maintain a sense of separation from the EWL Main Alignment;
 - iii) Incorporate elevated areas or features from which views are available over Māngere Inlet;
 - iv) Reflect the built and landscape features of the historic heritage within the Extent of Place (such as existing rock walls and pohutukawa) and include interpretive signage as required by LV.5(b)(viii);
 - v) Incorporate measures to mitigate operational noise effects from traffic on the EWL Main Alignment on visitors to the Cemetery with a target to achieve 50 dB L_{Aeq} when measured within the boundary of the Cemetery unless impracticable to do so in which case achieve Best Practicable Option taking into account the outcomes in (i) to (iv) above.
- (b) Integrated urban design and landscape treatment which takes into account engineering considerations such as groundwater and stormwater management;
- (c) Integration with pedestrian and cycle connections to the west and east of the Cemetery and Park, and along and across the EWL Main Alignment; and
- (d) Integration with parking to be retained in Waikaraka Cemetery.

The design details shall take into account the future sports fields to be developed by Council in Waikaraka Park South, and shall integrate with any works forming part of the Waikaraka Park Reinstatement Plan prepared in accordance with Condition ROS.6.

LV.5G

The ULDMP shall include the following developed design details in relation to the EWL Main Alignment along the Māngere Inlet foreshore:

- (a) Design details for the section of the EWL Main Alignment along the Māngere Inlet foreshore between Galway Street to mid-way between Captain Springs Road and Ports Link Road, with the purpose of those details being to ensure the design for this section of the road has an urban arterial character, and differs in character from the balance of EWL recognising its urban harbour frontage. This outcome could be achieved by incorporating design elements such as:
 - (i) Different road surface material;
 - (ii) No median barrier;
 - (iii) 60 kph posted speed limit;
 - (iv) A succession of elements on either side of the EWL Main Alignment, perpendicular to the highway, to

create a visual transition to a slower speed environment (gateway structures);

- (v) Wide promenade footpath on the outer edge;
- (vi) Distinctive footpath details;
- (vii) Bespoke street furniture;
- (viii) Street trees; and
- (ix) City street lights.

(b) The design details shall integrate with proposed road embankment, landscape and amenity features, access, and stormwater treatment areas to be constructed in the Coastal Marine Area as part of the Project and as authorised by coastal permits granted for the Project.

LV.5H

The ULDM shall include design details for the Kāretu Portage Path (an elevated shared path from west of Great South Road and along Sylvia Park Road), which achieve the design outcomes set out in Section 5.3 and 5.4 of the ULDF Addendum dated December 2016.

LV.6

The ULDM shall include the following planting details:

- (a) Identification of vegetation to be retained (including trees identified in accordance with Condition TR.1), protection measures, and planting to be established along cleared edges;
- (b) Details of the sourcing of native plants. Any planting using native plants shall use plants genetically sourced from the Tamaki Ecological District where possible or otherwise shall use plants that have been genetically sourced from within the Auckland Ecological Region;
- (c) Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods including trials;
- (d) Planting programme – the staging of planting in relation to the construction programme which shall, as far as practicable, include provision for planting within each planting season following completion of Construction Works in each stage of the Project;
- (e) Detailed specifications for landscape planting relating to (but not limited to) the following:
 - i) Weed control and clearance;
 - ii) Pest animal management;
 - iii) Ground preparation (topsoiling and decompaction);
 - iv) Mulching; and
 - v) Plant sourcing and planting, including hydroseeding and grassing;
- (f) The detailed specifications above are to be consistent with the ECOMP required by Condition EM.1 and with planting plans for the stormwater treatment wetlands required by Condition SW.1.
- (g) For any landscape planting, a maintenance regime including monitoring and reporting requirements, which is to apply for the 2 years following that planting being undertaken; and
- (h) For any ecological restoration planting, a maintenance regime including monitoring and reporting requirements, which is to apply for the 5 years following that planting being undertaken.

LV.7

Planting shall be implemented:

- (a) Wherever practicable prior to Commencement of Construction; or
- (b) As soon as areas become available for planting due to the progress of the works and seasonal conditions; and/or
- (c) Within twelve months of Completion of Construction, unless the seasonal timing of works makes some planting impracticable, in which case such planting shall be completed no later than twenty four months after Completion of Construction.

LV.8

Auckland Unitary Plan Operative in part

~~Where the Requiring Authority installs noise barriers immediately adjacent to residential properties between Panama Road and the southern extent of the works, it shall offer to undertake planting to soften the appearance of the barrier.~~

~~The offer shall be made no later than 3 months prior to Completion of Construction. If the offer is not accepted by a property owner within that timeframe, this condition is deemed to have been complied with.~~

Trees (TR)

TR.1

Arboricultural assessments shall be carried out prior to Commencement of Construction to assess if any existing trees within the construction area are worthy of retention or relocation and if it is practicable to retain or relocate those trees.

The assessment shall include a survey of trees prior to the Commencement of Construction within parks, reserves and local roads to inform the replacement of these trees in accordance with Condition TR.2. The survey methodology shall be provided to the Manager for certification.

If retention or relocation of a tree is determined appropriate, specific tree protection/management measures shall be developed and implemented throughout the Construction Works so that health of the trees is not adversely affected. Where any retained or relocated trees are located on Council owned land (including Council owned open space and road reserve), the Council's nominated arborist shall be consulted regarding appropriate tree protection/management measures.

TR.2

Trees within parks, reserves and local roads that require removal for the Project shall be replaced with trees of suitable/comparable species and size to achieve comparable canopy footprint after 10 years in a location agreed with Council (for parks and reserves) or Auckland Transport (for local roads and paths). Details of the location, species and size of the replacement trees shall be included in the ULDMP prepared in accordance with Condition LV.1.

TR.3

Where any works occur within the dripline of a notable tree or trees within a Historic Heritage Overlay Extent of Place (as identified in the maps of the AUP), those works shall be undertaken in accordance with best arboricultural practice and the methodology for the works submitted to the Manager for certification.

Traffic Noise (Operation) (ON)

ON.1

For the purposes of Conditions ON.2 to ON.14:

- (a) BPO – means the Best Practicable Option;
- (b) Building-Modification Mitigation – has the same meaning as in NZS 6806:2010 *Acoustics – Road-traffic noise – New and altered roads*;
- (c) Habitable Space – has the same meaning as in NZS 6806;
- (d) Noise Assessment – Means the *Traffic Noise and Vibration Assessment Report* (Technical Report 7) submitted with the NoR;
- (e) Noise Criteria Categories – means the groups of preference for sound levels established in accordance with NZS 6806 when determining the BPO for noise mitigation (i.e. Categories A, B and C);
- (f) NZS 6806 – means New Zealand Standard NZS 6806:2010 *Acoustics – Road- traffic noise – New and altered roads*;
- (g) P40 – means NZ Transport Agency NZTA P40:2014 Specification for noise mitigation;
- (h) PPFs – means only the premises and facilities identified in green, orange or red in the *Noise Assessment*; and
- (i) Structural Mitigation – has the same meaning as in NZS 6806.

Structrual Mitigation

ON.2

The road-traffic noise mitigation measures identified as the 'Recommended Traffic Noise Mitigation' in the *Noise Assessment* must be implemented to achieve the Noise Criteria Categories indicated in the *Noise Assessment* ('Identified Categories'), where practicable and subject to Conditions ON.3 to ON.14.

Auckland Unitary Plan Operative in part

ON.3

Prior to Commencement of Construction, a Suitably Qualified Person must undertake the detailed design of the Structural Mitigation measures in the *Noise Assessment* (the 'Detailed Mitigation Options'), which, subject to Condition ON.4, must include at least:

- (a) Noise barriers with location, length and height in general accordance with the *Noise Assessment*; and
- (b) Low noise road surfaces with location in general accordance with the *Noise Assessment*.

ON.4

If it is not practicable to implement a particular Structural Mitigation measure in the location or of the length or height included in the *Noise Assessment*, a changed design can be included in the Detailed Mitigation Options if either:

- (a) the changed design would result in the same Identified Category at all PPFs or better, and a Suitably Qualified Person certifies to the Manager that the changed Structural Mitigation would be consistent with adopting the BPO in accordance with NZS 6806; or
- (b) the changed design would result in an increase in the noise level at any PPF of greater than 2dB and the Manager confirms that the changed Structural Mitigation would be consistent with adopting the BPO in accordance with NZS 6806.

Noise Mitigation Design Report

ON.5

Prior to Commencement of Construction, a **Noise Mitigation Design Report** written in accordance with NZ Transport Agency *P40 Specification for Noise Mitigation 2014* must be provided to the Manager.

The purpose of the Noise Mitigation Design Report is to confirm that the Detailed Mitigation Options meet the requirements of ON.2-ON.4. The Noise Mitigation Design Report shall include confirmation that consultation has been undertaken with affected property owners for site specific design requirements and the implementation programme.

Where a Noise Mitigation Design Report is required, it shall be included in the Outline Plan for the relevant stage(s) of the Project.

ON.6

The Detailed Mitigation Options must be implemented prior to Completion of Construction, with the exception of any low-noise road surfaces, which must be implemented within twelve months of Completion of Construction.

ON.7

Within twelve months of Completion of Construction, a post-construction review report written in accordance with NZ Transport Agency *P40 Specification for Noise Mitigation 2014* must be provided to the Manager.

ON.8

The Detailed Mitigation Options must be maintained so they retain their noise reduction performance as far as practicable.

ON.9

Prior to Commencement of Construction, a Suitably Qualified Person must identify those PPFs which, following implementation of all the Detailed Mitigation Options, will not achieve Noise Criteria Category A or B and where Building-Modification Mitigation might be required to achieve 40 dB $L_{Aeq(24h)}$ inside habitable spaces ('Category C Buildings').

ON.10

Prior to Commencement of Construction in the vicinity of each Category C Building, the Requiring Authority must write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within twelve months of the date of the Requiring Authority's letter, the Requiring Authority must instruct a Suitably Qualified Person to visit the building and assess the noise reduction performance of the existing building envelope.

ON.11

For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition ON.10 if:

- (a) The Requiring Authority's acoustics specialist has visited the building; or

- (b) The building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant and the building owner has been notified of that denial); or
- (c) The building owner did not agree to entry within twelve months of the date of the Requiring Authority's letter sent in accordance with Condition ON.10 (including where the owner did not respond within that period); or
- (d) The building owner cannot, after reasonable enquiry, be found prior to Completion of Construction.

If any of (b) to (d) above apply to a Category C Building, the Requiring Authority is not required to implement Building-Modification Mitigation to that building.

ON.12

Subject to Condition ON.11, within six months of the assessment required by Condition ON.10, the Requiring Authority must write to the owner of each Category C Building advising:

- (a) If Building-Modification Mitigation is required to achieve 40 dB $L_{Aeq(24h)}$ inside habitable spaces; and
- (b) The options available for Building-Modification Mitigation to the building, if required; and
- (c) That the owner has three months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than one option is available.

ON.13

Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of a Category C Building, the mitigation must be implemented, including any third party authorisations required, in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.

ON.14

Subject to Condition ON.11, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with Condition ON.13 if:

- (a) The Requiring Authority has completed Building-Modification Mitigation to the building; or
- (b) An alternative agreement for mitigation is reached between the Requiring Authority and the building owner; or
- (c) The building owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within three months of the date of the Requiring Authority's letter sent in accordance with Condition ON.12 (including where the owner did not respond within that period); or
- (d) The building owner cannot, after reasonable enquiry, be found prior to Completion of Construction.

Construction Noise and Vibration (CNV)

CNV.1

A **Construction Noise and Vibration Management Plan (CNVMP)** shall be prepared by a Suitably Qualified Person, and shall be implemented and maintained throughout the entire construction period.

The purpose of the CNVMP is to provide a framework for the development and implementation of Best Practicable Option for the management of construction noise and vibration effects, and to minimise any exceedance of the construction noise and vibration criteria set out in Conditions CNV.4 and CNV.5.

CNV.2

- (a) The CNVMP shall be prepared in accordance with Annex E2 of New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6806:1999) and the NZ Transport Agency's *State highway construction and maintenance noise and vibration guide* (version 1.0, 2013).
- (b) The CNVMP shall, as a minimum, address the following:
 - (i) Description of the works, anticipated equipment/processes and their scheduled durations;
 - (ii) Hours of operation, including times and days when construction activities would occur;
 - (iii) The construction noise and vibration criteria for the project;

- (iv) Identification of affected houses and other sensitive locations where noise and vibration criteria apply;
- (v) Management and mitigation options, including alternative strategies adopting the Best Practicable Option where full compliance with the relevant noise and/or vibration criteria cannot be achieved;
- (vi) A procedure for developing and implementing the management plans (as required by conditions CNV.6A, CNV.7A and CNV.7B) forming part of this CNVMP;
- (vii) Methods and frequency for monitoring and reporting on construction noise and vibration;
- (viii) Procedures for maintaining contact with stakeholders, notifying of proposed construction activities, the period of construction activities, and handling noise and vibration complaints;
- (ix) Identification of major construction work areas and activities which are anticipated to generate noise and / or vibration levels which will require site specific management plans (in accordance with Condition CNV.6A, CNV.7A and CNV.7B) as soon as reasonably practicable, and procedures for the early engagement with the receivers;
- (x) Construction equipment operator training procedures and expected construction site behaviours;
- (xi) Contact details of the site supervisor or project manager and the Requiring Authority's Project Liaison Person (phone, postal address, email address);
- (xii) Procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers; and
- (xiii) Identification of businesses which operate processes, machinery or equipment that may be unreasonably disrupted by construction vibration even where the Project vibration standards are met or are sensitive to vibration due to the nature of the building materials (e.g. asbestos). For any such businesses a site specific management plan in accordance with CNV.7B shall be prepared and implemented.

CNV.3

The CNVMP shall identify which mitigation measures required by Conditions ON 1 to ON.6 would also attenuate construction noise. Where practicable, those measures identified in the CNVMP shall be implemented prior to commencing major construction works or early during construction that generate noise in the vicinity.

CNV.4

(a) Noise arising from construction activities shall be measured and assessed in accordance with NZS 6803:1999 *Acoustics - Construction Noise* and shall comply with the noise criteria set out in the following table:

Table CNV1: Construction noise criteria

Timeframe	Time	L_{Aeq(15min)}	L_{AFmax}
Residential buildings			
0630 Sunday to 0630 Friday	0630h - 0730h	60 dB	75 dB
	0730h - 1800h	70 dB	85 dB
	1800h - 2000h	65 dB	80 dB
	2000h - 0630h	60 dB	75 dB
0630 Friday to 0630 Saturday	0630h - 0730h	60 dB	75 dB
	0730h - 1800h	70 dB	85 dB
	1800h - 2000h	45 dB	75 dB
	2000h - 0630h	45 dB	75 dB
0630 Saturday to 0630 Sunday and <u>from midnight to midnight on Public Holidays</u>	0630h - 0730h	45 dB	75 dB
	0730h - 1800h	55 dB	85 dB
	1800h - 2000h	45 dB	75 dB
	2000h - 0630h	45 dB	75 dB
Commercial and industrial receivers			
All	0730h – 1800h	70dB	
	1800h – 0730h	75 dB	

(b) Where compliance with the noise criteria set out in Table CNV1 is not practicable, then the methodology in Condition CNV.6A shall apply.

CNV.5

Construction vibration shall be measured in accordance with ISO 4866:2010 *Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures*, and shall, as far as practicable, comply with the Category A construction vibration criteria in Table CNV2.

(a) If measured or predicted vibration from construction activities exceeds the Category A criteria, a Suitably Qualified Person must assess and manage construction vibration during those activities. This shall involve engagement with the affected receivers to:

- (i) discuss the nature of the work and the anticipated days and hours when the exceedance is likely to occur; and
- (ii) assess, where practicable, if the exceedance could be timed or managed to reduce the effects on the receiver.

(b) If measured or predicted vibration from construction activities exceeds the Category B criteria those activities may only proceed subject to Condition CNV.7A.

Table CNV2 Construction Vibration Criteria for People and Buildings

Receiver	Details	Category A	Category B
Occupied PPFs			
Inside the building	Night-time 2000h - 0630h	0.3mm/s PPV	1mm/s PPV
	Daytime 0630h - 2000h	1mm/s PPV	5mm/s PPV
	Blasting – vibration	5mm/s PPV	10mm/s PPV
Free field	Blasting - <u>airblast</u>	120dB _{L_{Zpeak}}	-
Other occupied buildings			
Inside the building	Daytime 0630h - 2000h	2mm/s _{PPV}	5mm/s PPV
All other buildings			
Building foundation		5mm/s PPV	Tables 1 and 3 of DIN4150-3:1999**
Free field	<u>Airblast</u>	-	133dB _{L_{Zpeak}}

*For vibration, protected premises and facilities (PPFs) are dwellings, educational facilities, boarding houses, homes for the elderly and retirement villages, marae, hospitals that contact in-house patient facilities and buildings used as temporary accommodation (E.G. motels and hotels).

German Standard DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of Vibration on Structures”

Table CNV3 Construction Vibration Criteria for buried pipework***

Pipe material	Guideline values for velocity measured on the pipe, v_i , in mm/s
Steel (including welded pipes)	100
Clay, concrete, reinforced concrete, metal (with or without flange)	80
Masonry, plastic	50

*** Based on the German Standard DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of Vibration on Structures”.

CNV.6A

(a) A Site Specific Construction Noise Management Plan (SSCNMP) shall be prepared by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the SSCNMP, when construction noise is either predicted or measured to exceed the criteria in Condition CNV.4, except where the exceedance of the criteria in Condition CNV.4 is no greater than 5 decibels and does not exceed:

- i) 0700-2200: 1 period of up to 2 consecutive weeks in any 2 months; or
- ii) 2200-0700: 1 period of up to 2 consecutive nights in any 10 days.

(b) The objective of the SSCNMP is to set out the best practicable option for the management of noise effects of the construction activity. The SSCNMP shall as a minimum set out:

- i) Construction activity location, start and finish dates;
 - ii) The predicted noise level for the construction activity;
 - iii) Noise limits to be applied for the duration of the activity;
 - iv) The mitigation options that have been selected and the options that have been discounted as being impracticable and the reasons why. The mitigation options shall take into account where practicable, the use of the site and/or any operational requirements of the site. Mitigation options may include:
 - a. managing times of activities to avoid night works and other sensitive times;
 - b. liaising with neighbours so they can work around specific activities;
 - c. selecting equipment and methodologies to restrict noise;
 - d. using screening, enclosures or barriers;
 - e. if appropriate and reasonable, offering neighbours temporary relocation;
 - v) The proposed noise monitoring regime;
 - vi) Document the consultation undertaken with owners and occupiers of sites subject to the SSCNMP, and how consultation outcomes have and have not been taken into account. The consultation shall be in addition to the requirements set out in Condition CS.2.
- (c) The SSCNMP shall be submitted to the Manager for certification at least 5 working days, except in unforeseen circumstances, in advance of Construction Works which are covered by the scope of the SSCNMP.
- (d)** Where changes are made to a certified SSCNMP, the Requiring Authority shall consult the owners and occupiers of sites subject to the SSCNMP prior to submitting the amended SSCNMP to the Manager for certification in accordance with Clause (c). The amended SSCNMP shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.

CNV.7A

- (a) A Site Specific Construction Vibration Management Plan (SSCVMP) shall be prepared by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the SSCVMP, when construction vibration is either predicted or measured to exceed the Category B criteria at the receivers in Condition CNV.5
- (b) The objective of the SSCVMP is to set out the Best Practicable Option for the management of construction vibration effects. The SSCVMP shall as a minimum set out:
- (i) Construction activity location, start and finish dates;
 - (ii) The predicted vibration level for the construction activity;
 - (iii) An assessment of each building and any pipe work to determine susceptibility to damage from vibration and define acceptable vibration limits that the works must comply with to avoid damage;
 - (iv) The mitigation options that have been selected and the options that have been discounted as being impracticable and the reasons why. The mitigation options shall take into account where practicable, the use of the site and/or any operational requirements of the site. Mitigation options may include:
 - a. Phasing of vibration-generating activities;
 - b. Avoiding impact pile driving and vibratory rollers where possible in vibration-sensitive areas;
 - c. Liaising with neighbours so they can work around specific vibration generating activities;
 - d. Selecting equipment and methodologies to minimise vibration;
 - (v) The proposed vibration monitoring regime;

(vi) The consultation undertaken with owners and occupiers of sites subject to the SSCVMP, and how consultation outcomes have and have not been taken into account. The consultation shall be in addition to the requirements set out in Condition CS.2; and

(vii) The pre-condition survey of buildings which document their current condition and any existing damage.

(c) The SSCVMP shall be submitted to the Council for certification at least 5 working days, except in unforeseen circumstances, in advance of Construction Works which are covered by the scope of the SSCVMP.

(d) Where changes are made to a certified SSCVMP, the Requiring Authority shall consult the owners and occupiers of sites subject to the SSCVMP prior to submitting the amended SSCVMP to the Manager for certification in accordance with Clause (c). The amended SSCVMP shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.

CNV7.B

(a) In addition to the matters in CNV.7A, a SSCVMP shall also be required in circumstances when construction vibration is predicted to adversely affect commercial activities located within 50m of Construction Works that are verified by a Suitably Qualified Person as being uniquely sensitive to construction vibration due to the nature of specialised equipment and/or the nature of the building materials (e.g. asbestos). At a minimum, a SSCVMP shall be prepared for:

(i) Stratex Group Limited site, 19 – 21 Sylvia Park Road; and

(ii) Fonterra Tip Top site, 113 Carbine Road. With respect to this site, "activities" and "processes, machinery or equipment" in Condition CNV7.B(b) includes:

- underground wet services (including stormwater drainage and wastewater);
- earthenware pipes;
- underground cabling (including 11kV and 400V power cables and associated switchboxes);
- ducted services; and
- other core underground infrastructure which the landowner has confirmed to the Requiring Authority, in writing, prior to Commencement of Construction.

(b) In addition to the requirements of CNV.7A, the SSCVMP shall include, with respect to those vibration sensitive commercial activities:

- i) Informed by consultation with the owners and/or occupiers of sites, identification of the processes, machinery or equipment which are uniquely sensitive to construction vibration, and the reasons why;
- ii) An assessment of the sensitivity of the processes, machinery or equipment to construction vibration;
- iii) Construction vibration criteria for the vibration sensitive commercial activities;
- iv) A process for dealing with any disagreement which may arise, particularly in relation to the determination of the vibration limits; and
- v) Procedures and methods for monitoring compliance with the vibration criteria established under (iii) above.

(c) Where changes are made to a certified SSCVMP required by this condition, the Requiring Authority shall consult the owners and/or occupiers of sites subject to the SSCVMP prior to submitting the amended SSCVMP to the Manager for certification in accordance with Condition CNV.7A(c). The amended SSCVMP shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.

Construction Traffic (CT)

Construction Traffic Management Plan

CT.1

A **Construction Traffic Management Plan** (CTMP) shall be prepared by a Suitably Qualified Person and in consultation with Auckland Transport.

The purpose of the CTMP is to manage the various traffic management, safety and efficiency effects associated with Construction Works to:

- (a) Protect public safety including the safe passage of and connectivity for pedestrians and cyclists, particularly for Auckland Unitary Plan Operative in part

school students travelling to and from school;

- (b) Minimise increases to existing delay to road users, public transport services, pedestrians and cyclists;
- (c) Minimise interruption to property access;
- (d) Inform the public about any potential impacts on the road network;
- (e) Minimise disruptions on the arterial road network and rail network; and
- (f) Manage the effects on and/or any changes required to existing Over Dimension and Over Weight routes.

CT.2

The CTMP shall:

- (a) Identify how Condition CT.1 will be achieved;
- (b) Be in general accordance with the Draft Construction Traffic Management Plan Framework listed in DC.1;
- (c) Where road capacity may be significantly affected by temporary traffic management, identify potential effects of the capacity reduction, and proposed measures to minimise delays. Traffic Impact Assessment (with possible inclusion of traffic modelling) may be required, particularly where the arterial network is affected;
- (d) Include measures to avoid road closures and restrictions on vehicle, bus, cycle and pedestrian movements;
- (e) Identify site access routes and access points for heavy vehicles;
- (f) Identify possible temporary changes to bus routes and bus stops, whether these can be safely accommodated on the relevant roads and the considerations to maintain service to key destinations and minimise of levels of service reduction;
- (g) Where road closures or restrictions cannot reasonably be avoided, the particular vulnerabilities and sensitivities of pedestrian diversions and reduced conditions shall be taken into account in the planning of any closures or restrictions;
- (h) Confirm that a safe alternative shared cycle/pedestrian path connection between Onehunga Harbour Road and Old Māngere Bridge or the New Old Māngere Bridge (if constructed) is available at all times during the Construction Works;
- (i) Identify proposed measures to minimise the duration of closure of the existing shared path facility along the Māngere Inlet, and proposed measures to stage works and / or provide detours to minimise inconvenience. Detours shall be sign posted, and shall where practicable, minimise the increase in length relative to the existing facility, the increase in vertical ascent, and minimise the duration of the construction period. The alternate route shall have an appropriate surface maintained throughout its period of use; a; and
- (j) Include the process for rail closures, including how scheduled block-of-lines are to be utilised and the timing of any closures to avoid or minimise level of service reduction to passenger rail services at peak commuter times and rail freight services; and
- (k) Identify any changes required to Over Dimension and Over Weight routes and how impacts on these routes, including alternate diversion routes, will be managed during construction so as to minimise the impact of any changes (both temporary and permanent) on Over Dimension and Overweight vehicles.

CT.3

At least 40 working days prior to commencement of Construction Works the Requiring Authority shall provide a draft of the CTMP to Auckland Transport for comment.

The CTMP shall summarise the input and comments from Auckland Transport, describe how this has been incorporated and, where any input has not been incorporated, set out the reason why.

Any amendments to the CTMP shall be prepared in consultation with Auckland Transport prior to submission in accordance with Condition DC.10.

Site/Activity Specific Traffic Management Plans

CT.4

(a) Site/activity specific **Traffic Management Plans** (TMPs) shall be prepared where any Project construction activity varies the normal traffic conditions of any public road.

- (b) TMP shall be reviewed by an engineer with a minimum of a current Level 2/3 Site Traffic Management Supervisor Non-Practicing qualification. Any comments and inputs received from the reviewer shall be clearly documented.
- (c) The Requiring Authority shall provide the TMP to the relevant Road Controlling Authority for approval.
- (d) The purpose of the TMP is to identify specific construction methods to address the particular circumstances, local traffic and community travel demands within the area covered by the TMP. The TMP shall describe the measures that will be taken to manage the traffic effects associated with Construction Works within the area covered by the TMP.
- (e) In particular the TMP shall describe:
- (i) Temporary traffic management measures required to manage impacts on road users during proposed working hours;
 - (ii) Temporary effects on on-street parking and proposed measures to minimise those effects;
 - (iii) Delay calculations associated with the proposed closure/s and detour routes;
 - (iv) The capacity of any proposed detour route(s) and their ability to carry the additional traffic volumes and any known safety issues associated with the detour route, including any mitigation measures the Requiring Authority proposes to put in place to address any identified safety issues;
 - (v) Individual traffic management plans for intersections of the Project with arterial roads;
 - (vi) Measures to maintain, subject to health and safety requirements, existing vehicular access to adjacent properties and businesses to accommodate the types of vehicles normally accessing the site during normal working hours for that site unless alternative access arrangements are agreed;
 - (vii) Measures to maintain 24 hour per day access for road legal vehicles from Onehunga Harbour Road to Onehunga Wharf for existing businesses and for emergency vehicles. If any particular access point cannot be maintained or reconfigured, appropriate alternative arrangements for continued access to the wharf are to be made where practicable. Short term closures of access to the wharf may occur only after prior consultation with existing business operators regarding the timing and duration of the proposed closure. Unless otherwise agreed with existing business owners, no closure of access to the wharf shall exceed a duration of 4 hours within any 24 hour period;
 - (viii) Measures to minimise the temporary effects of Construction Works on on-site parking on directly affected properties and opportunities to provide alternative temporary parking where practicable to do so;
 - (ix) Measures to maintain, where practicable, safe and clearly identified pedestrian and cyclist access on roads and footpaths adjacent to the Construction Works. Where detours are necessary to provide such access the Requiring Authority shall provide, as far as practicable, the shortest and most convenient detours;
 - (x) Consideration of over dimension and overweight routes including any feedback received from established organisations representing the freight industry;
 - (xi) Any proposed temporary changes in speed limit;
 - (xii) Provision for safe and efficient access of construction vehicles to and from construction.
 - (xiii) The measures that will be undertaken by the Requiring Authority to communicate traffic management measures to affected road users, cyclist and pedestrian and other stakeholders.
 - (xiv) The measures that will be undertaken by the Requiring Authority (e.g. instructions to contractors) to restrict Project-related heavy vehicles using residential streets and the section of Onehunga Mall north of Neilson Street; and
 - (xv) The consultation undertaken with CLGs, business forums and affected properties owners/occupiers in relation to proposed temporary traffic management and measures that will be undertaken to address issues raised.
- (f) Where changes are made to an approved TMP, the Requiring Authority shall consult the parties in Clause (e)(xv), prior to submitting the amended TMP to the Road Controlling Authority for approval. The amended TMP shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.

Construction traffic – general requirements

CT.5

The CTMP and TMP(s) shall be consistent with the version of the NZ Transport Agency *Code of Practice for*

Temporary Traffic Management or the Auckland Transport *Auckland Transport Code of Practice* (which applies at the time the CTMP or the relevant TMP is prepared).

CT.6

The site/activity specific TMP(s) shall be prepared following consultation with the following key stakeholders (as relevant):

- (a) Auckland Transport (where local roads and paths will be affected);
- (b) National Road Carriers Incorporated and NZ Heavy Haulage Association;
- (c) Public transport providers (where public transport services will be affected);
- (d) Emergency services (police, fire and ambulance); and
- (e) Schools and childcare centres with frontage or access to roads within which works in relation to the relevant part of the Project will take place; and
- (f) Directly affected property and business owners and operators, including (for the relevant works) the Onehunga Business Association and the residents of Onehunga Mall Cul-de-Sac.

CT.7

The Requiring Authority shall implement each TMP for the duration of the Construction Works to which the particular TMP applies.

CT.9

Any damage to a local road or arterial road which is verified by a Suitably Qualified Person as being directly attributable to heavy vehicles entering or exiting construction sites shall be repaired within two weeks or within an alternative timeframe to be agreed with Auckland Transport. All repairs shall be undertaken by the Requiring Authority in accordance with the *Auckland Transport Code of Practice*.

Advice Note:

In addition to the RMA processes, there are other additional processes applying to any work or activity that affects the normal operation of a local road, footpath or berm. For such activities, a Corridor Access Request must be submitted to the Road Controlling Authority under the National Code of Practice for Utility Operators' Access to Transport Corridor to ensure that all work is done safely and complies with national regulations.

Southdown Site (SD)

Risk Assessment and Design

SD.1A

- (a) Within one month of the date on which this designation is included in the AUP, the Requiring Authority shall appoint a Suitably Qualified Person or Persons independent of NZTA to undertake a full risk assessment and to produce a **Risk Assessment Report (RAR)** in accordance with (b) – (h) below.
- (b) The terms of reference of the RAR shall be prepared by the Requiring Authority in accordance with these conditions. The owners of electricity and gas assets, including Mercury, shall be offered the opportunity to comment on the terms of reference.
- (c) The purpose of the RAR is to:
 - (i) identify and assess relevant hazard scenarios and health and safety risks arising from the construction, maintenance and/or operation of the EWL on or in proximity to the Southdown Site, with the Southdown Site including an operating Southdown Power Station and operating gas assets, including:
 - a. hazards from the EWL that may pose health and safety risks to workers on and visitors to the Southdown Site; and
 - b. hazards from the operation of a 135MW gas fired power station (and associated activities) on the Southdown Site that may pose health and safety risks to the users of the EWL;
 - (ii) recommend any Control Measures required to be implemented within the designation to manage any identified health and safety risks to an Acceptable or Tolerable Risk Level;
 - (iii) identify any health and safety risk that cannot be managed to an Acceptable or Tolerable Risk Level by implementation of Control Measures within the designation;
 - (iv) identify any health and safety risk that cannot be managed to an Acceptable or Tolerable Risk Level by the implementation of any Control Measures (Unacceptable Risk).

- (d) The RAR shall have regard to the *Risk Assessment for the Mercury Southdown Site Report* dated July 2017 prepared by GHD;
- (e) In respect of each hazard scenario identified, the RAR shall:
- (i) Assess the risk level as Acceptable, Tolerable or Unacceptable;
- (ii) Identify, assess and recommend any Control Measures within the designation required to reduce any Unacceptable Risk to Acceptable or Tolerable levels, or to ensure that all reasonably practicable steps will be taken in relation to any Tolerable Risk;
- (iii) Identify, following implementation of the Control Measures in (ii) above, whether any additional Control Measures are required to be implemented on the Southdown Site outside the designation;
- (iv) Identify, following consultation with the Requiring Authority the Control Measures that could be deferred and implemented within a four month period in the event that Mercury gives formal notification to the Requiring Authority of its intent to recommence gas fired electricity generation at the Southdown Site using generators GE 101, GE 102 or GE 105.
- (f) For the purpose of identifying and assessing potential Control Measures, the Suitably Qualified Person undertaking the RAR may consult the owners of electricity and gas assets on the Southdown Site and may commission specialist advice on the operation of such assets if the asset owners decline the opportunity to consult;
- (g) The RAR shall be provided in draft to the owners of electricity and gas assets on the Southdown Site with an opportunity to provide comment on the draft within 30 working days (unless otherwise agreed);
- (h) Following the comment period, the RAR shall be finalised and provided as part of the Outline Plan prepared under section 176A of the RMA. Any comments and inputs received from the asset owners shall be summarised within the Outline Plan, setting out how this input has been incorporated into the design, and where any input has not been incorporated, the reasons why.

SD.1B

- (a) With regard to Condition SD.1A (e)(ii) above, the Control Measures to be implemented within the designation shall be set out in the Outline Plan in accordance with Condition SD.2. For the avoidance of doubt, these Control Measures shall include the items listed in Condition SD.2(a).
- (b) If Condition SD.1A(e)(iii) applies, as part of the Outline Plan, the Requiring Authority shall confirm that Mercury agrees to the implementation of the Control Measures.
- (c) If Condition SD.1A(e)(iv) applies, as part of the Outline Plan, the Requiring Authority shall confirm that Mercury agrees that the Control Measures may be deferred.

SD.1C

In the event that:

- (a) Mercury does not agree to the implementation of any Control Measures on the Southdown Site outside the designation; or
- (b) The RAR identifies any Unacceptable Risk that cannot be addressed through the implementation of Control Measures then

Construction of the EWL viaduct west of Hugo Johnston Drive and the Great South Road intersection (between approximately Chainage 4200 and 5075) shall not commence until the Requiring Authority adjusts the alignment of the EWL to ensure that the health and safety risks associated with construction and co-location of the EWL on the Southdown Site do not require the implementation of Control Measures outside the designation to achieve an Acceptable or Tolerable Risk Level.

Advice Note:

If the alignment cannot be adjusted to achieve an Acceptable or Tolerable Risk Level/ the risk criteria determined by the Suitably Qualified Person(s) appointed under condition SD.1A, then the Requiring Authority would have the option of:

- seeking amendments to the designation (and any other necessary RMA authorisations) to enable it to decommission the Southdown Power Station;

and if it was successful in obtaining those authorisations, could:

- seek to compulsorily acquire the land required to decommission the Southdown Power Station.

Design and Outline Plan

SD.2A

The design shall ensure that:

- (a) The Transpower Control Building and Relay Room is retained in its current location and that management of construction works will appropriately provide for the ongoing operation of activities in this building;
- (b) The EWL viaduct is located so that the northern edge of the structure is no further north than the road alignment shown on the drawings listed in Condition DC.1 and referred to in Condition DC.4, unless otherwise agreed between the Requiring Authority, Mercury and Transpower; and
- (c) The EWL viaduct is designed and constructed to provide an over dimensional route of a minimum of 5.7 metres clearance. This shall be provided either as shown on drawings SK-PI-008-201 (Rev C) and Z5A-SK-80-202(Rev C) (both located in Appendix 1 of these conditions) or another alternative agreed by Mercury.
- (d) The EWL Viaduct is designed and constructed to provide internal circulation routes to onsite plant at the Southdown Site and maintain pedestrian access.
- (e) Three permanent entrances to the Southdown Site (as required under condition SD.2(e)(i)) are provided to an appropriate standard for all vehicles that use the Southdown Site.

SD.2

An Outline Plan shall be prepared under section 176A of the RMA for the designated land within the Southdown Site. The Outline Plan shall include:

- (a) Design details for the following Control Measures, unless identified as not being required by the RAR prepared under Condition SD.1A above or otherwise agreed between the Requiring Authority and Mercury:
 - (i) The EWL viaduct incorporating a TL5 road barrier (or equivalent) of at least 1.1m to provide crash protection;
 - (ii) The EWL viaduct providing a minimum separation distance of 7m between any new structure associated with EWL to existing Gas Engine Turbine 105 (GE 105);
 - (iii) A concrete noise barrier with a minimum height of 2.5m above the height of the adjoining EWL carriageway located between approximately Chainage ~~4550~~ 4450 and 4700. The purpose of the barrier is to manage potential effects on road users arising from noise generating activities at the Southdown Site and will also act as a debris screen;
 - (iv) A shared path located on the southern side of the EWL viaduct ;
 - (v) Any additional Control Measures recommended by the RAR under Condition SD.1 that need to be incorporated into the design of the EWL.
- (aa) Details of the following:
 - (i) The EWL viaduct location in accordance with Condition SD.2A(b); and
 - (ii) The EWL viaduct vertical clearance in accordance with Condition SD.2A(c).
- (b) Confirmation from the Suitably Qualified Person, who undertook the RAR under Condition SD.1A that the design details in (a) above are appropriate controls in accordance with the outcomes and recommendations of the RAR;
- (c) Confirmation of approval from First Gas Limited for the relocation of its assets, being the existing gas pigging station (metering station) on the East Tamaki to Taupaki Gas Pipeline and the natural gas supply for the power station on the Southdown Site. This shall include details of the commissioning of any new gas facilities to provide an uninterrupted supply of gas to the Southdown Site unless otherwise agreed with First Gas Limited and Mercury. The relocation of the gas facilities shall occur prior to the Commencement of Construction on the Southdown Site associated with the Project;
- (d) Confirmation that the Transpower Control Building and Relay Room will be retained in its current location and Auckland Unitary Plan Operative in part

that management of construction works will appropriately provide for the ongoing operation of activities in this building;

(dd) A record of the offer made to Mercury prior to the Commencement of Construction and the response received from Mercury for removal of the existing wet surface air cooler and the design and construction of a new cooling system at the Southdown Site, and details of the associated works;

(e) Final details of the following, unless otherwise agreed between the Requiring Authority, Mercury, Transpower, KiwiRail and First Gas Limited:

(i) Three permanent site access points for the Southdown Site as shown on Drawing SK-PI-008-201 (Rev C) (located in Appendix 1 of these conditions);

(ii) Any changes to the earthgrids on the Southdown Site;

(iii) The relocated storeroom on the Southdown Site;

(iv) Landscape planting and treatment of batters and reinstatement of existing planting on the Southdown Site;

(v) Permanent fencing for the Southdown Site.

(f) Where any of the items listed in Condition SD.2(e) are located outside of the designation, the details shall be included in the Outline Plan for information purposes only to demonstrate to the Manager how the required outcomes have been achieved. Where the relevant asset owner has declined to consult under Condition SD.1A(f), the Outline Plan shall record the details of the Requiring Authority's efforts to consult; and

(g) The Requiring Authority to ensure that the municipal water, external and internal stormwater, and sewer connections are all maintained at all times at the Southdown Site, unless Mercury agrees to an alternative.

SD.3

The design details set out in Condition SD.2(c) and (d) shall be developed in consultation with the relevant asset owner. Any comments and inputs received from the asset owner shall be summarised within the Outline Plan, setting out how this input been incorporated into the design, and where any input has not been incorporated, the reasons why.

SD.4

The Requiring Authority shall implement the Control Measures and other works set out in Condition SD.1A and SD.2 as part of the Construction Works.

SD.5

The Requiring Authority shall work with Mercury, Transpower, KiwiRail and Auckland Transport to confirm the design and construction methodology for Construction Works on and around the Southdown Rail Supply Substation.

Construction Works that would compromise the ongoing operation of the transformer and other assets located within the Southdown Rail Supply Substation shall not occur until such time as measures are in place as agreed with those parties to mitigate any potential risks to the rail network and ensure continuity of electricity supply.

Southdown Construction Management Plan

SD.6

(a) A **Southdown Construction Management Plan** (Southdown CMP) shall be prepared for the Southdown Site in accordance with Condition NU.3. For the purposes of preparing the Southdown CMP, any reference to Network Utility in Condition NU.3 shall be interpreted as a reference to both network utilities and other infrastructure at the Southdown Site.

(b) The Southdown CMP shall be prepared in consultation with Mercury, Transpower, KiwiRail and First Gas Limited.

(c) The Southdown CMP shall include procedures, methods and measures to manage effects of Construction Works on the Southdown Site.

(d) In addition to the matters listed in Condition NU.3, NU.5 and NU.7 the Southdown Site CMP shall also include details of the following:

Auckland Unitary Plan Operative in part

- (i) Dust controls and contingency measures under Condition AQ.2 of the resource consents granted for the Project, so that Construction Works do not interfere with ongoing use of the solar panels and batteries associated with the Solar Research and Development Centre and high voltage transmission assets (e.g regular inspection and provision for cleaning of solar panels);
- (ii) Specific site security, authorisations and health and safety procedures required for access to the Southdown Site during construction; and
- (iii) Identification of any equipment, buildings or other structures on the Southdown Site that are vibration sensitive and will require a Site Specific Vibration Management Plan under Condition CVN.7A.
- (iv) Provision for over-dimension and over-weight vehicles to have access to the Southdown Site during construction of the EWL.
- (e) The Southdown CMP shall be provided to the Manager in accordance with Condition NU.4.

Advice Notes:

For the avoidance of doubt, construction related activities occurring on or adjacent to the Southdown Site shall also be undertaken in accordance with relevant designation conditions including:

- General conditions (DC);
- Communication and Social (CS);
- Mana Whenua Collaboration (MW) ;
- Historic Heritage (HH);
- Landscape and Visual (LV) ;
- Construction Noise and Vibration (CNV); and
- Construction Traffic (CT).

For the avoidance of doubt, construction related activities occurring on or adjacent to the Southdown Site shall also be undertaken in accordance with the following relevant resource consent conditions:

- General resource consent conditions RC.1 – RC.15 (excluding RC.8);
- Dust management – Conditions AQ.1 – AQ.4;
- Earthworks and land disturbance – Conditions E.1 – E.14;
- Works in contaminated land – Conditions CL.1 – CL.8; and
- Stormwater and impervious surfaces – Conditions SW.1 - SW.17.

SD.7

The Requiring Authority shall not commence Construction Works on the Southdown Site until:

- (a) The requirements of Conditions SD.1A, SD.1B and SD.1C, SD.2, ~~and SD.3~~ and SD.4 have been achieved;
- (b) Any variations to existing resource consents for the Southdown site, which are required as a direct result of the location of the EWL on the site, have been granted. The existing resource consents to which this condition applies are those which exist in August 2017, being R/LUC/1994/560763, LUC57030408001, Air discharge consent 39725 and the consent to divert and discharge stormwater 28244; and
- (c) Any new statutory approvals required to implement the Control Measures in Condition SD.1A or as a direct result of the Construction Works on the Southdown Site, have been granted.

SD.8

The Requiring Authority shall not require the owners of electricity and gas assets within the Southdown Site to seek written consent under section 176 of the RMA for on-going access to enable work associated with the routine maintenance of assets at the Southdown Site. To the extent that written approval is required, this condition shall constitute written approval.

PROPERTY SPECIFIC (PS)

PS.1

The Requiring Authority will, pursuant to the Public Works Act 1981 (PWA), enter into good faith negotiations with the owner of Ward (Ward and Interests) regarding reconfiguration of Ward's site at 13-17A Miami Parade, at the cost of the Requiring Authority, to reduce the impact on Ward's operations resulting from the 715m² permanent and 99m² temporary land requirement.

PS.2

NZTA shall use its best endeavours to legally formalise vehicular access, including for heavy vehicles, between 8 Sylvia Park Road and Pacific Rise, prior to the date on which right turns into and out of 8 Sylvia Park Road frontage are no longer possible.

Attachments

Appendix 1: LIST OF DRAWINGS REFERRED TO IN THE DESIGNATION CONDITIONS¹

PART A: DRAWINGS REFERRED TO IN CONDITION DC.1

Title	Drawing Number	Date	Revision Number
NOTICE OF REQUIREMENT 1 - DESIGNATION PLANS			
NOR1 - PROPOSED DESIGNATION OVERVIEW	AEE-NOR-100	08/09/2017	2
NOR1 – NEILSON STREET INTERCHANGE – SHEET 1	AEE-NOR-101	08/09/2017	2
NOR1 – NEILSON STREET INTERCHANGE – SHEET 2	AEE-NOR-102	08/09/2017	2
NOR1 – NEILSON STREET INTERCHANGE LOCAL ROADS – SHEET 3	AEE-NOR-103	08/09/2017	2
NOR1 – EAST WEST LINK/GALWAY STREET – SHEET 4	AEE-NOR-104	08/09/2017	2
NOR1 – EMBANKMENT – SHEET 5	AEE-NOR-105	08/09/2017	2
NOR1 – ALFRED STREET – SHEET 6	AEE-NOR-106	08/09/2017	2
NOR1 – CAPTAIN SPRINGS ROAD – SHEET 7	AEE-NOR-107	08/09/2017	2
NOR1 – EMBANKMENT – SHEET 8	AEE-NOR-108	08/09/2017	2
NOR1 – PORTS LINK – SHEET 9	AEE-NOR-109	08/09/2017	2
NOR1 – EMBANKMENT/ANNS CREEK – SHEET 10	AEE-NOR-110	08/09/2017	2
NOR1 – ANNS CREEK – SHEET 11	AEE-NOR-111	08/09/2017	2
NOR1 – ANNS CREEK/SYLVA PARK ROAD – SHEET 12	AEE-NOR-112	08/09/2017	2
NOR1 – ANNS CREEK/SYLVA PARK ROAD – SHEET 13	AEE-NOR-113	08/09/2017	2
NOR1 – SH1/SYLVA PARK RAMPS – SHEET 14	AEE-NOR-114	08/09/2017	2
NOTICE OF REQUIREMENT 2 - DESIGNATION PLANS			
NOR2 - PROPOSED DESIGNATION ALTERATION OVERVIEW	AEE-NOR-200	08/09/2017	2
NOR2 – SH1/SYLVA PARK RAMPS – SHEET 1	AEE-NOR-201	08/09/2017	2
NOR2 – SH1/PANAMA ROAD – SHEET 2	AEE-NOR-202	08/09/2017	2
NOR2 – SH1/OTAHUHU CREEK – SHEET 3	AEE-NOR-203	08/09/2017	2
NOR2 – PRINCES ST INTERCHANGE – SHEET 4	AEE-NOR-204	08/09/2017	2
PLAN SET 3 - ROAD ALIGNMENT			
ROAD ALIGNMENT – EAST WEST LINK – DRAWING INDEX, NOTES AND LEGEND	AEE-AL-001	13/09/2017	4
ROAD ALIGNMENT - EAST WEST LINK - OVERVIEW PLAN	AEE-AL-100	13/09/2017	4

Title	Drawing Number	Date	Revision Number
ROAD ALIGNMENT - SH20/NEILSON STREET INTERCHANGE - SHEET 1	AEE-AL-101	13/09/2017	3
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - SHEET 2	AEE-AL-102	13/09/2017	3
ROAD ALIGNMENT - GALWAY STREET - SHEET 3	AEE-AL-103	13/09/2017	3
ROAD ALIGNMENT - EMBANKMENT - SHEET 4	AEE-AL-104	13/09/2017	4
ROAD ALIGNMENT - EMBANKMENT - SHEET 5	AEE-AL-105	13/09/2017	3
ROAD ALIGNMENT - EMBANKMENT/ANNS CREEK - SHEET 6	AEE-AL-106	13/09/2017	3
ROAD ALIGNMENT - ANNS CREEK - SHEET 7	AEE-AL-107	13/09/2017	4
ROAD ALIGNMENT - ANNS CREEK/SYLVIA PARK ROAD - SHEET 8	AEE-AL-108	13/09/2017	4
ROAD ALIGNMENT - SH1/SYLVIA PARK RAMPS - SHEET 9	AEE-AL-109	13/09/2017	4
ROAD ALIGNMENT - SH1/SYLVIA PARK RAMPS - SHEET 10	AEE-AL-110	13/09/2017	3
ROAD ALIGNMENT - SH1/PANAMA ROAD - SHEET 11	AEE-AL-111	13/09/2017	3
ROAD ALIGNMENT - SH1/OTAHUHU CREEK - SHEET 12	AEE-AL-112	27/06/2017	2
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE - SHEET 13	AEE-AL-113	13/09/2017	3
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - LOCAL ROADS - SHEET 14A AND 14B	AEE-AL-114	13/09/2017	3
ROAD ALIGNMENT - CAPTAIN SPRINGS ROAD/ PORTS LINK - SHEET 15A AND 15B	AEE-AL-115	13/09/2017	3
ROAD ALIGNMENT - EMBANKMENT - SHEET 16	AEE-AL-116	27/06/2017	2
PLAN SET 4 - LANDSCAPE			
LANDSCAPE - EAST WEST LINK - DRAWING INDEX AND LEGEND	AEE-LA-001	22/09/2017	3
LANDSCAPE - EAST WEST LINK - OVERVIEW PLAN AND LEGEND	AEE-LA-100	22/09/2017	3
LANDSCAPE - SH20/NEILSON STREET INTERCHANGE - SHEET 1	AEE-LA-101	22/09/2017	2
LANDSCAPE - NEILSON STREET INTERCHANGE - SHEET 2	AEE-LA-102	22/09/2017	2
LANDSCAPE - EAST WEST LINK / GALWAY STREET - SHEET 3	AEE-LA-103	22/09/2017	2

Title	Drawing Number	Date	Revision Number
LANDSCAPE - EMBANKMENT - SHEET 4	AEE-LA-104	22/09/2017	2
LANDSCAPE - EMBANKMENT - SHEET 5	AEE-LA-105	22/09/2017	2
LANDSCAPE - EMBANKMENT/ANNS CREEK - SHEET 6	AEE-LA-106	22/09/2017	2
LANDSCAPE - ANNS CREEK - SHEET 7	AEE-LA-107	22/09/2017	2
LANDSCAPE - ANNS CREEK/SYLVIA PARK ROAD - SHEET 8	AEE-LA-108	22/09/2017	2
LANDSCAPE - SH1/SYLVIA PARK RAMPS - SHEET 9	AEE-LA-109	22/09/2017	2
LANDSCAPE - SH1/SYLVIA PARK RAMPS - SHEET 10	AEE-LA-110	22/09/2017	2
LANDSCAPE - SH1/PANAMA ROAD - SHEET 11	AEE-LA-111	22/09/2017	2
LANDSCAPE - SH1/OTAHUHU CREEK - SHEET 12	AEE-LA-112	22/09/2017	2
LANDSCAPE - PRINCES STREET INTERCHANGE - SHEET 13	AEE-LA-113	22/09/2017	2
LANDSCAPE - NEILSON STREET INTERCHANGE - LOCAL ROADS - SHEET 14A AND 14B	AEE-LA-114	22/09/2017	2
LANDSCAPE - CAPTAIN SPRINGS ROAD/ PORTS LINK - SHEET 15A AND 15B	AEE-LA-115	22/09/2017	2
LANDSCAPE - EMBANKMENT - SHEET 16	AEE-LA-116	22/09/2017	2
LANDSCAPE - 2D CROSS SECTIONS - SHEET 1	AEE-LA-201	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 2	AEE-LA-202	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 3	AEE-LA-203	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 4	AEE-LA-204	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 5	AEE-LA-205	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 6	AEE-LA-206	27/06/2017	2
LANDSCAPE - 2D CROSS SECTIONS - SHEET 7	AEE-LA-207	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 8	AEE-LA-208	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 9	AEE-LA-209	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 10	AEE-LA-210	27/06/2017	1
LANDSCAPE - 2D CROSS SECTIONS - SHEET 11	AEE-LA-211	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 1	AEE-LA-301	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 2	AEE-LA-302	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 3	AEE-LA-303	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 4	AEE-LA-304	27/06/2017	1

Title	Drawing Number	Date	Revision Number
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 5	AEE-LA-305	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 6	AEE-LA-306	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 7	AEE-LA-307	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 8	AEE-LA-308	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 9	AEE-LA-309	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 10	AEE-LA-310	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 11	AEE-LA-311	27/06/2017	1
LANDSCAPE - 3D SECTION PERSPECTIVES - SHEET 12	AEE-LA-312	27/06/2017	1
LANDSCAPE - PLANTING PALETTE - SHEET 1	AEE-LA-401	27/06/2017	1
LANDSCAPE - PLANTING PALETTE - SHEET 2	AEE-LA-402	27/06/2017	1
LANDSCAPE - PLANTING PALETTE - SHEET 3	AEE-LA-403	27/06/2017	1
LANDSCAPE - PLANTING PALETTE - SHEET 4	AEE-LA-404	27/06/2017	1
LANDSCAPE - PLANTING PALETTE - SHEET 5	AEE-LA-405	27/06/2017	1
LANDSCAPE - PLANTING PALETTE - SHEET 6	AEE-LA-406	27/06/2017	1
LANDSCAPE - PLANTING PALETTE - SHEET 7	AEE-LA-407	27/06/2017	1
PLAN SET 6 - PLAN AND LONG SECTION			
ROAD ALIGNMENT - EAST WEST LINK - PLAN AND LONG SECTION - DRAWING INDEX	AEE-C-001	22/09/2017	3
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 1	AEE-C-201	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 2	AEE-C-202	13/09/2017	2
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 3	AEE-C-203	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 4	AEE-C-204	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 5	AEE-C-205	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 6	AEE-C-206	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 7	AEE-C-207	27/06/2017	1

Title	Drawing Number	Date	Revision Number
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 8	AEE-C-208	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 9	AEE-C-209	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 10	AEE-C-210	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 11	AEE-C-211	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 12	AEE-C-212	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 13	AEE-C-213	27/06/2017	1
ROAD ALIGNMENT - PLAN AND LONG SECTION - OVERALL ALIGNMENT - MC00 - SHEET 14	AEE-C-214	27/06/2017	1
ROAD ALIGNMENT - CAPTAIN SPRINGS - PLAN AND LONG SECTION - MCP0 - SHEET 1	AEE-C-231	27/06/2017	1
ROAD ALIGNMENT - CAPTAIN SPRINGS - PLAN AND LONG SECTION - MCP0 - SHEET 2	AEE-C-232	27/06/2017	1
ROAD ALIGNMENT - PORTS LINK - PLAN AND LONG SECTION - MCR0 - SHEET 1	AEE-C-233	27/06/2017	1
ROAD ALIGNMENT - PORTS LINK - PLAN AND LONG SECTION - MCR0 - SHEET 2	AEE-C-234	27/06/2017	1
ROAD ALIGNMENT - SYLVIA PARK NB OFF RAMP - PLAN AND LONG SECTION - MC00 - SHEET 1	AEE-C-241	27/06/2017	2
ROAD ALIGNMENT - SYLVIA PARK NB OFF RAMP - PLAN AND LONG SECTION - MC00 - SHEET 2	AEE-C-242	27/06/2017	2
ROAD ALIGNMENT - SYLVIA PARK NB OFF RAMP - PLAN AND LONG SECTION - MC00 - SHEET 3	AEE-C-243	27/06/2017	2
ROAD ALIGNMENT - MT WELLINGTON OFF RAMP - PLAN AND LONG SECTION - MCK0 - SHEET 1	AEE-C-245	27/06/2017	1
ROAD ALIGNMENT - MT WELLINGTON OFF RAMP - PLAN AND LONG SECTION - MCK0 - SHEET 2	AEE-C-246	27/06/2017	1
ROAD ALIGNMENT - MT WELLINGTON OFF RAMP - PLAN AND LONG SECTION - MCK0 - SHEET 3	AEE-C-247	27/06/2017	1
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE -	AEE-C-251	27/06/2017	1

Title	Drawing Number	Date	Revision Number
PLAN AND LONG SECTION - MC40			
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE - PLAN AND LONG SECTION - MC50 - SHEET 1	AEE-C-252	27/06/2017	1
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE - PLAN AND LONG SECTION - MC50 - SHEET 2	AEE-C-253	27/06/2017	1
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE - PLAN AND LONG SECTION - MCA0	AEE-C-254	27/06/2017	1
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE - PLAN AND LONG SECTION - MCB0	AEE-C-255	27/06/2017	1
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE - PLAN AND LONG SECTION - MCE0	AEE-C-256	27/06/2017	1
ROAD ALIGNMENT - PRINCES STREET INTERCHANGE - PLAN AND LONG SECTION - MCF0	AEE-C-257	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCA0	AEE-C-261	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCB0 - SHEET 1	AEE-C-262	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCB0 - SHEET 2	AEE-C-263	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCC0	AEE-C-264	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCD0 - SHEET 1	AEE-C-266	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCD0 - SHEET 2	AEE-C-267	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCE0 - SHEET 1	AEE-C-268	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCE0 - SHEET 2	AEE-C-269	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCH0 - SHEET 1	AEE-C-270	27/06/2017	1
ROAD ALIGNMENT - NEILSON STREET INTERCHANGE - PLAN AND LONG SECTION - MCH0 - SHEET 2	AEE-C-271	27/06/2017	1
ROAD ALIGNMENT - GALWAY LINK - PLAN AND LONG SECTION - MCJ0	AEE-C-272	27/06/2017	1

Title	Drawing Number	Date	Revision Number
ROAD ALIGNMENT - ONEHUNGA MALL - PLAN AND LONG SECTION - MC30 - SHEET 1	AEE-C-277	27/06/2017	1
ROAD ALIGNMENT - ONEHUNGA HARBOUR ROAD - PLAN AND LONG SECTION - MC30 - SHEET 2	AEE-C-278	27/06/2017	1
ROAD ALIGNMENT - ONEHUNGA HARBOUR ROAD - PLAN AND LONG SECTION - MC30 - SHEET 3	AEE-C-279	27/06/2017	1
ROAD ALIGNMENT - ORPHEUS DRIVE - PLAN AND LONG SECTION - MC50 - SHEET 1	AEE-C-280	27/06/2017	1
ROAD ALIGNMENT - ORPHEUS DRIVE - PLAN AND LONG SECTION - MC50 - SHEET 2	AEE-C-281	27/06/2017	1
ROAD ALIGNMENT - ORPHEUS DRIVE - PLAN AND LONG SECTION - MC50 - SHEET 3	AEE-C-282	27/06/2017	1
ROAD ALIGNMENT - EWL/GREAT SOUTH ROAD EB CONNECTION - PLAN AND LONG SECTION - MC30 SHEET 1	AEE-C-285	27/06/2017	1
ROAD ALIGNMENT - EWL/GREAT SOUTH ROAD EB CONNECTION - PLAN AND LONG SECTION - MC30 SHEET 2	AEE-C-286	27/06/2017	1
ROAD ALIGNMENT - EWL/GREAT SOUTH ROAD WB CONNECTION - PLAN AND LONG SECTION - MC40 SHEET 1	AEE-C-287	27/06/2017	1
ROAD ALIGNMENT - EWL/GREAT SOUTH ROAD WB CONNECTION - PLAN AND LONG SECTION - MC40 SHEET 2	AEE-C-288	27/06/2017	1
PLAN SET 7 - TYPICAL CROSS SECTION			
ROAD ALIGNMENT - TYPICAL CROSS SECTION - DRAWING INDEX	AEE-C-002	27/06/2017	2
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SECTION MARKER	AEE-C-300	27/06/2017	2
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 1	AEE-C-301	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 2	AEE-C-302	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 3	AEE-C-303	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 4	AEE-C-304	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 5	AEE-C-305	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 6	AEE-C-306	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 7	AEE-C-307	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 8	AEE-C-308	27/06/2017	1

Title	Drawing Number	Date	Revision Number
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 9	AEE-C-309	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 10	AEE-C-310	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 11	AEE-C-311	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 12	AEE-C-312	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 13	AEE-C-313	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - SHEET 14	AEE-C-314	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - CAPTAIN SPRINGS ROAD - SHEET 15	AEE-C-315	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - PORTS LINK - SHEET 16	AEE-C-316	27/06/2017	1
ROAD ALIGNMENT - TYPICAL CROSS SECTION - GREAT SOUTH ROAD INTERSECTION - SHEET 17	AEE-C-317	27/06/2017	1
GEOTECHNICAL - EMBANKMENT TYPICAL CROSS SECTION - SHEET 1	AEE-C-321	27/06/2017	1
GEOTECHNICAL - EMBANKMENT TYPICAL CROSS SECTION - SHEET 2	AEE-C-322	27/06/2017	1
GEOTECHNICAL - EMBANKMENT TYPICAL CROSS SECTION - SHEET 3	AEE-C-323	27/06/2017	1
GEOTECHNICAL - EMBANKMENT TYPICAL CROSS SECTION - SHEET 4	AEE-C-324	27/06/2017	1
PLAN SET 8 - STRUCTURAL			
STRUCTURAL - EAST WEST LINK - DRAWING INDEX, NOTES AND LEGEND	AEE-S-001	27/06/2017	2
STRUCTURAL - KEY PLAN	AEE-S-010	27/06/2017	2
STRUCTURAL - SH20/NEILSON ST INTERCHANGE OVERBRIDGE - PLAN AND LONG SECTION	AEE-S-011	27/06/2017	1
STRUCTURAL - SH20/NEILSON ST INTERCHANGE OVERBRIDGE - TYPICAL CROSS SECTION	AEE-S-012	27/06/2017	1
STRUCTURAL - ONEHUNGA HARBOUR ROAD PEDESTRIAN/CYCLE BRIDGE - PLAN	AEE-S-014	27/06/2017	1
STRUCTURAL - ALFRED STREET PEDESTRIAN/CYCLE BRIDGE - PLAN	AEE-S-015	27/06/2017	1
STRUCTURAL - NEILSON STREET/ONEHUNGA WHARF TRENCH - PLAN AND LONG SECTION	AEE-S-016	27/06/2017	1

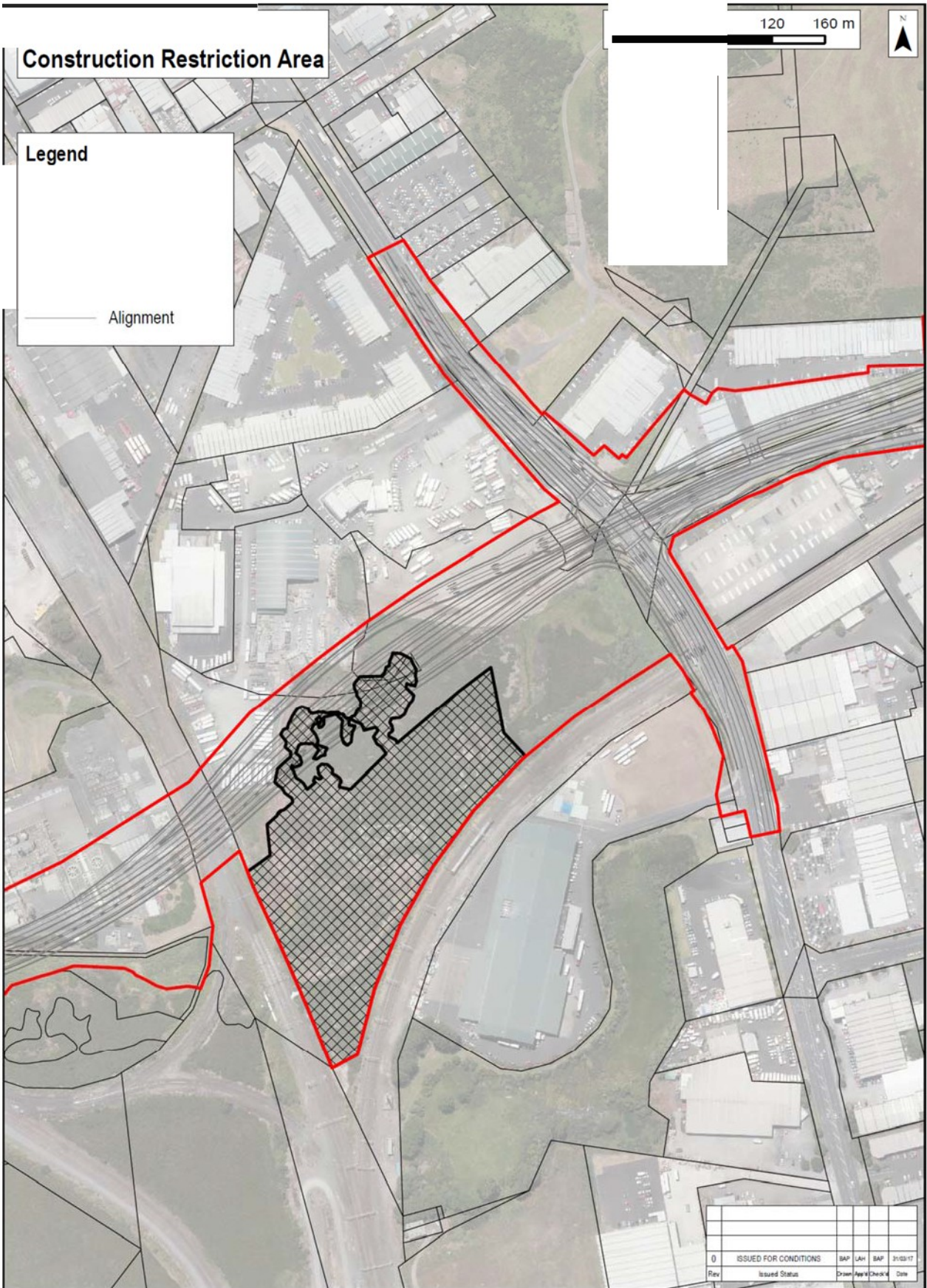
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STRUCTURAL - NEILSON STREET/ONEHUNGA WHARF TRENCH - TYPICAL CROSS SECTIONS - SHEET 1	AEE-S-017	27/06/2017	1
STRUCTURAL - NEILSON STREET/ONEHUNGA WHARF TRENCH - TYPICAL CROSS SECTIONS - SHEET 2	AEE-S-018	27/06/2017	1
STRUCTURAL - ANNS CREEK VIADUCT - WEST - PLAN AND LONG SECTION - SHEET 1	AEE-S-021	27/06/2017	1
STRUCTURAL - ANNS CREEK VIADUCT - WEST - PLAN AND LONG SECTION - SHEET 2	AEE-S-022	27/06/2017	1
STRUCTURAL - ANNS CREEK VIADUCT - WEST - PLAN AND LONG SECTION - SHEET 3	AEE-S-023	27/06/2017	1
STRUCTURAL - ANNS CREEK VIADUCT - EAST - PLAN AND LONG SECTION - SHEET 4	AEE-S-024	27/06/2017	2
STRUCTURAL - ANNS CREEK VIADUCT - EAST - PLAN AND LONG SECTION - SHEET 5	AEE-S-025	27/06/2017	2
STRUCTURAL - ANNS CREEK VIADUCT - TYPICAL CROSS SECTION - CONCRETE - SHEET 1	AEE-S-031	27/06/2017	1
STRUCTURAL - ANNS CREEK VIADUCT - TYPICAL CROSS SECTION - CONCRETE - SHEET 2	AEE-S-032	27/06/2017	2
STRUCTURAL - ANNS CREEK VIADUCT - TYPICAL CROSS SECTION - STEEL	AEE-S-033	27/06/2017	2
STRUCTURAL - EWLINK EB TO SH1 SB ON RAMP PLAN AND LONG SECTION - SHEET 1	AEE-S-041	27/06/2017	2
STRUCTURAL - EWLINK EB TO SH1 SB ON RAMP PLAN AND LONG SECTION - SHEET 2	AEE-S-042	27/06/2017	2
STRUCTURAL - EWLINK EB TO SH1 SB ON RAMP PLAN AND LONG SECTION - SHEET 3	AEE-S-043	27/06/2017	2
STRUCTURAL - EWLINK EB TO SH1 SB ON RAMP TYPICAL CROSS SECTION - CONCRETE	AEE-S-045	27/06/2017	2
STRUCTURAL - EWLINK EB TO SH1 SB ON RAMP TYPICAL CROSS SECTION - STEEL	AEE-S-046	27/06/2017	2
STRUCTURAL - SH1 NB TO EWLINKWB OFF RAMP - PLAN AND LONG SECTION - SHEET 1	AEE-S-051	27/06/2017	2
STRUCTURAL - SH1 NB TO EWLINKWB OFF RAMP - PLAN AND LONG SECTION - SHEET 2	AEE-S-052	27/06/2017	2
STRUCTURAL - SH1 NB TO EWLINKWB OFF RAMP -	AEE-S-055	27/06/2017	2

Title	Drawing Number	Date	Revision Number
TYPICAL CROSS SECTION - SHEET 1			
STRUCTURAL - SH1 NB TO EW LINK W B OFF RAMP - TYPICAL CROSS SECTION - SHEET 2	AEE-S-056	27/06/2017	2
STRUCTURAL - PANAMA ROAD OVERBRIDGE - PLAN AND LONG SECTION	AEE-S-061	27/06/2017	1
STRUCTURAL - PANAMA ROAD OVERBRIDGE - TYPICAL CROSS SECTION	AEE-S-062	27/06/2017	1
STRUCTURAL - OTAHUHU CREEK - PLAN AND LONG SECTION	AEE-S-065	27/06/2017	1
STRUCTURAL - OTAHUHU CREEK - TYPICAL CROSS SECTION	AEE-S-066	27/06/2017	1
STRUCTURAL - PRINCES STREET OVERBRIDGE - PLAN AND LONG SECTION	AEE-S-071	27/06/2017	1
STRUCTURAL - PRINCES STREET OVERBRIDGE - TYPICAL CROSS SECTION	AEE-S-072	27/06/2017	1
STRUCTURAL - GREAT SOUTH ROAD RAIL OVERBRIDGE WIDENING - PLAN AND CROSS SECTION	AEE-S-081	27/06/2017	1
PLAN SET 12 - UTILITIES RELOCATION			
UTILITIES RELOCATION - EAST WEST LINK - DRAWING INDEX, NOTES AND LEGEND	AEE-U-001	22/09/2017	3
UTILITIES RELOCATION - OVERVIEW PLAN	AEE-U-100	22/09/2017	3
UTILITIES RELOCATION - SH20/NEILSON STREET INTERCHANGE - SHEET 1	AEE-U-101	22/09/2017	2
UTILITIES RELOCATION - NEILSON STREET INTERCHANGE - SHEET 2	AEE-U-102	22/09/2017	2
UTILITIES RELOCATION/ GALWAY STREET - SHEET 3	AEE-U-103	22/09/2017	2
UTILITIES RELOCATION - EMBANKMENT - SHEET 4	AEE-U-104	22/09/2017	2
UTILITIES RELOCATION - EMBANKMENT - SHEET 5	AEE-U-105	22/09/2017	2
UTILITIES RELOCATION - EMBANKMENT/ANNSCREEK - SHEET 6	AEE-U-106	22/09/2017	2
UTILITIES RELOCATION - ANNS CREEK - SHEET 7	AEE-U-107	22/09/2017	3
UTILITIES RELOCATION - ANNS CREEK/SYLVA PARK ROAD - SHEET 8	AEE-U-108	22/09/2017	3
UTILITIES RELOCATION - ANNS CREEK/SYLVA PARK	AEE-U-109	22/09/2017	3

Title	Drawing Number	Date	Revision Number
RAMPS - SHEET 9			
UTILITIES RELOCATION - SH1/SYLVA PARK RAMPS - SHEET 10	AEE-U-110	22/09/2017	2
UTILITIES RELOCATION - SH1/PANAMA ROAD - SHEET 11	AEE-U-111	22/09/2017	2
UTILITIES RELOCATION - SH1/OTAHUHU CREEK - SHEET 12	AEE-U-112	27/06/2017	1
UTILITIES RELOCATION - PRINCES STREET INTERCHANGE - SHEET 13	AEE-U-113	22/09/2017	2
UTILITIES RELOCATION - NELSON STREET INTERCHANGE - LOCAL ROADS - SHEET 14A AND 14B	AEE-U-114	22/09/2017	2
UTILITIES RELOCATION - CAPTAIN SPRINGS ROAD/ PORTS LINK - SHEET 15A AND 15B	AEE-U-115	22/09/2017	2
UTILITIES RELOCATION - EMBANKMENT - SHEET 16	AEE-U-116	27/06/2017	1

PART B: DRAWINGS REFERRED TO IN OTHER DESIGNATION CONDITIONS:

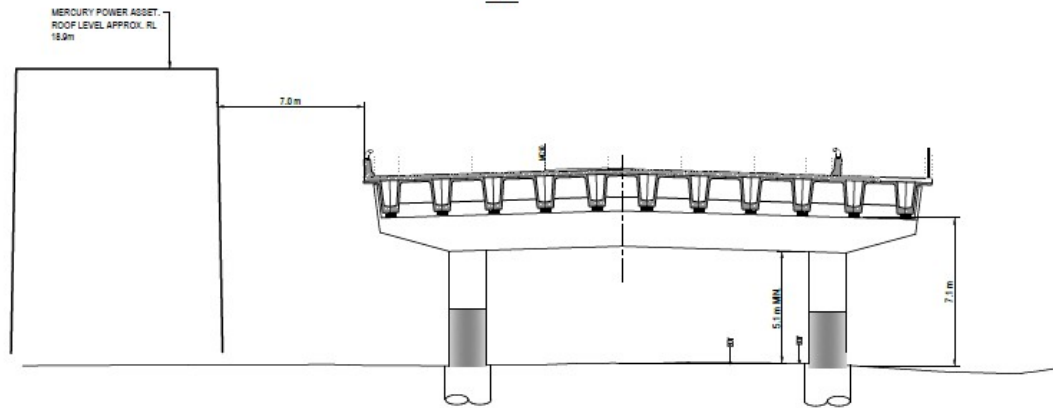
Title	DrawingNumber	Date	Revision Number
DC.15B	Anns Creek East Construction Restriction Area	31/03/2017	0
SD.2A	Z5A-SK-80-202, Mercury Power Site, Typical section and plan	03/08/2017	C
SD.2	SK-PI-008-201, Property interface plans, Southdown, vehicle tracking	01/08/2017	C



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PLAN

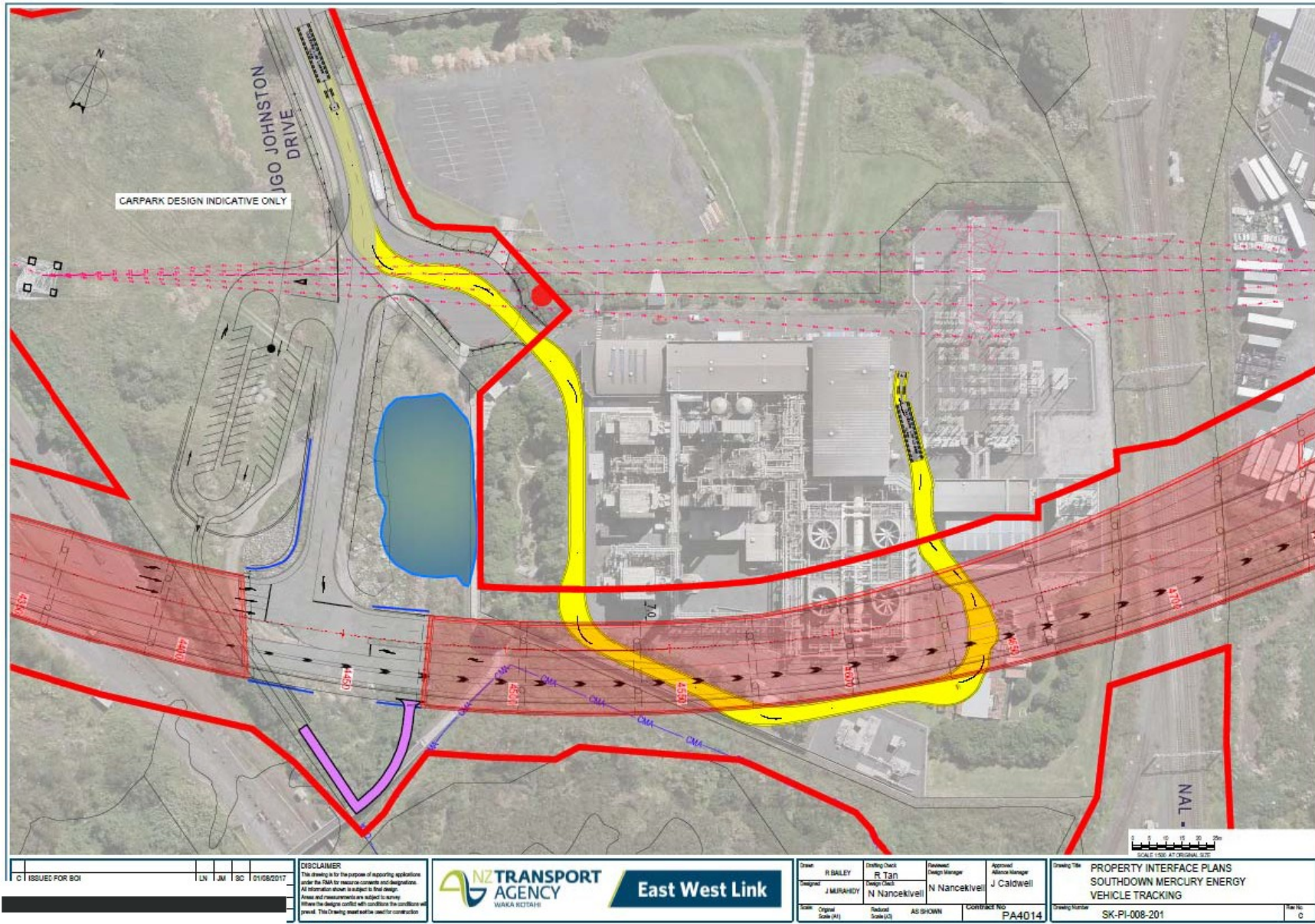


TYPICAL SECTION AT DISTANCE 4540

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<table border="1"> <tr> <th>No.</th> <th>Issued Status</th> <th>Drawn</th> <th>Checked</th> <th>Appr'd</th> <th>Date</th> </tr> <tr> <td>C</td> <td>BOARD OF INQUIRY ISSUE</td> <td>LN</td> <td>NN</td> <td>SC</td> <td>03.08.2017</td> </tr> <tr> <td>B</td> <td>BRIDGE RAISED BY 600mm</td> <td>LN</td> <td>NN</td> <td>SC</td> <td>24.07.2017</td> </tr> <tr> <td>A</td> <td>ORIGINAL ISSUE</td> <td>LN</td> <td>NN</td> <td>SC</td> <td></td> </tr> </table>				No.	Issued Status	Drawn	Checked	Appr'd	Date	C	BOARD OF INQUIRY ISSUE	LN	NN	SC	03.08.2017	B	BRIDGE RAISED BY 600mm	LN	NN	SC	24.07.2017	A	ORIGINAL ISSUE	LN	NN	SC		<p>DISCLAIMER This drawing is for the purpose of supporting applications under the RMA for resource consents and designations. All information shown is subject to final design. Prices and measurements are subject to survey. Where the design conflict with conditions the conditions prevail. This Drawing must not be used for construction.</p>		<p>NZ TRANSPORT AGENCY WAKA KOTAHU</p>		<p>East West Link</p>		<table border="1"> <tr> <td>Drawn</td> <td>LEN</td> <td>Drafting/Check</td> <td>R Tan</td> <td>Reviewed</td> <td>Design Manager</td> </tr> <tr> <td>Designed</td> <td>LEN</td> <td>Checked/Issued</td> <td>N Nanoekivell</td> <td>Approved</td> <td>Alfons Manager</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>J Caldwell</td> </tr> </table>		Drawn	LEN	Drafting/Check	R Tan	Reviewed	Design Manager	Designed	LEN	Checked/Issued	N Nanoekivell	Approved	Alfons Manager						J Caldwell	<table border="1"> <tr> <td>Scale</td> <td>Original Scale (A1)</td> <td>Reduced Scale (A3)</td> <td>1:200</td> <td>Contract No.</td> <td>PA4014</td> </tr> </table>		Scale	Original Scale (A1)	Reduced Scale (A3)	1:200	Contract No.	PA4014	<table border="1"> <tr> <td>Drawing Title</td> <td>MERCURY POWER SITE TYPICAL SECTION AND PLAN CONCEPT - FOR INFORMATION ONLY</td> <td>File No.</td> <td>C</td> </tr> <tr> <td>Drawing Number</td> <td>Z5A-SK-80-202</td> <td></td> <td></td> </tr> </table>		Drawing Title	MERCURY POWER SITE TYPICAL SECTION AND PLAN CONCEPT - FOR INFORMATION ONLY	File No.	C	Drawing Number	Z5A-SK-80-202		
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Memo

Date 16/08/2018

To: Phill Reid, Auckland-wide Manager

From: Cedric Tevaga - Planner

Subject: **Plan Modification: Clause 20A Amendment to D26.8.2(1A)(e) of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	D26 National Grid Corridor Overlay D26.8.2 Assessment criteria (1A)(e)
Subject Site (if applicable)	Not applicable
Legal Description (if applicable)	Not applicable
Nature of change	<p>A correction to a grammatical mistake change is required to correct D26.8.2(1A)(e) within the Auckland Unitary Plan, Operative in Part version.</p> <p>Discussion The assessment criteria for restricted discretionary to subdivide within the National Grid Subdivision Corridor are set out in D26.8.2(1A). Currently D26.8.2(1A)(e) reads as follows:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>(e) the extent to which the mature size of any proposed <u>planning</u> will compromise the efficient operation, maintenance, upgrade and development of the National Grid; and</p> </div> <p>The word 'planning' has erroneously been used and therefore the criteria does not make sense. The correct word that should be used is 'planting'. Therefore the criteria should instead read as:</p> <ul style="list-style-type: none"> • (e) <i>the extent to which the mature size of any proposed planting will compromise the efficient operation, maintenance, upgrade and development of the National Grid; and</i> <p>In brief, the word 'planning' should be replaced by 'planting' in order for the assessment criteria to make sense.</p>
Effect of change	Amend D26.8.2(1A)(e) in the Auckland Unitary Plan, Operative in Part (15 November 2016) version.

<p>Changes required to be made</p>	<p>Amend D26.8.2(1A)(e) in the Auckland Unitary Plan, Operative in Part <i>(e) the extent to which the mature size of any proposed <u>planning planting</u> will compromise the efficient operation, maintenance, upgrade and development of the National Grid; and</i></p>
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Prepared by:

Cedric Tevaga – Planner


Steve Van Kampen – Team Leader

Signature:

Signature:



**T4 Manager Approval
Phill Reid**

Signature



D26. National Grid Corridor Overlay

D26.1. Overlay description

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

Under the National Policy Statement on Electricity Transmission 2008, the Council is required to recognise and provide for the national significance of the National Grid, including through identifying and providing a buffer corridor and associated rules to avoid sensitive activities in the corridor and manage the actual and potential adverse effects of other activities on the National Grid. The National Grid Corridor Overlay crosses the coastal marine area, but no specific rules apply in this area.

Amenity values within the National Grid Corridor Overlay can be expected to be lower than elsewhere, due to the presence of the National Grid but this must be balanced against the benefits that an efficient and reliable National Grid provides.

The purpose of the National Grid Corridor Overlay is to manage sensitive activities and potentially incompatible development (including land disturbance) within close proximity to the National Grid in order to:

- prevent risks to people and property;
- protect the National Grid;
- preserve line access for inspection and maintenance;
- preserve a corridor for the operation, maintenance, upgrade and development of National Grid infrastructure; and
- manage potential reverse sensitivity effects.

Subdivision is managed so that future development achieves the objective and policies of the National Grid Corridor Overlay, including that the National Grid is not compromised and its long-term upgrading and development is facilitated in accordance with the National Policy Statement on Electricity Transmission 2008.

High voltage transmission lines pose a risk of electrical hazard in situations where development occurs too close and may result in injury to persons and/or damage to property, either as a result of direct or indirect contact with National Grid infrastructure.

Conversely, development in close proximity to the National Grid can pose risks to the National Grid itself including the potential for loss of security of supply through outages or physical damage, and through constraints on access for inspection and maintenance and undertaking line upgrades.

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

National Grid Yard (Uncompromised). All parts of the National Grid Yard are subject to limitations on new activities sensitive to the National Grid.

D26.2. Objective [rcp/dp]

- (1) The efficient development, operation, maintenance and upgrading of the National Grid is not compromised by subdivision, use and development.

D26.3. Policies [rcp/dp]

- (1) Require subdivision, use and development within the National Grid Corridor Overlay to be undertaken so that it:
 - (a) meets the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001);
 - (b) does not compromise security of supply and/or the integrity of National Grid assets;
 - (c) does not compromise ongoing access to conductors and support structures for maintenance and upgrading works;
 - (d) does not foreclose future cable routes into substations in roads in urban areas;
 - (e) does not foreclose operation and maintenance options or the carrying out of planned upgrade works;
 - (f) manages all activities to avoid exposure to health and safety risk from the National Grid;
 - (g) manages activities sensitive to the National Grid to minimise exposure to nuisance, such as noise and line drip from the National Grid;
 - (h) avoids the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and around substations;
 - (i) provides for use and development, except for activities sensitive to the National Grid, in the National Grid Yard (Compromised);
 - (j) avoids new structures and buildings within the National Grid Yard (Uncompromised), except for buildings for low intensity rural activities and minor structures; and
 - (k) limits, as far as practicable, potential reverse sensitivity effects.

- (2) Require structure plans to take into account the National Grid Corridor overlay to ensure that the National Grid is not compromised by reverse sensitivity and other effects from future subdivision, use and development.
- (3) Require activities within the National Grid Corridor overlay within the coastal marine area to be undertaken so that they achieve all relevant items in Policy D26.3(1).

D26.4. Activity table

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

Table D26.4.2 Activity table – within the National Grid Substation Corridor specifies the activity status for land use, development and subdivisions activities pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

Table D26.4.3 Activity table – within the National Grid Subdivision Corridor specifies the activity status for subdivision activities pursuant to section 11 of the Resource Management Act 1991.

Tables D26.4.1, D26.4.2 and D26.4.3 do not apply to Transpower’s activities.

Where activities are shown in the Activity table below, the applicable zone, precinct and Auckland- wide rules also apply.

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

Table D26.4.1 Activity table – within the National Grid Yard

(Compromised and Uncompromised)

Activity		Activity status
(A1)	Establishing activities sensitive to the national grid in an existing building or a new building	NC
(A2)	Any activity including land disturbance that permanently physically impedes existing vehicular access to a national grid support structure	NC
(A3)	Network utilities (excluding buildings and structures for irrigation) and electricity generation that connect to the national grid	P
(A4)	Any storage or use of hazardous substances or hazardous wastes (excluding motor vehicle fuel tanks and the accessory use and storage of hazardous substances in domestic scale quantities)	NC
(A6)	Any permitted activity that does not meet the permitted activity standards	RD

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(A7)	Any activity, building or structure that fails to comply with the requirements of NZECP 34:2001	NC
Development		
(A8)	External building extensions for an activity sensitive to the National Grid	NC
(A9)	Any building or structure unless it is otherwise provided for below	NC
(A10)	Fences	P
(A11)	Within the National Grid Yard (Compromised) any new building or structure, and alterations, that is not for activities sensitive to the national grid	P
(A12)	Accessory buildings (excluding buildings containing sleeping areas) for activities sensitive to the national grid	P
(A13)	Alterations to existing buildings that do not increase the building envelope or footprint	P
(A33)	Within the National Grid Yard (Uncompromised) any structures that do not meet the definition of Building in Chapter J	P
Buildings and structures in addition to the above in rural zones and the Future Urban Zone		
(A14)	Horticultural structures between 8m and 12m from a pole (but not a tower) support structure	P
(A15)	An agricultural or horticultural structure located within 12m of a tower or 8m of a pole support structure that complies with clause 2.4.1 of NZECP34:2001	P
(A16)	Uninhabited farm buildings and structures, surrounding platforms and stockyards associated with milking sheds, animal feed lots and 3-sided calf rearing sheds, and alterations to these buildings and structures	P
(A17)	Uninhabited horticultural buildings and structures and alterations to these buildings and structures	P
(A18)	Principal buildings for intensive farming activities (excluding animal feed lots), milking shed buildings (excluding the surrounding platform and any stockyards), wintering barns, commercial greenhouses and immovable protective canopies	NC
Land disturbance		
(A19)	Land disturbance that complies with Standards D26.6.1.1(1)(a), D26.6.1.1(1)(b), D26.6.1.1(1)(c) and D26.6.1.1(1)(d)	P
(A20)	Land disturbance that does not comply with Standards D26.6.1.1(1)(a), D26.6.1.1(1)(b), D26.6.1.1(1)(c) and D26.6.1.1(1)(d)	RD
(A21)	Land disturbance that does not comply with Standard D26.6.1.1(1)(e) – (f)	NC

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Subdivision		
(A22)	Creation of lots involving a new building platform in the National Grid Yard for activities sensitive to the National Grid	NC
(A23)	Creation of lots involving a new building platform in the National Grid Yard (Uncompromised)	NC
(A24)	For all other subdivision on land within an urban zone the activity status listed in E38 Subdivision – Urban under Tables E38.4.1 to E38.4.5 will apply	
(A25)	For all other subdivision on land within a rural zone the activity status listed in E39 Subdivision – Rural under Tables E39.4.1 to E39.4.5 will apply	
(A26)	Subdivision for controlled activities in E38 Subdivision – Urban and E39 Subdivision – Rural that do not comply with Standards D26.6.2.1(1) and D26.6.2.1(2)	NC

Table D26.4.2 Activity table – within the National Grid Substation Corridor

Activity		Activity status
(A27)	Network utilities and electricity generation that connects to the National Grid	P
(A28)	Roading activities, and network utilities or electricity generation that connects to the National Grid that are above ground or comply with Standard D26.6.1.2(1), and electricity transmission infrastructure in a road carriageway	P
(A29)	New underground network utilities (except for electricity generation that connects to the National Grid) in a road carriageway identified in Table D26.6.1.2.1 that do not comply with Standard D26.6.1.2(1)	RD
Buildings and structures		
(A30)	New buildings for activities sensitive to the National Grid	RD
Subdivision		
(A31)	Subdivision for activities sensitive to the National Grid which are listed as permitted or controlled in E38 Subdivision – Urban under Tables E38.4.1 to E38.4.5	RD
(A32)	Subdivision for activities sensitive to the National Grid which are listed as permitted or controlled in E39 Subdivision – Rural under Tables E39.4.1 to E39.4.5	RD

Table D26.4.3 Activity table – within the National Grid Subdivision Corridor

Activity		Activity status
Subdivision		
(A34)	Subdivision within the National Grid Subdivision Corridor	RD

D26.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table D26.4.1 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 D26.4.1 or Table D26.4.2 and which is not listed in D26.5(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).

D26.6. Standards

D26.6.1. Permitted activity standards

All activities listed as permitted in Tables D26.4.1 or D26.4.2 must comply with the following permitted activity standards.

D26.6.1.1. Land disturbance within the National Grid Yard

- (1) Land disturbance must:
 - (a) be no deeper than 300mm within 6m of the outer visible edge of the foundations of a national grid tower support structure;
 - (b) be no deeper than 300mm within 2.2m of a national grid pole support structure or stay wire;
 - (c) be no deeper than 3m between 6 to 12m from the outer edge of the visible foundation of a national grid tower support structure;
 - (d) be no deeper than 750mm within 2.2 to 5m of a National Grid pole support structure; except that vertical holes not exceeding 500mm in diameter beyond 1.5 from the outer edge of pole support structure or stay wire are exempt;
 - (e) not create an unstable batter that will affect a National Grid support structure; and
 - (f) not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001.
- (2) Standards D26.6.1.1(1)(a) – (d) do not apply to:
 - (a) land disturbance for a network utility (excluding buildings and structures for irrigation), as part of an electricity transmission activity, or for electricity infrastructure;
 - (b) land disturbance undertaken as part of agricultural, horticultural or

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domestic cultivation, or repair, sealing or resealing of a road, footpath
or driveway (including a farm track); and

- (c) land disturbance for a network utility (excluding buildings and structures for irrigation).

D26.6.1.2. Underground network utilities in the road carriageways

- (1) All network utilities within the road carriageways identified in Table D26.6.1.2.1 must comply with the following standards:
- (a) the network utility is an electrical cable that has a maximum continuous current carrying capability of 250A or less, a telecommunication cable, or a gas, water supply or sewer pipe connection to one or more properties; and
 - (b) the pipe or cable is buried to a depth no greater than 1.2m below the surface of the road.
- (2) Except that:
- (a) underground telecommunications fibre cables need not comply with Standard D26.6.1.2.1(a) and (b) if they are located in an area no deeper than 1.5m below the surface and no wider than 500mm inside the underground National Grid Substation Corridor; and
 - (b) underground electricity cables need not comply with Standards D26.6.1.2.1(a) and (b) if a suitably qualified expert, commissioned by both the owner of the National Grid and the local distribution lines company supplied by the particular substation, certifies that any such cable does not foreclose (physically or due to heat transfer of the transmission cable) the ability to install other underground electricity transmission cables to the substation.

Table D26.6.1.2.1 Underground network utilities in the road carriageways

Substation	Road	Distance
Henderson	Lincoln Park Avenue, Triangle Road, Cartmel Avenue	250m
Hepburn Road	Hepburn Road, Akatea Road, Bancroft Crescent	250m
Mangere	Tennessee Avenue, Massey Road, Ferguson Street, Driver Road	250m
Mt Roskill	May Road, Richardson Road, Nirvana Way, Ellis Avenue, Jana Place, Subritzky Avenue, White Swan Road	500m
Otahuhu	Bairds Road, Hellabys Road, Gilbert Road, Kaitawa Street	250m
Pakuranga	Golfland Drive, Nandina Avenue, Ti Rakau Drive, Greenmount Drive	500m
Penrose	Gavin Street	500m
Wairau Road	Wairau Road	250m

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Wiri	Te Irirangi Drive, Great South Road	500m
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D26.6.1.3. Fences

(1) Fences must:

- (a) be located at least 5m from a National Grid support structure; and
- (b) be no more than 2.5m in height.

D26.6.1.4. Buildings and structures

(1) Buildings, structures and alterations including uninhabited horticultural buildings and structures (except those subject to Standard D26.6.1.6) and uninhabited farming buildings, structures and surrounding platforms and stockyards must be located at least 12m from a National Grid support structure.

D26.6.1.5. Accessory buildings

(1) Accessory buildings must:

- (a) be located at least 12m from a National Grid support structure;
- (b) be no more than 2.5m in height; and
- (c) have a floor area of no more than 10m².

D26.6.1.6. Horticultural structures between 8m and 12m from a pole support structure

(1) Horticultural structures between 8m and 12m from a pole (but not a tower) support structure must:

- (a) be no more than 2.5m in height;
- (b) be removable or temporary, to allow a clear working space 12m from the pole where necessary for maintenance purposes; and
- (c) allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.

D26.6.2. Controlled activity standards

All controlled activities must comply with the following controlled activity standards.

D26.6.2.1. Subdivision

- (1) The design and construction of subdivision including land disturbance and the location of buildings and structures must comply with NZECP34:2001.
- (2) The design and construction of subdivision must maintain vehicular access to any National Grid support structure.

D26.7. Assessment – controlled activities

The council will consider the relevant assessment criteria for controlled activities contained in Auckland Unitary Plan Operative in part

E38.11 and E39.7.

D26.8. Assessment – restricted discretionary activities

D26.8.1. Matters of discretion

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

- (1) Subdivision within the National Grid yard and the National Grid Substation Corridor:
 - (a) effects of the subdivision on the efficient operation, maintenance, upgrade and development of the national grid;
 - (b) risk of electrical hazards affecting public or individual safety, and the risk of property damage;
 - (c) the ability to provide a complying building platform;
 - (d) location, design and use of the proposed building platform or structure as it relates to the national grid;
 - (e) the nature and location of any vegetation associated with the subdivision to be planted in the vicinity of the national grid;
 - (f) where the proposed subdivision is part of a more extensive greenfields development, consistency with the planned future form and character of the area or zone, and the potential impacts on the National Grid, including reverse sensitivity effects and potential effects on the operation, maintenance, development and upgrade of the affected part of the National Grid; and
 - (g) technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.
 - (h) the matters for discretion set out in E38 Subdivision – Urban under E38.12.1, where the land under subdivision is within an urban zone, and provided the matters are not inconsistent with matters listed as (a) to (g) above; and
 - (i) the matters for discretion set out in E39 Subdivision – Rural under E39.8.1 where the land under subdivision is within a rural zone, and provided the matters are not inconsistent with matters listed as (a) to (g) above.
- (1A) subdivision within the National Grid Subdivision Corridor:
 - (a) vehicular access to a National Grid support structure;
 - (b) risk of electrical hazards affecting public or individual safety, and the risk of property damage;
 - (c) potential impacts on the operation of the National Grid from reverse sensitivity relating to visual amenity; and

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- (d) The nature and location of any proposed vegetation.
- (2) land disturbance that does not comply with Standard D26.6.1(1)(a) – (d):
- (a) the degree of non-compliance with the standard(s) and the effects on the efficient operation, maintenance, upgrade and development of the national grid;
 - (b) risk of electrical hazards affecting public or individual safety, and the risk of property damage;
 - (c) the risk to the structural integrity of the National Grid; and
 - (d) technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.
- (3) new buildings for activities sensitive to the National Grid in the National Grid Substation Corridor:
- (a) effects of the development on the efficient operation, maintenance, upgrade and development of the substation;
 - (b) risk of electrical hazards affecting public or individual safety, and the risk of property damage; and
 - (c) technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.
- (4) new underground network utilities (except for electricity generation that connects to the National Grid) in a road carriageway that do not comply with Standards D26.6.1.2(1), (2)(a) and (2)(b):
- (a) the degree of non-compliance with the standard(s);
 - (b) the effects on the efficient operation, maintenance, upgrade and development of the national grid, including foreclosing options to install underground cables to the substation; and
 - (c) technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.
- (5) buildings and structures that do not comply with Standards D26.6.1.3, D26.6.1.4, D26.6.1.5 and D26.6.1.6:
- (a) the degree of non-compliance with the standard(s);
 - (b) the effects on the efficient operation, maintenance, upgrade and development of the national grid;
 - (c) risk of electrical hazards affecting public or individual safety, and the risk of property damage; and
 - (d) technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.

D26.8.2. Assessment criteria

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

(1) subdivision within the National Grid Yard and National grid Substation Corridor:

- (a) whether the requirements of Policy D26.3(1) will be met;
- (b) whether a building platform complies with national grid corridor overlay rules, including those relating to sensitive activities;
- (c) the extent to which the location, height, scale, orientation and use of the any proposed building platform, structure or planting will compromise the efficient operation, maintenance, upgrade and development of the National Grid;
- (d) the extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid;
- (e) any implications arising from any technical advice from an Electrical Engineer specialising in transmission or the National Grid operator;

(1A) subdivision within the National Grid Subdivision Corridor:

- (a) the extent to which the location of any proposed building platform, structure or planting will create a permanent physical impediment to vehicular access to any National Grid support structure;
- (b) the extent to which the requirements of the New Zealand Electrical Code of Practice for electrical safe Distance (NZECP 34:2001) are able to be met, including whether a building platform can comply;
- (c) the extent to which the use of conductive materials in infrastructure or structures (including fences) in a subdivision will increase the risk associated with earth potential rise;
- (d) the extent to which the subdivision design and layout manages visual amenity of future residents in order to address, as far as practicable, the potential for reverse sensitivity effects on the operation of the National Grid;
- (e) the extent to which the mature size of any proposed planting will compromise the efficient operation, maintenance, upgrade and development of the National Grid; and
- (f) any implications arising from technical advice from an Electrical Engineer specializing in transmission or the National grid operator in relation to clauses (b) and (c) above.

(2) land disturbance that does not comply with Standards D26.6.1(1)(a) – (d):

- (a) whether the requirements of Policy D26.3(1) will be met;
- (b) where more than one standard is not complied with, consideration of the

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cumulative effects of the non-compliances; and

- (c) any implications arising from any technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.
- (3) new buildings for activities sensitive to the National Grid in the National Grid Substation Corridor:
 - (a) whether the requirements of Policy D26.3(1) will be met;
 - (b) the extent to which the location, height, scale, orientation and use of the any development will compromise the efficient operation, maintenance, upgrade and development of the National Grid;
 - (c) the extent to which the development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid; or
 - (d) any implications arising from any technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.
- (4) new underground network utilities (except for electricity generation that connects to the National Grid) in a road carriageway that do not comply with Standard D26.6.1.2(1):
 - (a) the implications in terms of the continuing ability to install operate and maintain underground cables to the substation;
 - (b) where more than one standard is not complied with, consideration of the cumulative effects of the non-compliances; and
 - (c) any implications arising from any technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.
- (5) buildings and structures that do not comply with Standards D26.6.1.3, D26.6.1.4, D26.6.1.5 and D26.6.1.6:
 - (a) whether the requirements of Policy D26.3(1) will be met;
 - (b) the extent to which the non-compliance will compromise the efficient operation, maintenance, upgrade and development of the National Grid;
 - (c) where more than one standard is not complied with, consideration of the cumulative effects of the non-compliances; and
 - (d) any implications arising from any technical advice from an Electrical Engineer specialising in transmission or the National Grid operator.

D26.9. Special information requirements

- (1) An electrical engineering assessment prepared by a suitably qualified person may be required.

Memo

Date 5 Sept 2018

To: Phill Reid, Auckland-wide Manager

From: Kath Coombes – Principal Planner

Subject: **Plan Modification: Clause 20A Amendment to Chapter E Auckland-wide of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Chapter E – Auckland Wide E11 Land Disturbance - Regional E12 Land Disturbance – District E26 Infrastructure
Subject Site (if applicable)	N/A
Legal Description (if applicable)	N/A
Nature of change	<p>Text changes are required to correct punctuation errors and consistency issues in the accidental discovery rules in the AUP Operative in Part version. Points (f)(iv) and (v) should be 'have been' instead of 'must be' to be consistent with the other points in (f).</p> <p>The changes are highlighted yellow below.</p> <p>E11.6.1 Standards E11.6.1 Accidental discovery rule</p> <p>(3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:</p> <p><i>Cease works and secure the area</i></p> <p>(a) immediately cease all works within 20m 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;</p> <p>(b) secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive</p>

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.6.1(3)(f) are met- ;

Recommencement of work

- (f) work within the area determined by the Council at step **Error! No text of specified style in document..6.1(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 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 **must be has been** recorded and if appropriate recovered and preserved;
 - (v) if the discovery is a lava cave as outlined in **Error! No text of specified style in document..6.1(2)(f)** above and if the site is assessed to be regionally significant, reasonable measures **must be 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 **to 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.

E12.6.1 Standards

E12.6.1 Accidental discovery rule

(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 20m 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 E12.6.1(3)(f) are met.

Resumption of work

- (f) work within the area determined by the Council at step E12.6.1(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 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 **must be** recorded and if appropriate recovered and preserved;
 - (v) if the discovery is a lava cave as outlined in E12.6.1(2)(f) above and if the site is assessed to be

regionally significant, reasonable measures **must be 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 **to 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.

[Make the following changes in each of the three copies of the accidental discovery rule in E26 Infrastructure.]

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

E26.5.5. Standards

E26.5.5.1. Accidental discovery rule

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

E26.6.5. Standards

E26.6.5.1. Accidental discovery rule

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

E26.7.5. Standards

E26.7.5.1. Accidental discovery rule

(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) **I** immediately cease all works within 20m 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) **S** 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) **I** 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) **W** wait for and enable the site to be inspected by the relevant authority or agency:
 - (i) **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) **I** 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 ~~must be~~ 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 ~~must be~~ 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 **to 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.

[Make the following additional changes to E26.6.5.1 and E26.7.5.1]

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

E26.6.5. Standards

E26.6.5.1. Accidental discovery rule

(3) ...

(a) immediately cease all works within 20m 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; **and**

(b) ...

(c) ...

(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.

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

E26.7.5. Standards

E26.7.5.1. Accidental discovery rule

(3) ...

(f) ...

(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

	<ul style="list-style-type: none"> • any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and • that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014. <p>(vii) Resource consent has been granted to 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</p> <p>(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.</p>
Effect of change	The change has a neutral effect as it does not change the application of the standards.
Changes required to be made	Amend Chapter E Auckland Wide - E11 Land Disturbance – Regional, E12 Land Disturbance – District and E26 Infrastructure in the Operative in Part version as shown above.

Prepared by:

Kath Coombes – Principal Planner

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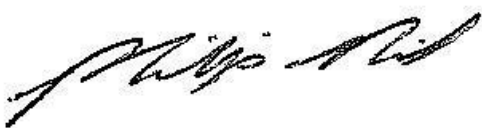
Signature:



Signature:



Phill Reid
T4 Manager Approval



Signature

E11. Land disturbance – Regional

E11.1. Background

Land disturbance is an essential prerequisite for the development of urban land, for the use of rural land for both farming and forestry, for mineral extraction and for the construction and maintenance of infrastructure. In this plan, land disturbance encompasses the defined activities of earthworks, ancillary farming earthworks and ancillary forestry earthworks.

The management of the adverse effects of land disturbance focuses on both large and small disturbance areas, as the cumulative adverse effects from a number of small earthwork sites can be significant as can single large areas of exposed earth.

The major contaminant of Auckland's urban coastal marine area is sediment generated from rural areas and during land development. This sediment affects both the quality of coastal water and the amenity and recreational values of popular beaches. Sediment also reduces the biological diversity of urban and rural streams.

There are a number of best practice land management techniques that can be used to reduce the amount of sediment generated through erosion and discharged into water bodies during land disturbance. These form the basis of the land disturbance standards. However, even with the use of best practice techniques, it is not possible to prevent all sediment entering water bodies.

E11.2. Objectives [rp]

- (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.
- (2) Sediment generation from land disturbance is minimised.
- (3) Land disturbance is controlled to achieve soil conservation.

E11.3. Policies [rp]

- (1) Avoid where practicable, and otherwise mitigate, or where appropriate, remedy adverse effects on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.
- (2) Manage land disturbance to:
 - (a) retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity;
 - (b) manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge;
 - (c) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and

- (d) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- (3) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:
- (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
 - (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
 - (c) undertaking appropriate measures to avoid adverse effects. Where adverse effects cannot be avoided, effects are remedied or mitigated.
- (4) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.
- (5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.
- (6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.
- (7) Require any land disturbance that will likely result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with:
- (a) any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:
 - (i) high recreational use;
 - (ii) relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiāpure, rāhui or whakatupu areas;
 - (iii) the collection of fish and shellfish for consumption;
 - (iv) maintenance dredging; or
 - (v) a downstream receiving environment that is sensitive to sediment accumulation;
 - (b) adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and

(c) the receiving environments ability to assimilate the discharged sediment being taken into account.

(8) Monitor the quality of fresh and coastal water bodies across the region and the effects of land disturbance on water quality and receiving environments.

E11.4. Activity table

The following tables specify the activity status for land disturbance, which encompasses earthworks, ancillary farming earthworks, and ancillary forestry earthworks. Refer to other provisions in the Plan for the activity status of the related land use activity.

The land disturbance area and volume thresholds listed in the tables below are to be interpreted as follows:

- for network utility and road network activities, 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
- for other land disturbance, the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project.

For drilling holes and bores refer to E7 Taking, using, damming and diversion of water and drilling.

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

If any activity listed in rules (including standards) E11.4.1 to E11.6.4 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 one or more of the following:

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

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

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

Table E11.4.1 Activity table – all zones and roads specifies the activity status for land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

- The land disturbance rules that apply to network utilities are located in E26 Infrastructure.

Table E11.4.1 Activity table – all zones and roads

Activity		Activity status				
		Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks						
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P
Driveways, parking areas and sports fields and major recreational facilities						
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P
General earthworks not otherwise listed in this table						
(A3)	Up to 10,000m ² where land has a slope less than 10 degrees outside the	P	P	P	P	P

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	Sediment Control Protection Area ¹					
(A4)	Greater than 10,000m ² up to 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area ¹	C	C	C	Refer to H28 Special Purpose – Quarry Zone	C
(A5)	Greater than 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area ¹	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A6)	Up to 2,500m ² where the land has a slope equal to or greater than 10 degrees	P	P	P	P	P
(A7)	Up to 2,500m ² within the Sediment Control Protection Area ¹	P	P	P	P	P
(A8)	Greater than 2,500m ² where the land has a slope equal to or greater than 10 degrees	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD

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(A9)	Greater than 2,500m ² within the Sediment Control Protection Area ¹	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A10)	Placement of non-erodible fill	P	P	P	P	P
Farming						
(A11)	Ancillary farming earthworks	P	P	P	P	P
Forestry						
(A12)	Ancillary forestry earthworks	P	P	D	P	P

Note 1

Sediment Control Protection Area is defined as:

- (a) 100m either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50m landward of the edge of a watercourse, or wetland of 1000m² or more.

Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water specifies the activity status for damming, diversion and the discharge of treated sediment laden water from any land pursuant to sections 14 and 15 of the Resource Management Act 1991.

Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water

Activity	Activity status				
	Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads

Activities ancillary to erosion and sediment control						
(A13)	The temporary diversion and damming of surface water and the discharge of treated sediment laden water from any land disturbance that complies with all relevant permitted activity standards	P	P	P	P	P
(A14)	The temporary diversion and damming of surface water and the discharge of treated sediment laden water from any land disturbance allowed by a land use consent in the above tables	P	P	P	P	P

In addition to the objectives and policies in E11.2 and E11.3, the rules in Table E11.4.3 Activity table – overlays, notification, standards, matters and assessment criteria below implement the objectives and policies in the following chapters:

- D7 Water Supply Management Areas Overlay; and
- D9 Significant Ecological Areas Overlay.

Table E11.4.3 Activity table - overlays specifies the activity status for land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

Table E11.4.3 Activity table – overlays

Activity	Activity status		
	Significant Ecological Areas Overlay	Water Supply Management Areas Overlay	
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks			
(A15)	Earthworks for maintenance and repair	P	P
(A16)	Earthworks for the installation of fences,	P	P

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	walking tracks and burial of marine mammals		
(A17)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P
(A18)	Earthworks for gardening, planting	Refer to Note 2	Refer to Note 2
Driveways, parking areas and, sports fields and major recreational facilities			
(A19)	Earthworks for operation, maintenance, resurfacing and repair	P	P
Cultivation			
(A20)	Up to 500m ²	RD	RD
(A21)	Greater than 500m ² up to 2500m	D	D
(A22)	Greater than 2500m ²	D	D
Irrigation or land drainage			
(A23)	Works below the natural ground level	RD	RD
Farming			
(A24)	Ancillary farming earthworks for maintenance of tracks	P	P
Forestry			
(A25)	Ancillary forestry earthworks for maintenance	P	P
Temporary activities			
(A26)	Earthworks associated with the installation of the temporary activity	P	P
Land disturbance not otherwise listed in this table³			
(A27)	Up to 5m ²	P	P
(A28)	Greater than 5m ²	RD	RD
(A29)	Up to 5m ³	P	P
(A30)	Greater than 5m ³	RD	RD

Note 2

The same activity status listed under ‘Land disturbance not otherwise listed in this table’ applies.

Note 3

For the purposes of determining activity status for the general earthworks not otherwise listed in Table E11.4.1, both the area and volume thresholds must be taken into account and the more restrictive activity status applies.

E11.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E11.4.1 Activity table – all zones and roads 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 E11.4.1 Activity table – all zones and roads, Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water and Table E11.4.3 Activity table – overlays and which is not listed in E11.5(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).

E11.6. Standards

E11.6.1. 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 20m 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 E11.6.1(3)(f) are met.

Recommencement of work

- (f) work within the area determined by the Council at step E11.6.1(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 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 **must be has been** recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E11.6.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures **must be 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 **to 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.

E11.6.2. General standards

All activities (except ancillary farming earthworks, ancillary forestry earthworks and network utilities) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E11.4.1, E11.4.2 or E11.4.3 must comply with the following permitted activity standards.

- (1) 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.

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

Note 1

Best practice in Auckland is generally deemed to be compliance with Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region or similar design.

- (3) 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.
- (4) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (6) 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.
- (7) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Significant Ecological Areas Overlay shall be limited to the area of earth previously disturbed or modified.
- (8) Earthworks associated with a temporary activity within the Significant Ecological Areas Overlay shall be limited to the area of earthwork previously disturbed or modified.

E11.6.3. Standards for ancillary farming earthworks

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

- (1) 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.

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

Note 1

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

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

(3) For cultivation other than for vegetable production, where cultivated land is bounded on one or more down-slope sides by the coastal marine area, a river, lake or stream, a minimum separation distance as set out in Table E11.6.3.1 must be maintained in a vegetated condition at all times, except as required for the installation of sediment and erosion protection measures.

Table E11.6.3.1 Minimum separation distance

Slope	Minimum separation distance
Slopes up to and including 10 degrees	2m
Slopes greater than 10 degrees up to and including 20 degrees	5m
Slopes greater than 20 degrees	10m

E11.6.4. Standards for ancillary forestry earthworks

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

- (1) 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.
- (2) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (3) Other than for ancillary forestry earthworks on sand soils, the Council must be notified at least 48 hours prior to the earthworks starting.
- (4) Any ancillary forestry earthworks (other than for maintenance), planting or replanting of forestry trees must not occur on land that is in, or within 5m of:
- (a) either side of the bed of a water body excluding an intermittent stream; or
 - (b) Significant Ecological Areas Overlay, Natural Lake Management Areas Overlay, Natural Stream Management Areas Overlay, Water Supply Management Areas Overlay, Urban Lake Management Areas Overlay, and Wetland Management Areas Overlay.
- (5) Any area of forestry that is harvested (other than firebreaks, tracks, landing sites or an area in Standard E11.6.4(4)(a) and Standard E11.6.4(4)(b) above, must be planted, replanted or otherwise stabilised by establishing vegetated cover to prevent erosion as soon as practicable and no later than two planting seasons from the date of the harvesting, unless the area is left to re-vegetate naturally for a non-production land use.
- (6) Water runoff controls must be installed and maintained for track and landing sites until such time that the area is stabilised.
- (7) Batters, cuts and side castings must be established by methods that prevent slumping.
- (8) Felled vegetation must be felled away from and tree butts must not be dragged through any body of water (excluding an ephemeral reach or intermittent stream) other than where this is:
- (a) necessary to avoid endangering the health and safety of workers; or
 - (b) where it is unavoidable and is the best harvest method such as hauling through corridors or butt extraction, except that:
 - (i) this must not occur within a Significant Ecological Areas Overlay, Natural Lake Management Areas Overlay, Natural Stream Management Areas Overlay, Water Supply Management Areas Overlay, Urban Lake Management Areas Overlay, Wetland Management Areas Overlay; and

- (ii) this must not occur in a water body greater than 5m wide.
- (9) Harvesting must be planned and carried out to minimise the amount of slash discharging into any area listed in Standard E11.6.4(4)(a) and entering any area listed in Standard E11.6.4(4)(b) above.
- (10) Slash must be removed (unless it is unsafe to do so) from within areas listed in Standard E11.6.4(4)(a) above where it is blocking river flow, or is diverting river flow and causing bank erosion.
- (11) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (12) Ancillary forestry earthworks other than on sand soils must implement best practice erosion and sediment control measures for the duration of the land disturbance. Those measures must be maintained until the site is stabilised against erosion.
- (13) Ancillary forestry earthworks must be done in accordance with a harvest management plan, and other than on sand soils, an erosion and sediment control plan that confirms compliance with Standard E11.6.4(12) above and the following:
 - (a) the erosion and sediment control plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(1); and
 - (b) the harvest plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(2).
- (14) Ancillary forestry earthworks listed as a permitted activity in Table E11.4.1, Table E11.4.2 or Table E11.4.3 and regulated by the NESPF must comply with the following permitted activity standards.
 - (a) Only cleanfill material may be imported and utilised as part of the land disturbance.
 - (b) Any ancillary forestry earthworks (other than for maintenance), planting or replanting of forestry trees must not occur on land that is in, or within 5m of:
 - (i) either side of the bed of a water body excluding an intermittent stream; or
 - (ii) Significant Ecological Areas Overlay or Water Supply Management Areas Overlay.
 - (c) Tree butts must not be dragged through any body of water (excluding an ephemeral reach or intermittent stream) other than where this is:
 - (i) necessary to avoid endangering the health and safety of workers; or

(ii) where it is unavoidable and is the best harvest method such as hauling through corridors or butt extraction, except that:

- this must not occur within a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay; and
- this must not occur in a water body greater than 5m wide.

(d) Harvesting must be planned and carried out to minimise the amount of slash entering a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay.

E11.7. Assessment – controlled activities

E11.7.1. Matters of control

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

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

E11.7.2. Assessment criteria

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

- (1) all controlled activities:
 - (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; and
- (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.

E11.8. Assessment – restricted discretionary activities

E11.8.1. Matters of discretion

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

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

- (2) Additional matters of discretion for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:
- (a) cumulative effects of sedimentation within the catchment, including estuarine receiving environments; and
 - (b) potential effects on significant ecological and indigenous biodiversity values.

E11.8.2. Assessment criteria

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

- (1) All restricted discretionary activities:
- (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; and
 - (v) the quality of taiāpure or mahinga mātaītai.
 - (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; and
 - (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 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) Additional assessment criteria for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:

- (a) whether the land disturbance proposed within a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay are undertaken so they have no adverse effect, or minor adverse effect, on the aquatic and terrestrial ecology and wildlife of the area and in particular, where relevant:
 - (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;
 - (vi) rare habitat, threatened habitat or at risk habitat;
 - (vii) sand dune ecosystems;
 - (viii) buffering of indigenous ecosystems; or
 - (ix) cumulative effects.
- (b) within the Water Supply Management Areas Overlay, how potential adverse effects on water quality within water supply catchments will be avoided, remedied or mitigated; and
- (c) the extent to which adverse effects on ecological and indigenous biodiversity values have been avoided or minimised.

E11.9. Special information requirements

- (1) An erosion and sediment control plan must include all of the following:
 - (a) a locality plan;
 - (b) the description of the nature, scale, timing and duration of activities including;
 - (c) design or layout of construction, roading, the formation of any new tracking, earthworks, stabilisation and harvesting;
 - (d) the erosion and sediment control measures to be employed including the contributing catchments;
 - (e) a programme of works;
 - (f) heavy rainfall response and contingency measures; and
 - (g) maintenance and monitoring procedures.
- (2) A harvest plan must include all of the following:
 - (a) title, date and north arrow;

- (b) the harvest area boundary;
- (c) any property boundaries in the vicinity of the harvest area;
- (d) contours;
- (e) location of all proposed and existing roads, tracks, landings;
- (f) location of firebreaks, stream crossings and associated culverts;
- (g) associated text that describes the harvesting methodology (hauler or ground-base) and proposed extraction directions;
- (h) location of any water bodies, streams and the bed of any lake;
- (i) location of any wetland;
- (j) locations of any natural, cultural or heritage values identified in the overlays of the Plan;
- (k) location of slash management and disposal areas for hauler landings;
- (l) location of end haul disposal areas; and
- (m) any other area relevant to managing the harvest area.

E11. Land disturbance – Regional

E11.1. Background

Land disturbance is an essential prerequisite for the development of urban land, for the use of rural land for both farming and forestry, for mineral extraction and for the construction and maintenance of infrastructure. In this plan, land disturbance encompasses the defined activities of earthworks, ancillary farming earthworks and ancillary forestry earthworks.

The management of the adverse effects of land disturbance focuses on both large and small disturbance areas, as the cumulative adverse effects from a number of small earthwork sites can be significant as can single large areas of exposed earth.

The major contaminant of Auckland's urban coastal marine area is sediment generated from rural areas and during land development. This sediment affects both the quality of coastal water and the amenity and recreational values of popular beaches. Sediment also reduces the biological diversity of urban and rural streams.

There are a number of best practice land management techniques that can be used to reduce the amount of sediment generated through erosion and discharged into water bodies during land disturbance. These form the basis of the land disturbance standards. However, even with the use of best practice techniques, it is not possible to prevent all sediment entering water bodies.

E11.2. Objectives [rp]

- (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.
- (2) Sediment generation from land disturbance is minimised.
- (3) Land disturbance is controlled to achieve soil conservation.

E11.3. Policies [rp]

- (1) Avoid where practicable, and otherwise mitigate, or where appropriate, remedy adverse effects on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.
- (2) Manage land disturbance to:
 - (a) retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity;
 - (b) manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge;
 - (c) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and

- (d) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- (3) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:
 - (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
 - (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
 - (c) undertaking appropriate measures to avoid adverse effects. Where adverse effects cannot be avoided, effects are remedied or mitigated.
 - (4) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.
 - (5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.
 - (6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.
 - (7) Require any land disturbance that will likely result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with:
 - (a) any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:
 - (i) high recreational use;
 - (ii) relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiāpure, rāhui or whakatupu areas;
 - (iii) the collection of fish and shellfish for consumption;
 - (iv) maintenance dredging; or
 - (v) a downstream receiving environment that is sensitive to sediment accumulation;
 - (b) adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and

(c) the receiving environments ability to assimilate the discharged sediment being taken into account.

(8) Monitor the quality of fresh and coastal water bodies across the region and the effects of land disturbance on water quality and receiving environments.

E11.4. Activity table

The following tables specify the activity status for land disturbance, which encompasses earthworks, ancillary farming earthworks, and ancillary forestry earthworks. Refer to other provisions in the Plan for the activity status of the related land use activity.

The land disturbance area and volume thresholds listed in the tables below are to be interpreted as follows:

- for network utility and road network activities, 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
- for other land disturbance, the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project.

For drilling holes and bores refer to E7 Taking, using, damming and diversion of water and drilling.

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

If any activity listed in rules (including standards) E11.4.1 to E11.6.4 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 one or more of the following:

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

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

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

Table E11.4.1 Activity table – all zones and roads specifies the activity status for land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

- The land disturbance rules that apply to network utilities are located in E26 Infrastructure.

Table E11.4.1 Activity table – all zones and roads

Activity		Activity status				
		Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks						
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P
Driveways, parking areas and sports fields and major recreational facilities						
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P
General earthworks not otherwise listed in this table						
(A3)	Up to 10,000m ² where land has a slope less than 10 degrees outside the	P	P	P	P	P

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	Sediment Control Protection Area ¹					
(A4)	Greater than 10,000m ² up to 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area ¹	C	C	C	Refer to H28 Special Purpose – Quarry Zone	C
(A5)	Greater than 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area ¹	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A6)	Up to 2,500m ² where the land has a slope equal to or greater than 10 degrees	P	P	P	P	P
(A7)	Up to 2,500m ² within the Sediment Control Protection Area ¹	P	P	P	P	P
(A8)	Greater than 2,500m ² where the land has a slope equal to or greater than 10 degrees	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD

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(A9)	Greater than 2,500m ² within the Sediment Control Protection Area ¹	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A10)	Placement of non-erodible fill	P	P	P	P	P
Farming						
(A11)	Ancillary farming earthworks	P	P	P	P	P
Forestry						
(A12)	Ancillary forestry earthworks	P	P	D	P	P

Note 1

Sediment Control Protection Area is defined as:

- (a) 100m either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50m landward of the edge of a watercourse, or wetland of 1000m² or more.

Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water specifies the activity status for damming, diversion and the discharge of treated sediment laden water from any land pursuant to sections 14 and 15 of the Resource Management Act 1991.

Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water

Activity	Activity status				
	Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads

Activities ancillary to erosion and sediment control						
(A13)	The temporary diversion and damming of surface water and the discharge of treated sediment laden water from any land disturbance that complies with all relevant permitted activity standards	P	P	P	P	P
(A14)	The temporary diversion and damming of surface water and the discharge of treated sediment laden water from any land disturbance allowed by a land use consent in the above tables	P	P	P	P	P

In addition to the objectives and policies in E11.2 and E11.3, the rules in Table E11.4.3 Activity table – overlays, notification, standards, matters and assessment criteria below implement the objectives and policies in the following chapters:

- D7 Water Supply Management Areas Overlay; and
- D9 Significant Ecological Areas Overlay.

Table E11.4.3 Activity table - overlays specifies the activity status for land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

Table E11.4.3 Activity table – overlays

Activity	Activity status		
	Significant Ecological Areas Overlay	Water Supply Management Areas Overlay	
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks			
(A15)	Earthworks for maintenance and repair	P	P
(A16)	Earthworks for the installation of fences,	P	P

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	walking tracks and burial of marine mammals		
(A17)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P
(A18)	Earthworks for gardening, planting	Refer to Note 2	Refer to Note 2
Driveways, parking areas and, sports fields and major recreational facilities			
(A19)	Earthworks for operation, maintenance, resurfacing and repair	P	P
Cultivation			
(A20)	Up to 500m ²	RD	RD
(A21)	Greater than 500m ² up to 2500m	D	D
(A22)	Greater than 2500m ²	D	D
Irrigation or land drainage			
(A23)	Works below the natural ground level	RD	RD
Farming			
(A24)	Ancillary farming earthworks for maintenance of tracks	P	P
Forestry			
(A25)	Ancillary forestry earthworks for maintenance	P	P
Temporary activities			
(A26)	Earthworks associated with the installation of the temporary activity	P	P
Land disturbance not otherwise listed in this table³			
(A27)	Up to 5m ²	P	P
(A28)	Greater than 5m ²	RD	RD
(A29)	Up to 5m ³	P	P
(A30)	Greater than 5m ³	RD	RD

Note 2

The same activity status listed under ‘Land disturbance not otherwise listed in this table’ applies.

Note 3

For the purposes of determining activity status for the general earthworks not otherwise listed in Table E11.4.1, both the area and volume thresholds must be taken into account and the more restrictive activity status applies.

E11.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E11.4.1 Activity table – all zones and roads 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 E11.4.1 Activity table – all zones and roads, Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water and Table E11.4.3 Activity table – overlays and which is not listed in E11.5(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).

E11.6. Standards

E11.6.1. 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 20m 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 E11.6.1(3)(f) are met;

Recommencement of work

- (f) work within the area determined by the Council at step E11.6.1(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 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 E11.6.1(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.

E11.6.2. General standards

All activities (except ancillary farming earthworks, ancillary forestry earthworks and network utilities) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E11.4.1, E11.4.2 or E11.4.3 must comply with the following permitted activity standards.

- (1) 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.
- (2) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.

Note 1

Best practice in Auckland is generally deemed to be compliance with Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region or similar design.

- (3) 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.
- (4) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (6) 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.
- (7) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Significant Ecological Areas Overlay shall be limited to the area of earth previously disturbed or modified.
- (8) Earthworks associated with a temporary activity within the Significant Ecological Areas Overlay shall be limited to the area of earthwork previously disturbed or modified.

E11.6.3. Standards for ancillary farming earthworks

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

- (1) 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.

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

Note 1

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

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

(3) For cultivation other than for vegetable production, where cultivated land is bounded on one or more down-slope sides by the coastal marine area, a river, lake or stream, a minimum separation distance as set out in Table E11.6.3.1 must be maintained in a vegetated condition at all times, except as required for the installation of sediment and erosion protection measures.

Table E11.6.3.1 Minimum separation distance

Slope	Minimum separation distance
Slopes up to and including 10 degrees	2m
Slopes greater than 10 degrees up to an including 20 degrees	5m
Slopes greater than 20 degrees	10m

E11.6.4. Standards for ancillary forestry earthworks

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

- (1) 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.
- (2) Only cleanfill material may be imported and utilised as part of the land disturbance.
 - (3) Other than for ancillary forestry earthworks on sand soils, the Council must be notified at least 48 hours prior to the earthworks starting.
 - (4) Any ancillary forestry earthworks (other than for maintenance), planting or replanting of forestry trees must not occur on land that is in, or within 5m of:
 - (a) either side of the bed of a water body excluding an intermittent stream; or
 - (b) Significant Ecological Areas Overlay, Natural Lake Management Areas Overlay, Natural Stream Management Areas Overlay, Water Supply Management Areas Overlay, Urban Lake Management Areas Overlay, and Wetland Management Areas Overlay.
 - (5) Any area of forestry that is harvested (other than firebreaks, tracks, landing sites or an area in Standard E11.6.4(4)(a) and Standard E11.6.4(4)(b) above, must be planted, replanted or otherwise stabilised by establishing vegetated cover to prevent erosion as soon as practicable and no later than two planting seasons from the date of the harvesting, unless the area is left to re-vegetate naturally for a non-production land use.
 - (6) Water runoff controls must be installed and maintained for track and landing sites until such time that the area is stabilised.
 - (7) Batters, cuts and side castings must be established by methods that prevent slumping.
 - (8) Felled vegetation must be felled away from and tree butts must not be dragged through any body of water (excluding an ephemeral reach or intermittent stream) other than where this is:
 - (a) necessary to avoid endangering the health and safety of workers; or
 - (b) where it is unavoidable and is the best harvest method such as hauling through corridors or butt extraction, except that:
 - (i) this must not occur within a Significant Ecological Areas Overlay, Natural Lake Management Areas Overlay, Natural Stream Management Areas Overlay, Water Supply Management Areas Overlay, Urban Lake Management Areas Overlay, Wetland Management Areas Overlay; and
 - (ii) this must not occur in a water body greater than 5m wide.

- (9) Harvesting must be planned and carried out to minimise the amount of slash discharging into any area listed in Standard E11.6.4(4)(a) and entering any area listed in Standard E11.6.4(4)(b) above.
- (10) Slash must be removed (unless it is unsafe to do so) from within areas listed in Standard E11.6.4(4)(a) above where it is blocking river flow, or is diverting river flow and causing bank erosion.
- (11) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (12) Ancillary forestry earthworks other than on sand soils must implement best practice erosion and sediment control measures for the duration of the land disturbance. Those measures must be maintained until the site is stabilised against erosion.
- (13) Ancillary forestry earthworks must be done in accordance with a harvest management plan, and other than on sand soils, an erosion and sediment control plan that confirms compliance with Standard E11.6.4(12) above and the following:
 - (a) the erosion and sediment control plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(1); and
 - (b) the harvest plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(2).
- (14) Ancillary forestry earthworks listed as a permitted activity in Table E11.4.1, Table E11.4.2 or Table E11.4.3 and regulated by the NESPF must comply with the following permitted activity standards.
 - (a) Only cleanfill material may be imported and utilised as part of the land disturbance.
 - (b) Any ancillary forestry earthworks (other than for maintenance), planting or replanting of forestry trees must not occur on land that is in, or within 5m of:
 - (i) either side of the bed of a water body excluding an intermittent stream; or
 - (ii) Significant Ecological Areas Overlay or Water Supply Management Areas Overlay.
 - (c) Tree butts must not be dragged through any body of water (excluding an ephemeral reach or intermittent stream) other than where this is:
 - (i) necessary to avoid endangering the health and safety of workers; or

(ii) where it is unavoidable and is the best harvest method such as hauling through corridors or butt extraction, except that:

- this must not occur within a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay; and
- this must not occur in a water body greater than 5m wide.

(d) Harvesting must be planned and carried out to minimise the amount of slash entering a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay.

E11.7. Assessment – controlled activities

E11.7.1. Matters of control

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

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

E11.7.2. Assessment criteria

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

- (1) all controlled activities:
 - (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; and
- (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.

E11.8. Assessment – restricted discretionary activities

E11.8.1. Matters of discretion

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

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

- (2) Additional matters of discretion for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:
- (a) cumulative effects of sedimentation within the catchment, including estuarine receiving environments; and
 - (b) potential effects on significant ecological and indigenous biodiversity values.

E11.8.2. Assessment criteria

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

- (1) All restricted discretionary activities:
- (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; and
 - (v) the quality of taiāpure or mahinga mātaītai.
 - (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; and
 - (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 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) Additional assessment criteria for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:

- (a) whether the land disturbance proposed within a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay are undertaken so they have no adverse effect, or minor adverse effect, on the aquatic and terrestrial ecology and wildlife of the area and in particular, where relevant:
 - (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;
 - (vi) rare habitat, threatened habitat or at risk habitat;
 - (vii) sand dune ecosystems;
 - (viii) buffering of indigenous ecosystems; or
 - (ix) cumulative effects.
- (b) within the Water Supply Management Areas Overlay, how potential adverse effects on water quality within water supply catchments will be avoided, remedied or mitigated; and
- (c) the extent to which adverse effects on ecological and indigenous biodiversity values have been avoided or minimised.

E11.9. Special information requirements

- (1) An erosion and sediment control plan must include all of the following:
 - (a) a locality plan;
 - (b) the description of the nature, scale, timing and duration of activities including;
 - (c) design or layout of construction, roading, the formation of any new tracking, earthworks, stabilisation and harvesting;
 - (d) the erosion and sediment control measures to be employed including the contributing catchments;
 - (e) a programme of works;
 - (f) heavy rainfall response and contingency measures; and
 - (g) maintenance and monitoring procedures.
- (2) A harvest plan must include all of the following:
 - (a) title, date and north arrow;

- (b) the harvest area boundary;
- (c) any property boundaries in the vicinity of the harvest area;
- (d) contours;
- (e) location of all proposed and existing roads, tracks, landings;
- (f) location of firebreaks, stream crossings and associated culverts;
- (g) associated text that describes the harvesting methodology (hauler or ground-base) and proposed extraction directions;
- (h) location of any water bodies, streams and the bed of any lake;
- (i) location of any wetland;
- (j) locations of any natural, cultural or heritage values identified in the overlays of the Plan;
- (k) location of slash management and disposal areas for hauler landings;
- (l) location of end haul disposal areas; and
- (m) any other area relevant to managing the harvest area.

E12. Land disturbance – District

E12.1. Background

Land disturbance is an essential prerequisite for the development of urban land, for the use of rural land for both farming and forestry, for mineral extraction and the construction and maintenance of infrastructure. In this plan, land disturbance encompasses the defined activities of earthworks, ancillary farming earthworks and ancillary forestry earthworks.

The management of the adverse effects of land disturbance focuses on both large and small disturbance areas, as the cumulative adverse effects from a number of small earthwork sites can be significant as can single large areas of exposed earth.

Land disturbance can have direct physical impacts on sites of archaeological and heritage value. Given the lengthy history of Māori settlement in Auckland, sites of significance including burial sites are found across Auckland. Procedures are in place for dealing with any human remains found during land disturbance. There are also places and areas that have landscape or landform values that are identified in the plan, where land disturbance is discouraged.

E12.2. Objectives

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

E12.3. Policies

- (1) Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.
- (2) Manage the amount of land being disturbed at any one time, to:
 - (a) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;
 - (b) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and
 - (c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- (3) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.
- (4) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:

- (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
 - (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
 - (c) undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.
- (5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.
- (6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.

E12.4. Activity tables

The following tables specify the activity status for land disturbance, which encompasses earthworks, ancillary farming earthworks and ancillary forestry earthworks. Refer to other provisions in the Plan for the activity status of the related land use activity.

The land disturbance area and volume thresholds listed in the rules below are to be interpreted as follows:

- for network utility 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
- for other land disturbance, the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project.

For drilling holes and bores refer to Section E7 Taking, using, damming and diversion of water and drilling.

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

If any activity listed in rules (including standards) E12.4.1 to E12.6.4 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 one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;

- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

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

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

Tables E12.4.1, E12.4.2 and E12.4.3 specify the activity status of land use and development activities pursuant to section 9(3) of the Resource Management Act 1991.

- The land disturbance rules that apply to network utilities are located in E26 Infrastructure.

Table E12.4.1 Activity table – all zones and roads

Activity		Activity status						
		Residential zones	Business zones and City Centre Zone	Conservation Zone)	Future Urban Zone and rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation and Open Space – Conservation Zone	Special Purpose – Quarry Zone
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks								
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P	P	P
Driveways, parking areas and sports fields and major recreational facilities								
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P	P	P
General earthworks not otherwise listed in this table ¹								

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(A3)	Up to 500m ²	P	P	P	P	P	P	P
(A4)	Greater than 500m ² up to 1000m ²	RD	P	P	P	RD	P	P
(A5)	Greater than 1000m ² up to 2500m ²	RD	P	RD	RD	RD	P	P
(A6)	Greater than 2500m ²	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A7)	Up to 250m ³	P	P	P	P	P	P	P
(A8)	Greater than 250m ³ up to 1000m ³	RD	P	P	P	RD	P	P
(A9)	Greater than 1000m ³ up to 2500m ³	RD	P	RD	RD	RD	P	P
(A10)	Greater than 2500m ³	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A11)	Earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks	NA	C	NA	NA	NA	NA	NA

	corridor							
Lava caves, fossils and sub-fossils								
(A12)	Land disturbance that disturbs known lava caves more than 1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD
Farming								
(A13)	Ancillary farming earthworks	P	P	P	P	P	P	P
Forestry								
(A14)	Ancillary forestry earthworks	P	P	P	P	P	P	P
Hauraki Gulf islands								
(A15)	Hauraki Gulf islands	Refer to the Auckland Council District Plan (Hauraki Gulf Islands Section) for district activity status and E11 Land Disturbance – Regional for the relevant regional activity status						

Note 1

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

In addition to the objectives and policies above, the rules in Table E12.4.2, notification, standards, matters and assessment criteria implement the objectives and policies in the following chapters:

- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay;
- D11 Outstanding Natural Character and High Natural Character Overlay
- D17 Historic Heritage Overlay; and
- **[New text to be inserted]**
- D21 Sites and Places of Significance to Mana Whenua Overlay.

PC 4
s86B (3) Immediate
legal effect (See
modifications)

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

Activity	Activity status				
	Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	Sites and Places of Significance to Mana Whenua Overlay
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks					
(A16)	Earthworks for maintenance and repair	P	P	P	P
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals	P	P	P ²	RD
(A18)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P	P	P
(A19)	Earthworks for gardening or planting	P	P	P	P
Driveways, parking areas and, sports fields and major recreational facilities					
(A20)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P
Cultivation					
(A21)	Up to 500m ²	RD	P	RD	D
(A22)	Greater than 500m ² up to 2500m ²	RD	P	RD	D
(A23)	Greater than 2500m ²	RD	P	D	D
Irrigation or land drainage					
(A24)	Works below the natural ground level	RD	P	D	D
Farming					
(A25)	Ancillary farming	P	P	P ²	P

PC 4
s86B (3) Immediate
legal effect (See
modifications)

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	earthworks for maintenance of tracks				
Forestry					
(A26)	Ancillary forestry earthworks for maintenance	P	P	P ²	P
Temporary activities					
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P ²	RD
Land disturbance not otherwise listed in this table³					
(A28)	Up to 5m ²	P	P	P ²	D
(A29)	Greater than 5m ² up to 50m ²	RD	P	RD ²	D
(A30)	Greater than 50m ²	RD	RD	RD	D
(A31)	Up to 5m ³	P	P	P ²	D
(A32)	Greater than 5m ³ up to 250m ³	RD	P	RD ²	D
(A33)	Greater than 250m ³	RD	RD	RD	D

Note 2

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

Note 3

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

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

Table E12.4.3 Activity table – Outstanding Natural Features Overlay

Activity		Activity status										
		A1	A	V1	V2	B	C	D	E	F1	F2	
(A34)	Earthworks for maintenance and repair limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	P	P	P	P	P	P	P	P	P
(A35)	Ancillary farming earthworks limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	RD	RD	RD	RD	RD	RD	RD	RD	RD
Irrigation or land drainage												
(A36)	Land disturbance for irrigation or land drainage	P	P	RD	RD	RD	RD	RD	RD	RD	RD	RD
Forestry												
(A37)	Ancillary forestry earthworks limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	RD	RD	RD	RD	RD	RD	RD	RD	RD

General land disturbance not otherwise listed in this table											
(A38)	Up to 2m ³	P	P	P	P	RD	RD	RD	RD	NC	RD
(A39)	Greater than 2m ³ up to 10m ³	P	P	RD	RD	RD	RD	RD	NC	NC	NC
(A40)	Greater than 10m ³ up to 50m ³	P	RD	RD	RD	RD	RD	RD	NC	NC	NC
(A41)	Greater than 50m ³	RD	RD	RD	RD	RD	RD	RD	NC	NC	NC

E12.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E12.4.1 Activity table all zones and roads 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 E12.4.1 Activity table all zones and roads Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) and Table E12.4.3 Activity table Outstanding Natural Features Overlay and which is not listed in E12.5(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).

E12.6. Standards

E12.6.1. 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 20m 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 E12.6.1(3)(f) are met.

Resumption of work

- (f) work within the area determined by the Council at E12.6.1(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 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 **must be** **has been** recorded and if appropriate recovered and preserved;
 - (v) if the discovery is a lava cave as outlined in E12.6.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures **must be** **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 **to 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) 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

E12.6.2. General standards

All activities (except ancillary farming earthworks, ancillary forestry earthworks and network utilities) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E12.4.1, Table E12.4.2 or Table E12.4.3 must comply with the following standards.

- (1) Land disturbance within riparian yards and coastal protection yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks; or
 - (e) burial of marine mammals.
- (2) Land disturbance must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (7) 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 E12.6.2(7)(a) and E12.6.2(7)(b) above.
- (8) 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 6-12m from the outer visible edge of a transmission tower support structure.
- (9) 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 New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001.
- (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (11) Earthworks (including filling) within a 100 year annual exceedance probability (AEP) flood plain:
 - (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
 - (b) must not result in any adverse changes in flood hazard beyond the site.

Note1

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

- (12) Earthworks (including filling) within overland flow paths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (13) Temporary land disturbance and stockpiling of soil and other materials within the one per cent annual exceedance probability (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) 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 must be limited to the area and depth of earth previously disturbed or modified.

- (15) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Historic Heritage Overlay must not extend more than 300 mm below the surface where additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps.
- (16) Earthworks associated with a temporary activity on a site or place of significance to Mana Whenua shall be limited to the area of earthwork previously disturbed or modified.
- (17) Earthworks/land disturbance for the planting of any tree within the Historic Heritage Overlay must not be undertaken where additional rules for archaeological sites or features 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.

E12.6.3. Standards for ancillary farming earthworks

Ancillary farming earthworks listed as a permitted activity in Table E12.4.1, Table E12.4.2 or Table E12.4.3 must comply with the following permitted activity standards.

- (1) Ancillary farming earthworks for maintenance of tracks on sites identified in the Sites and Places of Significance to Mana Whenua Overlay must be limited to the area and depth of earth previously disturbed.
- (2) 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 E12.6.2(2)(a) and E12.6.2(2)(b) above.
- (3) 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 6-12m from the outer visible edge of a transmission tower support structure.

- (4) 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.

E12.6.4. Standards for ancillary forestry earthworks

Ancillary forestry earthworks listed as a permitted activity in Table E12.4.1, Table E12.4.2 or Table E12.4.3 must comply with the following permitted activity standards.

- (1) Other than for ancillary forestry earthworks on sand soils, the Council must be notified at least 48 hours prior to the earthworks starting.
- (2) The ancillary forestry earthworks must not take place on land within a coastal fore-dune.
- (3) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (4) Ancillary forestry earthworks for maintenance shall be limited to the area and depth of earth previously disturbed or modified on a site or place identified in the Site or Place of Significance to Mana Whenua Overlay.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (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) 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.
- (10) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (11) 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 E12.6.4(11)(a) and E12.6.4(11)(b) above.
- (12) 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 6-12m from the outer visible edge of a transmission tower support structure.
- (13) 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 New Zealand Code of Practice for Electrical Safe Distances NZECP34:2001.

E12.7. Assessment – controlled activities

E12.7.1. Matters of control

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

- (1) all controlled activities:
 - (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) staging of works and progressive stabilisation;
 - (g) timing and duration of works;
 - (h) term of consent; and

- (i) potential effects on significant ecological and indigenous biodiversity values.
- (2) additional matter of control for earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
 - (a) effect on the relationship of Mana Whenua and their culture and traditions with wāhi tapu in the precinct, especially wāhi whenua and wāhi pito.

E12.7.2. Assessment criteria

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

- (1) all controlled activities:
 - (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; and
 - (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.
- (2) additional assessment criteria for earthworks that exceeds 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
 - (a) conditions may be imposed on consents to avoid, remedy or mitigate any adverse effects of works to support Mana Whenua, including:
 - (i) a requirement to notify the Council and Mana Whenua before any earthworks start;

- (ii) supervision of works by a Council-appointed archaeologist and Mana Whenua representatives; and
- (iii) control how earthworks are managed, such as hand digging rather than mechanical digging.

E12.8. Assessment – restricted discretionary activities

E12.8.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) compliance with the standards;
 - (b) 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.
- (2) additional matters of discretion for land disturbance within overlay areas:

(a) within the Outstanding Natural Character, High Natural Character Overlay or Outstanding Natural Landscapes Overlay:

- (i) the objectives and policies in D10 as they relate to Outstanding Natural Landscapes and D11 as they relate to Outstanding Natural Character and High Natural Character;
- (ii) setback from mean high water springs;
- (iii) cumulative effects;
- (iv) landscape, visual and amenity effects;
- (v) mitigation of effects;
- (vi) modification to landform;
- (vii) vegetation clearance; and
- (viii) Mana Whenua values.

(b) within the Historic Heritage Overlay:

- (i) effects on historic heritage.

(c) within the Sites and Places of Significance to Mana Whenua Overlay:

- (i) potential effects on the water quality of taiāpure or mahinga maataitai, wāhi tapu, taonga and other scheduled sites in the Sites and Places of Significance to Mana Whenua; and
- (ii) potential effects on the values and associations of Mana Whenua with the site or place including effects on the context of the Maori cultural landscape.

(d) within the Outstanding Natural Features Overlay:

- (i) the objectives and policies in D10;
- (ii) nature, form and extent of proposed works;
- (iii) effects on landscape values;
- (iv) the degree of existing geological modification;
- (v) protection or enhancement of the feature; and
- (vi) Mana Whenua values.

(3) Additional matters of discretion for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:

- (a) effects on known lava caves, fossils and sub-fossils.

E12.8.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (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 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.
 - (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.
- (2) additional assessment criteria for land disturbance within overlay areas:
- (a) within the Outstanding Natural Character and High Natural Character Overlay or the Outstanding Natural Landscapes Overlay:
 - (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of:
 - protected trees;
 - cliff faces/cliff tops; and
 - identified landscape features
 - (ii) the extent to which the proposal will adversely affect amenity and identified natural character values, and 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.
 - (iii) the extent to which there are adverse visual and or ecological effects from any land disturbance, associated with creating farm tracks, driveways or other servicing requirements;
 - (iv) the extent to which the activity impacts on Mana Whenua values;
 - (v) the extent to which the functional need for farm tracks, driveways or other servicing requirements to be in the location proposed; and
 - (vi) the objectives and policies in D10 Outstanding Natural Landscapes Overlay and D11 Outstanding Natural Character and High Natural Character Overlay.
 - (b) within the Historic Heritage Overlay;
 - (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of heritage sites.

(c) within the Sites and Places of Significance to Mana Whenua Overlay:

(i) whether the proposal will protect the relationship of Mana Whenua with their cultural heritage by:

- avoiding the physical destruction in whole or in part of the site or place of significance to Mana Whenua;
- avoiding significant adverse effects on the values and associations of Mana Whenua with the site or place;
- where relevant, recognising and providing for the outcomes articulated by Mana Whenua through the cultural impact assessment process and within iwi planning documents;
- incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
- demonstrating consideration of practicable alternative methods, locations or designs which would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; or
- demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.

(d) within the Outstanding Natural Features Overlay:

- (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 activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;
- (iii) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;
- (iv) 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;
- (v) 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;
- (vi) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and

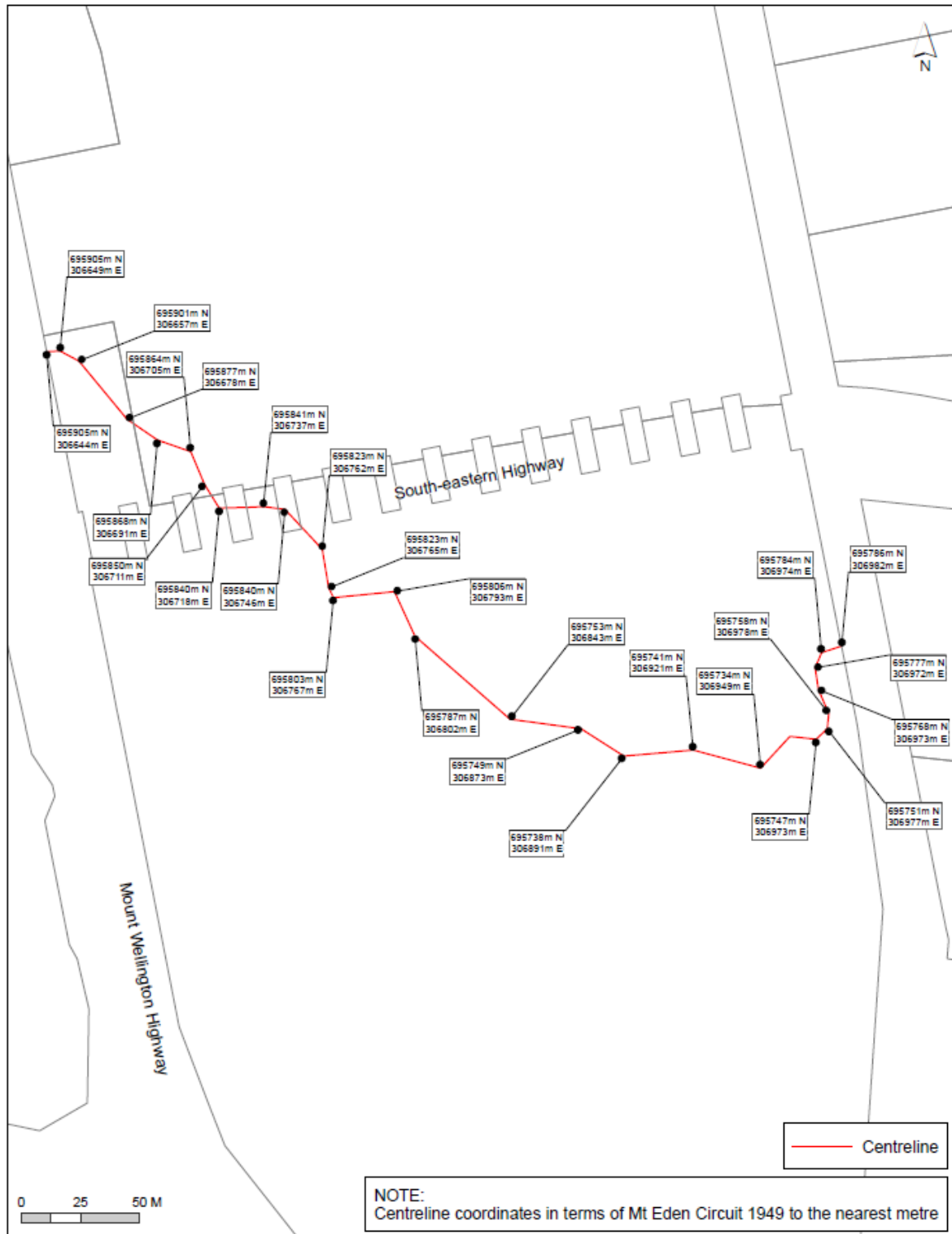
- (vii) the objectives and policies in D10 Outstanding Natural Features Overlay
- (3) additional assessment criteria for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
 - (a) the extent to which adverse effects on the features can be avoided or mitigated having regard to:
 - (i) the provision of a satisfactory record of the location, extent and any notable aspects of the feature;
 - (ii) the documentation, recovery and preservation of materials of scientific or educational importance; and
 - (iii) whether access can be maintained to significant lava caves once the works are completed.

E12.9. Special information requirements

There are no special information requirements in this section.

E12.10. Figures

Figure E12.10.1 Limited earthworks corridor



E12. Land disturbance – District

E12.1. Background

Land disturbance is an essential prerequisite for the development of urban land, for the use of rural land for both farming and forestry, for mineral extraction and the construction and maintenance of infrastructure. In this plan, land disturbance encompasses the defined activities of earthworks, ancillary farming earthworks and ancillary forestry earthworks.

The management of the adverse effects of land disturbance focuses on both large and small disturbance areas, as the cumulative adverse effects from a number of small earthwork sites can be significant as can single large areas of exposed earth.

Land disturbance can have direct physical impacts on sites of archaeological and heritage value. Given the lengthy history of Māori settlement in Auckland, sites of significance including burial sites are found across Auckland. Procedures are in place for dealing with any human remains found during land disturbance. There are also places and areas that have landscape or landform values that are identified in the plan, where land disturbance is discouraged.

E12.2. Objectives

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

E12.3. Policies

- (1) Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.
- (2) Manage the amount of land being disturbed at any one time, to:
 - (a) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;
 - (b) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and
 - (c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- (3) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.
- (4) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:

- (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
 - (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
 - (c) undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.
- (5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.
- (6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.

E12.4. Activity tables

The following tables specify the activity status for land disturbance, which encompasses earthworks, ancillary farming earthworks and ancillary forestry earthworks. Refer to other provisions in the Plan for the activity status of the related land use activity.

The land disturbance area and volume thresholds listed in the rules below are to be interpreted as follows:

- for network utility 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
- for other land disturbance, the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project.

For drilling holes and bores refer to Section E7 Taking, using, damming and diversion of water and drilling.

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

If any activity listed in rules (including standards) E12.4.1 to E12.6.4 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 one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;

- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

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

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

Tables E12.4.1, E12.4.2 and E12.4.3 specify the activity status of land use and development activities pursuant to section 9(3) of the Resource Management Act 1991.

- The land disturbance rules that apply to network utilities are located in E26 Infrastructure.

Table E12.4.1 Activity table – all zones and roads

Activity		Activity status						
		Residential zones	Business zones and City Centre Zone	Conservation Zone)	Rural – Rural and rural zones (excluding Future Urban Zone and rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation and Open Space – Conservation Zone	Special Purpose – Quarry Zone
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks								
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P	P	P
Driveways, parking areas and sports fields and major recreational facilities								
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P	P	P
General earthworks not otherwise listed in this table ¹								

E12 Land disturbance – District

(A3)	Up to 500m ²	P	P	P	P	P	P	P
(A4)	Greater than 500m ² up to 1000m ²	RD	P	P	P	RD	P	P
(A5)	Greater than 1000m ² up to 2500m ²	RD	P	RD	RD	RD	P	P
(A6)	Greater than 2500m ²	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A7)	Up to 250m ³	P	P	P	P	P	P	P
(A8)	Greater than 250m ³ up to 1000m ³	RD	P	P	P	RD	P	P
(A9)	Greater than 1000m ³ up to 2500m ³	RD	P	RD	RD	RD	P	P
(A10)	Greater than 2500m ³	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A11)	Earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks	NA	C	NA	NA	NA	NA	NA

	corridor							
Lava caves, fossils and sub-fossils								
(A12)	Land disturbance that disturbs known lava caves more than 1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD
Farming								
(A13)	Ancillary farming earthworks	P	P	P	P	P	P	P
Forestry								
(A14)	Ancillary forestry earthworks	P	P	P	P	P	P	P
Hauraki Gulf islands								
(A15)	Hauraki Gulf islands	Refer to the Auckland Council District Plan (Hauraki Gulf Islands Section) for district activity status and E11 Land Disturbance – Regional for the relevant regional activity status						

Note 1

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

In addition to the objectives and policies above, the rules in Table E12.4.2, notification, standards, matters and assessment criteria implement the objectives and policies in the following chapters:

- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay;
- D11 Outstanding Natural Character and High Natural Character Overlay
- D17 Historic Heritage Overlay; and
- **[New text to be inserted]**
- D21 Sites and Places of Significance to Mana Whenua Overlay.

PC 4
s86B (3) Immediate
legal effect (See
modifications)

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

Activity	Activity status				
	Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	Sites and Places of Significance to Mana Whenua Overlay
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks					
(A16)	Earthworks for maintenance and repair	P	P	P	P
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals	P	P	P ²	RD
(A18)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P	P	P
(A19)	Earthworks for gardening or planting	P	P	P	P
Driveways, parking areas and, sports fields and major recreational facilities					
(A20)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P
Cultivation					
(A21)	Up to 500m ²	RD	P	RD	D
(A22)	Greater than 500m ² up to 2500m ²	RD	P	RD	D
(A23)	Greater than 2500m ²	RD	P	D	D
Irrigation or land drainage					
(A24)	Works below the natural ground level	RD	P	D	D
Farming					
(A25)	Ancillary farming	P	P	P ²	P

PC 4
s86B (3) Immediate
legal effect (See
modifications)

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	earthworks for maintenance of tracks				
Forestry					
(A26)	Ancillary forestry earthworks for maintenance	P	P	P ²	P
Temporary activities					
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P ²	RD
Land disturbance not otherwise listed in this table³					
(A28)	Up to 5m ²	P	P	P ²	D
(A29)	Greater than 5m ² up to 50m ²	RD	P	RD ²	D
(A30)	Greater than 50m ²	RD	RD	RD	D
(A31)	Up to 5m ³	P	P	P ²	D
(A32)	Greater than 5m ³ up to 250m ³	RD	P	RD ²	D
(A33)	Greater than 250m ³	RD	RD	RD	D

Note 2

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

Note 3

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

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

Table E12.4.3 Activity table – Outstanding Natural Features Overlay

Activity		Activity status										
		A1	A	V1	V2	B	C	D	E	F1	F2	
(A34)	Earthworks for maintenance and repair limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	P	P	P	P	P	P	P	P	P
(A35)	Ancillary farming earthworks limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	RD	RD	RD	RD	RD	RD	RD	RD	RD
Irrigation or land drainage												
(A36)	Land disturbance for irrigation or land drainage	P	P	RD	RD	RD	RD	RD	RD	RD	RD	RD
Forestry												
(A37)	Ancillary forestry earthworks limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	RD	RD	RD	RD	RD	RD	RD	RD	RD

General land disturbance not otherwise listed in this table											
(A38)	Up to 2m ³	P	P	P	P	RD	RD	RD	RD	NC	RD
(A39)	Greater than 2m ³ up to 10m ³	P	P	RD	RD	RD	RD	RD	NC	NC	NC
(A40)	Greater than 10m ³ up to 50m ³	P	RD	RD	RD	RD	RD	RD	NC	NC	NC
(A41)	Greater than 50m ³	RD	RD	RD	RD	RD	RD	RD	NC	NC	NC

E12.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E12.4.1 Activity table all zones and roads 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 E12.4.1 Activity table all zones and roads Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) and Table E12.4.3 Activity table Outstanding Natural Features Overlay and which is not listed in E12.5(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).

E12.6. Standards

E12.6.1. 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 20m 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 E12.6.1(3)(f) are met.

Resumption of work

- (f) work within the area determined by the Council at E12.6.1(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 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 E12.6.1(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) 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

E12.6.2. General standards

All activities (except ancillary farming earthworks, ancillary forestry earthworks and network utilities) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E12.4.1, Table E12.4.2 or Table E12.4.3 must comply with the following standards.

- (1) Land disturbance within riparian yards and coastal protection yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks; or
 - (e) burial of marine mammals.
- (2) Land disturbance must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (7) 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 E12.6.2(7)(a) and E12.6.2(7)(b) above.
- (8) 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 6-12m from the outer visible edge of a transmission tower support structure.
- (9) 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 New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001.
- (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (11) Earthworks (including filling) within a 100 year annual exceedance probability (AEP) flood plain:
 - (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
 - (b) must not result in any adverse changes in flood hazard beyond the site.

Note1

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

- (12) Earthworks (including filling) within overland flow paths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (13) Temporary land disturbance and stockpiling of soil and other materials within the one per cent annual exceedance probability (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) 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 must be limited to the area and depth of earth previously disturbed or modified.

- (15) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Historic Heritage Overlay must not extend more than 300 mm below the surface where additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps.
- (16) Earthworks associated with a temporary activity on a site or place of significance to Mana Whenua shall be limited to the area of earthwork previously disturbed or modified.
- (17) Earthworks/land disturbance for the planting of any tree within the Historic Heritage Overlay must not be undertaken where additional rules for archaeological sites or features 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.

E12.6.3. Standards for ancillary farming earthworks

Ancillary farming earthworks listed as a permitted activity in Table E12.4.1, Table E12.4.2 or Table E12.4.3 must comply with the following permitted activity standards.

- (1) Ancillary farming earthworks for maintenance of tracks on sites identified in the Sites and Places of Significance to Mana Whenua Overlay must be limited to the area and depth of earth previously disturbed.
- (2) 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 E12.6.2(2)(a) and E12.6.2(2)(b) above.
- (3) 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 6-12m from the outer visible edge of a transmission tower support structure.

- (4) 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.

E12.6.4. Standards for ancillary forestry earthworks

Ancillary forestry earthworks listed as a permitted activity in Table E12.4.1, Table E12.4.2 or Table E12.4.3 must comply with the following permitted activity standards.

- (1) Other than for ancillary forestry earthworks on sand soils, the Council must be notified at least 48 hours prior to the earthworks starting.
- (2) The ancillary forestry earthworks must not take place on land within a coastal fore-dune.
- (3) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (4) Ancillary forestry earthworks for maintenance shall be limited to the area and depth of earth previously disturbed or modified on a site or place identified in the Site or Place of Significance to Mana Whenua Overlay.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (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) 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.
- (10) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (11) 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 E12.6.4(11)(a) and E12.6.4(11)(b) above.
- (12) 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 6-12m from the outer visible edge of a transmission tower support structure.
- (13) 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 New Zealand Code of Practice for Electrical Safe Distances NZECP34:2001.

E12.7. Assessment – controlled activities

E12.7.1. Matters of control

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

- (1) all controlled activities:
 - (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) staging of works and progressive stabilisation;
 - (g) timing and duration of works;
 - (h) term of consent; and

- (i) potential effects on significant ecological and indigenous biodiversity values.
- (2) additional matter of control for earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
 - (a) effect on the relationship of Mana Whenua and their culture and traditions with wāhi tapu in the precinct, especially wāhi whenua and wāhi pito.

E12.7.2. Assessment criteria

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

- (1) all controlled activities:
 - (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; and
 - (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.
- (2) additional assessment criteria for earthworks that exceeds 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
 - (a) conditions may be imposed on consents to avoid, remedy or mitigate any adverse effects of works to support Mana Whenua, including:
 - (i) a requirement to notify the Council and Mana Whenua before any earthworks start;

- (ii) supervision of works by a Council-appointed archaeologist and Mana Whenua representatives; and
- (iii) control how earthworks are managed, such as hand digging rather than mechanical digging.

E12.8. Assessment – restricted discretionary activities

E12.8.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) compliance with the standards;
 - (b) 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.
- (2) additional matters of discretion for land disturbance within overlay areas:

(a) within the Outstanding Natural Character, High Natural Character Overlay or Outstanding Natural Landscapes Overlay:

- (i) the objectives and policies in D10 as they relate to Outstanding Natural Landscapes and D11 as they relate to Outstanding Natural Character and High Natural Character;
- (ii) setback from mean high water springs;
- (iii) cumulative effects;
- (iv) landscape, visual and amenity effects;
- (v) mitigation of effects;
- (vi) modification to landform;
- (vii) vegetation clearance; and
- (viii) Mana Whenua values.

(b) within the Historic Heritage Overlay:

- (i) effects on historic heritage.

(c) within the Sites and Places of Significance to Mana Whenua Overlay:

- (i) potential effects on the water quality of taiāpure or mahinga maataitai, wāhi tapu, taonga and other scheduled sites in the Sites and Places of Significance to Mana Whenua; and
- (ii) potential effects on the values and associations of Mana Whenua with the site or place including effects on the context of the Maori cultural landscape.

(d) within the Outstanding Natural Features Overlay:

- (i) the objectives and policies in D10;
- (ii) nature, form and extent of proposed works;
- (iii) effects on landscape values;
- (iv) the degree of existing geological modification;
- (v) protection or enhancement of the feature; and
- (vi) Mana Whenua values.

(3) Additional matters of discretion for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:

- (a) effects on known lava caves, fossils and sub-fossils.

E12.8.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (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 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.
 - (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.
- (2) additional assessment criteria for land disturbance within overlay areas:
- (a) within the Outstanding Natural Character and High Natural Character Overlay or the Outstanding Natural Landscapes Overlay:
 - (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of:
 - protected trees;
 - cliff faces/cliff tops; and
 - identified landscape features
 - (ii) the extent to which the proposal will adversely affect amenity and identified natural character values, and 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.
 - (iii) the extent to which there are adverse visual and or ecological effects from any land disturbance, associated with creating farm tracks, driveways or other servicing requirements;
 - (iv) the extent to which the activity impacts on Mana Whenua values;
 - (v) the extent to which the functional need for farm tracks, driveways or other servicing requirements to be in the location proposed; and
 - (vi) the objectives and policies in D10 Outstanding Natural Landscapes Overlay and D11 Outstanding Natural Character and High Natural Character Overlay.
 - (b) within the Historic Heritage Overlay;
 - (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of heritage sites.

(c) within the Sites and Places of Significance to Mana Whenua Overlay:

(i) whether the proposal will protect the relationship of Mana Whenua with their cultural heritage by:

- avoiding the physical destruction in whole or in part of the site or place of significance to Mana Whenua;
- avoiding significant adverse effects on the values and associations of Mana Whenua with the site or place;
- where relevant, recognising and providing for the outcomes articulated by Mana Whenua through the cultural impact assessment process and within iwi planning documents;
- incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
- demonstrating consideration of practicable alternative methods, locations or designs which would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; or
- demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.

(d) within the Outstanding Natural Features Overlay:

- (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 activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;
- (iii) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;
- (iv) 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;
- (v) 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;
- (vi) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and

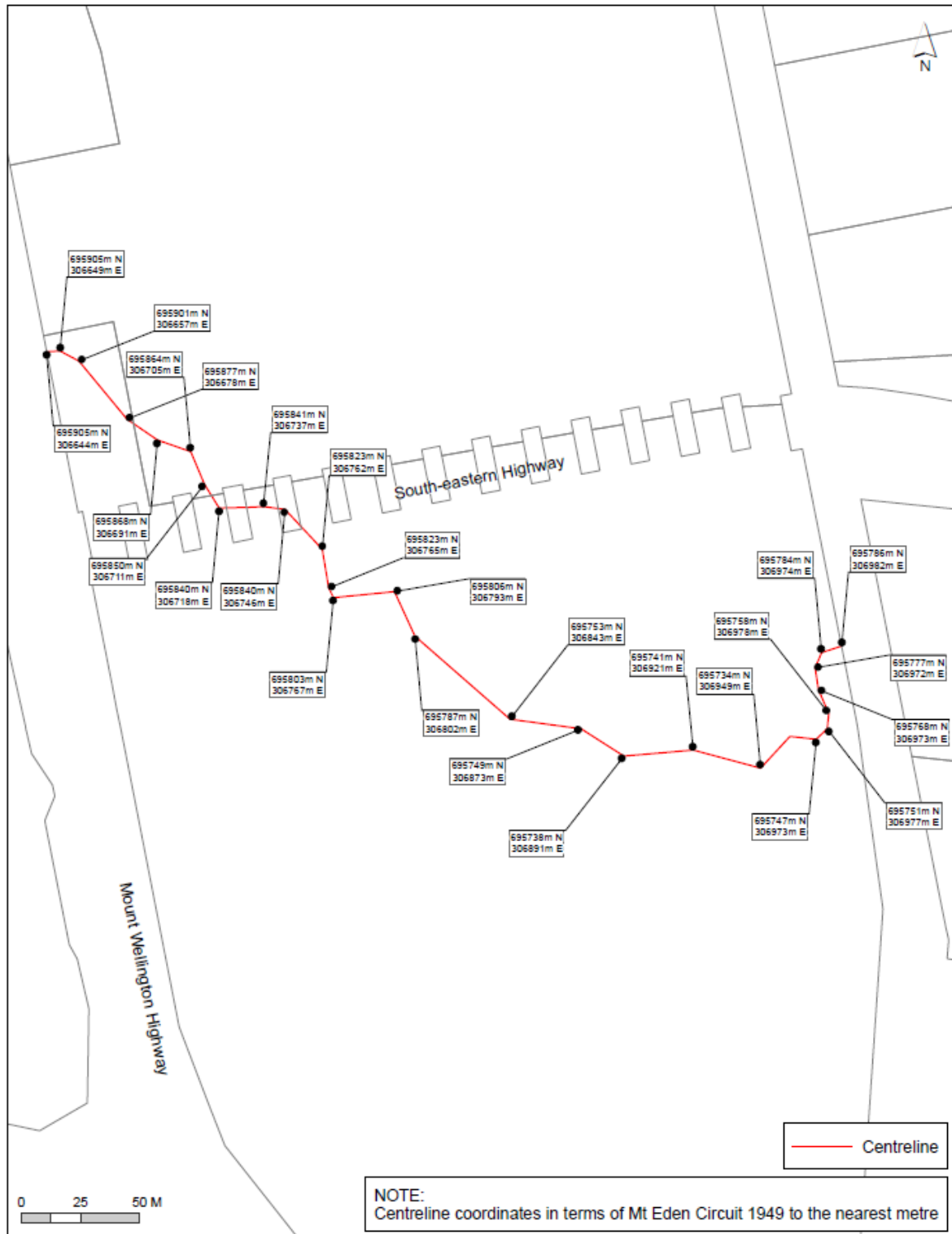
- (vii) the objectives and policies in D10 Outstanding Natural Features Overlay
- (3) additional assessment criteria for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
 - (a) the extent to which adverse effects on the features can be avoided or mitigated having regard to:
 - (i) the provision of a satisfactory record of the location, extent and any notable aspects of the feature;
 - (ii) the documentation, recovery and preservation of materials of scientific or educational importance; and
 - (iii) whether access can be maintained to significant lava caves once the works are completed.

E12.9. Special information requirements

There are no special information requirements in this section.

E12.10. Figures

Figure E12.10.1 Limited earthworks corridor



E26. Infrastructure

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

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	E26.2 Network utilities and electricity generation – All zones and roads	3
D9 Significant Ecological Areas Overlay E15 Vegetation management and biodiversity	E26.3 Network utilities and electricity generation – Vegetation management	30
D13 Notable Trees Overlay E16 Trees in open space zones E17 Trees in roads	E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay	40
E11 Land disturbance – Regional E12 Land disturbance – District	E26.5 Network utilities and electricity generation – Earthworks all zones and roads E26.6 Network utilities and electricity generation – Earthworks overlays except	49 62

	Outstanding Natural Features Overlay E26.7 Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay	76
D17 Historic Heritage Overlay	E26.8 Network utilities and electricity generation – Historic Heritage Overlay	84
D18 Special Character Areas Overlay – Residential and Business	E26.9 Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business	90
D21 Sites and Places of Significance to Mana Whenua Overlay	E26.10 Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay	95
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay	E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay	98
D15 Ridgeline Protection Overlay D16 Local Public Views Overlay D19 Auckland War Memorial Museum Viewshaft Overlay	E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays	103
D10 Outstanding Natural Landscapes Overlay D11 Outstanding Natural Character and High Natural Character Overlay	E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	109
D10 Outstanding Natural Features Overlay	E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	114

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, historic heritage, historic 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 sections 9(2) and 9(3) of the Resource Management Act 1991.

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

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

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Activity	Roads, unformed roads and the Strategic Transport Corridor Zone	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
General							
(A1)	Operation, maintenance and repair of network utilities and electricity generation facilities in existence on 30 September 2013 or which have been lawfully established or granted resource consent	P	P	P	P	P	P
(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
(A16)	Network utilities and electricity generation facilities not listed in Table E26.2.3.1 Activity Table	D	D	D	D	D	D
Electricity transmission and distribution							
(A17)	Distribution substations	P	P	P	P	P	P

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(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 Strategic Transport Corridor this activity shall have the same status as the adjacent zone ** Industrial zones *** within the areas of the Roads and Unformed Roads and Strategic Transport Corridor Zone, in rural and coastal towns; and serviced and un-serviced villages.	*	P	P	RD P***	RD P**	RD	RD
(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
Liquid fuels and gas transmission and distribution								
(A26)	Underground gas distribution regulator stations	P	P	P	P	P	P	P
(A27)	Aboveground gas distribution regulator stations	P	P	P	P	P	P	P
(A28)	Aboveground gas and petroleum product transmission regulator, valve, or pump stations * Business – Heavy Industrial Zone	D	D	D	D	D	D	D
(A29)	Underground gas distribution pipelines at a gauge pressure not exceeding 2000 kilopascals, including any aerial crossings of streams using bridges or any other structures, and ancillary underground equipment and fittings	P	P	P	P	P	P	P
(A30)	Underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals including any aerial crossings of streams or other low lying areas using bridges or any other structures, and ancillary underground equipment and fittings	D	D	D	D	D	D	D
Telecommunications								
(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulations 28 and 29 of the NESTF	C	NA					
(A32)	Antennas attached to retaining walls, tunnels, bridges and other structures (other than replacement utility structures under the NESTF) in the road, unformed Road and Strategic Transport Corridor Zone	P	NA					
(A33)	Antennas attached to a building and/or structure where the face of the antenna does not exceed 1.5m ² or 1.2m in diameter for dish antennas (excludes private television antennas and satellite dishes)	NA	P	P	RD	P	P	P
(A34)	Mast and attached antennas * within Business – Local Centre Zone and Business – Neighbourhood Centre Zone	RD# P**	P	P	D	P	P	RD#

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	** within the Strategic Transport Corridor zone							
(A35)	Antennas inside of new or existing buildings	P	P	P	P	P	P	P
(A36)	Antennas that do not exceed the following dimensions: GPS Antennas: <ul style="list-style-type: none"> • 300mm high and 130mm in diameter • small cell units/antennas that do not exceed a volumetric dimension of 0.25m³ Omni-directional antennas: <ul style="list-style-type: none"> • 650mm high; and • 60mm in diameter 	P	P	P	P	P	P	P
(A37)	Externally mounted telecommunication satellite dishes attached to buildings not exceeding 0.8m in diameter and ancillary components	NA	P	P	P	P	P	P
(A38)	Telecommunication cabinets and shelters *that meet the permitted standards in NESTF if within a road	P*	P	P	P	P	P	P
(A39)	Telecommunication cabinets in roads and Strategic Transport Corridor zone that do not meet the permitted standards in NESTF (excludes rail corridors)	RD						
(A40)	Underground telecommunication lines and facilities	P	P	P	P	P	P	P
(A41)	Overhead telecommunication lines * within areas of the road, unformed road and Strategic Transport Corridor Zone this activity shall have the same status as the adjacent zone ** Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D
(A42)	Telecommunication kiosks	P	P	P	P	P	P	P
(A43)	Telephone exchanges	P	P	P	P	P	P	P
(A44)	Installation and operation of equipment inside existing telephone exchanges	P	P	P	P	P	P	P
Amateur radio								
(A45)	Amateur radio configurations	NC	P	P	P	P	P	P
(A46)	Amateur radio configurations that do not comply with Standard E26.2.5.3(25)	NC	D	D	D	D	D	D
Water, wastewater and stormwater structures								
(A47)	Underground reservoirs	P	P	P	P	P	P	P
(A48)	Above ground reservoirs	RD	P	P	RD	P	RD	RD
(A49)	Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines)	P	P	P	P	P	P	P
(A50)	Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater and stormwater	RD	RD	RD	RD	RD	RD	RD
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P
(A52)	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P
(A53)	Water treatment plants	D	P	P	RD	P	RD	RD
(A54)	Wastewater treatment plants	D	RD	D	D	RD	D	D
(A55)	Stormwater detention/retention ponds/wetlands	C	C	C	C	C	C	C
(A56)	Water, wastewater and stormwater outfalls and ancillary structures	P	P	P	P	P	P	P
(A57)	Ventilation facilities, drop shafts and manholes	P	P	P	P	P	P	P
(A58)	Stormwater treatment devices; erosion protection; culverts; measuring devices (flows structures)	P	P	P	P	P	P	P

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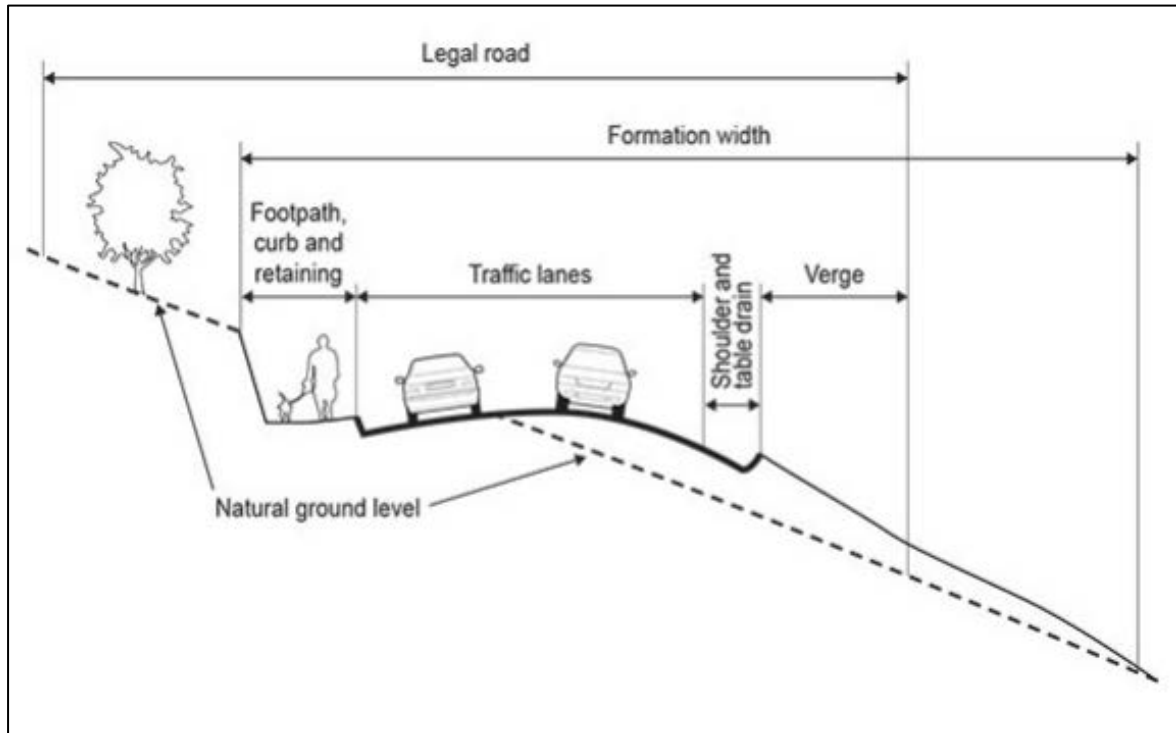
Electricity generation and its storage								
(A59)	Small-scale electricity generation * solar electricity generation which is ancillary to network utilities located in roads and unformed roads and Strategic Transport Corridor Zone	NA P*	P	P	P	P	P	P
(A60)	Community-scale electricity generation * solar electricity generation	NA	P	P	RD# P*	P	RD# P*	RD# P*
(A61)	Large scale wind farms	NA	RD#	D	NC	RD#	D	NC
(A62)	Research and exploratory scale investigations for renewable electricity generation activities	D	P	NA	NA	NA	NA	P
(A63)	Other electricity generating facilities	NC	D	D	NC	D	D	NC
(A64)	Electricity storage facility that is not a minor utility structure	RD	P	P	RD#	P	RD#	RD#
Infringement of standards								
(A65)	Any activity that does not comply with Standard E26.2.5.2(6)	NC	NC	NC	NC	NC	NC	NC
(A66)	Any activity that does not comply with Standard E26.2.5.2(7)	NC	NC	NC	NC	NC	NC	NC

PC 4 (See modifications)

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

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

Figure E26.2.3.1 Formation width of the road



(c) 'unformed road' means land that is vested or dedicated that has never been formed in full or in part,

- (3) Any zoning (including precinct provisions) ceases to have effect from the time the land is vested or dedicated as a road.
- (4) In the case of stopped roads, the zoning reverts to that of the adjoining land at the time when the road is stopped, and where there are two different zones, the adjacent zone extends to the centre line of the former road.
- (5) This section controls the road network activities (including structures) undertaken in the local public road network, and associated/ancillary structures and activities adjacent to but within the formation width of the existing road by Auckland Transport (or its agents) except where the overlay and Auckland-wide rules apply additional rules that must also be complied with.
- (6) Where an existing road (as defined in Rule E26.2.3(2) above) is also identified as having an underlying zoning, the rules as set out below will have precedence over any zone rules in regard to the activity status and standards.

Table E26.2.3.2 Activity table for road network activities

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

E26.2.4. Notification

- (1) An application for resource consent for a controlled or restricted discretionary activity listed in Table E26.2.3.1 Activity table or Table E26.2.3.2 Activity table for road network activities above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(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).

PC 4 (See modifications)

- (2) Building area:

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

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m;
- (b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters and GPS antennas; and
- (c) the maximum height for of 2.5m applies to:
 - (i) telecommunication kiosk; and
 - (ii) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas.

(4) Electric vehicle charging stations:

- (a) maximum height of 1.8m;
- (b) maximum area of 1.5m^2 ;
- (c) either have a socket connection, or a fitted cable management accessory;
- (d) the equipment must be removed by the owner when the equipment becomes obsolete; and
- (e) in addition to the above, where the electric vehicle charging station is located on an arterial road:

- (i) it must be located adjacent to part of a road on which car parking is authorised by Auckland Transport for a time period of at least 30 minutes for either general vehicle use or reserved for electric vehicles;
- (ii) the equipment must be removed by the owner (at the owner's sole cost) at least 30 days prior to the adjacent car parking space being permanently removed; and
- (iii) written notice of any proposed installation of the equipment must be given to Auckland Transport at least 2 months prior to the lodgement of any request to access the road corridor.

(5) Minor infrastructure upgrading

- (a) All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

PC 4 (See
modifications)

[New text to be inserted]

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

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

(1) Temporary network utilities:

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

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures:

- (i) in residential zones is 20m²;
- (ii) in all other zones is 30m²;

- (b) Standard E26.2.5.2(2)(a)(i) and (ii) excludes:

- (i) structures in industrial zones; and
- (ii) substations or telephone exchanges incorporated within a building complying with the rules for the relevant zone which are provided for as a separate activity.

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices,

earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes:

- (i) structures in industrial zones, where the height controls of the relevant zone will apply;
 - (ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and
 - (iii) telecommunication shelters 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 2m³
- (6) Electricity transmission and distribution (Electric and magnetic fields):
- (a) network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).
- (7) Radio Frequency Fields (RF fields):
- (a) network utilities should not result in radio-frequency fields produced by the network utility exceeding the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) measured at all places reasonably accessible to the general public.

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

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

Minor infrastructure upgrading

(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, 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6.
- (iii) the provisions in 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.

(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;
 - (ii) where the antenna is a dish antenna the diameter of the new antenna must not increase by more than 20 percent; and

PC 4 (See
modifications)

(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

(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

(3) Noise from substations 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 within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} at 6m from the distribution substation or at the nearest residential boundary or rural notional boundary, whichever is the furthest.

(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”.

Telecommunication antennas attached to buildings

(6) Antennas attached to buildings must not exceed the height at the point of attachment to the building by more than the height specified in Table E26.2.5.3.1.

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

Table E26.2.5.3.1 Telecommunication antennas attached to buildings

Zone group	Permitted height
<ul style="list-style-type: none"> • Rural zones; • Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land); 	5m

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

Maximum number of antennas

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

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

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

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

Table E26.2.5.3.2 Maximum number of antennas

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

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

Height of masts and attached antennas (excludes NESTF)

(11) Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3,

excluding provision for lightning rods and GPS antennas, telecommunication devices and earthpeaks.

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

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

Electricity generation – wind generation scale and location

(12) Meteorological masts for wind research and exploration must not exceed 90m in height.

(13) Roof-mounted wind turbines for small-scale electricity generation must:

- (a) not exceed the permitted height of the zone by more than 3m;
- (b) have a rotor diameter no more than 2.5m; and
- (c) be limited to one per dwelling within the residential zones.

(14) Freestanding wind turbines for small-scale electricity generation must comply with Table E26.2.5.3.4.

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

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

All other zones	15	3
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- (15) In residential zones and the Special Purpose – Māori Purpose Zone, freestanding wind turbines for small-scale electricity generation are limited to one per site.
- (16) The noise (rating) level from small scale electricity generation must not exceed the noise control specified for activities in the zone in which the small scale electricity generation activity is located (including noise control for any zone interface), following the subtraction of 10 decibels from every applicable A-weighted noise limit in the applicable rule. A penalty for the noise containing Special Audible Characteristics in accordance with NZS6802:2008 Acoustics – Environmental Noise must not be applied.
- (17) Wind turbine towers, either freestanding tubular, lattice or tubular mast supported by guy wires, for a community-scale electricity generation facility must not exceed 25m in height.
- (18) Small and community scale wind turbines on sites adjoining residential zones must meet the height in relation to boundary control for the adjoining zone in which they are located.
- (19) There is no height limit for wind turbine towers associated with large-scale wind farms.

Electricity generation - solar panels

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

Setbacks

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

Shadow flicker

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

Pipe and cable bridges

- (23) Pipe and cable bridges must not exceed:
- (a) 25m in length;
 - (b) 1m in diameter or width

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

- (24) Any aboveground section of underground pipelines for the conveyance of gas, water, wastewater and stormwater must not exceed:
- (a) 25m continuous length of pipe that is aboveground in any one section; and
 - (b) 300mm in diameter.

Amateur Radio Configurations

- (25) Amateur radio configuration activities must comply with the following standards:
- (a) no limit to the number of supporting structures less than 102mm in diameter. Where guy wires are used, these must not exceed 10mm in diameter;
 - (b) a maximum of one supporting structure greater than 102mm. The maximum height of the supporting structure shall be the relevant building height. The maximum horizontal diameter of the pole or supporting structure is 800mm. The minimum setback from any boundary is 1.5m. Any guys used to support the pole must not exceed 10mm in diameter;
 - (c) dish antennas located less than 5m above ground have a maximum horizontal diameter of 4m and a minimum boundary setback of 1m. Dish antennas situated more than 5m above ground have a maximum diameter of 1.2m;
 - (d) the maximum height of antennas mounted on buildings using a supporting structure less than 102mm diameter shall be 18m in the residential zones, and 18m or the relevant permitted or actual building height plus 5m (whichever is greatest) in all other zones;
 - (e) all antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access; and
 - (f) no amateur radio configuration may be located on a site that is, or contains, a scheduled historic heritage place. In respect of a scheduled historic heritage place, no amateur radio configuration shall be located on a site with a extent of place or any area of legal road within that extent of place.

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

Electric vehicle charging stations

(26) Electric vehicle charging stations must be:

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

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

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

- (1) Temporary works, buildings and structures must be removed from the road on completion of works.
- (2) After completion of works, the ground must be reinstated to at least the condition existing prior to any work starting.
- (3) Work within the formation width of the road must be incidental to, and serve a supportive function for the existing public road or is required for the safety of road users or is required for the safety of adjacent landowners or occupiers.

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

- (2) Substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:

- (a) the substation building 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:
 - (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:
 - (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 substation;
 - (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the 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:
- (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:
 - (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 substation;
 - (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the 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 margins (refer to E15 Vegetation management and biodiversity);
- 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 margins [rp]	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading							
(A71)	Biosecurity tree works	P	P	P	P	P	P
(A72)	Dead wood removal	P	P	P	P	P	P
(A73)	Emergency tree works	P	P	P	P	P	P
(A74)	Pest plant removal	P	P	P	P	P	P
(A75)	Vegetation alteration or removal for the operation, repair and maintenance of access tracks and fences for network utilities	P	P	P	P	P	P
(A76)	Vegetation alteration or removal	P	P	P	P	P	P
(A77)	Vegetation alteration or removal that does not comply with Standards E26.3.5.1 to E26.3.5.4	RD	RD	RD	RD	RD	RD
(A78)	Vegetation alteration or removal not otherwise provided for	D	D	D	D	D	D

E26.3.4. Notification

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

E26.3.5. 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 margins and the Significant Ecological Areas Overlay

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

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

E26.3.5.2. Vegetation alteration or removal

- (1) 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 20m² of vegetation within a significant ecological area, except within the formation width of the road.
- (3) Must not result in the removal of more than 50m² of vegetation within a coastal area or riparian margin not identified as a significant ecological area.
- (4) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.
- (5) Must not result in the removal of more than 500m² of vegetation within the legal road or the formation width of the road in a rural zone.
- (6) Must not result in the removal of more than 250m² of vegetation outside the legal road or the formation width of the road in a rural zone.
- (7) Vegetation alteration or removal from a significant ecological area must be for the purpose of maintaining the safety of the network utility and must be undertaken in any of the following:
 - (a) within the formation width of existing roads;

- (b) within 1m of the network utility, or existing access track;
 - (c) in accordance with the Electricity (Hazards from Trees) Regulations 2003;
 - (d) within state highway designations as at 30 September 2013; or
 - (e) within railway designations as at 30 September 2013.
- (8) Standards E26.3.5.2(1)-(7) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
- (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage above the road carriageway;
 - (b) clearance of a 0.5m width back from the road kerb;
 - (c) clearance of a 0.6m width back from the un-kerbed road; or
 - (d) clearance for any over dimension route requirement.

District [dp]

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

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

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

E26.3.5.4. Vegetation alteration or removal

- (1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (2) Must not result in the removal of more than 50m² of vegetation within an overlay.
- (3) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.

- (4) Must not result in the removal of more than 250m² of vegetation within the legal road or the formation width of the road in an overlay
- (5) Standards E26.3.5.4(1)-(4) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
 - (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage 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 margins and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
 - (a) ecological values:
 - (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.
 - (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 margins and the D9 Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
 - (a) ecological values:
 - (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
 - (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
 - (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and E15 Vegetation management and biodiversity.
 - (b) sediment, water quality and hydrology:

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

(c) use:

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

(d) methods and location:

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

(e) mitigation measures:

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

(f) bonds and covenants:

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

(g) Mana Whenua values:

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

- (2) district rules - vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, Outstanding

Natural Character Overlay and High Natural Character Overlay that do not comply with the permitted activity standards [dp]:

(a) hazard mitigation:

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

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

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

(c) amenity values:

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

(d) use:

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

(e) methods and location:

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

(f) mitigation measures:

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

(g) bonds and covenants:

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

(h) Mana Whenua values:

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

E26.3.8. Special information requirements

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

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

E26.4.1. Objectives

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

E26.4.2. Policies

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

E26.4.3. Activity table

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

- the activity status and rule applying to any particular tree is determined by the location of the trunk;
- all activities obtain the approval of the Tree Asset Manager, which in respect of roads is Auckland Transport and in respect of open space zones, owned by the Council, is the Auckland Council Parks Department;
- for the tree rules except where otherwise stated any square metre limit applies on a 'per project' basis; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

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

Activity		Auckland wide-rules Trees		Overlay rules
		Trees in roads [dp]	Open space zones [dp]	Notable trees [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading				
(A79)	Biosecurity tree works	P	P	P
(A80)	Dead wood removal *if undertaken by a qualified arborist	P	P	P* C
(A81)	Emergency tree works	P	P	P
(A82)	Pest Plant Removal *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 undertaken 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)	Alteration or removal of trees less than 4m in height and/or less than 400mm in girth	P	P	NA
(A92)	Alteration or removal of trees 4m or more in height and/or 400mm or more in girth	RD	RD	NA
(A93)	Tree trimming, alteration or removal not otherwise provided for	D	D	D

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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;

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(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; and

(d) the natural shape, form and branch habit of the tree must be retained for trees in streets where practicable.

- (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 5.3m where there is road safety and directional signage located above the carriageway;

(ii) maintain the clearance of 0.5m width back from the road kerb;

(iii) maintain the clearance of 0.6m width back from the unkerbed road; or

(iv) maintain clearance requirements for over dimension routes;

(c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

- (3) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.

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

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

- (e) Standards E26.4.5.2(1)(a) - (d) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm:
 - (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
 - (i) works must not disturb more than 20% of the protected root zone;
 - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
 - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket;
 - (b) Standard E26.4.5.2(2)(a) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.

Notable trees

E26.4.5.3. Notable trees - tree trimming or alteration

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

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[New text to be inserted]

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

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 1m².
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.

- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

E26.4.6. Assessment – controlled activities

E26.4.6.1. Matters of control

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

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

E26.4.6.2. Assessment criteria

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

- (1) for deadwood removal not undertaken by a qualified arborist:
 - (a) criteria for the extent of the alteration of the tree and the method to be employed:
 - (i) the tree will not be unduly damaged or its health endangered through removal of deadwood;
 - (ii) the timing of the deadwood removal;
 - (iii) the size of the wounds; and
 - (iv) the position of the wounds.
- (2) tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:

- (a) that the trimming must not exceed the Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003; and
- (b) whether the trimming retains the natural shape, form and branch habit of the tree, as far as practicable.

E26.4.7. Assessment – restricted discretionary activities

E26.4.7.1. Matters of discretion

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

- (1) trees in roads and open space zones:
 - (a) for tree trimming or alteration not meeting Standard E26.4.5.1;
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
 - (b) for work within the protected root zone not otherwise provided for:
 - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
 - (ii) the extent of area of the protected root zone or zones that is affected.
 - (c) tree alteration or removal of greater than 4m in height and trees 400mm in girth:
 - (i) the effect on the values of the tree or trees; and
 - (ii) any loss or reduction of amenity values provided by the tree or trees;
 - (iii) any mitigation proposed; and
 - (iv) the functional and operational requirements and benefits derived from infrastructure.
- (2) Notable Tree Overlay:
 - (a) for tree trimming or alteration not meeting Standard E26.4.5.3:
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
 - (b) for work within the protected root zone not otherwise provided for:

- (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
- (ii) the extent of area of the protected root zone or zones that is affected.

E26.4.7.2. Assessment criteria

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

(1) trees in roads and open space zones:

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

(2) Notable Tree Overlay:

- (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
- (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
- (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
- (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;

- (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (f) the need for the direction and supervision of a qualified arborist while the works are being carried out; and
- (g) the functional and operational requirements and benefits derived from infrastructure.

E26.4.8. Special information requirements

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

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

E26.5.1. Objectives

The objectives for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

E26.5.2. Policies

The policies for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

E26.5.3. Activity table

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

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

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

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

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	renewal, minor infrastructure upgrading							
(A202)	Earthworks greater than 2500m ³ other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	RD
(A98)	Earthworks not otherwise listed in this table	Refer to Table E12.4.1 Activity table – all zones and roads						
Earthworks - Lava caves, fossils and sub-fossils								
(A99)	Land disturbance that disturb known lava caves >1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD

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

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

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

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

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

Note 1

Sediment Control Protection Area is defined as:

- (a) 100 metres either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50 metres landward of the edge of a watercourse, or wetland of 1000m² or more.

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) **W**ait for and enable the site to be inspected by the relevant authority or agency:
 - (i) **I**f 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) **I**f 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) **F**ollowing 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) **W**ork 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 **must be 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 **must be 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) **R**esource consent has been granted **to 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 areas unless being transported to landfill for disposal.

District [dp]

- (9) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (10) Land disturbed for the operation, renewal, repair, upgrading or maintenance of utilities outside the formation width of existing roads or abutments, or within an overland flow path, will be reinstated to the ground level prior to the works being undertaken as soon as practicable after completion of the works.
- (11) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.
- (12) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (13) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (14) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (15) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (16) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (17) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (18) Earthworks (including filling) within a 1% AEP flood plain (excluding road network activities):

- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
- (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

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

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

- (a) create an unstable batter that will affect a transmission support structure; or
- (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.5.6. Assessment – controlled activities

E26.5.6.1. Matters of control

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

- (1) all regional controlled activities [rp]:
 - (a) compliance with the standards;
 - (b) the design and suitability of erosion and sediment control measures to be implemented;
 - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
 - (d) the proportion of the catchment which is exposed;
 - (e) staging of works and progressive stabilisation;
 - (f) timing and duration of works;
 - (g) term of consent; and
 - (h) potential effects on significant ecological and indigenous biodiversity values.

E26.5.6.2. Assessment criteria

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

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

- (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
- (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
- (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

E26.5.7. Assessment – restricted discretionary activities

E26.5.7.1. Matters of discretion

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) compliance with the standards;
 - (b) the design and suitability of erosion and sediment control measures to be implemented;
 - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
 - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;
 - (e) the proportion of the catchment which is exposed;
 - (f) staging of works and progressive stabilisation;
 - (g) timing and duration of works;
 - (h) term of consent;
 - (i) potential effects on significant ecological and indigenous biodiversity values;
 - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; and
 - (k) information and monitoring requirements.
- (2) all district restricted discretionary activities [dp]:
 - (a) compliance with the standards;

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

E26.5.7.2. Assessment criteria

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) whether applicable standards are complied with;
 - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
 - (i) water quality including of the coastal marine area;
 - (ii) ecological health including of the coastal marine area;
 - (iii) riparian margins;

- (iv) the mauri of water;
 - (c) the quality of taiāpure or mahinga mātaītai;
 - (d) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
 - (e) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
 - (f) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
 - (g) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
 - (h) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) general district assessment criteria [dp]:
- (a) whether applicable standards are complied with;
 - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
 - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
 - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
 - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
 - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
 - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;

- (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
- (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;
- (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Unitary Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:
 - (i) the outcome of any consultation with Transpower New Zealand Limited; and
 - (ii) the risk to the structural integrity of transmission lines; or
- (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

E26.5.8. Special information requirements

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

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

E26.6.1. Objectives

The objectives for earthworks are located in:

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

E26.6.2. Policies

The policies for earthworks are located in:

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

E26.6.3. Activity table

Table E26.6.3.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991 in the:

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

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

For Table E26.6.3.1 Activity table:

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

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

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

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

E26.6.4. Notification

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

E26.6.5. Standards

E26.6.5.1. Accidental discovery rule

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

Cease works and secure the area

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

Inform relevant authorities and parties

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

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

Wait for and enable inspection of the site

- (d) **W**ait for and enable the site to be inspected by the relevant authority or agency:
 - (i) **I**f 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) **I**f 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) **F**ollowing 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) **W**ork 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 **must be 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 **must be 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) **R**esource consent has been granted **tefor** 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.
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by **the** Heritage New Zealand Pouhere Taonga Act 2014.

E26.6.5.2. General standards

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

Regional [rp]

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³
- (3) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of 0.6m, or the depth of land previously

disturbed, except where the excavation is less than 10m² in area and 5m³ in volume.

- (4) Earthworks for service connections in SEAs shall be limited to the area and depth of earth previously disturbed or modified or shall not exceed 10m² and 5m³
 - (5) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
 - (6) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour;
 - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (e) any significant adverse effects on aquatic life.
 - (7) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.
- Note 1
- Best practice in Auckland is generally deemed to be compliance with Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region or similar design.
- (8) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
 - (9) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
 - (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
 - (11) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within a Significant Ecological

Area Overlay shall be limited to the area of earth previously disturbed or modified.

- (12) Earthworks associated with a temporary activity within a Significant Ecological Area Overlay shall be limited to the area of earthwork previously disturbed or modified.
- (13) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that areas unless being transported to landfill for disposal.

District [dp]

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

- (14) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (15) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³
- (16) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, except where the excavation is less than 10m² in area and 5m³ in volume; and for the Sites and Places of Significance to Mana Whenua overlay, only to the depth of land previously disturbed; and for the Historic Heritage overlay only to a depth of 0.6m.
- (17) Earthworks for the network utilities within the Historic Heritage Overlay must not:
 - (a) take place within 20m of any building or structure within the scheduled historic heritage place, except for renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels;
 - (b) take place within the protected root zone of any tree identified in Schedule 14.1 excluding features identified in the exclusions column of Schedule 14.1 and
 - (c) exceed an excavation depth of 0.6m

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

Note 1

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

- (27) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (28) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (29) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (30) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
- (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.6.5.2(30)(a) and (b) above.
- (31) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (32) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.
- (33) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of

significance to Mana Whenua shall be limited to the area and depth of earth previously disturbed or modified.

- (34) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the D17 Historic Heritage Overlay must not extend more than 300 mm below the surface where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps).
- (35) Earthworks/land disturbance for the planting of any tree within the D17 Historic Heritage Overlay must not be undertaken where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps) other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree.

E26.6.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.6.7. Assessment – restricted discretionary activities

E26.6.7.1. Matters of discretion

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

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

- (h) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.
- (2) all district restricted discretionary activities [dp]:
- (a) the matters set out in E26.5.7.1(2);
 - (b) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;
 - (c) landscape, visual and amenity effects;
 - (d) modification to landform;
 - (e) Mana Whenua values;
 - (f) the mitigation of effects; and
 - (g) the necessity of the earthworks to provide for the functional and operational needs of infrastructure.

E26.6.7.2. Assessment criteria

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

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

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

- (j) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location; and
- (k) the extent of the benefits derived from infrastructure.

E26.6.8. Special information requirements

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

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

E26.7.1. Objectives

The objectives for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

E26.7.2. Policies

The policies for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

E26.7.3. Activity table

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

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

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

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

	formation width of the road										
(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 provided for	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
(A117)	Land disturbance not otherwise listed in this table	Refer Table E12.4.3 Activity table Outstanding Natural Features Overlay									

E26.7.4. Notification

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

E26.7.5. Standards

E26.7.5.1. Accidental discovery rule

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

- (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
 - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

Cease works and secure the area

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

Inform relevant authorities and parties

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

Wait for and enable inspection of the site

- (d) Wait for and enable the site to be inspected by the relevant authority or agency:
 - (i) If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or

- (ii) **I**f 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) **F**ollowing 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.

Recommencement of work

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

E26.7.5.2. General standards

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³.
- (3) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of land previously disturbed, except where the excavation is less than 10m² in area and 5m³ in volume.
- (4) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
- (5) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;

- (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (6) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (7) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (8) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (9) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (10) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (11) Earthworks (including filling) within a 100 year AEP flood plain (excluding road network activities):
- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
 - (b) must not result in any adverse changes in flood hazard beyond the site.
- Note 1
- This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.
- (12) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (13) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (14) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.

- (15) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
- (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.7.5.2(15)(a) and (b) above.
- (16) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (17) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.7.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.7.7. Assessment – restricted discretionary activities

E26.7.7.1. Matters of discretion

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

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

- (f) protection or enhancement of the feature; and
- (g) effects on Mana Whenua values.

E26.7.7.2. Assessment criteria

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

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

E26.7.8. Special information requirements

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

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

E26.8.1. Objectives

The objectives for this sub-section are located in D17 Historic Heritage Overlay.

E26.8.2. Policies

The policies for this sub-section are located in D17 Historic Heritage Overlay.

E26.8.3. Activity table

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

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

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

Activity		Activity status
Network utilities and electricity generation facilities		
(A118)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P
(A119)	Minor infrastructure upgrading	P
(A120)	Minor upgrading of road network utilities	P
(A121)	Minor utility structure	P
(A122)	Service connections	P
(A123)	Antennas and aerials	P
(A124)	Distribution substations that meet Standard E26.2.5.1(2)	RD
(A125)	Small and community scale electricity generation facilities	RD

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

E26.8.4. Notification

Refer to D17.5 for notification.

E26.8.5. Standards

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

E26.8.5.1. Permitted activity standards

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

- (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure; and
 - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage.
- (5) Road network activities involving the renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, within 20m of any building or structure included in the Schedule 14.1 Schedule of Historic Heritage, a vibration management plan must be prepared by a suitably qualified and experienced person to establish that vibration levels will meet E25.6.30 Vibration. The Plan must include the information set out in E26.8.8 and be provided to the Council no less than 5 days prior to the works commencing.
- (6) Minor utility structures must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area;
 - (b) not exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage
- (7) Service connections must be not affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area.
- (8) Antennas and aerials must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area; and
 - (b) not have a cross sectional dimension greater than 300mm
- (9) Road network activities comprising traffic operation and safety signs, direction signs and road name signs must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule

of Historic Heritage) or a contributing property or feature in a historic heritage area;

(b) be co-located on an existing (non-heritage) structure; and

(c) where co-location is not possible, there shall be no more than one sign and support structure for regulatory control within any single road frontage within any individual scheduled historic heritage extent of place

(10) Temporary buildings, structures and signs must:

(a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area; and

(b) not be in place longer than either:

(i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or

(ii) 21 consecutive days in any 60 day period.

E26.8.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.8.7. Assessment – restricted discretionary activities

E26.8.7.1. Matters of discretion

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

(1) all restricted discretionary activities:

(a) effects on the known heritage values of a historic heritage place from the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;

(b) effects on the heritage and Mana Whenua values;

(c) effects on the setting of the historic heritage place, and on the inter-relationship between buildings, structures and features within the place;

(d) effects of the proposal on the overall significance of the place;

(e) effects on the inter-relationship between contributing places within a historic heritage area, including the views to, within or from the place or area;

- (f) the purpose and necessity for the works and any alternatives considered;
- (g) effects of the proposal on the long term viability and/or the ongoing functional use of the place;
- (h) the mitigation of effects; and
- (i) the functional or operation need for any infrastructure in the location proposed.

E26.8.7.2. Assessment criteria

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

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

E26.8.8. Special information requirements

- (1) The vibration management plan must include a description of the following:
 - (a) a description of the area affected by the works;
 - (b) a contact name and number of the works supervisor who can be contacted if any issues arise;

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

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

E26.9.1. Objectives

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

E26.9.2. Policies

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

E26.9.3. Activity table

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

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

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

Activity		Special Character Areas Overlay - Residential Activity status	Special Character Areas Overlay - Business Activity status
Network utilities and electricity generation facilities			
(A132)	Operation, maintenance, renewal and repair of network utilities and	P	P

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	electricity generation facilities		
(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:
 - (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.
- (3) Antennas and aerials must:
 - (a) not have a cross sectional dimension greater than 300mm; and
 - (b) must not protrude above the roof line of the part of the building to which they are attached. Where attached to the front facade, the antenna or aerial must be attached so it has a maximum horizontal

projection of 450mm from the face of the building and must be colour matched to the part of the building to which it is attached;

- (c) E26.9.5.1(3)(b) does not apply where the antenna or aerial is not visible when viewed at a height 1.8m above street level from any part of any road which is located within the character overlay.

(4) Temporary buildings, structures and signs must:

(a) not be in place longer than either:

- (i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or
- (ii) 21 consecutive days in any 60 day period.

E26.9.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.9.7. Assessment – restricted discretionary activities

E26.9.7.1. Matters of discretion

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

(1) all restricted discretionary activities:

- (a) effects on the on the special character values and context of the areas as identified in the special character area statements;
- (b) effects on the on the special character qualities, design and architectural features of buildings;
- (c) the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;
- (d) the purpose and necessity for the works and any alternatives considered;
- (e) the mitigation of effects; and
- (f) the functional or operation need for any infrastructure in the location proposed.

E26.9.7.2. Assessment criteria

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

(1) all restricted discretionary activities:

- (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) special characteristics of the streetscape

and area and the extent to which adverse effects are avoided, remedied or mitigated.

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

E26.9.8. Special information requirements

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

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

E26.10.1. Objectives

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

E26.10.2. Policies

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

E26.10.3. Activity table

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

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

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

E26.10.4. Notification

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

E26.10.5. Standards

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

E26.10.5.1. Minor infrastructure upgrading

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

E26.10.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.10.7. Assessment – restricted discretionary activities

E26.10.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) 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;
 - (b) the nature, location, design and extent of the proposal;
 - (c) the purpose and necessity for the works and any alternatives considered; or
 - (d) 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:

- (1) 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
Network utilities and electricity generation activities that intrude into a scheduled viewshaft				
(A152)	Buildings and structures for network utilities and electricity generation facilities that do not intrude into a scheduled viewshaft	P	P	NA
(A153)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities and like for like replacement	P	P	P
(A154)	Minor infrastructure upgrading	P	P	P
(A155)	Minor upgrading of road network utilities	P	P	P
(A156)	Minor utility structure	P	P	P
(A157)	Service connections	P	P	P
(A158)	Antennas and aerials	P	P	P
(A159)	Small and community scale electricity generation facilities	RD	RD	RD

(A160)	Road network activities comprising road lighting and associated support structures	P	P	P
(A161)	Road network activities comprising traffic and direction signs and road name signs	P	P	P
(A162)	Road network activities comprising traffic safety and operational signals, traffic 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 E26.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E26.11.5. Standards

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

E26.11.5.1. Permitted activity standards

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

- (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
 - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor upgrading of road network activities must comply with the following standards:
- (a) the alteration, replacement or relocation of ancillary structures for road network activities:
 - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
 - (ii) the structure must be located within 2m of the existing alignment or location
 - (b) any support structure or pole which replaces an existing support structure or pole:
 - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
 - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
 - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (4) Minor utility structures must not exceed a maximum height of 0.9m and a maximum area of 0.5m²
- (5) Antennas and aerials must not have a cross sectional dimension greater than 300mm
- (6) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (7) Road network activities must comply with the following standards:
- (a) maximum height of 25m for road lighting and associated support structures; and
 - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic 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 and D19 Auckland War Memorial Museum Viewshaft Overlay.

E26.12.2. Policies

The policies for this sub-section are located in D15 Ridgeline Protection Overlay, D16 Local Public Views Overlay and D19 Auckland War Memorial Museum 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 and Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991:

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

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

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

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

E26.12.4. Notification

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

E26.12.5. Standards

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

E26.12.5.1. Permitted activity standards

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
 - (a) not increase the size or alter the existing location of the existing footprint; and
 - (b) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

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

- (6) Minor utility structures in the Auckland War Memorial Museum Viewshaft and Natural Ridgelines Overlays must not:
 - (a) exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (7) Antennas and aerials must not:
 - (a) not have a cross sectional dimension greater than 300mm; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (8) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (9) Road network activities must comply with the following standards:
 - (a) maximum height of 25m for road lighting and associated support structures; and
 - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic signals and support structures.

E26.12.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.12.7. Assessment – restricted discretionary activities

E26.12.7.1. Matters of discretion

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

- (1) restricted discretionary activities in the Local Public Views Overlay:
 - (a) effects on the visual integrity of the view from the identified viewing point;
 - (b) location, nature, form and extent of proposed works;
 - (c) The functional or operation need for any infrastructure in the location proposed and any alternatives considered to fulfil that need without the intrusion into the viewshaft; and
 - (d) the relevant objectives and policies in D16 Local Public Views Overlay.

(2) restricted discretionary activities in the Ridgelines Protection Overlay:

- (a) location, siting and design of buildings;
- (b) effects on landscape values and visual amenity;
- (c) mitigation of effects;
- (d) the functional or operation need for any infrastructure in the location proposed and any alternatives considered; and
- (e) the relevant objectives and policies in D15 Ridgeline Protection Overlay.

E26.12.7.2. Assessment criteria

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

(1) restricted discretionary activities in the Local Public Views Overlay:

- (a) whether the nature, form and extent of the intrusion adversely affects the visual integrity of the viewshaft and its view;
- (b) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure; and
- (c) whether there are practicable alternatives available that will not intrude, or will minimise the intrusion into the viewshaft.

(2) restricted discretionary activities in the Ridgelines Protection Overlay:

- (a) whether the siting, size and height of the building or structure adversely affects the form and integrity of the ridgeline;
- (b) whether the building or structure can be located in a less prominent location;
- (c) whether the building, including its design and materials, will be visually intrusive from a public place;
- (d) whether there are adverse visual effects associated with the building or structure, such as landform modification associated with creating a building platform or access ways, or other servicing requirements;
- (e) the extent to which existing vegetation can be retained and planting can be provided to ensure buildings will integrate with the form of the ridgeline; and

- (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

E26.12.8. Special information requirements

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

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

E26.13.1. Objectives

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

E26.13.2. Policies

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

E26.13.3. Activity table

Table E26.13.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Landscapes Overlay and the Outstanding Natural Character and High Natural Character Overlay outside the coastal marine area (for the rules applying within the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.
- in respect of network utilities, and electricity generation activities within this overlay, also refer to:
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

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

Activity		Activity status		
Network utilities and electricity generation activities				
		High Natural Character	Outstanding Natural Landscape areas	Outstanding Natural Character
(A179)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A180)	Underground network utilities	P	P	P
(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 50m² in high natural character and outstanding natural landscapes and 25m² in outstanding natural character areas.
- (2) The maximum height shall not exceed 5m. This rule does not apply to temporary activities, road lighting, traffic and direction signs, road name signs, traffic safety and operational signals, traffic monitoring equipment, or the support structures for these activities.
- (3) The exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent and within Groups A, B or C as defined within the BS5252 standard colour palette. This rule does not apply to temporary activities, traffic and direction signs, road name signs, traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

E26.13.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.13.7. Assessment – restricted discretionary activities

E26.13.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;

- (b) the setback from mean high water springs;
- (c) architectural elements and design, including height, bulk, colour, reflectivity and materials;
- (d) the cumulative effects of subdivision, use and development;
- (e) landscape, visual and amenity effects;
- (f) Mana Whenua values;
- (g) the mitigation of effects;
- (h) the functional or operation need for any infrastructure in the location proposed.

E26.13.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether there are practicable alternative locations for the activity, building or structure outside of the overlay area;
 - (b) whether, taking into account the characteristics and qualities of the site, the activity, building or structure is located within an area that has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values;
 - (c) whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
 - (i) amenity values or views, both from land and sea;
 - (ii) landscape and natural character values; and
 - (iii) people's experience and values associated with an area, including the predominance of nature and wilderness values.
 - (d) whether the siting of the activity, building or structure adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories.
 - (e) whether the activity, building or structure will be visually obtrusive from any public road or public place, including from beaches and the sea;
 - (f) the extent to which the location, scale, height, design, external appearance and overall form of the building or structure is appropriate to the rural and coastal context, and the colours and material used for

roofs, walls and windows is of low reflectivity and merges with the surrounding landscape;

- (g) whether the activity, building or structure will result in adverse cumulative effects, having regard to other activities, buildings or use and development.
- (h) the extent to which the activity, building or structure will impact on Mana Whenua values; or
- (i) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

E26.13.8. Special information requirements

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

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

E26.14.1. Objectives

The objectives for this sub-section are located in D10 Outstanding Natural Features Overlay.

E26.14.2. Policies

The policies for this sub-section are located in D10 Outstanding Natural Features Overlay.

E26.14.3. Activity table

Table E26.14.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Features Overlay above MHWS (for the rules applying to those overlays in the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table;
- for a description of the features and feature codes refer to Section D10 Outstanding Natural Features Overlay;
- in respect of network utilities, and electricity generation activities within this overlay, also refer to
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.7.3.1 Network utilities and electricity generation – Earthworks in Outstanding Natural Features Overlay.

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

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

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

E26.14.4. Notification

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

E26.14.5. Standards

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

E26.14.5.1. Permitted activity standards

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

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

E26.14.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.14.7. Assessment – restricted discretionary activities

E26.14.7.1. Matters of discretion

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

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

E26.14.7.2. Assessment criteria

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

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

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

E26.14.8. Special information requirements

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

E26. Infrastructure

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

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	E26.2 Network utilities and electricity generation – All zones and roads	3
D9 Significant Ecological Areas Overlay E15 Vegetation management and biodiversity	E26.3 Network utilities and electricity generation – Vegetation management	30
D13 Notable Trees Overlay E16 Trees in open space zones E17 Trees in roads	E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay	40
E11 Land disturbance – Regional E12 Land disturbance – District	E26.5 Network utilities and electricity generation – Earthworks all zones and roads E26.6 Network utilities and electricity generation – Earthworks overlays except	49 62

	Outstanding Natural Features Overlay E26.7 Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay	76
D17 Historic Heritage Overlay	E26.8 Network utilities and electricity generation – Historic Heritage Overlay	84
D18 Special Character Areas Overlay – Residential and Business	E26.9 Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business	90
D21 Sites and Places of Significance to Mana Whenua Overlay	E26.10 Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay	95
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay	E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay	98
D15 Ridgeline Protection Overlay D16 Local Public Views Overlay D19 Auckland War Memorial Museum Viewshaft Overlay	E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays	103
D10 Outstanding Natural Landscapes Overlay D11 Outstanding Natural Character and High Natural Character Overlay	E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	109
D10 Outstanding Natural Features Overlay	E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	114

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, historic heritage, historic 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 sections 9(2) and 9(3) of the Resource Management Act 1991.

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

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

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Activity	Roads, unformed roads and the Strategic Transport Corridor Zone	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
General							
(A1)	Operation, maintenance and repair of network utilities and electricity generation facilities in existence on 30 September 2013 or which have been lawfully established or granted resource consent	P	P	P	P	P	P
(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
(A16)	Network utilities and electricity generation facilities not listed in Table E26.2.3.1 Activity Table	D	D	D	D	D	D
Electricity transmission and distribution							
(A17)	Distribution substations	P	P	P	P	P	P

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(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 Strategic Transport Corridor this activity shall have the same status as the adjacent zone ** Industrial zones *** within the areas of the Roads and Unformed Roads and Strategic Transport Corridor Zone, in rural and coastal towns; and serviced and un-serviced villages.	*	P	P	RD P***	RD P**	RD	RD
(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
Liquid fuels and gas transmission and distribution								
(A26)	Underground gas distribution regulator stations	P	P	P	P	P	P	P
(A27)	Aboveground gas distribution regulator stations	P	P	P	P	P	P	P
(A28)	Aboveground gas and petroleum product transmission regulator, valve, or pump stations * Business – Heavy Industrial Zone	D	D	D	D	D	D	D
(A29)	Underground gas distribution pipelines at a gauge pressure not exceeding 2000 kilopascals, including any aerial crossings of streams using bridges or any other structures, and ancillary underground equipment and fittings	P	P	P	P	P	P	P
(A30)	Underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals including any aerial crossings of streams or other low lying areas using bridges or any other structures, and ancillary underground equipment and fittings	D	D	D	D	D	D	D
Telecommunications								
(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulations 28 and 29 of the NESTF	C	NA					
(A32)	Antennas attached to retaining walls, tunnels, bridges and other structures (other than replacement utility structures under the NESTF) in the road, unformed Road and Strategic Transport Corridor Zone	P	NA					
(A33)	Antennas attached to a building and/or structure where the face of the antenna does not exceed 1.5m ² or 1.2m in diameter for dish antennas (excludes private television antennas and satellite dishes)	NA	P	P	RD	P	P	P
(A34)	Mast and attached antennas * within Business – Local Centre Zone and Business – Neighbourhood Centre Zone	RD# P**	P	P	D	P	P	RD#

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	** within the Strategic Transport Corridor zone							
(A35)	Antennas inside of new or existing buildings	P	P	P	P	P	P	P
(A36)	Antennas that do not exceed the following dimensions: GPS Antennas: <ul style="list-style-type: none"> • 300mm high and 130mm in diameter • small cell units/antennas that do not exceed a volumetric dimension of 0.25m³ Omni-directional antennas: <ul style="list-style-type: none"> • 650mm high; and • 60mm in diameter 	P	P	P	P	P	P	P
(A37)	Externally mounted telecommunication satellite dishes attached to buildings not exceeding 0.8m in diameter and ancillary components	NA	P	P	P	P	P	P
(A38)	Telecommunication cabinets and shelters *that meet the permitted standards in NESTF if within a road	P*	P	P	P	P	P	P
(A39)	Telecommunication cabinets in roads and Strategic Transport Corridor zone that do not meet the permitted standards in NESTF (excludes rail corridors)	RD						
(A40)	Underground telecommunication lines and facilities	P	P	P	P	P	P	P
(A41)	Overhead telecommunication lines * within areas of the road, unformed road and Strategic Transport Corridor Zone this activity shall have the same status as the adjacent zone ** Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D
(A42)	Telecommunication kiosks	P	P	P	P	P	P	P
(A43)	Telephone exchanges	P	P	P	P	P	P	P
(A44)	Installation and operation of equipment inside existing telephone exchanges	P	P	P	P	P	P	P
Amateur radio								
(A45)	Amateur radio configurations	NC	P	P	P	P	P	P
(A46)	Amateur radio configurations that do not comply with Standard E26.2.5.3(25)	NC	D	D	D	D	D	D
Water, wastewater and stormwater structures								
(A47)	Underground reservoirs	P	P	P	P	P	P	P
(A48)	Above ground reservoirs	RD	P	P	RD	P	RD	RD
(A49)	Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines)	P	P	P	P	P	P	P
(A50)	Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater and stormwater	RD	RD	RD	RD	RD	RD	RD
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P
(A52)	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P
(A53)	Water treatment plants	D	P	P	RD	P	RD	RD
(A54)	Wastewater treatment plants	D	RD	D	D	RD	D	D
(A55)	Stormwater detention/retention ponds/wetlands	C	C	C	C	C	C	C
(A56)	Water, wastewater and stormwater outfalls and ancillary structures	P	P	P	P	P	P	P
(A57)	Ventilation facilities, drop shafts and manholes	P	P	P	P	P	P	P
(A58)	Stormwater treatment devices; erosion protection; culverts; measuring devices (flows structures)	P	P	P	P	P	P	P

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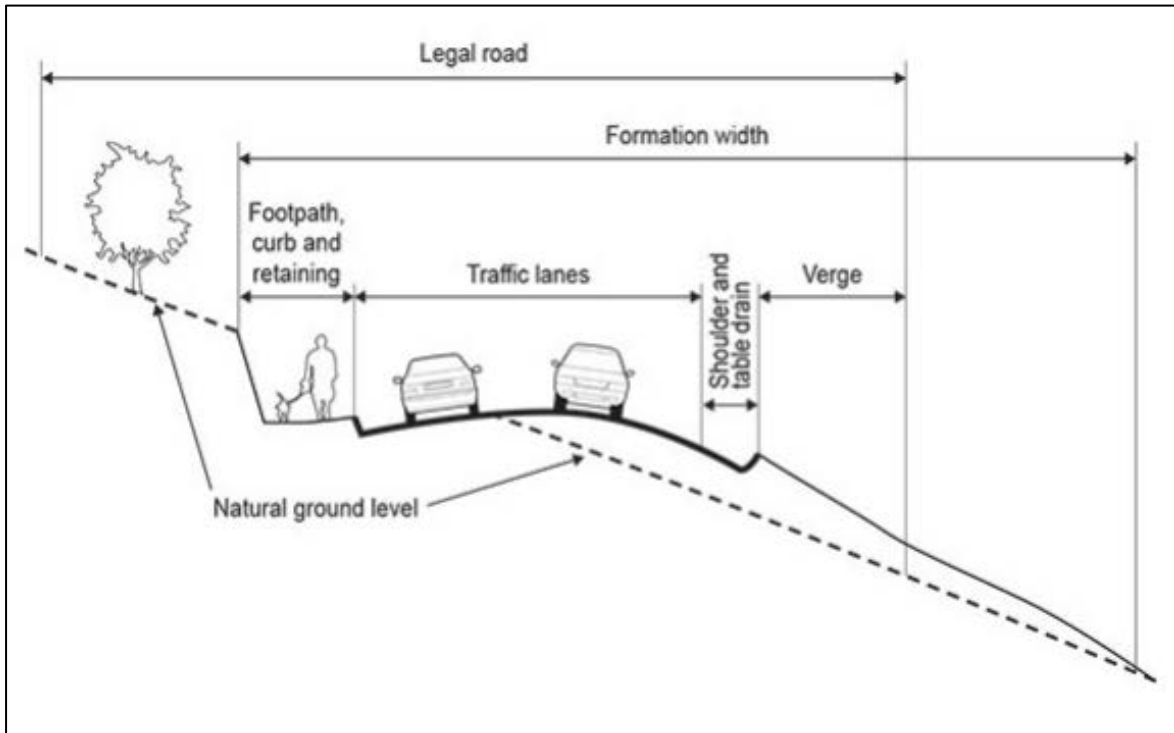
Electricity generation and its storage								
(A59)	Small-scale electricity generation * solar electricity generation which is ancillary to network utilities located in roads and unformed roads and Strategic Transport Corridor Zone	NA P*	P	P	P	P	P	P
(A60)	Community-scale electricity generation * solar electricity generation	NA	P	P	RD# P*	P	RD# P*	RD# P*
(A61)	Large scale wind farms	NA	RD#	D	NC	RD#	D	NC
(A62)	Research and exploratory scale investigations for renewable electricity generation activities	D	P	NA	NA	NA	NA	P
(A63)	Other electricity generating facilities	NC	D	D	NC	D	D	NC
(A64)	Electricity storage facility that is not a minor utility structure	RD	P	P	RD#	P	RD#	RD#
Infringement of standards								
(A65)	Any activity that does not comply with Standard E26.2.5.2(6)	NC	NC	NC	NC	NC	NC	NC
(A66)	Any activity that does not comply with Standard E26.2.5.2(7)	NC	NC	NC	NC	NC	NC	NC

PC 4 (See modifications)

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

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

Figure E26.2.3.1 Formation width of the road



(c) 'unformed road' means land that is vested or dedicated that has never been formed in full or in part,

- (3) Any zoning (including precinct provisions) ceases to have effect from the time the land is vested or dedicated as a road.
- (4) In the case of stopped roads, the zoning reverts to that of the adjoining land at the time when the road is stopped, and where there are two different zones, the adjacent zone extends to the centre line of the former road.
- (5) This section controls the road network activities (including structures) undertaken in the local public road network, and associated/ancillary structures and activities adjacent to but within the formation width of the existing road by Auckland Transport (or its agents) except where the overlay and Auckland-wide rules apply additional rules that must also be complied with.
- (6) Where an existing road (as defined in Rule E26.2.3(2) above) is also identified as having an underlying zoning, the rules as set out below will have precedence over any zone rules in regard to the activity status and standards.

Table E26.2.3.2 Activity table for road network activities

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

E26.2.4. Notification

- (1) An application for resource consent for a controlled or restricted discretionary activity listed in Table E26.2.3.1 Activity table or Table E26.2.3.2 Activity table for road network activities above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(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).

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- (2) Building area:

(a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures is 2m^2 . This excludes:

(ii) telecommunication cabinets permitted under NESTF;

(iii) distribution substations and gas distribution regulator stations provided they do not exceed 6m^2 ;

(iv) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas provided they do not exceed 10m^2 ; and

(v) pole mounted transformers provided the transformer does not exceed 2m^3 .

(3) Height:

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

(b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters and GPS antennas; and

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

(i) telecommunication kiosk; and

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

(4) Electric vehicle charging stations:

(a) maximum height of 1.8m;

(b) maximum area of 1.5m^2 ;

(c) either have a socket connection, or a fitted cable management accessory;

(d) the equipment must be removed by the owner when the equipment becomes obsolete; and

(e) in addition to the above, where the electric vehicle charging station is located on an arterial road:

- (i) it must be located adjacent to part of a road on which car parking is authorised by Auckland Transport for a time period of at least 30 minutes for either general vehicle use or reserved for electric vehicles;
- (ii) the equipment must be removed by the owner (at the owner's sole cost) at least 30 days prior to the adjacent car parking space being permanently removed; and
- (iii) written notice of any proposed installation of the equipment must be given to Auckland Transport at least 2 months prior to the lodgement of any request to access the road corridor.

(5) Minor infrastructure upgrading

- (a) All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

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modifications)

[New text to be inserted]

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

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

(1) Temporary network utilities:

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

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures:

- (i) in residential zones is 20m²;
- (ii) in all other zones is 30m²;

- (b) Standard E26.2.5.2(2)(a)(i) and (ii) excludes:

- (i) structures in industrial zones; and
- (ii) substations or telephone exchanges incorporated within a building complying with the rules for the relevant zone which are provided for as a separate activity.

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices,

earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes:

- (i) structures in industrial zones, where the height controls of the relevant zone will apply;
 - (ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and
 - (iii) telecommunication shelters 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 2m³
- (6) Electricity transmission and distribution (Electric and magnetic fields):
- (a) network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).
- (7) Radio Frequency Fields (RF fields):
- (a) network utilities should not result in radio-frequency fields produced by the network utility exceeding the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) measured at all places reasonably accessible to the general public.

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

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

Minor infrastructure upgrading

(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, 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6.
- (iii) the provisions in 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.

(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;
 - (ii) where the antenna is a dish antenna the diameter of the new antenna must not increase by more than 20 percent; and

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(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

(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

(3) Noise from substations 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 within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} at 6m from the distribution substation or at the nearest residential boundary or rural notional boundary, whichever is the furthest.

(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”.

Telecommunication antennas attached to buildings

(6) Antennas attached to buildings must not exceed the height at the point of attachment to the building by more than the height specified in Table E26.2.5.3.1.

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

Table E26.2.5.3.1 Telecommunication antennas attached to buildings

Zone group	Permitted height
<ul style="list-style-type: none"> • Rural zones; • Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land); 	5m

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

Maximum number of antennas

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

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

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

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

Table E26.2.5.3.2 Maximum number of antennas

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

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

Height of masts and attached antennas (excludes NESTF)

(11) Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3,

excluding provision for lightning rods and GPS antennas, telecommunication devices and earthpeaks.

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

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

Electricity generation – wind generation scale and location

(12) Meteorological masts for wind research and exploration must not exceed 90m in height.

(13) Roof-mounted wind turbines for small-scale electricity generation must:

- (a) not exceed the permitted height of the zone by more than 3m;
- (b) have a rotor diameter no more than 2.5m; and
- (c) be limited to one per dwelling within the residential zones.

(14) Freestanding wind turbines for small-scale electricity generation must comply with Table E26.2.5.3.4.

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

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

All other zones	15	3
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- (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 an extent of place or any area of legal road within that extent of place.

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

Electric vehicle charging stations

(26) Electric vehicle charging stations must be:

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

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

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

- (1) Temporary works, buildings and structures must be removed from the road on completion of works.
- (2) After completion of works, the ground must be reinstated to at least the condition existing prior to any work starting.
- (3) Work within the formation width of the road must be incidental to, and serve a supportive function for the existing public road or is required for the safety of road users or is required for the safety of adjacent landowners or occupiers.

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

- (2) Substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:

- (a) the substation building 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:
 - (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:
 - (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 substation;
 - (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the 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:
- (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:
 - (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 substation;
 - (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the 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 margins (refer to E15 Vegetation management and biodiversity);
- 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 margins [rp]	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading							
(A71)	Biosecurity tree works	P	P	P	P	P	P
(A72)	Dead wood removal	P	P	P	P	P	P
(A73)	Emergency tree works	P	P	P	P	P	P
(A74)	Pest plant removal	P	P	P	P	P	P
(A75)	Vegetation alteration or removal for the operation, repair and maintenance of access tracks and fences for network utilities	P	P	P	P	P	P
(A76)	Vegetation alteration or removal	P	P	P	P	P	P
(A77)	Vegetation alteration or removal that does not comply with Standards E26.3.5.1 to E26.3.5.4	RD	RD	RD	RD	RD	RD
(A78)	Vegetation alteration or removal not otherwise provided for	D	D	D	D	D	D

E26.3.4. Notification

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

E26.3.5. 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 margins and the Significant Ecological Areas Overlay

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

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

E26.3.5.2. Vegetation alteration or removal

- (1) 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 20m² of vegetation within a significant ecological area, except within the formation width of the road.
- (3) Must not result in the removal of more than 50m² of vegetation within a coastal area or riparian margin not identified as a significant ecological area.
- (4) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.
- (5) Must not result in the removal of more than 500m² of vegetation within the legal road or the formation width of the road in a rural zone.
- (6) Must not result in the removal of more than 250m² of vegetation outside the legal road or the formation width of the road in a rural zone.
- (7) Vegetation alteration or removal from a significant ecological area must be for the purpose of maintaining the safety of the network utility and must be undertaken in any of the following:
 - (a) within the formation width of existing roads;

- (b) within 1m of the network utility, or existing access track;
 - (c) in accordance with the Electricity (Hazards from Trees) Regulations 2003;
 - (d) within state highway designations as at 30 September 2013; or
 - (e) within railway designations as at 30 September 2013.
- (8) Standards E26.3.5.2(1)-(7) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
- (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage above the road carriageway;
 - (b) clearance of a 0.5m width back from the road kerb;
 - (c) clearance of a 0.6m width back from the un-kerbed road; or
 - (d) clearance for any over dimension route requirement.

District [dp]

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

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

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

E26.3.5.4. Vegetation alteration or removal

- (1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (2) Must not result in the removal of more than 50m² of vegetation within an overlay.
- (3) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.

- (4) Must not result in the removal of more than 250m² of vegetation within the legal road or the formation width of the road in an overlay
- (5) Standards E26.3.5.4(1)-(4) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
 - (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage 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 margins and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
 - (a) ecological values:
 - (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.
 - (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 margins and the D9 Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
 - (a) ecological values:
 - (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
 - (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
 - (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and E15 Vegetation management and biodiversity.
 - (b) sediment, water quality and hydrology:

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

(c) use:

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

(d) methods and location:

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

(e) mitigation measures:

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

(f) bonds and covenants:

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

(g) Mana Whenua values:

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

- (2) district rules - vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, Outstanding

Natural Character Overlay and High Natural Character Overlay that do not comply with the permitted activity standards [dp]:

(a) hazard mitigation:

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

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

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

(c) amenity values:

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

(d) use:

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

(e) methods and location:

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

(f) mitigation measures:

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

(g) bonds and covenants:

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

(h) Mana Whenua values:

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

E26.3.8. Special information requirements

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

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

E26.4.1. Objectives

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

E26.4.2. Policies

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

E26.4.3. Activity table

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

- the activity status and rule applying to any particular tree is determined by the location of the trunk;
- all activities obtain the approval of the Tree Asset Manager, which in respect of roads is Auckland Transport and in respect of open space zones, owned by the Council, is the Auckland Council Parks Department;
- for the tree rules except where otherwise stated any square metre limit applies on a 'per project' basis; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

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

Activity		Auckland wide-rules Trees		Overlay rules
		Trees in roads [dp]	Open space zones [dp]	Notable trees [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading				
(A79)	Biosecurity tree works	P	P	P
(A80)	Dead wood removal *if undertaken by a qualified arborist	P	P	P* C
(A81)	Emergency tree works	P	P	P
(A82)	Pest Plant Removal *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 undertaken 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)	Alteration or removal of trees less than 4m in height and/or less than 400mm in girth	P	P	NA
(A92)	Alteration or removal of trees 4m or more in height and/or 400mm or more in girth	RD	RD	NA
(A93)	Tree trimming, alteration or removal not otherwise provided for	D	D	D

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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;

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modifications)

(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; and

(d) the natural shape, form and branch habit of the tree must be retained for trees in streets where practicable.

- (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 5.3m where there is road safety and directional signage located above the carriageway;

(ii) maintain the clearance of 0.5m width back from the road kerb;

(iii) maintain the clearance of 0.6m width back from the unkerbed road; or

(iv) maintain clearance requirements for over dimension routes;

(c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

- (3) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.

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

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

- (e) Standards E26.4.5.2(1)(a) - (d) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm:
 - (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
 - (i) works must not disturb more than 20% of the protected root zone;
 - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
 - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket;
 - (b) Standard E26.4.5.2(2)(a) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.

Notable trees

E26.4.5.3. Notable trees - tree trimming or alteration

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

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modifications)

[New text to be inserted]

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

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 1m².
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.

- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

E26.4.6. Assessment – controlled activities

E26.4.6.1. Matters of control

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

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

E26.4.6.2. Assessment criteria

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

- (1) for deadwood removal not undertaken by a qualified arborist:
 - (a) criteria for the extent of the alteration of the tree and the method to be employed:
 - (i) the tree will not be unduly damaged or its health endangered through removal of deadwood;
 - (ii) the timing of the deadwood removal;
 - (iii) the size of the wounds; and
 - (iv) the position of the wounds.
- (2) tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:

- (a) that the trimming must not exceed the Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003; and
- (b) whether the trimming retains the natural shape, form and branch habit of the tree, as far as practicable.

E26.4.7. Assessment – restricted discretionary activities

E26.4.7.1. Matters of discretion

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

- (1) trees in roads and open space zones:
 - (a) for tree trimming or alteration not meeting Standard E26.4.5.1;
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
 - (b) for work within the protected root zone not otherwise provided for:
 - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
 - (ii) the extent of area of the protected root zone or zones that is affected.
 - (c) tree alteration or removal of greater than 4m in height and trees 400mm in girth:
 - (i) the effect on the values of the tree or trees; and
 - (ii) any loss or reduction of amenity values provided by the tree or trees;
 - (iii) any mitigation proposed; and
 - (iv) the functional and operational requirements and benefits derived from infrastructure.
- (2) Notable Tree Overlay:
 - (a) for tree trimming or alteration not meeting Standard E26.4.5.3:
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
 - (b) for work within the protected root zone not otherwise provided for:

- (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
- (ii) the extent of area of the protected root zone or zones that is affected.

E26.4.7.2. Assessment criteria

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

(1) trees in roads and open space zones:

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

(2) Notable Tree Overlay:

- (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
- (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
- (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
- (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;

- (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (f) the need for the direction and supervision of a qualified arborist while the works are being carried out; and
- (g) the functional and operational requirements and benefits derived from infrastructure.

E26.4.8. Special information requirements

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

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

E26.5.1. Objectives

The objectives for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

E26.5.2. Policies

The policies for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

E26.5.3. Activity table

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

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

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

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

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	renewal, minor infrastructure upgrading							
(A202)	Earthworks greater than 2500m ³ other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	RD
(A98)	Earthworks not otherwise listed in this table	Refer to Table E12.4.1 Activity table – all zones and roads						
Earthworks - Lava caves, fossils and sub-fossils								
(A99)	Land disturbance that disturb known lava caves >1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD

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

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

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

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

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

Note 1

Sediment Control Protection Area is defined as:

- (a) 100 metres either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50 metres landward of the edge of a watercourse, or wetland of 1000m² or more.

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 areas unless being transported to landfill for disposal.

District [dp]

- (9) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (10) Land disturbed for the operation, renewal, repair, upgrading or maintenance of utilities outside the formation width of existing roads or abutments, or within an overland flow path, will be reinstated to the ground level prior to the works being undertaken as soon as practicable after completion of the works.
- (11) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.
- (12) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (13) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (14) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (15) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (16) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (17) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (18) Earthworks (including filling) within a 1% AEP flood plain (excluding road network activities):

- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
- (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

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

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

- (a) create an unstable batter that will affect a transmission support structure; or
- (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.5.6. Assessment – controlled activities

E26.5.6.1. Matters of control

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

- (1) all regional controlled activities [rp]:
 - (a) compliance with the standards;
 - (b) the design and suitability of erosion and sediment control measures to be implemented;
 - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
 - (d) the proportion of the catchment which is exposed;
 - (e) staging of works and progressive stabilisation;
 - (f) timing and duration of works;
 - (g) term of consent; and
 - (h) potential effects on significant ecological and indigenous biodiversity values.

E26.5.6.2. Assessment criteria

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

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

- (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
- (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
- (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

E26.5.7. Assessment – restricted discretionary activities

E26.5.7.1. Matters of discretion

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) compliance with the standards;
 - (b) the design and suitability of erosion and sediment control measures to be implemented;
 - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
 - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;
 - (e) the proportion of the catchment which is exposed;
 - (f) staging of works and progressive stabilisation;
 - (g) timing and duration of works;
 - (h) term of consent;
 - (i) potential effects on significant ecological and indigenous biodiversity values;
 - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; and
 - (k) information and monitoring requirements.
- (2) all district restricted discretionary activities [dp]:
 - (a) compliance with the standards;

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

E26.5.7.2. Assessment criteria

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) whether applicable standards are complied with;
 - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
 - (i) water quality including of the coastal marine area;
 - (ii) ecological health including of the coastal marine area;
 - (iii) riparian margins;

- (iv) the mauri of water;
 - (c) the quality of taiāpure or mahinga mātaītai;
 - (d) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
 - (e) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
 - (f) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
 - (g) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
 - (h) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) general district assessment criteria [dp]:
- (a) whether applicable standards are complied with;
 - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
 - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
 - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
 - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
 - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
 - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;

- (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
- (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;
- (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Unitary Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:
 - (i) the outcome of any consultation with Transpower New Zealand Limited; and
 - (ii) the risk to the structural integrity of transmission lines; or
- (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

E26.5.8. Special information requirements

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

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

E26.6.1. Objectives

The objectives for earthworks are located in:

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

E26.6.2. Policies

The policies for earthworks are located in:

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

E26.6.3. Activity table

Table E26.6.3.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991 in the:

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

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

For Table E26.6.3.1 Activity table:

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

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

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

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

E26.6.4. Notification

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

E26.6.5. Standards

E26.6.5.1. Accidental discovery rule

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

Cease works and secure the area

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

Inform relevant authorities and parties

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

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

Wait for and enable inspection of the site

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

Recommencement of work

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

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

E26.6.5.2. General standards

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

Regional [rp]

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³
- (3) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of 0.6m, or the depth of land previously

disturbed, except where the excavation is less than 10m² in area and 5m³ in volume.

- (4) Earthworks for service connections in SEAs shall be limited to the area and depth of earth previously disturbed or modified or shall not exceed 10m² and 5m³
 - (5) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
 - (6) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour;
 - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (e) any significant adverse effects on aquatic life.
 - (7) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.
- Note 1
- Best practice in Auckland is generally deemed to be compliance with Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region or similar design.
- (8) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
 - (9) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
 - (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
 - (11) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within a Significant Ecological

Area Overlay shall be limited to the area of earth previously disturbed or modified.

- (12) Earthworks associated with a temporary activity within a Significant Ecological Area Overlay shall be limited to the area of earthwork previously disturbed or modified.
- (13) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that areas unless being transported to landfill for disposal.

District [dp]

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

- (14) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (15) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³
- (16) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, except where the excavation is less than 10m² in area and 5m³ in volume; and for the Sites and Places of Significance to Mana Whenua overlay, only to the depth of land previously disturbed; and for the Historic Heritage overlay only to a depth of 0.6m.
- (17) Earthworks for the network utilities within the Historic Heritage Overlay must not:
 - (a) take place within 20m of any building or structure within the scheduled historic heritage place, except for renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels;
 - (b) take place within the protected root zone of any tree identified in Schedule 14.1 excluding features identified in the exclusions column of Schedule 14.1 and
 - (c) exceed an excavation depth of 0.6m

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

Note 1

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

- (27) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (28) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (29) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (30) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
- (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.6.5.2(30)(a) and (b) above.
- (31) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (32) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.
- (33) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of

significance to Mana Whenua shall be limited to the area and depth of earth previously disturbed or modified.

- (34) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the D17 Historic Heritage Overlay must not extend more than 300 mm below the surface where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps).
- (35) Earthworks/land disturbance for the planting of any tree within the D17 Historic Heritage Overlay must not be undertaken where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps) other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree.

E26.6.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.6.7. Assessment – restricted discretionary activities

E26.6.7.1. Matters of discretion

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

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

(h) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.

(2) all district restricted discretionary activities [dp]:

(a) the matters set out in E26.5.7.1(2);

(b) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;

(c) landscape, visual and amenity effects;

(d) modification to landform;

(e) Mana Whenua values;

(f) the mitigation of effects; and

(g) the necessity of the earthworks to provide for the functional and operational needs of infrastructure.

E26.6.7.2. Assessment criteria

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

(1) all regional restricted discretionary activities [rp]:

(a) the relevant assessment criteria in E26.5.7.2(1);

(b) the extent to which the earthworks are minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;

(c) whether the earthworks will have an adverse effect on threatened species or ecosystems;

(d) the extent to which the earthworks will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects;

(e) whether the earthworks will improve the reliance and security of the network utility;

(f) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location;

(g) the extent of the benefits derived from infrastructure;

(h) whether the effects from the earthworks can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works;

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

- (j) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location; and
- (k) the extent of the benefits derived from infrastructure.

E26.6.8. Special information requirements

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

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

E26.7.1. Objectives

The objectives for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

E26.7.2. Policies

The policies for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

E26.7.3. Activity table

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

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

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

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

	formation width of the road										
(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 provided for	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
(A117)	Land disturbance not otherwise listed in this table	Refer Table E12.4.3 Activity table Outstanding Natural Features Overlay									

E26.7.4. Notification

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

E26.7.5. Standards

E26.7.5.1. Accidental discovery rule

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

- (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
 - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

Cease works and secure the area

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

Inform relevant authorities and parties

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

Wait for and enable inspection of the site

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
 - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or

- (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or
 - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.7.5.1(3)(f) are met.

Recommencement of work

- (f) work within the area determined by the Council at step E26.7.5.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
 - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
 - (iii) the requirements of the Unitary Plan – Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
 - (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
 - (v) if the discovery is a lava cave as outlined in E26.7.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site; and
 - (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
 - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and

- any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values;

(vii) resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent; and

(viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014.

E26.7.5.2. General standards

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³.
- (3) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of land previously disturbed, except where the excavation is less than 10m² in area and 5m³ in volume.
- (4) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
- (5) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (6) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.

- (7) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (8) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (9) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (10) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (11) Earthworks (including filling) within a 100 year AEP flood plain (excluding road network activities):
 - (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
 - (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

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

- (12) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (13) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (14) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (15) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
 - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and

- (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.7.5.2(15)(a) and (b) above.
- (16) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (17) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.7.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.7.7. Assessment – restricted discretionary activities

E26.7.7.1. Matters of discretion

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

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

E26.7.7.2. Assessment criteria

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

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

E26.7.8. Special information requirements

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

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

E26.8.1. Objectives

The objectives for this sub-section are located in D17 Historic Heritage Overlay.

E26.8.2. Policies

The policies for this sub-section are located in D17 Historic Heritage Overlay.

E26.8.3. Activity table

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

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

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

Activity		Activity status
Network utilities and electricity generation facilities		
(A118)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P
(A119)	Minor infrastructure upgrading	P
(A120)	Minor upgrading of road network utilities	P
(A121)	Minor utility structure	P
(A122)	Service connections	P
(A123)	Antennas and aerials	P
(A124)	Distribution substations that meet Standard E26.2.5.1(2)	RD
(A125)	Small and community scale electricity generation facilities	RD

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

E26.8.4. Notification

Refer to D17.5 for notification.

E26.8.5. Standards

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

E26.8.5.1. Permitted activity standards

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

- (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure; and
 - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage.
- (5) Road network activities involving the renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, within 20m of any building or structure included in the Schedule 14.1 Schedule of Historic Heritage, a vibration management plan must be prepared by a suitably qualified and experienced person to establish that vibration levels will meet E25.6.30 Vibration. The Plan must include the information set out in E26.8.8 and be provided to the Council no less than 5 days prior to the works commencing.
- (6) Minor utility structures must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area;
 - (b) not exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage
- (7) Service connections must be not affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area.
- (8) Antennas and aerials must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area; and
 - (b) not have a cross sectional dimension greater than 300mm
- (9) Road network activities comprising traffic operation and safety signs, direction signs and road name signs must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule

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

E26.8.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.8.7. Assessment – restricted discretionary activities

E26.8.7.1. Matters of discretion

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

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

- (f) the purpose and necessity for the works and any alternatives considered;
- (g) effects of the proposal on the long term viability and/or the ongoing functional use of the place;
- (h) the mitigation of effects; and
- (i) the functional or operation need for any infrastructure in the location proposed.

E26.8.7.2. Assessment criteria

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

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

E26.8.8. Special information requirements

- (1) The vibration management plan must include a description of the following:
 - (a) a description of the area affected by the works;
 - (b) a contact name and number of the works supervisor who can be contacted if any issues arise;

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

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

E26.9.1. Objectives

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

E26.9.2. Policies

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

E26.9.3. Activity table

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

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

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

Activity		Special Character Areas Overlay - Residential Activity status	Special Character Areas Overlay - Business Activity status
Network utilities and electricity generation facilities			
(A132)	Operation, maintenance, renewal and repair of network utilities and	P	P

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

E26.10.4. Notification

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

E26.10.5. Standards

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

E26.10.5.1. Minor infrastructure upgrading

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

E26.10.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.10.7. Assessment – restricted discretionary activities

E26.10.7.1. Matters of discretion

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

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

E26.10.7.2. Assessment criteria

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

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

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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
Network utilities and electricity generation activities that intrude into a scheduled viewshaft				
(A152)	Buildings and structures for network utilities and electricity generation facilities that do not intrude into a scheduled viewshaft	P	P	NA
(A153)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities and like for like replacement	P	P	P
(A154)	Minor infrastructure upgrading	P	P	P
(A155)	Minor upgrading of road network utilities	P	P	P
(A156)	Minor utility structure	P	P	P
(A157)	Service connections	P	P	P
(A158)	Antennas and aerials	P	P	P
(A159)	Small and community scale electricity generation facilities	RD	RD	RD

(A160)	Road network activities comprising road lighting and associated support structures	P	P	P
(A161)	Road network activities comprising traffic and direction signs and road name signs	P	P	P
(A162)	Road network activities comprising traffic safety and operational signals, traffic 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 E26.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E26.11.5. Standards

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

E26.11.5.1. Permitted activity standards

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

- (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
 - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor upgrading of road network activities must comply with the following standards:
- (a) the alteration, replacement or relocation of ancillary structures for road network activities:
 - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
 - (ii) the structure must be located within 2m of the existing alignment or location
 - (b) any support structure or pole which replaces an existing support structure or pole:
 - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
 - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
 - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (4) Minor utility structures must not exceed a maximum height of 0.9m and a maximum area of 0.5m²
- (5) Antennas and aerials must not have a cross sectional dimension greater than 300mm
- (6) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (7) Road network activities must comply with the following standards:
- (a) maximum height of 25m for road lighting and associated support structures; and
 - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic 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 and D19 Auckland War Memorial Museum Viewshaft Overlay.

E26.12.2. Policies

The policies for this sub-section are located in D15 Ridgeline Protection Overlay, D16 Local Public Views Overlay and D19 Auckland War Memorial Museum 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 and Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991:

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

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

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

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

E26.12.4. Notification

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

E26.12.5. Standards

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

E26.12.5.1. Permitted activity standards

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
 - (a) not increase the size or alter the existing location of the existing footprint; and
 - (b) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

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

- (6) Minor utility structures in the Auckland War Memorial Museum Viewshaft and Natural Ridgelines Overlays must not:
- (a) exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (7) Antennas and aerials must not:
- (a) not have a cross sectional dimension greater than 300mm; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (8) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (9) Road network activities must comply with the following standards:
- (a) maximum height of 25m for road lighting and associated support structures; and
 - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic signals and support structures.

E26.12.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.12.7. Assessment – restricted discretionary activities

E26.12.7.1. Matters of discretion

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

- (1) restricted discretionary activities in the Local Public Views Overlay:
- (a) effects on the visual integrity of the view from the identified viewing point;
 - (b) location, nature, form and extent of proposed works;
 - (c) The functional or operation need for any infrastructure in the location proposed and any alternatives considered to fulfil that need without the intrusion into the viewshaft; and

- (d) the relevant objectives and policies in D16 Local Public Views Overlay.
- (2) restricted discretionary activities in the Ridgelines Protection Overlay:
- (a) location, siting and design of buildings;
 - (b) effects on landscape values and visual amenity;
 - (c) mitigation of effects;
 - (d) the functional or operation need for any infrastructure in the location proposed and any alternatives considered; and
 - (e) the relevant objectives and policies in D15 Ridgeline Protection Overlay.

E26.12.7.2. Assessment criteria

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

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

- (e) the extent to which existing vegetation can be retained and planting can be provided to ensure buildings will integrate with the form of the ridgeline; and
- (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

E26.12.8. Special information requirements

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

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

E26.13.1. Objectives

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

E26.13.2. Policies

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

E26.13.3. Activity table

Table E26.13.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Landscapes Overlay and the Outstanding Natural Character and High Natural Character Overlay outside the coastal marine area (for the rules applying within the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.
- in respect of network utilities, and electricity generation activities within this overlay, also refer to:
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

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

Activity		Activity status		
Network utilities and electricity generation activities				
		High Natural Character	Outstanding Natural Landscape areas	Outstanding Natural Character
(A179)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A180)	Underground network utilities	P	P	P
(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 50m² in high natural character and outstanding natural landscapes and 25m² in outstanding natural character areas.
- (2) The maximum height shall not exceed 5m. This rule does not apply to temporary activities, road lighting, traffic and direction signs, road name signs, traffic safety and operational signals, traffic monitoring equipment, or the support structures for these activities.
- (3) The exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent and within Groups A, B or C as defined within the BS5252 standard colour palette. This rule does not apply to temporary activities, traffic and direction signs, road name signs, traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

E26.13.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.13.7. Assessment – restricted discretionary activities

E26.13.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;

- (b) the setback from mean high water springs;
- (c) architectural elements and design, including height, bulk, colour, reflectivity and materials;
- (d) the cumulative effects of subdivision, use and development;
- (e) landscape, visual and amenity effects;
- (f) Mana Whenua values;
- (g) the mitigation of effects;
- (h) the functional or operation need for any infrastructure in the location proposed.

E26.13.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether there are practicable alternative locations for the activity, building or structure outside of the overlay area;
 - (b) whether, taking into account the characteristics and qualities of the site, the activity, building or structure is located within an area that has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values;
 - (c) whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
 - (i) amenity values or views, both from land and sea;
 - (ii) landscape and natural character values; and
 - (iii) people's experience and values associated with an area, including the predominance of nature and wilderness values.
 - (d) whether the siting of the activity, building or structure adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories.
 - (e) whether the activity, building or structure will be visually obtrusive from any public road or public place, including from beaches and the sea;
 - (f) the extent to which the location, scale, height, design, external appearance and overall form of the building or structure is appropriate to the rural and coastal context, and the colours and material used for

roofs, walls and windows is of low reflectivity and merges with the surrounding landscape;

- (g) whether the activity, building or structure will result in adverse cumulative effects, having regard to other activities, buildings or use and development.
- (h) the extent to which the activity, building or structure will impact on Mana Whenua values; or
- (i) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

E26.13.8. Special information requirements

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

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

E26.14.1. Objectives

The objectives for this sub-section are located in D10 Outstanding Natural Features Overlay.

E26.14.2. Policies

The policies for this sub-section are located in D10 Outstanding Natural Features Overlay.

E26.14.3. Activity table

Table E26.14.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Features Overlay above MHWS (for the rules applying to those overlays in the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table;
- for a description of the features and feature codes refer to Section D10 Outstanding Natural Features Overlay;
- in respect of network utilities, and electricity generation activities within this overlay, also refer to
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.7.3.1 Network utilities and electricity generation – Earthworks in Outstanding Natural Features Overlay.

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

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

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

E26.14.4. Notification

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

E26.14.5. Standards

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

E26.14.5.1. Permitted activity standards

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

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

E26.14.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.14.7. Assessment – restricted discretionary activities

E26.14.7.1. Matters of discretion

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

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

E26.14.7.2. Assessment criteria

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

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

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

E26.14.8. Special information requirements

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

Memo

Date 20 August 2018

To: Phill Reid, Auckland-wide Manager

From: **Jeremy Wyatt**

Subject: **Plan Modification: Clause 20A Amendment to E23 and E26 of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Two amendments are requested: 1. Chapter E23 Signs - Table E23.4.2 2. Chapter E26 Infrastructure - E26.8.5.1(5) Permitted activity standards																											
Subject Site (if applicable)	NA																											
Legal Description (if applicable)	NA																											
Nature of change	<p><u>Change 1</u> A text change is required to correct a spelling mistake in the Operative in Part version.</p> <p>Discussion 'Established' is spelt wrong:</p> <table border="1"> <tr> <td>(A43)</td> <td>Coastal – Marina Zone</td> <td>NC</td> <td>D</td> <td>NC</td> </tr> <tr> <td>(A44)</td> <td>Coastal – Defence Zone</td> <td>NC</td> <td>D</td> <td>NC</td> </tr> <tr> <td>(A45)</td> <td>Coastal – Minor Port Zone</td> <td>D</td> <td>D</td> <td>NC</td> </tr> </table> <p>Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage [rcp/dp]</p> <table border="1"> <thead> <tr> <th colspan="2">Activity</th> <th>Activity status – all zones</th> </tr> </thead> <tbody> <tr> <td colspan="3">Billboards on street furniture and in road reserves</td> </tr> <tr> <td>(A46)</td> <td>Billboards on existing street furniture in a road reserve</td> <td>P</td> </tr> <tr> <td>(A47)</td> <td>Replacement of billboards on existing street furniture in a road</td> <td>P</td> </tr> </tbody> </table> <p><u>Change 2</u> E26.8.5.1(5) has a cross reference to 'Rule E25.6.31 Vibration'.</p>	(A43)	Coastal – Marina Zone	NC	D	NC	(A44)	Coastal – Defence Zone	NC	D	NC	(A45)	Coastal – Minor Port Zone	D	D	NC	Activity		Activity status – all zones	Billboards on street furniture and in road reserves			(A46)	Billboards on existing street furniture in a road reserve	P	(A47)	Replacement of billboards on existing street furniture in a road	P
(A43)	Coastal – Marina Zone	NC	D	NC																								
(A44)	Coastal – Defence Zone	NC	D	NC																								
(A45)	Coastal – Minor Port Zone	D	D	NC																								
Activity		Activity status – all zones																										
Billboards on street furniture and in road reserves																												
(A46)	Billboards on existing street furniture in a road reserve	P																										
(A47)	Replacement of billboards on existing street furniture in a road	P																										

	<p>(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 Rule E25.6.31 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.</p> <p>This is incorrect for two reasons:</p> <ol style="list-style-type: none"> 1. The vibration rule in E25 is E25.6.30. The cross reference needs to be corrected. 2. The reference to 'Rule' is unnecessary. Other cross references in the plan do not have this prefix. A simple reference to the number is sufficient. <p>Change 'Rule E25.6.31 Vibration' to 'E25.6.30 Vibration'.</p>
Effect of change	The effect of the changes is to make the plan more accurate and less confusing.
Changes required to be made	<ul style="list-style-type: none"> • Amend Table E23.4.2 in the Operative in Part version correct the spelling to 'establish'. • Change the reference to 'Rule E25.6.31 Vibration' in E26.8.5.1(5) to: 'E25.6.30 Vibration'.

Prepared by:

Jeremy Wyatt – Planner

XXX – Team Leader

Signature:



Signature:



T4 Manager Approval

Signature



E23. Signs

E23.1. Background

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

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

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

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

E23.2. Objectives [rcp/dp]

- (1) Appropriate billboards and comprehensive development signage contribute to the social and economic well-being of communities through identifying places, providing information including for convenience and safety purposes, and advertising goods and services.
- (2) Billboards and comprehensive development signage are managed to maintain traffic and pedestrian safety, historic heritage values and the visual amenity values of buildings and the surrounding environment.

E23.3. Policies [rcp/dp]

- (1) Require billboards and comprehensive development signage to meet the relevant permitted activity standards (for example building height) that apply in the zone in which they are located.
- (2) Require the placement, location and size of billboards and comprehensive development signage on buildings to not significantly detract from the profile or appearance of a building, or cover any significant architectural features on the façade of a building.
- (3) Enable billboards and comprehensive development signage while avoiding signs creating clutter or dominating the building or environment by controlling the size, number and location of signs.
- (4) Require traffic and pedestrian traffic safety standards to apply to billboards and comprehensive development signage, particularly to the wording, lighting and location of signs, and changeable message, illuminated, flashing or revolving signs.

- (5) Manage the effects of billboards and comprehensive development signage to maintain the values of scheduled historic heritage places and visual amenity values.
- (6) Limit the duration of consents for billboards where future land use and/or transport network changes are likely to result in the billboard being inappropriate from a site development or traffic safety perspective.

E23.4. Activity table

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

Relationship to signage bylaws

Signs that are permitted by, or approved pursuant to, the Auckland Transport/Auckland Council Signage Bylaw 2015 or the Auckland Transport Elections Signs Bylaw 2013 are not subject to the provisions of the Plan.

Billboards in a road reserve or state highway network

In addition to the provisions of either a bylaw or E23 Signs, all billboards placed in the road reserve will require the prior approval of Auckland Transport, or in respect of billboards placed in the state highway network, the New Zealand Transport Agency.

Table E23.4.1 Activity Table – Billboards in zones [rcp/dp]

Activity		Activity status		
		Free-standing billboards	Billboards on a side or rear building façade	Billboards on a street facing building façade
(A1)	Residential – Large Lot Zone	NC	NC	NC
(A2)	Residential – Rural and Coastal Settlement Zone	NC	NC	NC
(A3)	Residential – Single House Zone	NC	NC	NC
(A4)	Residential – Mixed Housing Suburban Zone	NC	NC	NC
(A5)	Residential – Mixed Housing Urban Zone	NC	NC	NC
(A6)	Residential – Terrace Housing and Apartment Buildings Zone	NC	NC	NC
(A7)	Future Urban Zone	NC	NC	NC
(A8)	Rural – Rural Conservation Zone	NC	NC	NC
(A9)	Rural – Countryside Living Zone	NC	NC	NC

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(A10)	Rural – Rural Production Zone	D	D	D
(A11)	Rural – Mixed Rural Zone	D	D	NC
(A12)	Rural – Rural Coastal Zone	D	D	NC
(A13)	Open Space – Conservation Zone	NC	NC	NC
(A14)	Open Space – Informal Recreation Zone	NC	D	NC
(A15)	Open Space – Sport and Active Recreation Zone	D	D	NC
(A16)	Open Space – Civic Spaces Zone	D	D	NC
(A17)	Open Space – Community Zone	D	D	NC
(A18)	Business – Business Park Zone	D	RD	D
(A19)	Business – Mixed Use Zone	RD	RD	RD
(A20)	Business – General Business Zone	RD	RD	RD
(A21)	Business – Neighbourhood Centre Zone	NC	D	NC
(A22)	Business – Local Centre Zone	NC	D	NC
(A23)	Business – Town Centre Zone	RD	RD	RD
(A24)	Business – Metropolitan Centre Zone	RD	RD	RD
(A25)	Business – Light Industry Zone	RD	P	RD
(A26)	Business – Heavy Industry Zone	RD	P	P
(A27)	Special Character Areas Overlay – Residential and Business	NC	D	NC
(A28)	Business – City Centre Zone (except the residential precinct)	NC	RD	D
(A29)	City Centre Zone Residential Precinct	NC	NC	NC
(A30)	Strategic Transport Corridor Zone	NC	D	NC
(A31)	Special Purpose – Airports and Airfields Zone	D	RD	D
(A32)	Special Purpose – Cemetery Zone	NC	NC	NC
(A33)	Special Purpose – Healthcare Facility and Hospital Zone	NC	NC	NC
(A34)	Special Purpose – Major Recreation Facility Zone	D	D	D
(A35)	Special Purpose – Māori Purpose Zone	NC	D	NC
(A36)	Special Purpose – Quarry Zone	D	D	D
(A37)	Special Purpose – School Zone	NC	NC	NC
(A38)	Special Purpose – Tertiary Education Zone	NC	NC	NC
(A39)	Rural – Waitākere Ranges Zone Rural – Waitākere Foothills Zone	NC	NC	NC

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(A40)	Coastal – General Coastal Marine Zone	NC	NC	NC
(A41)	Coastal – Ferry Terminal Zone	NC	D	NC
(A42)	Coastal – Moorings Zone	Pr	Pr	Pr
(A43)	Coastal – Marina Zone	NC	D	NC
(A44)	Coastal – Defence Zone	NC	D	NC
(A45)	Coastal – Minor Port Zone	D	D	NC

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

Activity		Activity status – all zones
Billboards on street furniture and in road reserves		
(A46)	Billboards on existing street furniture in a road reserve	P
(A47)	Replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape	P
(A48)	Billboards on new street furniture	P
(A49)	Billboards that are less than 1.2m ² in area that are located in a road reserve adjoining any Business Zone (Note: Approval of Auckland Transport is required for any works in a road)	P
(A50)	New billboards, or the replacement of a billboard with a billboard of the same, or substantially similar size and shape, on existing or new street furniture in a road reserve that do not meet the Standards in E23.6	RD
Existing lawfully established billboards		
(A51)	Altering or moving an existing lawfully established billboard within a zone where billboards are not a permitted activity, and where the change will not increase the overall display area or the extent of any non-compliance with the Standards in E23.6	RD
(A52)	Changing an existing lawfully established static billboard to a changeable message billboard in a zone where billboards are not provided for as a permitted activity	RD
Comprehensive development signage		
(A53)	Comprehensive development signage, including amendments or additions to existing approved comprehensive development signage	RD

E23.5. Notification

- (1) Any application for resource consent for an activity listed in Table E23.4.1 or Table E23.4.2 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).

E23.6. Standards

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

E23.6.1. Billboards

- (1) Billboards must:
- (a) not be placed on or extend over any public open space or wharf;
 - (b) not be placed within 30 metres of a residential zone, or an open space zone from which it can be seen;
 - (c) not be placed within a scheduled view shaft or within 30 metres of a scheduled historic heritage place; and
 - (d) not be attached to, or placed on:
 - (i) a street veranda; or
 - (ii) the roof of a building.
- (2) If lit internally or by external means (excluding digital billboards) a billboard must:
- (a) not be lit with an upwardly facing light source;
 - (b) not exceed a luminance of 800cd/m^2 when lit by an artificial light source between dusk and dawn; or
 - (c) be designed to reduce any glare or direct view of the light source when viewed by an observer at ground level 2 metres or more away from the billboard.
- (3) A digital billboard must include controls to ensure luminance does not exceed:
- (a) 5000cd/m^2 between sunrise and sunset; (daytime)
 - (b) 250cd/m^2 between sunset and sunrise (night time); and
 - (c) 250cd/m^2 during twilight; (twilight means from astronomical dawn to sunrise and from sunset until astronomical dusk with the times for sunrise, sunset and astronomical dusk (night) being those specified in the US Naval Portal).
- (4) A billboard shall not emit noise, smoke, steam or other matter.

- (5) A billboard must not be placed on a wall or part of a wall so that any part of the billboard is higher than the lowest point of the roof of the building adjoining the wall.
- (6) A billboard must not extend beyond the outer edge of any wall of the building on which it is located and the billboard must be contained entirely within the visual profile of the building.
- (7) A billboard must not extend more than:
 - (a) 200mm from the face of any building or structure to which it is attached if it is a static billboard; or
 - (b) 400mm from the face of any building if it is a changeable message billboard.
- (8) A billboard, when viewed from any public place, must not obscure (partially or totally) any window or window aperture, whether or not it is glazed and used as a window.
- (9) A billboard must not be installed on a building that has been altered or modified for the purpose of installing the billboard.
- (10) A billboard, when placed on a wall, must not exceed an area equal to 25 per cent of the wall area or 50m², whichever is the lesser.
- (11) A billboard, when mounted on a wall must not be placed so that any part of the sign is:
 - (a) greater than 30 metres above ground level;
 - (b) less than 3 metres above ground level; and
 - (c) within 3 metres of the top of any wall on any building of seven storeys or more.
- (12) A billboard must not be comprised of window film above the ground floor of any building.
- (13) A billboard must not display any image that:
 - (a) resembles or is likely to be confused with any traffic sign or signal;
 - (b) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or
 - (c) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers.
- (14) A changeable message billboard must not use images that could be mistaken by an approaching motorist for a traffic control device by its colour, shape or appearance.

- (15) A billboard must not be placed on any traffic control devices or their supporting poles, posts or structures.
- (16) A billboard must not be displayed on any median strip, kerb projection, roundabout, or any other traffic separation structures on any road.
- (17) A billboard must not be displayed on any power pole, lighting pole, bollard, rubbish bin, plant box, pylon, public sign or other similar structures in a public place.
- (18) A billboard must have lettering of at least 120mm high in areas where the billboard is directed at a road where the speed limit is 60km/h or less.
- (19) A billboard must have lettering of at least 150mm high in areas where the billboard is directed at a road where the speed limit exceeds 60km/h.
- (20) Free-standing billboards must:
 - (a) be at least 4 metres high but not greater than 6 metres high and 13 metres long and have a display face that does not exceed 50m²;
 - (b) be the only free-standing sign on the site which is greater than 1.5 metres high;
 - (c) not be placed within;
 - (i) 5 metres of any building that is higher than 1.5 metres;
 - (ii) 10 metres of any other free-standing sign, including a billboard sign on the same site or footpath signs placed directly outside the same site;
 - (iii) 2 metres of any free-standing sign on another site under different ownership; or
 - (iv) 2 metres of the side boundary of any site if the site has a frontage width greater than 6 metres.
 - (d) not obstruct, obscure or impair a motorist's safe line sight of any corner, bend, vehicle crossing pedestrian crossing, or intersection, with the safe intersection sight distance being measured according to the Austroads Guide to Road Design;
 - (e) not obstruct, obscure or impair the view of a motorist of any traffic control device (sign, signal or notice); and
 - (f) not use images, including changeable messages, that could be mistaken by an approaching motorist for a traffic control device in colour, shape or appearance.

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

- (1) A billboard on existing street furniture in a road reserve, or the replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape must comply with all of the following:
- (a) the billboard must be no larger than the street furniture it is attached to;
 - (b) the billboard must not be placed within a view shaft or within 30 metres of a scheduled historic heritage place;
 - (c) if lit internally or by external means (excluding digital billboards) it must:
 - (i) not be lit with an upwardly facing light source;
 - (ii) not exceed a luminance of 800cd/m² when lit by an artificial light source between dusk and dawn; and
 - (iii) be designed to reduce any glare or direct view of the light source when viewed by an observer at ground level 2 metres or more away from the billboard.

E23.6.3. Billboards on new street furniture

- (1) Billboards on new street furniture must:
- (a) comply with Standards E23.6.2(1)(a) to (d)(i), (ii), (iii);
 - (b) not be located where the land immediately adjoining the billboard is:
 - (i) within a Special Character Areas Overlay – Residential and Business; or
 - (ii) zoned Rural – Rural Conservation Zone, Rural – Countryside Living Zone or Open Space – Conservation Zone, Rural – Waitākere Ranges Zone, or Rural – Waitākere Foothills Zone, unless the street furniture is on an arterial road.
- (2) If the billboard is a digital billboard it must include controls to ensure that the luminance does not exceed:
- a. 5000cds/m² between sunrise and sunset; (daytime)
 - b. 250cds/m² between sunset and sunrise (night time); and
 - c. 250cds/m² during twilight; (twilight means from astronomical dawn to sunrise and from sunset until astronomical dusk with the times for sunrise, sunset and astronomical dusk (night) being those specified in the US Naval Portal).
- (3) A billboard must not extend greater than 200mm from the face of the building or structure to which it is attached if it is a static billboard.

- (4) A billboard must not extend greater than 400mm from the face of the building or structure it is attached to if it is a changeable message billboard.
- (5) A billboard must not display an image that does any of the following:
 - (a) resembles or is likely to be confused with any traffic sign or signal:
 - (i) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or
 - (ii) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers.

E23.7. Assessment – controlled activities

There are no controlled activities in this section.

E23.8. Assessment – restricted discretionary activities

E23.8.1. Matters of discretion

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

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

E23.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities in Activity Table E23.4.1 Billboards in zones and Activity Table E23.4.2 Billboards on street furniture in road reserves, existing lawfully established billboards and comprehensive development signage from the list below:

- (1) visual amenity, scale and location:
 - (a) the extent to which comprehensive development signage, free-standing billboards, or billboards on a side, rear or street facing building façade are appropriate in terms of the zone they are located in taking into account all of the following:
 - (i) the scale, form and type of signs or billboard;
 - (ii) the location of the signs or billboard in relation to other signs and billboards and adjacent structures and buildings;
 - (iii) the size of the site in which the signs or billboard will be located;
 - (iv) the relationship with the streetscape, landscape and open space areas in the vicinity of the proposed signs or billboard; and

- (v) the length of time the signs or billboard will be in place.
 - (b) the extent to which the signs or billboard, when attached to a building, will appear to be an integrated element of the building and positively relate to structural bays, structural elements, architectural features, building proportions and the overall design of the building;
 - (c) the extent to which the signs or billboard structure are visually integrated with the existing built and/or natural environment;
 - (d) whether the signs or billboard structures are simple and visually recessive in terms of form and colour, and are designed to discourage access for graffiti on the image displayed;
 - (e) whether the signs or billboard detracts from the visual amenity of any public open space from which it can be seen, including the characteristics of the streetscape, natural environment, landscaping and open space;
 - (f) whether the signs or billboard, if located in close proximity to a scheduled historic heritage place, adversely affects the visual amenity or detracts from the visual qualities that are fundamental to the historic heritage values of the scheduled historic heritage place;
 - (g) whether a sign or billboard that will replace an existing sign or billboard on a building integrates with the building's form, shape and architectural features; and
 - (h) whether the sign or billboard will dominate the outlook from any dwelling or public open space.
- (2) lighting and traffic safety:
- (a) the extent to which lighting associated with a sign or billboard is controlled to minimise adverse effects on the visual amenity of the surrounding environment during both day and night time (and the transition times between) having regard to:
 - (i) the location of the signs or billboard;
 - (ii) the sign's orientation to the sun; and
 - (iii) the variance of ambient light levels within the area.
 - (b) the degree of compliance with Standards E23.6.1(2)(a),(b),(c) or E23.6.1(3)(a), (b), (c) and whether lighting levels, light spill or glare from illuminated or, changeable message signs or billboards that do not meet these standards will cause unreasonable levels of glare and discomfort to any person or to traffic safety (the controls of Tables 2.1 and 2.2 of Australian Standards AS 4282 - 1997 (Control of the Obtrusive Effects of Outdoor Lighting) may be used to determine glare and discomfort);

- (c) whether there will be adverse effects on the amenity values of the surrounding area and traffic safety from signs or billboards that are capable of displaying variable images more than once every eight seconds, taking into account:
 - (i) the proposed transition time between images;
 - (ii) the dwell time of each image;
 - (iii) the number of image changes per hour; and
 - (iv) the number of consecutive related images.
 - (d) the extent to which the location, operation, lighting or design of the signs or billboard will have adverse effects on traffic safety.
- (3) duration of consent:
- (a) whether the duration of a resource consent should be limited, taking into account the future land use and/or transport network changes that are likely to affect the site or location and result in the signs or billboard being inappropriate from a site development or traffic safety perspective.
- (4) cumulative effects:
- (a) whether the signs or billboard, in conjunction with existing signs nearby, will create visual clutter or other adverse cumulative effects.

E23.9. Special information requirements

There are no special information requirements in this section.

E26. Infrastructure

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

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	E26.2 Network utilities and electricity generation – All zones and roads	3
D9 Significant Ecological Areas Overlay E15 Vegetation management and biodiversity	E26.3 Network utilities and electricity generation – Vegetation management	30
D13 Notable Trees Overlay E16 Trees in open space zones E17 Trees in roads	E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay	40
E11 Land disturbance – Regional E12 Land disturbance – District	E26.5 Network utilities and electricity generation – Earthworks all zones and roads E26.6 Network utilities and electricity generation – Earthworks overlays except	49 62

	Outstanding Natural Features Overlay E26.7 Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay	76
D17 Historic Heritage Overlay	E26.8 Network utilities and electricity generation – Historic Heritage Overlay	84
D18 Special Character Areas Overlay – Residential and Business	E26.9 Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business	90
D21 Sites and Places of Significance to Mana Whenua Overlay	E26.10 Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay	95
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay	E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay	98
D15 Ridgeline Protection Overlay D16 Local Public Views Overlay D19 Auckland War Memorial Museum Viewshaft Overlay	E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays	103
D10 Outstanding Natural Landscapes Overlay D11 Outstanding Natural Character and High Natural Character Overlay	E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	109
D10 Outstanding Natural Features Overlay	E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	114

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, historic heritage, historic 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 sections 9(2) and 9(3) of the Resource Management Act 1991.

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

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

E26 Infrastructure

Activity	Roads, unformed roads and the Strategic Transport Corridor Zone	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
General							
(A1)	Operation, maintenance and repair of network utilities and electricity generation facilities in existence on 30 September 2013 or which have been lawfully established or granted resource consent	P	P	P	P	P	P
(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
(A16)	Network utilities and electricity generation facilities not listed in Table E26.2.3.1 Activity Table	D	D	D	D	D	D
Electricity transmission and distribution							
(A17)	Distribution substations	P	P	P	P	P	P

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(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 Strategic Transport Corridor this activity shall have the same status as the adjacent zone ** Industrial zones *** within the areas of the Roads and Unformed Roads and Strategic Transport Corridor Zone, in rural and coastal towns; and serviced and un-serviced villages.	*	P	P	RD P***	RD P**	RD	RD
(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
Liquid fuels and gas transmission and distribution								
(A26)	Underground gas distribution regulator stations	P	P	P	P	P	P	P
(A27)	Aboveground gas distribution regulator stations	P	P	P	P	P	P	P
(A28)	Aboveground gas and petroleum product transmission regulator, valve, or pump stations * Business – Heavy Industrial Zone	D	D	D	D	D	D	D
(A29)	Underground gas distribution pipelines at a gauge pressure not exceeding 2000 kilopascals, including any aerial crossings of streams using bridges or any other structures, and ancillary underground equipment and fittings	P	P	P	P	P	P	P
(A30)	Underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals including any aerial crossings of streams or other low lying areas using bridges or any other structures, and ancillary underground equipment and fittings	D	D	D	D	D	D	D
Telecommunications								
(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulations 28 and 29 of the NESTF	C	NA					
(A32)	Antennas attached to retaining walls, tunnels, bridges and other structures (other than replacement utility structures under the NESTF) in the road, unformed Road and Strategic Transport Corridor Zone	P	NA					
(A33)	Antennas attached to a building and/or structure where the face of the antenna does not exceed 1.5m ² or 1.2m in diameter for dish antennas (excludes private television antennas and satellite dishes)	NA	P	P	RD	P	P	P
(A34)	Mast and attached antennas * within Business – Local Centre Zone and Business – Neighbourhood Centre Zone	RD# P**	P	P	D	P	P	RD#

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	** within the Strategic Transport Corridor zone							
(A35)	Antennas inside of new or existing buildings	P	P	P	P	P	P	P
(A36)	Antennas that do not exceed the following dimensions: GPS Antennas: <ul style="list-style-type: none"> • 300mm high and 130mm in diameter • small cell units/antennas that do not exceed a volumetric dimension of 0.25m³ Omni-directional antennas: <ul style="list-style-type: none"> • 650mm high; and • 60mm in diameter 	P	P	P	P	P	P	P
(A37)	Externally mounted telecommunication satellite dishes attached to buildings not exceeding 0.8m in diameter and ancillary components	NA	P	P	P	P	P	P
(A38)	Telecommunication cabinets and shelters *that meet the permitted standards in NESTF if within a road	P*	P	P	P	P	P	P
(A39)	Telecommunication cabinets in roads and Strategic Transport Corridor zone that do not meet the permitted standards in NESTF (excludes rail corridors)	RD						
(A40)	Underground telecommunication lines and facilities	P	P	P	P	P	P	P
(A41)	Overhead telecommunication lines * within areas of the road, unformed road and Strategic Transport Corridor Zone this activity shall have the same status as the adjacent zone ** Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D
(A42)	Telecommunication kiosks	P	P	P	P	P	P	P
(A43)	Telephone exchanges	P	P	P	P	P	P	P
(A44)	Installation and operation of equipment inside existing telephone exchanges	P	P	P	P	P	P	P
Amateur radio								
(A45)	Amateur radio configurations	NC	P	P	P	P	P	P
(A46)	Amateur radio configurations that do not comply with Standard E26.2.5.3(25)	NC	D	D	D	D	D	D
Water, wastewater and stormwater structures								
(A47)	Underground reservoirs	P	P	P	P	P	P	P
(A48)	Above ground reservoirs	RD	P	P	RD	P	RD	RD
(A49)	Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines)	P	P	P	P	P	P	P
(A50)	Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater and stormwater	RD	RD	RD	RD	RD	RD	RD
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P
(A52)	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P
(A53)	Water treatment plants	D	P	P	RD	P	RD	RD
(A54)	Wastewater treatment plants	D	RD	D	D	RD	D	D
(A55)	Stormwater detention/retention ponds/wetlands	C	C	C	C	C	C	C
(A56)	Water, wastewater and stormwater outfalls and ancillary structures	P	P	P	P	P	P	P
(A57)	Ventilation facilities, drop shafts and manholes	P	P	P	P	P	P	P
(A58)	Stormwater treatment devices; erosion protection; culverts; measuring devices (flows structures)	P	P	P	P	P	P	P

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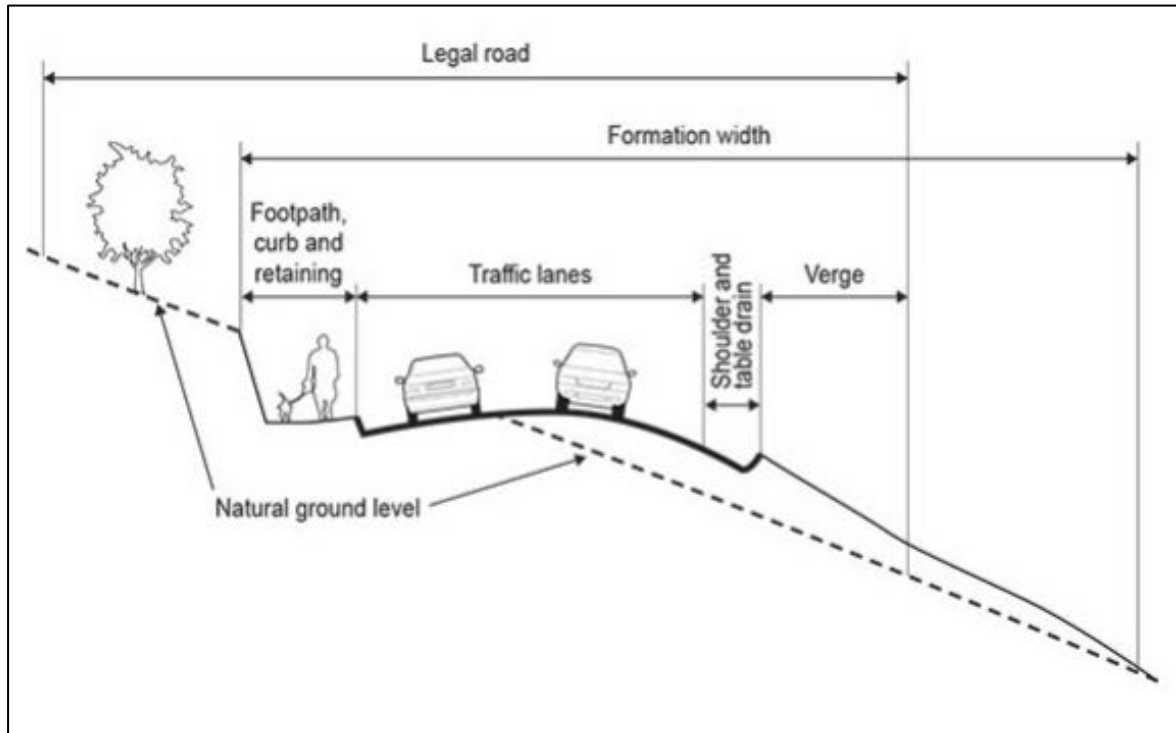
Electricity generation and its storage								
(A59)	Small-scale electricity generation * solar electricity generation which is ancillary to network utilities located in roads and unformed roads and Strategic Transport Corridor Zone	NA P*	P	P	P	P	P	P
(A60)	Community-scale electricity generation * solar electricity generation	NA	P	P	RD# P*	P	RD# P*	RD# P*
(A61)	Large scale wind farms	NA	RD#	D	NC	RD#	D	NC
(A62)	Research and exploratory scale investigations for renewable electricity generation activities	D	P	NA	NA	NA	NA	P
(A63)	Other electricity generating facilities	NC	D	D	NC	D	D	NC
(A64)	Electricity storage facility that is not a minor utility structure	RD	P	P	RD#	P	RD#	RD#
Infringement of standards								
(A65)	Any activity that does not comply with Standard E26.2.5.2(6)	NC	NC	NC	NC	NC	NC	NC
(A66)	Any activity that does not comply with Standard E26.2.5.2(7)	NC	NC	NC	NC	NC	NC	NC

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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).

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- (2) Building area:

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

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m;
- (b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters and GPS antennas; and
- (c) the maximum height for of 2.5m applies to:
 - (i) telecommunication kiosk; and
 - (ii) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas.

(4) Electric vehicle charging stations:

- (a) maximum height of 1.8m;
- (b) maximum area of 1.5m^2 ;
- (c) either have a socket connection, or a fitted cable management accessory;
- (d) the equipment must be removed by the owner when the equipment becomes obsolete; and
- (e) in addition to the above, where the electric vehicle charging station is located on an arterial road:

- (i) it must be located adjacent to part of a road on which car parking is authorised by Auckland Transport for a time period of at least 30 minutes for either general vehicle use or reserved for electric vehicles;
- (ii) the equipment must be removed by the owner (at the owner's sole cost) at least 30 days prior to the adjacent car parking space being permanently removed; and
- (iii) written notice of any proposed installation of the equipment must be given to Auckland Transport at least 2 months prior to the lodgement of any request to access the road corridor.

(5) Minor infrastructure upgrading

- (a) All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

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[New text to be inserted]

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

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

(1) Temporary network utilities:

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

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures:

- (i) in residential zones is 20m²;
- (ii) in all other zones is 30m²;

- (b) Standard E26.2.5.2(2)(a)(i) and (ii) excludes:

- (i) structures in industrial zones; and
- (ii) substations or telephone exchanges incorporated within a building complying with the rules for the relevant zone which are provided for as a separate activity.

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices,

earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes:

- (i) structures in industrial zones, where the height controls of the relevant zone will apply;
 - (ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and
 - (iii) telecommunication shelters 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 2m³
- (6) Electricity transmission and distribution (Electric and magnetic fields):
- (a) network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).
- (7) Radio Frequency Fields (RF fields):
- (a) network utilities should not result in radio-frequency fields produced by the network utility exceeding the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) measured at all places reasonably accessible to the general public.

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

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

Minor infrastructure upgrading

(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, 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6.
 - (iii) the provisions in 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.
- (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;
 - (ii) where the antenna is a dish antenna the diameter of the new antenna must not increase by more than 20 percent; and

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(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

(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

(3) Noise from substations 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 within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} at 6m from the distribution substation or at the nearest residential boundary or rural notional boundary, whichever is the furthest.

(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”.

Telecommunication antennas attached to buildings

(6) Antennas attached to buildings must not exceed the height at the point of attachment to the building by more than the height specified in Table E26.2.5.3.1.

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

Table E26.2.5.3.1 Telecommunication antennas attached to buildings

Zone group	Permitted height
<ul style="list-style-type: none"> • Rural zones; • Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land); 	5m

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

Maximum number of antennas

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

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

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

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

Table E26.2.5.3.2 Maximum number of antennas

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

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

Height of masts and attached antennas (excludes NESTF)

(11) Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3,

excluding provision for lightning rods and GPS antennas, telecommunication devices and earthpeaks.

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

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

Electricity generation – wind generation scale and location

(12) Meteorological masts for wind research and exploration must not exceed 90m in height.

(13) Roof-mounted wind turbines for small-scale electricity generation must:

- (a) not exceed the permitted height of the zone by more than 3m;
- (b) have a rotor diameter no more than 2.5m; and
- (c) be limited to one per dwelling within the residential zones.

(14) Freestanding wind turbines for small-scale electricity generation must comply with Table E26.2.5.3.4.

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

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

All other zones	15	3
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- (15) In residential zones and the Special Purpose – Māori Purpose Zone, freestanding wind turbines for small-scale electricity generation are limited to one per site.
- (16) The noise (rating) level from small scale electricity generation must not exceed the noise control specified for activities in the zone in which the small scale electricity generation activity is located (including noise control for any zone interface), following the subtraction of 10 decibels from every applicable A-weighted noise limit in the applicable rule. A penalty for the noise containing Special Audible Characteristics in accordance with NZS6802:2008 Acoustics – Environmental Noise must not be applied.
- (17) Wind turbine towers, either freestanding tubular, lattice or tubular mast supported by guy wires, for a community-scale electricity generation facility must not exceed 25m in height.
- (18) Small and community scale wind turbines on sites adjoining residential zones must meet the height in relation to boundary control for the adjoining zone in which they are located.
- (19) There is no height limit for wind turbine towers associated with large-scale wind farms.

Electricity generation - solar panels

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

Setbacks

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

Shadow flicker

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

Pipe and cable bridges

- (23) Pipe and cable bridges must not exceed:
- (a) 25m in length;
 - (b) 1m in diameter or width

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

- (24) Any aboveground section of underground pipelines for the conveyance of gas, water, wastewater and stormwater must not exceed:
- (a) 25m continuous length of pipe that is aboveground in any one section; and
 - (b) 300mm in diameter.

Amateur Radio Configurations

- (25) Amateur radio configuration activities must comply with the following standards:
- (a) no limit to the number of supporting structures less than 102mm in diameter. Where guy wires are used, these must not exceed 10mm in diameter;
 - (b) a maximum of one supporting structure greater than 102mm. The maximum height of the supporting structure shall be the relevant building height. The maximum horizontal diameter of the pole or supporting structure is 800mm. The minimum setback from any boundary is 1.5m. Any guys used to support the pole must not exceed 10mm in diameter;
 - (c) dish antennas located less than 5m above ground have a maximum horizontal diameter of 4m and a minimum boundary setback of 1m. Dish antennas situated more than 5m above ground have a maximum diameter of 1.2m;
 - (d) the maximum height of antennas mounted on buildings using a supporting structure less than 102mm diameter shall be 18m in the residential zones, and 18m or the relevant permitted or actual building height plus 5m (whichever is greatest) in all other zones;
 - (e) all antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access; and
 - (f) no amateur radio configuration may be located on a site that is, or contains, a scheduled historic heritage place. In respect of a scheduled historic heritage place, no amateur radio configuration shall be located on a site with a extent of place or any area of legal road within that extent of place.

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

Electric vehicle charging stations

(26) Electric vehicle charging stations must be:

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

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

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

- (1) Temporary works, buildings and structures must be removed from the road on completion of works.
- (2) After completion of works, the ground must be reinstated to at least the condition existing prior to any work starting.
- (3) Work within the formation width of the road must be incidental to, and serve a supportive function for the existing public road or is required for the safety of road users or is required for the safety of adjacent landowners or occupiers.

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

- (2) Substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:

- (a) the substation building 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:
 - (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:
 - (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 substation;
 - (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the 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:
- (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:
 - (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 substation;
 - (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the 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 margins (refer to E15 Vegetation management and biodiversity);
- 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 margins [rp]	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading							
(A71)	Biosecurity tree works	P	P	P	P	P	P
(A72)	Dead wood removal	P	P	P	P	P	P
(A73)	Emergency tree works	P	P	P	P	P	P
(A74)	Pest plant removal	P	P	P	P	P	P
(A75)	Vegetation alteration or removal for the operation, repair and maintenance of access tracks and fences for network utilities	P	P	P	P	P	P
(A76)	Vegetation alteration or removal	P	P	P	P	P	P
(A77)	Vegetation alteration or removal that does not comply with Standards E26.3.5.1 to E26.3.5.4	RD	RD	RD	RD	RD	RD
(A78)	Vegetation alteration or removal not otherwise provided for	D	D	D	D	D	D

E26.3.4. Notification

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

E26.3.5. 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 margins and the Significant Ecological Areas Overlay

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

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

E26.3.5.2. Vegetation alteration or removal

- (1) 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 20m² of vegetation within a significant ecological area, except within the formation width of the road.
- (3) Must not result in the removal of more than 50m² of vegetation within a coastal area or riparian margin not identified as a significant ecological area.
- (4) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.
- (5) Must not result in the removal of more than 500m² of vegetation within the legal road or the formation width of the road in a rural zone.
- (6) Must not result in the removal of more than 250m² of vegetation outside the legal road or the formation width of the road in a rural zone.
- (7) Vegetation alteration or removal from a significant ecological area must be for the purpose of maintaining the safety of the network utility and must be undertaken in any of the following:
 - (a) within the formation width of existing roads;

- (b) within 1m of the network utility, or existing access track;
 - (c) in accordance with the Electricity (Hazards from Trees) Regulations 2003;
 - (d) within state highway designations as at 30 September 2013; or
 - (e) within railway designations as at 30 September 2013.
- (8) Standards E26.3.5.2(1)-(7) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
- (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage above the road carriageway;
 - (b) clearance of a 0.5m width back from the road kerb;
 - (c) clearance of a 0.6m width back from the un-kerbed road; or
 - (d) clearance for any over dimension route requirement.

District [dp]

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

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

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

E26.3.5.4. Vegetation alteration or removal

- (1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (2) Must not result in the removal of more than 50m² of vegetation within an overlay.
- (3) Must not result in the removal of more than 20m² of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.

- (4) Must not result in the removal of more than 250m² of vegetation within the legal road or the formation width of the road in an overlay
- (5) Standards E26.3.5.4(1)-(4) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
 - (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage 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 margins and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
 - (a) ecological values:
 - (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.
 - (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 margins and the D9 Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
 - (a) ecological values:
 - (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
 - (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
 - (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and E15 Vegetation management and biodiversity.
 - (b) sediment, water quality and hydrology:

- (i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.
- (c) use:
- (i) whether the vegetation alteration or removal will improve the reliance and security of the network utility;
 - (ii) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
 - (iii) the extent of the benefits derived from infrastructure.
- (d) methods and location:
- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
 - (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.
- (e) mitigation measures:
- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.
- (f) bonds and covenants:
- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.
- (g) Mana Whenua values:
- (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.
- (2) district rules - vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, Outstanding

Natural Character Overlay and High Natural Character Overlay that do not comply with the permitted activity standards [dp]:

(a) hazard mitigation:

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

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

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

(c) amenity values:

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

(d) use:

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

(e) methods and location:

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

(f) mitigation measures:

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

(g) bonds and covenants:

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

(h) Mana Whenua values:

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

E26.3.8. Special information requirements

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

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

E26.4.1. Objectives

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

E26.4.2. Policies

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

E26.4.3. Activity table

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

- the activity status and rule applying to any particular tree is determined by the location of the trunk;
- all activities obtain the approval of the Tree Asset Manager, which in respect of roads is Auckland Transport and in respect of open space zones, owned by the Council, is the Auckland Council Parks Department;
- for the tree rules except where otherwise stated any square metre limit applies on a 'per project' basis; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

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

Activity		Auckland wide-rules Trees		Overlay rules
		Trees in roads [dp]	Open space zones [dp]	Notable trees [dp]
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading				
(A79)	Biosecurity tree works	P	P	P
(A80)	Dead wood removal *if undertaken by a qualified arborist	P	P	P* C
(A81)	Emergency tree works	P	P	P
(A82)	Pest Plant Removal *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 undertaken 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)	Alteration or removal of trees less than 4m in height and/or less than 400mm in girth	P	P	NA
(A92)	Alteration or removal of trees 4m or more in height and/or 400mm or more in girth	RD	RD	NA
(A93)	Tree trimming, alteration or removal not otherwise provided for	D	D	D

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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;

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modifications)

(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; and

(d) the natural shape, form and branch habit of the tree must be retained for trees in streets where practicable.

- (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 5.3m where there is road safety and directional signage located above the carriageway;

(ii) maintain the clearance of 0.5m width back from the road kerb;

(iii) maintain the clearance of 0.6m width back from the unkerbed road; or

(iv) maintain clearance requirements for over dimension routes;

(c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

- (3) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.

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

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

- (e) Standards E26.4.5.2(1)(a) - (d) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm:
 - (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
 - (i) works must not disturb more than 20% of the protected root zone;
 - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
 - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket;
 - (b) Standard E26.4.5.2(2)(a) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.

Notable trees

E26.4.5.3. Notable trees - tree trimming or alteration

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

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modifications)

[New text to be inserted]

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

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 1m².
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.

- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

E26.4.6. Assessment – controlled activities

E26.4.6.1. Matters of control

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

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

E26.4.6.2. Assessment criteria

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

- (1) for deadwood removal not undertaken by a qualified arborist:
 - (a) criteria for the extent of the alteration of the tree and the method to be employed:
 - (i) the tree will not be unduly damaged or its health endangered through removal of deadwood;
 - (ii) the timing of the deadwood removal;
 - (iii) the size of the wounds; and
 - (iv) the position of the wounds.
- (2) tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:

- (a) that the trimming must not exceed the Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003; and
- (b) whether the trimming retains the natural shape, form and branch habit of the tree, as far as practicable.

E26.4.7. Assessment – restricted discretionary activities

E26.4.7.1. Matters of discretion

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

- (1) trees in roads and open space zones:
 - (a) for tree trimming or alteration not meeting Standard E26.4.5.1;
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
 - (b) for work within the protected root zone not otherwise provided for:
 - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
 - (ii) the extent of area of the protected root zone or zones that is affected.
 - (c) tree alteration or removal of greater than 4m in height and trees 400mm in girth:
 - (i) the effect on the values of the tree or trees; and
 - (ii) any loss or reduction of amenity values provided by the tree or trees;
 - (iii) any mitigation proposed; and
 - (iv) the functional and operational requirements and benefits derived from infrastructure.
- (2) Notable Tree Overlay:
 - (a) for tree trimming or alteration not meeting Standard E26.4.5.3:
 - (i) the methods proposed to reduce any adverse effects; and
 - (ii) the extent of the alteration of the tree or trees.
 - (b) for work within the protected root zone not otherwise provided for:

- (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
- (ii) the extent of area of the protected root zone or zones that is affected.

E26.4.7.2. Assessment criteria

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

(1) trees in roads and open space zones:

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

(2) Notable Tree Overlay:

- (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
- (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
- (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
- (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;

- (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (f) the need for the direction and supervision of a qualified arborist while the works are being carried out; and
- (g) the functional and operational requirements and benefits derived from infrastructure.

E26.4.8. Special information requirements

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

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

E26.5.1. Objectives

The objectives for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

E26.5.2. Policies

The policies for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

E26.5.3. Activity table

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

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

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

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

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	renewal, minor infrastructure upgrading							
(A202)	Earthworks greater than 2500m ³ other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	RD
(A98)	Earthworks not otherwise listed in this table	Refer to Table E12.4.1 Activity table – all zones and roads						
Earthworks - Lava caves, fossils and sub-fossils								
(A99)	Land disturbance that disturb known lava caves >1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD

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

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

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

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

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

Note 1

Sediment Control Protection Area is defined as:

- (a) 100 metres either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50 metres landward of the edge of a watercourse, or wetland of 1000m² or more.

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 must be 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 must be 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 to 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.
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by 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 areas unless being transported to landfill for disposal.

District [dp]

- (9) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (10) Land disturbed for the operation, renewal, repair, upgrading or maintenance of utilities outside the formation width of existing roads or abutments, or within an overland flow path, will be reinstated to the ground level prior to the works being undertaken as soon as practicable after completion of the works.
- (11) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.
- (12) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (13) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (14) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (15) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (16) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (17) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (18) Earthworks (including filling) within a 1% AEP flood plain (excluding road network activities):

- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and
- (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

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

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

- (a) create an unstable batter that will affect a transmission support structure; or
- (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.5.6. Assessment – controlled activities

E26.5.6.1. Matters of control

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

- (1) all regional controlled activities [rp]:
 - (a) compliance with the standards;
 - (b) the design and suitability of erosion and sediment control measures to be implemented;
 - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
 - (d) the proportion of the catchment which is exposed;
 - (e) staging of works and progressive stabilisation;
 - (f) timing and duration of works;
 - (g) term of consent; and
 - (h) potential effects on significant ecological and indigenous biodiversity values.

E26.5.6.2. Assessment criteria

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

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

- (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
- (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
- (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

E26.5.7. Assessment – restricted discretionary activities

E26.5.7.1. Matters of discretion

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) compliance with the standards;
 - (b) the design and suitability of erosion and sediment control measures to be implemented;
 - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
 - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;
 - (e) the proportion of the catchment which is exposed;
 - (f) staging of works and progressive stabilisation;
 - (g) timing and duration of works;
 - (h) term of consent;
 - (i) potential effects on significant ecological and indigenous biodiversity values;
 - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; and
 - (k) information and monitoring requirements.
- (2) all district restricted discretionary activities [dp]:
 - (a) compliance with the standards;

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

E26.5.7.2. Assessment criteria

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

- (1) all regional restricted discretionary activities [rp]:
 - (a) whether applicable standards are complied with;
 - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
 - (i) water quality including of the coastal marine area;
 - (ii) ecological health including of the coastal marine area;
 - (iii) riparian margins;

- (iv) the mauri of water;
 - (c) the quality of taiāpure or mahinga mātaītai;
 - (d) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
 - (e) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
 - (f) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
 - (g) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
 - (h) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) general district assessment criteria [dp]:
- (a) whether applicable standards are complied with;
 - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
 - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
 - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
 - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
 - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
 - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;

- (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
- (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;
- (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Unitary Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:
 - (i) the outcome of any consultation with Transpower New Zealand Limited; and
 - (ii) the risk to the structural integrity of transmission lines; or
- (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

E26.5.8. Special information requirements

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

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

E26.6.1. Objectives

The objectives for earthworks are located in:

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

E26.6.2. Policies

The policies for earthworks are located in:

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

E26.6.3. Activity table

Table E26.6.3.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991 in the:

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

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

For Table E26.6.3.1 Activity table:

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

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

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

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

E26.6.4. Notification

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

E26.6.5. Standards

E26.6.5.1. Accidental discovery rule

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

Cease works and secure the area

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

Inform relevant authorities and parties

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

- (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 must be 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 must be 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 to 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.
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.

E26.6.5.2. General standards

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

Regional [rp]

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³
- (3) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of 0.6m, or the depth of land previously

disturbed, except where the excavation is less than 10m² in area and 5m³ in volume.

- (4) Earthworks for service connections in SEAs shall be limited to the area and depth of earth previously disturbed or modified or shall not exceed 10m² and 5m³
 - (5) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
 - (6) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour;
 - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (e) any significant adverse effects on aquatic life.
 - (7) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.
- Note 1
- Best practice in Auckland is generally deemed to be compliance with Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region or similar design.
- (8) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
 - (9) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
 - (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
 - (11) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within a Significant Ecological

Area Overlay shall be limited to the area of earth previously disturbed or modified.

- (12) Earthworks associated with a temporary activity within a Significant Ecological Area Overlay shall be limited to the area of earthwork previously disturbed or modified.
- (13) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that areas unless being transported to landfill for disposal.

District [dp]

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

- (14) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (15) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³
- (16) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, except where the excavation is less than 10m² in area and 5m³ in volume; and for the Sites and Places of Significance to Mana Whenua overlay, only to the depth of land previously disturbed; and for the Historic Heritage overlay only to a depth of 0.6m.
- (17) Earthworks for the network utilities within the Historic Heritage Overlay must not:
 - (a) take place within 20m of any building or structure within the scheduled historic heritage place, except for renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels;
 - (b) take place within the protected root zone of any tree identified in Schedule 14.1 excluding features identified in the exclusions column of Schedule 14.1 and
 - (c) exceed an excavation depth of 0.6m

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

Note 1

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

- (27) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (28) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (29) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (30) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
 - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.6.5.2(30)(a) and (b) above.
- (31) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
 - (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (32) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
 - (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.
- (33) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of

significance to Mana Whenua shall be limited to the area and depth of earth previously disturbed or modified.

- (34) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the D17 Historic Heritage Overlay must not extend more than 300 mm below the surface where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps).
- (35) Earthworks/land disturbance for the planting of any tree within the D17 Historic Heritage Overlay must not be undertaken where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps) other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree.

E26.6.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.6.7. Assessment – restricted discretionary activities

E26.6.7.1. Matters of discretion

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

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

- (h) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.
- (2) all district restricted discretionary activities [dp]:
- (a) the matters set out in E26.5.7.1(2);
 - (b) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;
 - (c) landscape, visual and amenity effects;
 - (d) modification to landform;
 - (e) Mana Whenua values;
 - (f) the mitigation of effects; and
 - (g) the necessity of the earthworks to provide for the functional and operational needs of infrastructure.

E26.6.7.2. Assessment criteria

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

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

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

- (j) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location; and
- (k) the extent of the benefits derived from infrastructure.

E26.6.8. Special information requirements

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

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

E26.7.1. Objectives

The objectives for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

E26.7.2. Policies

The policies for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

E26.7.3. Activity table

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

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

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

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

	formation width of the road										
(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 provided for	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
(A117)	Land disturbance not otherwise listed in this table	Refer Table E12.4.3 Activity table Outstanding Natural Features Overlay									

E26.7.4. Notification

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

E26.7.5. Standards

E26.7.5.1. Accidental discovery rule

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

- (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
 - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

Cease works and secure the area

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

Inform relevant authorities and parties

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

Recommencement 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 must be 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 must be 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
- that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.

(vii) Resource consent has been granted to 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.

E26.7.5.2. General standards

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³.
- (3) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of land previously disturbed, except where the excavation is less than 10m² in area and 5m³ in volume.
- (4) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
- (5) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
 - (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks;
 - (e) burial of marine mammals.
- (6) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.

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

- (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.7.5.2(15)(a) and (b) above.
- (16) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (17) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
 - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E26.7.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.7.7. Assessment – restricted discretionary activities

E26.7.7.1. Matters of discretion

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

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

E26.7.7.2. Assessment criteria

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

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

E26.7.8. Special information requirements

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

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

E26.8.1. Objectives

The objectives for this sub-section are located in D17 Historic Heritage Overlay.

E26.8.2. Policies

The policies for this sub-section are located in D17 Historic Heritage Overlay.

E26.8.3. Activity table

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

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

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

Activity		Activity status
Network utilities and electricity generation facilities		
(A118)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P
(A119)	Minor infrastructure upgrading	P
(A120)	Minor upgrading of road network utilities	P
(A121)	Minor utility structure	P
(A122)	Service connections	P
(A123)	Antennas and aerials	P
(A124)	Distribution substations that meet Standard E26.2.5.1(2)	RD
(A125)	Small and community scale electricity generation facilities	RD

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

E26.8.4. Notification

Refer to D17.5 for notification.

E26.8.5. Standards

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

E26.8.5.1. Permitted activity standards

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

- (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure; and
 - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage.
- (5) Road network activities involving the renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, within 20m of any building or structure included in the Schedule 14.1 Schedule of Historic Heritage, a vibration management plan must be prepared by a suitably qualified and experienced person to establish that vibration levels will meet E25.6.30 Vibration. The Plan must include the information set out in E26.8.8 and be provided to the Council no less than 5 days prior to the works commencing.
- (6) Minor utility structures must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area;
 - (b) not exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage
- (7) Service connections must be not affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area.
- (8) Antennas and aerials must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area; and
 - (b) not have a cross sectional dimension greater than 300mm
- (9) Road network activities comprising traffic operation and safety signs, direction signs and road name signs must:
 - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule

of Historic Heritage) or a contributing property or feature in a historic heritage area;

(b) be co-located on an existing (non-heritage) structure; and

(c) where co-location is not possible, there shall be no more than one sign and support structure for regulatory control within any single road frontage within any individual scheduled historic heritage extent of place

(10) Temporary buildings, structures and signs must:

(a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area; and

(b) not be in place longer than either:

(i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or

(ii) 21 consecutive days in any 60 day period.

E26.8.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.8.7. Assessment – restricted discretionary activities

E26.8.7.1. Matters of discretion

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

(1) all restricted discretionary activities:

(a) effects on the known heritage values of a historic heritage place from the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;

(b) effects on the heritage and Mana Whenua values;

(c) effects on the setting of the historic heritage place, and on the inter-relationship between buildings, structures and features within the place;

(d) effects of the proposal on the overall significance of the place;

(e) effects on the inter-relationship between contributing places within a historic heritage area, including the views to, within or from the place or area;

- (f) the purpose and necessity for the works and any alternatives considered;
- (g) effects of the proposal on the long term viability and/or the ongoing functional use of the place;
- (h) the mitigation of effects; and
- (i) the functional or operation need for any infrastructure in the location proposed.

E26.8.7.2. Assessment criteria

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

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

E26.8.8. Special information requirements

- (1) The vibration management plan must include a description of the following:
 - (a) a description of the area affected by the works;
 - (b) a contact name and number of the works supervisor who can be contacted if any issues arise;

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

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

E26.9.1. Objectives

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

E26.9.2. Policies

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

E26.9.3. Activity table

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

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

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

Activity		Special Character Areas Overlay - Residential Activity status	Special Character Areas Overlay - Business Activity status
Network utilities and electricity generation facilities			
(A132)	Operation, maintenance, renewal and repair of network utilities and	P	P

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	electricity generation facilities		
(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:
 - (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.
- (3) Antennas and aerials must:
 - (a) not have a cross sectional dimension greater than 300mm; and
 - (b) must not protrude above the roof line of the part of the building to which they are attached. Where attached to the front facade, the antenna or aerial must be attached so it has a maximum horizontal

projection of 450mm from the face of the building and must be colour matched to the part of the building to which it is attached;

- (c) E26.9.5.1(3)(b) does not apply where the antenna or aerial is not visible when viewed at a height 1.8m above street level from any part of any road which is located within the character overlay.

(4) Temporary buildings, structures and signs must:

(a) not be in place longer than either:

- (i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or
- (ii) 21 consecutive days in any 60 day period.

E26.9.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.9.7. Assessment – restricted discretionary activities

E26.9.7.1. Matters of discretion

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

(1) all restricted discretionary activities:

- (a) effects on the on the special character values and context of the areas as identified in the special character area statements;
- (b) effects on the on the special character qualities, design and architectural features of buildings;
- (c) the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;
- (d) the purpose and necessity for the works and any alternatives considered;
- (e) the mitigation of effects; and
- (f) the functional or operation need for any infrastructure in the location proposed.

E26.9.7.2. Assessment criteria

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

(1) all restricted discretionary activities:

- (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) special characteristics of the streetscape

and area and the extent to which adverse effects are avoided, remedied or mitigated.

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

E26.9.8. Special information requirements

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

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

E26.10.1. Objectives

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

E26.10.2. Policies

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

E26.10.3. Activity table

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

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

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

E26.10.4. Notification

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

E26.10.5. Standards

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

E26.10.5.1. Minor infrastructure upgrading

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

E26.10.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.10.7. Assessment – restricted discretionary activities

E26.10.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) 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;
 - (b) the nature, location, design and extent of the proposal;
 - (c) the purpose and necessity for the works and any alternatives considered; or
 - (d) 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:

- (1) 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
Network utilities and electricity generation activities that intrude into a scheduled viewshaft				
(A152)	Buildings and structures for network utilities and electricity generation facilities that do not intrude into a scheduled viewshaft	P	P	NA
(A153)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities and like for like replacement	P	P	P
(A154)	Minor infrastructure upgrading	P	P	P
(A155)	Minor upgrading of road network utilities	P	P	P
(A156)	Minor utility structure	P	P	P
(A157)	Service connections	P	P	P
(A158)	Antennas and aerials	P	P	P
(A159)	Small and community scale electricity generation facilities	RD	RD	RD

(A160)	Road network activities comprising road lighting and associated support structures	P	P	P
(A161)	Road network activities comprising traffic and direction signs and road name signs	P	P	P
(A162)	Road network activities comprising traffic safety and operational signals, traffic 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 E26.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E26.11.5. Standards

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

E26.11.5.1. Permitted activity standards

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

- (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
 - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor upgrading of road network activities must comply with the following standards:
- (a) the alteration, replacement or relocation of ancillary structures for road network activities:
 - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
 - (ii) the structure must be located within 2m of the existing alignment or location
 - (b) any support structure or pole which replaces an existing support structure or pole:
 - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
 - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
 - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (4) Minor utility structures must not exceed a maximum height of 0.9m and a maximum area of 0.5m²
- (5) Antennas and aerials must not have a cross sectional dimension greater than 300mm
- (6) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (7) Road network activities must comply with the following standards:
- (a) maximum height of 25m for road lighting and associated support structures; and
 - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic 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 and D19 Auckland War Memorial Museum Viewshaft Overlay.

E26.12.2. Policies

The policies for this sub-section are located in D15 Ridgeline Protection Overlay, D16 Local Public Views Overlay and D19 Auckland War Memorial Museum 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 and Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991:

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

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

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

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

E26.12.4. Notification

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

E26.12.5. Standards

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

E26.12.5.1. Permitted activity standards

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
 - (a) not increase the size or alter the existing location of the existing footprint; and
 - (b) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

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

- (6) Minor utility structures in the Auckland War Memorial Museum Viewshaft and Natural Ridgelines Overlays must not:
 - (a) exceed a maximum height of 0.9m and a maximum area of 0.5m²; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (7) Antennas and aerials must not:
 - (a) not have a cross sectional dimension greater than 300mm; and
 - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (8) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (9) Road network activities must comply with the following standards:
 - (a) maximum height of 25m for road lighting and associated support structures; and
 - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic signals and support structures.

E26.12.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.12.7. Assessment – restricted discretionary activities

E26.12.7.1. Matters of discretion

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

- (1) restricted discretionary activities in the Local Public Views Overlay:
 - (a) effects on the visual integrity of the view from the identified viewing point;
 - (b) location, nature, form and extent of proposed works;
 - (c) The functional or operation need for any infrastructure in the location proposed and any alternatives considered to fulfil that need without the intrusion into the viewshaft; and
 - (d) the relevant objectives and policies in D16 Local Public Views Overlay.

(2) restricted discretionary activities in the Ridgelines Protection Overlay:

- (a) location, siting and design of buildings;
- (b) effects on landscape values and visual amenity;
- (c) mitigation of effects;
- (d) the functional or operation need for any infrastructure in the location proposed and any alternatives considered; and
- (e) the relevant objectives and policies in D15 Ridgeline Protection Overlay.

E26.12.7.2. Assessment criteria

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

(1) restricted discretionary activities in the Local Public Views Overlay:

- (a) whether the nature, form and extent of the intrusion adversely affects the visual integrity of the viewshaft and its view;
- (b) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure; and
- (c) whether there are practicable alternatives available that will not intrude, or will minimise the intrusion into the viewshaft.

(2) restricted discretionary activities in the Ridgelines Protection Overlay:

- (a) whether the siting, size and height of the building or structure adversely affects the form and integrity of the ridgeline;
- (b) whether the building or structure can be located in a less prominent location;
- (c) whether the building, including its design and materials, will be visually intrusive from a public place;
- (d) whether there are adverse visual effects associated with the building or structure, such as landform modification associated with creating a building platform or access ways, or other servicing requirements;
- (e) the extent to which existing vegetation can be retained and planting can be provided to ensure buildings will integrate with the form of the ridgeline; and

- (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

E26.12.8. Special information requirements

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

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

E26.13.1. Objectives

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

E26.13.2. Policies

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

E26.13.3. Activity table

Table E26.13.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Landscapes Overlay and the Outstanding Natural Character and High Natural Character Overlay outside the coastal marine area (for the rules applying within the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.
- in respect of network utilities, and electricity generation activities within this overlay, also refer to:
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

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

Activity		Activity status		
Network utilities and electricity generation activities				
		High Natural Character	Outstanding Natural Landscape areas	Outstanding Natural Character
(A179)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A180)	Underground network utilities	P	P	P
(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 50m² in high natural character and outstanding natural landscapes and 25m² in outstanding natural character areas.
- (2) The maximum height shall not exceed 5m. This rule does not apply to temporary activities, road lighting, traffic and direction signs, road name signs, traffic safety and operational signals, traffic monitoring equipment, or the support structures for these activities.
- (3) The exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent and within Groups A, B or C as defined within the BS5252 standard colour palette. This rule does not apply to temporary activities, traffic and direction signs, road name signs, traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

E26.13.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.13.7. Assessment – restricted discretionary activities

E26.13.7.1. Matters of discretion

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

- (1) all restricted discretionary activities:
 - (a) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;

- (b) the setback from mean high water springs;
- (c) architectural elements and design, including height, bulk, colour, reflectivity and materials;
- (d) the cumulative effects of subdivision, use and development;
- (e) landscape, visual and amenity effects;
- (f) Mana Whenua values;
- (g) the mitigation of effects;
- (h) the functional or operation need for any infrastructure in the location proposed.

E26.13.7.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether there are practicable alternative locations for the activity, building or structure outside of the overlay area;
 - (b) whether, taking into account the characteristics and qualities of the site, the activity, building or structure is located within an area that has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values;
 - (c) whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
 - (i) amenity values or views, both from land and sea;
 - (ii) landscape and natural character values; and
 - (iii) people's experience and values associated with an area, including the predominance of nature and wilderness values.
 - (d) whether the siting of the activity, building or structure adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories.
 - (e) whether the activity, building or structure will be visually obtrusive from any public road or public place, including from beaches and the sea;
 - (f) the extent to which the location, scale, height, design, external appearance and overall form of the building or structure is appropriate to the rural and coastal context, and the colours and material used for

roofs, walls and windows is of low reflectivity and merges with the surrounding landscape;

- (g) whether the activity, building or structure will result in adverse cumulative effects, having regard to other activities, buildings or use and development.
- (h) the extent to which the activity, building or structure will impact on Mana Whenua values; or
- (i) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

E26.13.8. Special information requirements

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

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

E26.14.1. Objectives

The objectives for this sub-section are located in D10 Outstanding Natural Features Overlay.

E26.14.2. Policies

The policies for this sub-section are located in D10 Outstanding Natural Features Overlay.

E26.14.3. Activity table

Table E26.14.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Features Overlay above MHWS (for the rules applying to those overlays in the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table;
- for a description of the features and feature codes refer to Section D10 Outstanding Natural Features Overlay;
- in respect of network utilities, and electricity generation activities within this overlay, also refer to
 - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
 - Table E26.7.3.1 Network utilities and electricity generation – Earthworks in Outstanding Natural Features Overlay.

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

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

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

E26.14.4. Notification

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

E26.14.5. Standards

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

E26.14.5.1. Permitted activity standards

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

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

E26.14.6. Assessment – controlled activities

There are no controlled activities in this sub-section.

E26.14.7. Assessment – restricted discretionary activities

E26.14.7.1. Matters of discretion

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

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

E26.14.7.2. Assessment criteria

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

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

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

E26.14.8. Special information requirements

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

Memo

9 July 2018

To: Phill Reid, Auckland-wide Manager
From: Angela Smith – Principal Planner

Subject: **Plan Modification: Clause 20A Amendment to Chapter H8 Business – City Centre Zone of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	H8 Business – City Centre Zone H8.6.11. Bonus floor area ratio - Table H8.6.11.1 Bonus floor area
Subject Site (if applicable)	N/A
Legal Description (if applicable)	N/A
Nature of change	<p>A text change is required to correct H8.6.11. Bonus floor area ratio - Table H8.6.11.1 Bonus floor area to the Operative in Part version.</p> <p>Discussion</p> <p>Table H8.6.11.1 Bonus Floor Area sets out the activity status for the different bonus features. There is currently a blank cell in the table for “Securing historic heritage and special character building floor space”. This needs to be corrected.</p> <p>The related Standard H8.6.14(1) Bonus floor area - securing historic heritage and special character floor space bonus says:</p> <p><i>(1) Securing bonus floor space for the conservation of a scheduled heritage building or the protection of identified special character buildings is a restricted discretionary activity.</i></p> <p>It is therefore clear that the activity status is restricted discretionary (RD) and Table H8.6.11.1 needs to be amended to reflect this.</p> <p>It is noted that the RD activity status in the table was in the Proposed Auckland Unitary Plan and in the Council's closing comments version (IHP hearing). The activity status disappeared in the Independent Hearings Panel recommendations version. This was not picked up at that time so the error has been carried through to the operative in part version of the Plan.</p>
Effect of change	The restricted discretionary activity status identified in Standard

	H8.6.14(1) Bonus floor area - securing historic heritage and special character floor space bonus is reflected in Table H8.6.11.1 Bonus floor area.
Changes required to be made	Amend H8.6.11. Bonus floor area ratio - Table H8.6.11.1 Bonus floor area in the Operative in Part version by adding a restricted discretionary activity status where there is currently a blank cell as shown below (addition underlined).

Table H8.6.11.1 Bonus floor area

Bonus feature	Activity Type	Bonus floor area available per m ² of feature provided						Maximum floor area ratio limit to bonuses on a site										
		1a	1b 1c	2	3	4	5	6	1a	1b	1c	2	3	4	5	6		
See Map H8.11.8 Bonus areas and Map H8.11.7 Site intensity																		
Use or transfer of historic heritage and special character building floor space	C	Refer to Standard H8.6.13						NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Securing historic heritage and special character building floor space	<u>RD</u>	Refer to Standard H8.6.14						4:1	4:1	4:1	4:1	4:1	1:5:1	1:5:1	1:1			

Prepared by:

Angela Smith – Principal Planner

Signature:

Approved by:

Tony Reidy – Team Leader

Signature:

T4 Manager Approval

Signature

H8. Business – City Centre Zone

H8.1. Zone description

The city centre is the top of the centres hierarchy and plays a pivotal role in Auckland's present and future success. The Business – City Centre Zone seeks to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living.

To maintain and enhance the vibrancy of the city centre, the zone permits a wide range of activities to establish in most parts of the city centre. The zone also manages activities that have the potential to adversely affect the amenity of the city centre or that have the potential to generate reverse sensitivity effects on identified marine and port activity areas.

The Plan enables the greatest intensity of development in terms of height and floor area to occur in the city centre. Within the city centre itself, development potential is concentrated in the core central business district. Development potential reduces towards the ridgelines and transitions to lower heights on the waterfront and landward periphery whilst allowing for variation and interest in built form outcomes. The zone also manages the scale of development in order to protect important special character areas, sunlight admission to parks and public spaces, significant views to the volcanic cones and other landmarks including identified views to historic heritage places and to maintain and enhance the distinctiveness of particular areas.

The city centre makes an important contribution to our sense of identity. The significant height and scale of buildings in the city centre increases their visibility from many places, affecting the quality of both public and private views at local and city-wide scales. In addition to managing the scale of development, the zone manages the quality of building design to ensure new buildings successfully integrate with the city centre's existing and planned built form and public realm to create an attractive and recognisable skyline.

Within the city centre are precincts and overlays, which have their own distinct features, character and/or function. For example, the Port Precinct allows for the ongoing use, development and expansion of port and marine activities at the Port of Auckland.

H8.2. Objectives

General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

- (1) A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.
- (2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.
- (3) Development positively contributes towards planned future form and quality, creating a sense of place.
- (4) Business activity is distributed in locations, and is of a scale and form, that:

- (a) provides for the community's social and economic needs;
 - (b) improves community access to goods, services, community facilities and opportunities for social interaction; and
 - (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity.
- (5) A network of centres that provides:
- (a) a framework and context to the functioning of the urban area and its transport network, recognising:
 - (i) the regional role and function of the city centre, metropolitan centres and town centres as commercial, cultural and social focal points for the region, sub-regions and local areas;
 - (ii) local centres and neighbourhood centres in their role to provide for a range of convenience activities to support and serve as focal points for their local communities;
 - (b) a clear framework within which public and private investment can be prioritised and made; and
 - (c) a basis for regeneration and intensification initiatives.

Business – City Centre Zone objectives

- (6) The city centre is an internationally significant centre for business.
- (7) The city centre is an attractive place to live, learn, work and visit with 24-hour vibrant and vital business, education, entertainment and retail areas.
- (8) Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its valley and ridgeline form and waterfront setting.
- (9) The distinctive built form, identified special character and functions of particular areas within and adjoining the city centre are maintained and enhanced.
- (10) A hub of an integrated regional transport system is located within the city centre.
- (11) The city centre is accessible by a range of transport modes with an increasing percentage of residents, visitors, students and workers choosing walking, cycling and public transport.

H8.3. Policies

General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

- (1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.
- (2) Enable an increase in the density, diversity and quality of housing in the centres zones and Business – Mixed Use Zone while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.
- (3) Require development to be of a quality and design that positively contributes to:
 - (a) planning and design outcomes identified in this Plan for the relevant zone;
 - (b) the visual quality and interest of streets and other public open spaces; and
 - (c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.
- (4) Encourage universal access for all development, particularly medium to large scale development.
- (5) Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.
- (6) Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.
- (7) Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse impact on pedestrian amenity and the streetscape.
- (8) Require development adjacent to residential zones and the Special Purpose – School Zone and Special Purpose – Māori Purpose Zone to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.
- (9) Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.
- (10) Discourage dwellings at ground floor in centres zones and enable dwellings above ground floor in centres zones.
- (11) Require development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.

- (12) Recognise the functional and operational requirements of activities and development.
- (13) In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:
- (a) is an efficient use of land;
 - (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy;
 - (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and
 - (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.
- (14) In identified locations within the centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity.

Business – City Centre Zone policies

Land use activities

- (15) Provide for a wide range and diverse mix of activities that enhance the vitality, vibrancy and amenity of the city centre including:
- (a) commercial and residential activities;
 - (b) arts, entertainment, events, civic and community functions;
 - (c) high-quality visitor experiences, visitor accommodation and associated services; and
 - (d) learning, teaching and research activities, with a particular concentration in the learning precinct.
- (16) Enable a significant and diverse residential population to be established and maintained within a range of living environments and housing sizes.
- (17) Enable the most significant concentration of office activity in Auckland to locate in the city centre by providing an environment attractive to office workers, with a focus on the core central business district.
- (18) Provide for a wide range of retail activities throughout the city centre while maintaining and enhancing the vitality, vibrancy and amenity of core retail areas within the city centre and centres outside of the city centre. In particular:

- (a) enable smaller scale retail activities to occur throughout the city centre;
 - (b) encourage large department stores and integrated retail developments to locate within the core retail area; and
 - (c) avoid large department stores and integrated retail developments locating outside the core retail area where they would adversely affect the amenity, vitality and viability of core retail areas within the city centre and/or centres outside of the city centre.
- (19) Provide for a wide range of activities along the waterfront, while continuing to provide for those activities requiring a harbour location.
- (20) Enhance the waterfront as a major gateway to the city centre and Auckland.
- (21) Enable the efficient use and development of the Port of Auckland and identified marine and port activity areas.
- (22) Support the development of public transport, pedestrian and cycle networks and the ability to efficiently change transport modes.

Precincts

- (23) Identify and encourage specific outcomes in areas of the city centre that relate to:
- (a) a distinctive built character; and/or
 - (b) a concentration of particular activities; and/or
 - (c) activities that have specific functional requirements; and/or
 - (d) significant transformational development opportunities.
- (24) Encourage comprehensive and integrated development of key development sites or precincts in the city centre.
- (25) Limit activities that would have reverse sensitivity effects on established and future marine and port activities.
- (26) Limit activities within the residential and learning precincts that would adversely affect the amenity and character of those precincts.

Historic heritage and special character

- (27) Encourage the retention and conservation of the city centre's historic heritage through scheduling and through development incentives.
- (28) Maintain and enhance the special character values of pre 1940 buildings in the Queen Street Valley precinct and buildings outside this precinct identified on Map H8.11.1 of the Business – City Centre Zone as making a strong or significant contribution to the special character of the surrounding area, in particular by:

- (a) awarding transferable development rights where an identified special character building is protected in perpetuity and restored in accordance with an approved character plan;
- (b) requiring all development proposals for identified special character buildings to have considered adaptive re-use;
- (c) avoiding the demolition of identified special character buildings where it would adversely affect the built character of the surrounding area; and
- (d) requiring alterations and additions to existing buildings and new buildings to give consideration to, and be sympathetic to the existing and planned character of the area.

City form

- (29) Enable the tallest buildings and the greatest density of development to occur in the core central business district.
- (30) Manage adverse effects associated with building height and form by:
 - (a) transitioning building height and development densities down to neighbourhoods adjoining the city centre and to the harbour edge;
 - (b) protecting sunlight to identified public open spaces and view shafts;
 - (c) requiring the height and form of new buildings to respect the valley and ridgeline form of the city centre and building design to be complementary to existing or planned character of precincts; and
 - (d) managing the scale, form and design of buildings to:
 - (i) avoid adverse dominance and/or amenity effects on streets and public open space; and
 - (ii) encourage well-designed, slender towers on sites identified within the special height area on Map H8.11.3.
- (31) Maximise light and outlook around buildings.
- (32) Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links.

Public realm

- (33) Require building and development of the highest quality that contributes to the city centre's role as an international centre for business, learning, innovation, entertainment, culture and urban living.
- (34) Require building frontages along identified public open spaces and streets to be designed in a way that provides a sense of intimacy, character, interest and variation, and enclosure at street level.

(35) Require the demolition of buildings and structures to avoid, remedy or mitigate significant adverse effects on the pedestrian amenity of the city centre and the safety and efficiency of the road network.

(36) Protect identified sightlines along streets and public open spaces from the city centre to the harbour, Rangitoto Island, the North Shore and identified sightlines along roads and public open spaces within the city centre to natural features and landmarks.

(37) Enable high-quality public open spaces along the waterfront that are accessible and provide spaces for recreational opportunities, facilities and events.

H8.4. Activity table

Table H8.4.1 specifies the activity status of land use and development activities in the Business – City Centre Zone pursuant to section 9(3) of the Resource Management Act 1991.

Table H8.4.1 Activity table

Activity		Activity status
General		
(A1)	Activities not provided for	NC
Use		
Residential		
(A2)	Boarding houses	P
(A3)	Dwellings	P
(A4)	Retirement villages	P
(A5)	Supported residential care	P
(A6)	Visitor accommodation	P
Commerce		
(A7)	Commercial services	P
(A8)	Entertainment facilities	P
(A9)	Offices	P
(A10)	Retail	P
(A11)	Conference facilities	P
(A12)	Drive-through facilities	NC
(A13)	Service stations not otherwise provided for	NC
(A14)	Service stations on sites with frontage to Beach Road between Ronayne St and Stanley Street	D
Community		
(A15)	Artworks	P
(A16)	Public amenities	P

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(A17)	Care centres	P
(A18)	Community facilities	P
(A19)	Education facilities	P
(A20)	Emergency services	P
(A21)	Healthcare facilities	P
(A22)	Hospitals	P
(A23)	Information facilities	P
(A24)	Recreation facilities	P
(A25)	Major recreation facilities	P
(A26)	Tertiary education facilities	P
Industry		
(A27)	Industrial laboratories	P
(A28)	Manufacturing	P
(A29)	Repair and maintenance services	P
(A30)	Warehousing and storage	P
Mana Whenua		
(A31)	Marae complex	P
Development		
(A32)	New Buildings	RD
(A61)	Demolition of buildings	C
(A33)	Minor cosmetic alterations to a building (including special character buildings identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct) that do not change its external design and appearance	P
(A34)	Internal alterations to buildings	P
(A35)	External alterations and additions to a special character building identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct not otherwise provided for	RD
(A36)	Alterations and additions to buildings not otherwise provided for	RD
(A37)	Conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses	RD
(A38)	The total or substantial demolition (more than 30 per cent by volume), or any demolition of the front facade of a special character building identified on Map H8.11.1	RD
(A39)	Activities not provided for	NC
(A40)	A building that does not comply with Standard H8.6.3 Admission of sunlight to public places	NC

(A41)	A building that does not comply with Standard H8.6.4 Aotea Square height control plane	NC
(A42)	A building that does not comply with Standard H8.6.5 Harbour edge height control plane or Standard H8.6.6 Exception to the harbour edge height control	D
(A43)	A building that does not comply with Standard H8.6.7 Railway station building and gardens view protection plane	NC
(A44)	A building that exceeds the basic floor area ratio specified for the site in Standard H8.6.10 Basic floor area ratio without providing a bonus feature	NC
(A45)	A building that exceeds the maximum total floor area ratio in Standard H8.6.21 Maximum total floor area ratio	NC

H8.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table H8.4.1 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 H8.4.1 Activity table and which is not listed in H8.5(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).
- (4) Any application for resource consent for the following activity will be considered without public or limited notification or the need to obtain the written approval of affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
 - (a) Development which does not comply with Standard H8.6.33. Minimum dwelling size.

H8.6. Standards

All activities listed as permitted, controlled or restricted discretionary in Table H8.4.1 Activity table must comply with the following standards.

H8.6.1. Retail

Purpose: to maintain and enhance the vitality, vibrancy and amenity of the core retail area shown on Map H8.11.2.

- (1) The land use activity status of retail outside of the core retail area shown on Map H8.11.2 will be determined in accordance with the Table H8.6.1.1 below.

- (2) Trade suppliers, marine retail, motor vehicle sales, garden centres, markets and food and beverage activities are not subject to this standard.

Table H8.6.1.1 Retail

Activity	Activity status
Retail (excluding department stores and integrated shopping malls) less than 1000m ² gross floor area per site	P
Retail (excluding department stores and integrated shopping malls) between 1000m ² and 5000m ² gross floor area per site	RD
Retail (excluding department stores and integrated shopping malls) over 5000m ² gross floor area per site	D
Department stores and integrated shopping malls over 1000m ² gross floor area per site	D

H8.6.2. General building height

Purpose: manage the height of buildings within the city centre to:

- enable the tallest buildings within the core central business district and transition heights down to neighbourhoods adjoining the city centre and to the harbour edge;
- respect the valley and ridgeline form of the city centre and the existing or planned character of precincts; and
- avoid adverse dominance, shading and/or visual amenity effects of building height on streets and public open spaces.

- (1) The height of a building must not exceed the limits shown on Map H8.11.3.
- (2) Where height limits shown on Map H8.11.3 and Map H8.11.4 overlap, the lowest height limit applies as the first level of control.
- (3) The measurement of height for the purposes of Standards H8.6.2(1) and H8.6.2(2) above shall be undertaken in accordance with Standard H8.6.8 below.

H8.6.3. Admission of sunlight to public places

Purpose: manage the scale of development around identified public open spaces to ensure they receive adequate sunlight when those spaces are most used.

- (1) The height of a building within a defined sunlight admission cone shown on Map H8.11.4 must not exceed the allowable building heights detailed on the relevant diagrams in Appendix 11 Business – City Centre Zone sunlight admission into public places.
- (2) Where part of an existing building does not comply with this standard, any reconstruction, alteration or addition to the building must not further reduce sunlight admission to public open spaces identified in Appendix 11 Business – City Centre Zone sunlight admission into public places.

H8.6.4. Aotea Square height control plane

Purpose: manage the scale of buildings:

- to ensure that Aotea Square receives adequate sunlight when the space is most used;
- to maintain views from Aotea Square to landmark buildings and views to Aotea Square; and
- so that tall buildings do not dominate the open character of Aotea Square.

(1) The height of a building subject to this standard must not exceed the height plane shown on Figure 5 in Appendix 11 Business – City Centre Zone sunlight admission into public places.

H8.6.5. Harbour edge height control plane

Purpose: manage the scale of buildings at the western end of Quay Street to:

- provide a transition in building height from the core central business district to the waterfront;
- maximise views between the harbour and the city centre; and
- reinforce the Quay Street east west connection running from the corner of The Strand and Quay Street to the east and Jellicoe Street in Wynyard Precinct to the west by the alignment of tall building frontages.

(1) The height of a building subject to this standard must not exceed the height plane shown in Figure H8.6.6.1 Harbour edge height control plane. The height plane starts at a line 40m above the centre line of Quay Street and continues as a tilted plane at 45 degrees to the horizontal from that line in a southerly direction.

(2) For the purpose of this standard, the centre line of Quay Street extends between the eastern boundary of Britomart Place and the western boundary of Lower Hobson Street and is defined by a straight line passing through the coordinates specified in Figure H8.6.6.2 Harbour edge height control co-ordinates.

H8.6.6. Exception to the harbour edge height control plane

(1) Where the building or structure is located on a site within the area bounded by Customs Street, Lower Hobson Street, Quay Street and Queen Elizabeth Square, an application may be made as a restricted discretionary activity to exceed the Harbour Edge Height Control Plane by no more than 20m, where the following requirements are met:

- (a) any penetration of building bulk through the Harbour Edge Height Control Plane must be compensated for by equivalent open space “corridors” which are situated below the plane and which must:

- (i) be continuous and run approximately north to south through the development site to provide some permeability of appearance when looking from a northerly or southerly direction; and
 - (ii) have a minimum width equating to 15 per cent of the widest east-west dimension for the site.
- (b) the method of calculating the compensatory open space for Standard H8.6.6.1(a) above is as follows:
- (i) establish a maximum total floor area ratio for the site;
 - (ii) calculate and demonstrate the obtainable floor area ratio for the building proposal within the Special Height Control Plane;
 - (iii) determine the floor area which the building proposal could qualify for above the Special Height Control Plane;
 - (iv) add that floor space to the building or structure above the Special Height Control Plane and also add a theoretical compensatory floor area (equal to that calculated in Standard H8.6.6.1(b)(iii) above) to the building or structure below the Special Height Control Plane, assuming a floor-to-floor distance the same as applies to the building or structure at that level; and
 - (v) then recalculate any light and outlook bonus claimed, as if the theoretical compensatory floor area Standard H8.6.6.1(b)(iv) existed.

Figure H8.6.6.1 Harbour edge height control plane

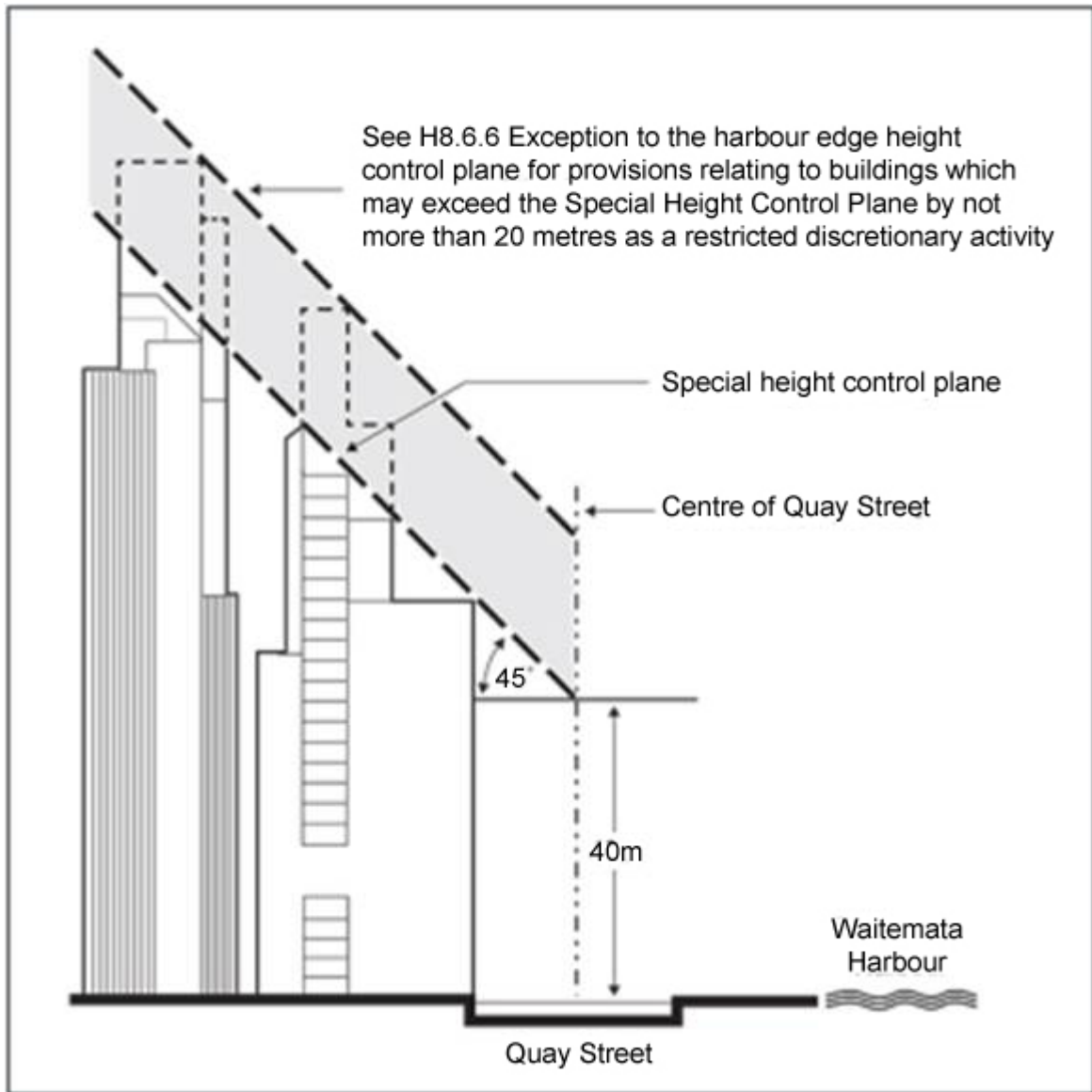
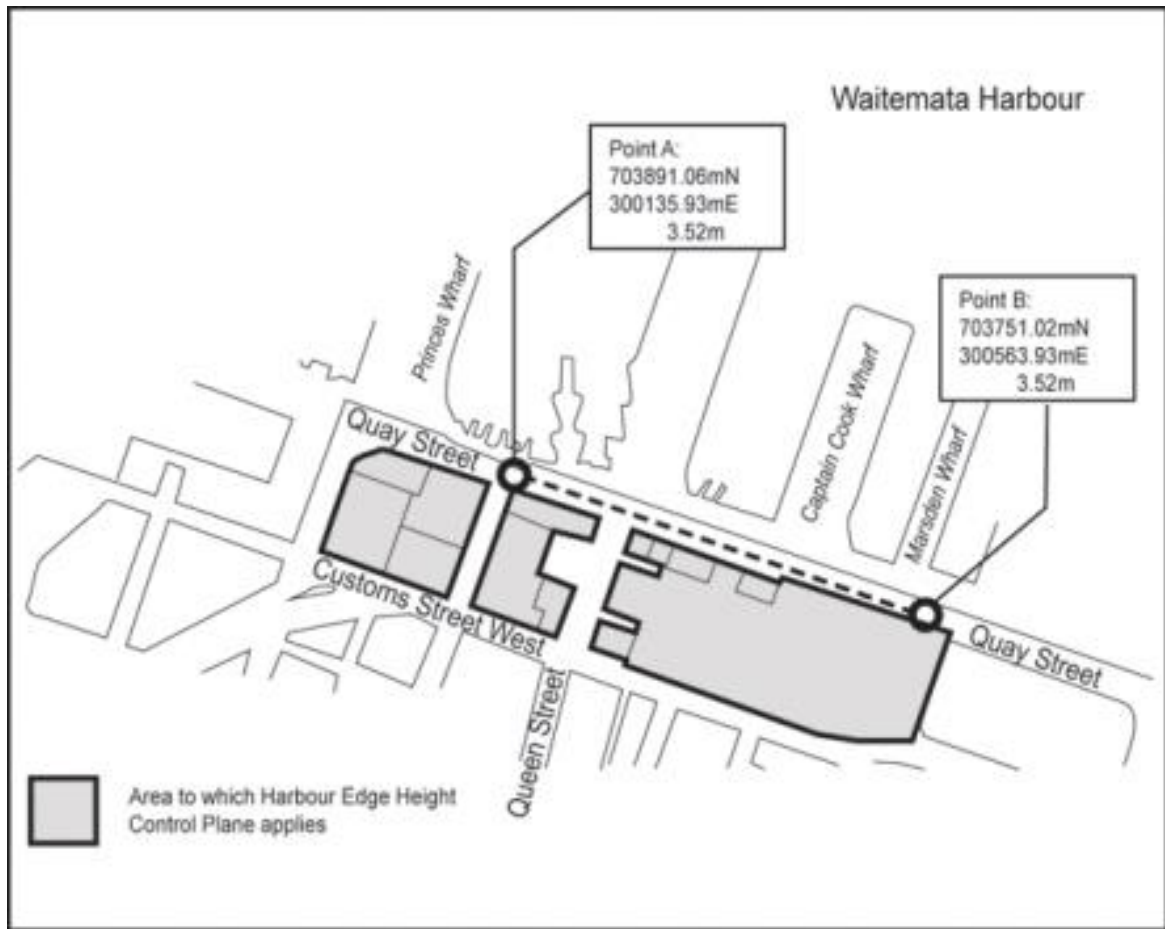


Figure H8.6.6.2 Harbour edge height control co-ordinates

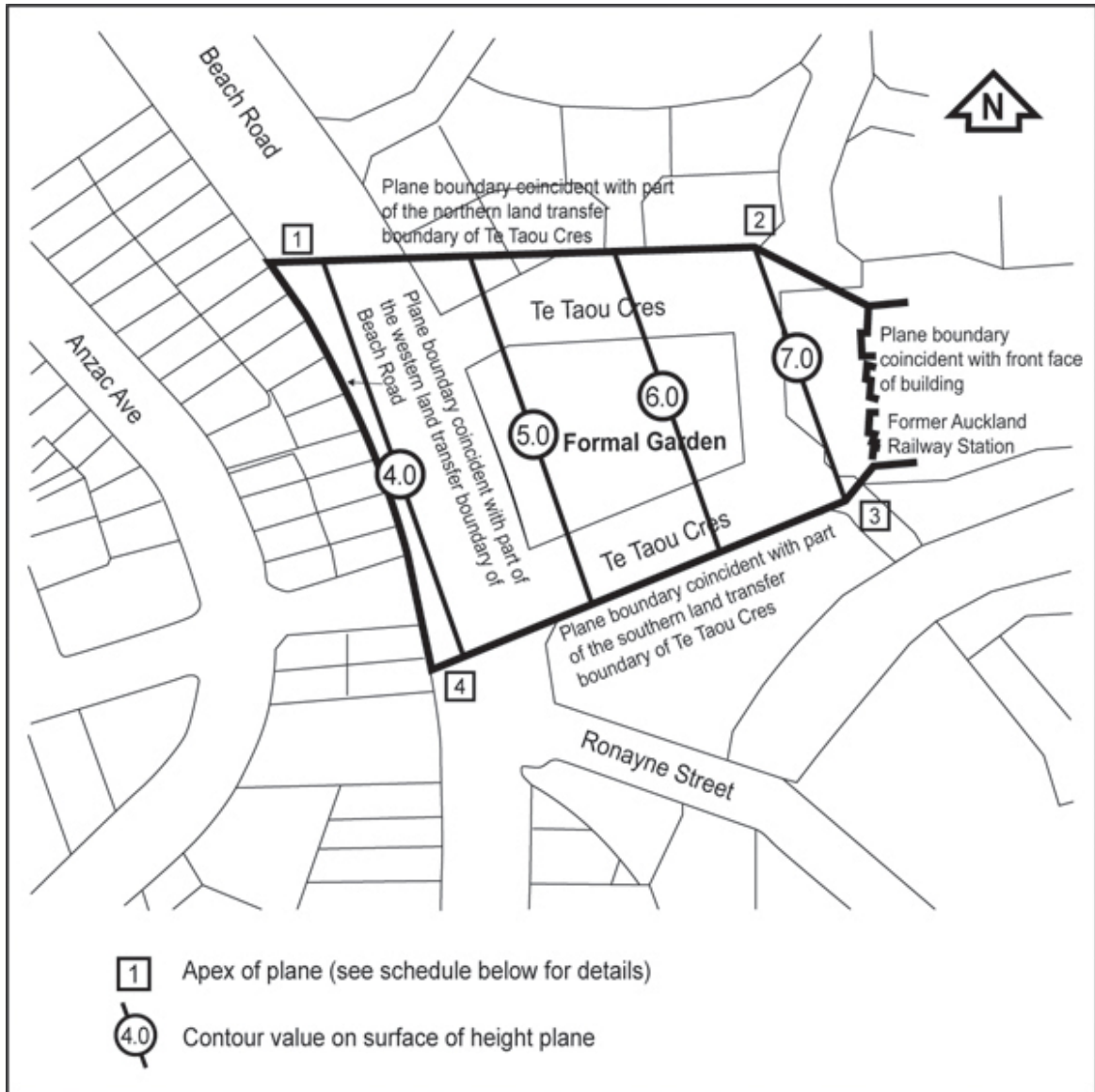


H8.6.7. Railway station building and gardens view protection plane

Purpose: manage the scale of development to protect the view of the railway station buildings and gardens when viewed from Beach Road.

- (1) The height of a building, including any structures on the roof of a building, subject to this standard must not exceed the height limits specified on Figure H8.6.7.1 Railway station buildings and garden view protection plane. This figure defines achievable reduced level (RL).

Figure H8.6.7.1 Railway station buildings and garden view protection plane



Note 1

Maximum allowable building height above mean sea level (L&S Auckland Datum 1946).

Table H8.6.7.1 Coordinate schedule

Point	Mt Eden circuit		Height	New Zealand map grid	
1	703359.74	300824.91	3.72	6482240.75	2668580.94
2	703370.51	300995.42	7.00	6482248.03	2668751.85
3	703280.48	301025.99	7.00	6482157.38	2668780.37
4	703223.73	300874.12	3.76	6482103.75	2668627.36

Note 1

Coordinates in terms of Geodetic Datum 1949.

Circuit origin: Mt Eden 700.000mN 300.000mE.

H8.6.8. Measuring building height

Purpose: require height to be measured using the rolling height method where the maximum height varies across the site (contours) or average street level method where a general height limit is specified.

- (1) Building height will be the same as the definition of height when measuring the:
 - (a) height planes for admission of sunlight to public places and the special height limits (refer Map H8.11.4); and
 - (b) height of buildings within the blocks bounded by Hobson Street, Fanshawe Street, Halsey Street, Victoria Street West, and Union Street.
- (2) Unless otherwise stated all other heights will be measured as the vertical distance between mean street level and a horizontal plane above that level (being the specified height limit).
- (3) For the sites fronting Nelson Street within the block bounded by Union Street to the south and Cook Street to the north, height may be determined from the mean street level of Nelson Street to a maximum depth of 26m from the site boundary with Nelson Street.

H8.6.9. Rooftops

Purpose: ensure the roofs of buildings are uncluttered when viewed from the street and surrounding buildings.

- (1) Rooftop projections including towers, turrets, chimneys, lift towers, machinery rooms and water towers that exceed the height of all parts of a parapet surrounding the roof on which the projections are located, must be enclosed in a maximum of three structures and integrated within the overall roof design.
- (2) All floor space forming part of rooftop projections that meet the requirements of this standard is excluded from the calculation of gross floor area for the development.
- (3) For the purpose of this standard rooftop includes the roof of building podiums in addition to its ordinary meaning.
- (4) For the purpose of this standard, rooftop projections do not include:
 - (a) any part of a building included in the definition of gross floor area;
 - (b) any rooftop ornamental projections including finials, pediments and cornices integral to the design of the building; and
 - (c) telecommunications antennas and aerials.

H8.6.10. Basic floor area ratio

Purpose: manage the scale of development in the city centre.

- (1) The basic floor area ratio applying to any site in the city centre is as shown on Map H8.11.7.

H8.6.11. Bonus floor area ratio

Purpose: encourage developments to be designed, contain activities or provide features that provide a benefit to the public.

- (1) In addition to the basic floor area, bonus floor area is available where development incorporates one or more of the features listed in Table H8.6.11.1.
- (2) The area of a feature for which a bonus is obtained cannot be claimed for twice.
- (3) Floor space approved for publicly accessible open space and through-site links are exempt from the calculation of gross floor area.
- (4) To qualify for the bonus, the bonus feature must comply with the bonus standards. A bonus feature that does not comply with the relevant standards is a restricted discretionary activity.
- (5) The amount of bonus floor area available per m² of feature provided and the locations within which they apply are set out in Table H8.6.11.1 except that the methods for calculating the amount of bonus floor area available per m² of feature provided for, historic heritage and special character floor space, through-site links and works of art are detailed in Standards H8.6.15, H8.6.16, H8.6.18, H8.6.19 and H8.6.20 respectively.
- (6) Table H8.6.11.1 lists the bonus features as permitted, controlled or restricted discretionary activities.
- (7) The bonus areas referenced in Table H8.6.11.1 are shown on Map H8.11.8.

Table H8.6.11.1 Bonus floor area

Bonus feature	Activity type	Bonus floor area available per m ² of feature provided						Maximum floor area ratio limit to bonuses on a site								
		1a	1b 1c	2	3	4	5	6	1a	1b	1c	2	3	4	5	6
See Map H8.11.8 Bonus areas and Map H8.11.7 Site intensity																
Use or transfer of historic	C	Refer to Standard H8.6.13						NA	NA	NA	NA	NA	NA	NA	NA	NA

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heritage and special character building floor space																	
Securing historic heritage and special character building floor space	RD	Refer to Standard H8.6.14							4:1	4:1	4:1	4:1	4:1	1:5:1	1:5:1	1:1	
Activities																	
Residential	RD	2m ²	2m ²	2m ²	2m ²	2m ²	2m ²	2m ²	2:1	2:1	2:1	2:1	2:1	1:1	1:1	1:1	
Public amenities																	
Public open space	RD	8m ²	6m ²	6m ²	4m ²	4m ²	3.5 m ²	3m ²	3:1	3:1	2:1	3:1	3:1	2:1	1:1	1:1	
Through-site links*	RD	Refer to Standard H8.6.18							1:1	1:1	1:1	0.5:1	0.5:1	0.5:1	1:1	0.5:1	
Works of art	RD	Refer to Standard H8.6.20							1:1	1:1	1:1	1:1	1:1	1:1	1:1	1:1	
Light and outlook																	
Light and outlook	P	Refer to Standard H8.6.12								NA	NA						

*See Standard H8.6.19 for the additional bonus floor space available for through site links on identified blocks.

H8.6.12. Bonus floor area ratio – light and outlook

Purpose: provide additional floor area where buildings are setback from site boundaries to encourage:

- slender buildings that are not overly bulky in appearance;
- sunlight access to streets and nearby sites;
- sunlight and outlook around buildings; and
- views through the city centre.

(1) Bonus floor area is available as a permitted activity for light and outlook as calculated below.

(2) A bonus will be awarded where that part of a building to which calculated floor area relates is reduced in coverage as set out in Table H8.6.12.1 except for sites in bonus areas 1b and 1c (refer to Standard H8.6.21).

(3) For the purpose of this standard, calculated floor area has the same meaning as average floor area except that it is calculated by averaging the area of that floor or part of a floor immediately below a horizontal plane of a set height above mean street level and all floors above that plane. The height of the horizontal plane must be:

- (a) for bonus areas 1a and 2: 28m above mean street level; or
 - (b) for bonus areas 3, 4, 5 and 6: 12.5m above mean street level.
- (4) To qualify for the bonus, the building must comply with Standard H8.6.24 below

Table H8.6.12.1 Calculating the light and outlook bonus

Bonus area 1a		
Where:		Bonus FAR equals
(A46)	$\frac{CFA}{SA} < 0.25$	4:1
(A47)	$0.25 < \frac{CFA}{SA} < 0.75$	$5.75 - \frac{(7 \times CFA)}{SA} : 1$
(A48)	$CFA > 0.75$	Nil
Bonus area 2, 3, 4, 5, and 6		
Where:		Bonus FAR equals
(A49)	$\frac{CFA}{SA} < 0.3$	1.5:1
(A50)	$0.3 \leq \frac{CFA}{SA} \leq 0.8$	$2.4 - \frac{(3 \times CFA)}{SA} : 1$
(A51)	$\frac{CFA}{SA} > 0.8$	Nil

H8.6.13. Bonus floor area - use or transfer of historic heritage and special character floor space bonus

Purpose: encourage the retention and enhancement of scheduled historic heritage and identified special character buildings by enabling those buildings to sell or transfer their unrealisable floor space to another site.

- (1) The use or transfer of bonus floor space obtained by the conservation of a scheduled heritage building or the protection of an identified special character building is a controlled activity.
- (2) The historic heritage or special character building floor space bonus may be used in whole or in part on the site of that building where that site is located within the Business – City Centre Zone or transferred in whole or in part from the site of the scheduled building to one or more sites within the Business – City Centre Zone, subject to compliance with the following:
 - (a) upon use of historic heritage or special character building floor space within the donor site or transfer of historic heritage or special character building floor space, the registered covenant on the title of the donor site must be amended to show the corresponding reduction of the historic heritage or special character building floor space bonus; and
 - (b) the amount of any historic heritage or special character building floor space bonus transferred from a recipient site and any remaining floor

space bonus must be recorded by covenant registered against the title of the recipient site.

- (3) The transfer of all or part of the historic heritage or special character building floor space bonus may be postponed and used at a later date subject to securing the necessary resource consent under this standard.

H8.6.14. Bonus floor area - securing historic heritage and special character floor space bonus

Purpose:

- to ensure that a conservation plan is prepared and able to be implemented prior to awarding transferable floor space to scheduled historic heritage buildings; and
 - to ensure that a character plan is prepared and able to be implemented prior to awarding transferable floor space to identified special character buildings.
- (1) Securing bonus floor space for the conservation of a scheduled heritage building or the protection of identified special character buildings is a restricted discretionary activity.
 - (2) The amount of floor space claimed must be assessed in accordance with the method of calculation set out below.
 - (3) For scheduled historic heritage buildings, the applicant must prepare a conservation plan in accordance with the requirements of the Historic Heritage Overlay rules in D17.11(4) and demonstrate that a programme of works will be undertaken including a maintenance plan to guide ongoing regular maintenance and cleaning.
 - (4) For identified special character buildings, the applicant must prepare a character plan that details how the significant features of the building that contribute to streetscape amenity will be retained and enhanced. The plan must demonstrate that a programme of works will be undertaken, including a maintenance plan to guide ongoing regular maintenance and cleaning.
 - (5) The applicant must pay a bond to ensure that the works will be completed in accordance with the conservation plan or character plan.
 - (6) The area of the heritage floor plate and the amount of heritage or special character floor space must be recorded by way of a registered covenant on the certificate of title.
 - (7) Once the heritage or special character floor space has been recorded on the certificate or certificates of title, the Council will maintain a register that records the following for the purpose of monitoring the acquisition and use of such floor space:
 - (a) the address and legal description of the donor site;
 - (b) the address and legal description of the recipient site or sites;

- (c) the amount of heritage floor space secured by the donor site;
- (d) the amount of heritage floor space used on the donor site or transferred to a recipient site; and
- (e) the date of the use or transfer and the residual floor area remaining after the use or transfer.

H8.6.15. Bonus floor area - bonus floor space calculation for scheduled heritage buildings

Purpose: calculate the transferable floor area available to scheduled historic heritage buildings based on the lost development potential arising as a result of the building being scheduled and the relative costs of conservation.

- (1) The following formula must be used to determine bonus floor space for identified historic heritage buildings:

$$\text{Bonus floor area} = (A \times B) - C + \frac{(C \times D)}{100}$$

A = Area of historic heritage floor plate

B = MTFAR applying to the site. For sites with no MTFAR: 2.5

C = Gross floor area of the scheduled building

D = Heritage schedule point ranking.

- (2) 'Historic heritage floor plate' means that part of a site which is covered by a scheduled building including a curtilage of a minimum depth of 2m contained within the legal boundaries of the site and surrounding the scheduled building except that as part of the application for securing historic heritage floor space the depth of the curtilage may be increased where the Council is satisfied that the increased depth would enhance the visual integrity of the scheduled building.
- (3) The 'equivalent schedule point ranking' must be determined as follows:
 - (a) Category A scheduled buildings: 110 points; and
 - (b) Category B scheduled buildings: 74 points.
- (4) In determining the amount of gross floor area allowed on the balance of a site or residual site area but not contained within the historic heritage floor plate, that portion of the site area occupied by the historic heritage floor plate must not be included for the purpose of calculating the BFAR.
- (5) Where a scheduled building is incorporated in a development or a new development is proposed on the residual site area and the scheduled building is subject to an approved conservation plan, the gross floor area of the scheduled building is excluded from floor area ratio calculations.

- (6) Where any public amenity bonus element has been granted on the historic heritage floor plate, this bonus floor space, subject to compliance with all other requirements of the Plan, may be included in the permitted floor area for the development on the residual site.

H8.6.16. Bonus floor area - bonus floor space calculation for identified special character buildings

Purpose: calculate the transferable floor area available to identified special character buildings based on the lost development potential arising as a result of the building being retained as special character and the relative costs of protection.

- (1) A floor space bonus may be granted when the significant features of identified special character buildings that contribute to streetscape amenity are protected. The bonus comprises the sum of the following two items:
- (a) recognition of the loss of development potential that arises as a consequence of the special character building being retained; and
 - (b) recognition of the cost of protection

The sum of (a) and (b) above is calculated by the following formula:

$$\text{Bonus floor area} = (A \times B) - C + \frac{(C \times 49)}{100}$$

A = Area of the identified special character building floor plate

B = MTFAR applying to the site. For sites with no MTFAR: 2.5

C = Gross floor area of the identified special character building

- (2) For the purpose of this standard:
- (a) 'identified special character buildings' are all pre-1940s buildings within the Queen Street Valley precinct and those identified on Map H8.11.1;
 - (b) 'character building floor plate' means that part of a site which is covered by an identified special character building including a curtilage of a minimum depth of 2m contained within the legal boundaries of the site and surrounding the building except that as part of the application for securing special character floor space the depth of the curtilage may be increased where the Council is satisfied that the increased depth would enhance the visual integrity of those parts of the buildings that are identified as significant features.
- (3) In determining the amount of gross floor area permitted on the balance of a site or residual site area but not contained within the identified special character building floor plate, that portion of the site area occupied by the special character building floor plate will not be included for the purpose of calculating the basic FAR.

- (4) Where any public amenity bonus element has been granted on the identified special character building floor plate, this bonus floor space, subject to compliance with all other requirements of the Plan, may be included in the permitted floor area for the development on the residual site.
- (5) Where an identified special character building is incorporated in a development or a new development is proposed on the residual site area and the special character building is subject to an approved character plan, the gross floor area of the special character building is excluded from floor area ratio calculations.

H8.6.17. Bonus floor area - public open space

Purpose: provide additional floor area where a high-quality public open space is incorporated into the development.

- (1) The Council will consider as a restricted discretionary activity an application to obtain bonus floor space for the provision of a public open space.
- (2) In order to qualify for the bonus, the public open space must:
 - (a) be readily accessible to the public 24 hours a day, seven days a week, except where required to be closed from time to time for public safety or maintenance reasons, and signposted accordingly;
 - (b) adjoin the street for a minimum length of 10m;
 - (c) be capable of containing a 10m diameter circle;
 - (d) the level of the public open space must be at the same level of the adjoining street for a minimum depth of 10m, except that where the adjoining street slopes along the site frontage, the public open space must be no more than 1.2m above or below the level of the site frontage;
 - (e) the entrance of the public open space must be at street level;
 - (f) exclude any area nominated as a through-site link or a service lane/s; and
 - (g) be kept clear and unobstructed from the ground or floor level upwards except that any part of a building may project by not more than 1.5m over the public open space if not more than 10 per cent of the public open space is so covered.
- (3) The public open space must connect at grade with the street, with vertical differences traversed by ramps or escalators.
- (4) Where required by Standard H8.6.26, provide a verandah along the street for the full length of the public open space.
- (5) This standard does not exempt or offset the payment of development contributions for public open space.

H8.6.18. Bonus floor area - through-site link

Purpose: provide additional floor area where a high-quality through-site link is incorporated into a development that will enhance the pedestrian amenity of the city centre.

- (1) The Council will consider any application to obtain bonus floor space for the provision of a through-site link as a restricted discretionary activity.
- (2) The through-site link bonus applies to lanes, arcades and covered links.
- (3) For the purpose of this standard, lanes, arcades and covered links are defined as follows:
 - (a) lanes are uncovered external spaces that provide permanent pedestrian connections at all times;
 - (b) arcades are enclosed pedestrian routes within buildings which feature active uses, such as retail, along their length; and
 - (c) covered links are enclosed pedestrian routes within buildings, that are not arcades.
- (4) To qualify for the bonus, all forms of through site link must:
 - (a) be a separately defined, continuous and clearly identifiable public walkway taking the most direct route, which is designed specifically to traverse a site to connect roads or other public places or other through-site links and provides a shorter and more convenient route than the existing alternative; and
 - (b) have an access easement registered on the title to which the link applies to ensure preservation of the link and its ongoing maintenance by the owner of the title.
- (5) A through-site link may be a combination of lanes, arcades and covered links along its length. The particular length of the link must comply with the requirements below as they apply to that length.
- (6) To qualify for the bonus, lanes, arcades and covered links must comply with the standards below.

Lanes

- (7) Lanes must be fully pedestrian or have only limited vehicular access and be kept clear and unobstructed from the ground or floor level upwards.
- (8) Lanes must be publicly accessible 24 hours a day, seven days a week.
- (9) Lanes must maintain a minimum unobstructed width of 3.5m. The unobstructed width of the lane must be free of any buildings and fixtures that disrupt the passage of pedestrians.

Arcades

- (10) Arcades must be pedestrian-only and covered.
- (11) Arcades must be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose.
- (12) Arcades must maintain a minimum unobstructed width of 3.5m. The unobstructed width of the arcade must be free of any buildings and fixtures that disrupt the passage of pedestrians.

Covered links

- (13) Covered links must be pedestrian only and covered.
- (14) Covered links must be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose.
- (15) Covered links must have a minimum unobstructed width of 3.5m. The unobstructed width of the covered link must be free of any buildings and fixtures that disrupt the passage of pedestrians.

Method of calculation

- (16) The through-site link bonus, be it a lane, arcade or covered link, or those in combination is calculated in accordance with the formula below:
 - (a) The bonus floor area achievable per square metre of through-site link provided is expressed by the ratio L1:L2 where:
 - (i) L1 = the shortest distance between points A and B measured along the road boundary; and
 - (ii) L2 = the shortest pedestrian route between points A and B (refer Figure H8.6.18.1 below).
 - (b) except that subject to the maximum FAR limit for a through-site link bonus set out in Table H8.6.11.1:
 - (i) the bonus floor area available per square metre of through-site link provided will not exceed 10m² (i.e. where L1:L2 = 10:1); and
 - (ii) the bonus floor area available per square metre of through-site link provided will be no less than 5m² (i.e. where L1:L2 = 5:1 or less) provided that through site links that attain less than 2m² will not be eligible for a bonus.
 - (c) for the purpose of these measurements the following apply:
 - (i) road boundary includes the shortest distance between points at either end of a pedestrian access which is protected by a registered easement or similar form of dedication (refer Figure H8.6.18.2);

- (d) no part of a through-site link is counted more than once for the measurement of L2;
- (e) where either an escalator is included in a through-site link, the calculation of L2 includes the plan distance of the escalator (refer Figure H8.6.18.3 below);
- (f) where stairs are included in a through-site link their actual travel distance applies (refer Figure H8.6.18.4 below); and
- (g) the maximum width of the through-site link will be regarded as 6m.

Figure H8.6.18.1 Calculating through-site link bonus

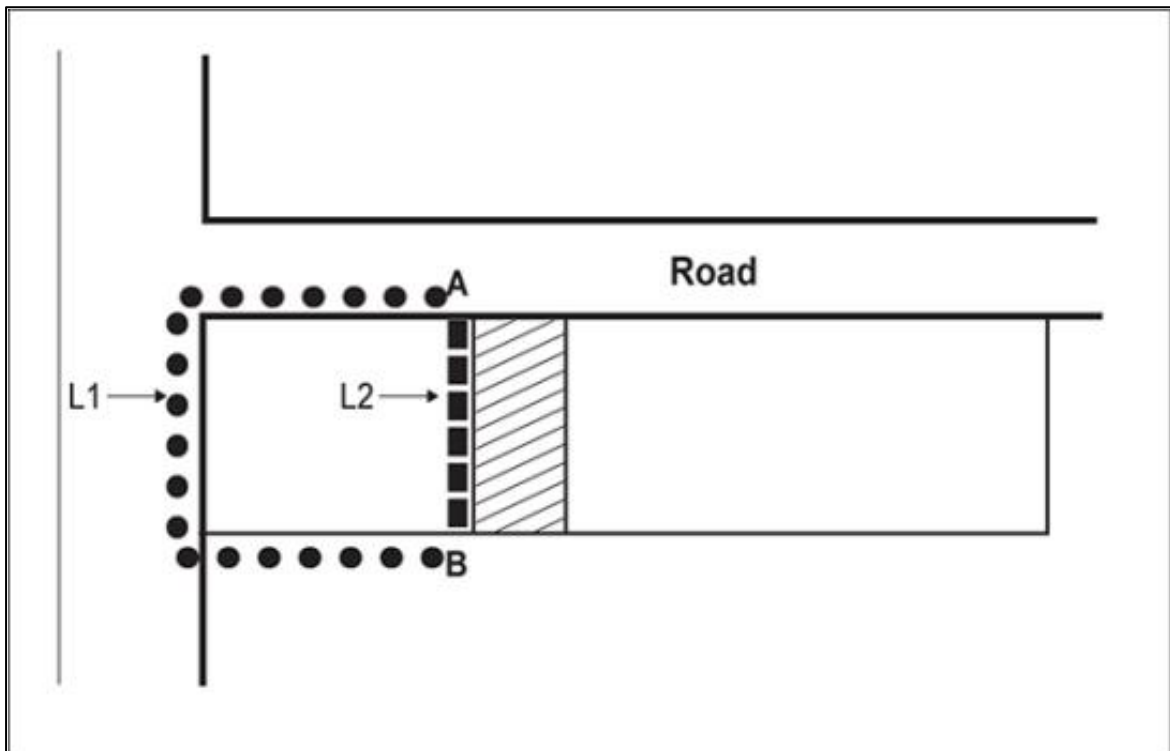


Figure H8.6.18.2 Calculating through-site link bonus 2

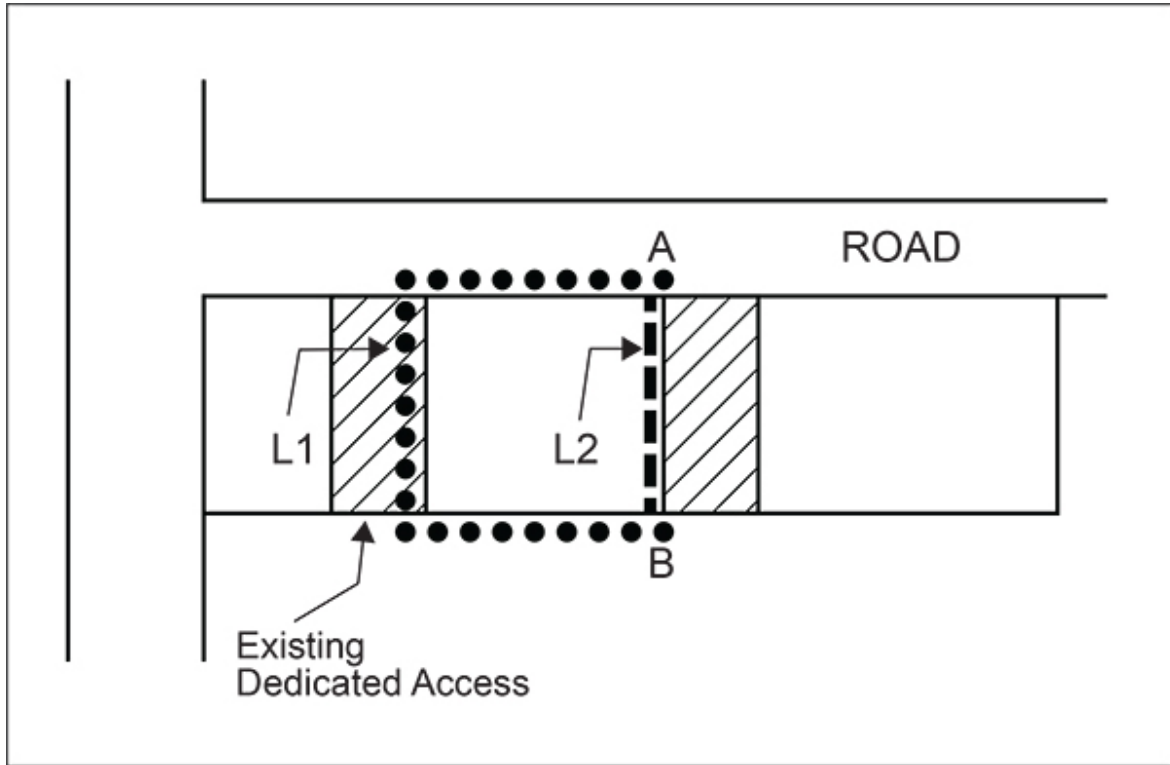


Figure H8.6.18.3 Escalator plan distance

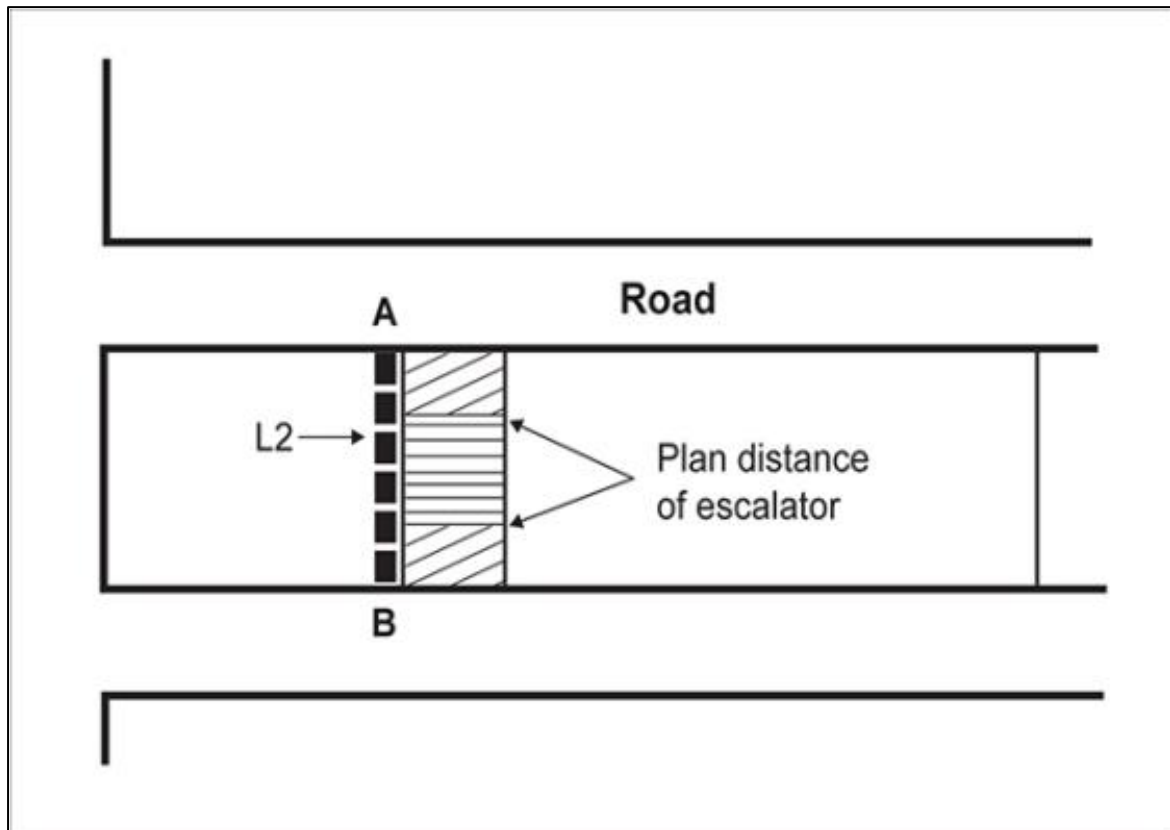
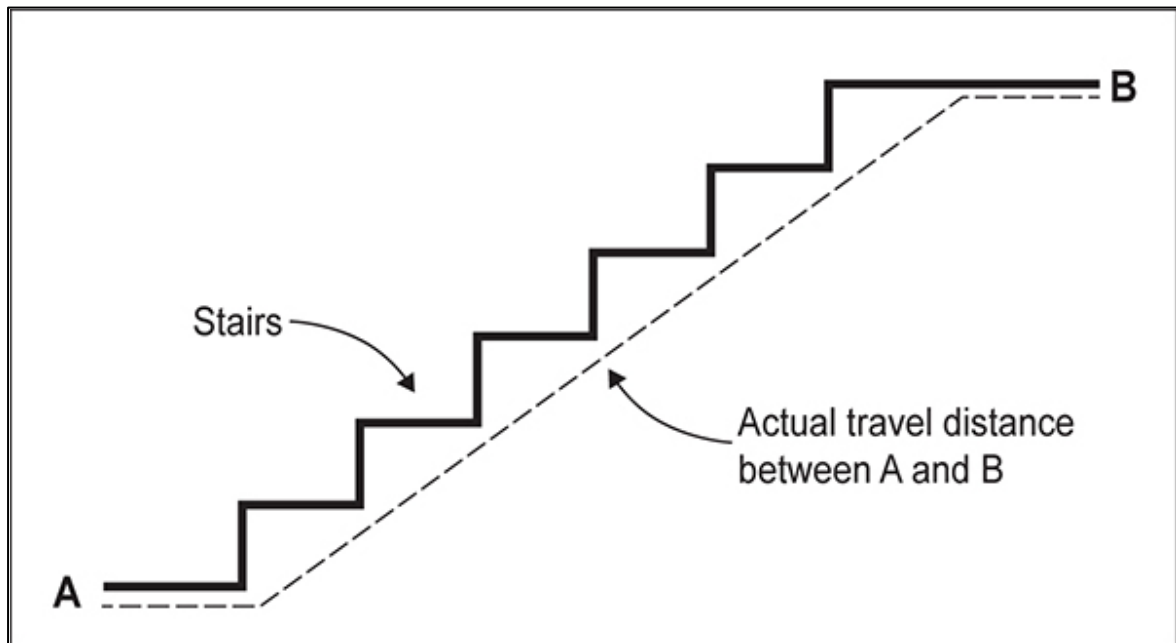


Figure H8.6.18.4 Stair plan distance measurement



H8.6.19. Bonus floor area - through-site links through identified blocks

Purpose: provide additional floor area where a through-site link is incorporated into a development that will significantly improve the permeability and accessibility of the block.

- (1) Where a through-site link is provided through a block identified on Map H8.11.9, the above standards apply, except that:
 - (a) an additional 0.5:1 will be awarded to any through-site link on the blocks identified on Map H8.11.9 and will apply in addition to the bonus calculated above using the ratio of L1:L2.

H8.6.20. Bonus floor area - works of art

Purpose: provide additional floor area where a high quality work of art is incorporated into the development that will enhance the cultural richness of the city centre.

- (1) Securing bonus floor space for the provision of works of art is a restricted discretionary activity.
- (2) To qualify for the bonus:
 - (a) works of art must be located so they are accessible or visible to the public 24 hours a day, seven days a week; and
 - (b) a covenant must be registered on the title to which the work of art applies to ensure preservation of the work of art and its ongoing maintenance by the owner of the title.
- (3) The bonus floor area available is assessed at the following ratio:

- (a) five per cent extra floor area for each one per cent of total construction cost spent on the commission and execution of the work of art;
- (b) for calculating the extra floor area which can be claimed, five per cent will be taken off the total floor area which has resulted from the calculation of the addition of all of the following:
 - (i) the floor area permitted by the basic floor area ratio for the site;
 - (ii) all bonus floor area claimed and awarded (apart from the extra floor area claimed for provision of a work of art);
 - (iii) areas contained within a building occupied by pedestrian facilities for which consent has been granted; and
 - (iv) areas in entrance foyer/lobby or part thereof being a primary means of access to a building which is open to the public, is assessed directly from a public place and has an overhead clearance of not less than 6m.
- (c) for the purpose of this standard, 'total construction cost' means the total cost of completing the development (or in the case of an existing development, the replacement cost of that development) for which extra floor area is claimed to an initial tenable condition, including all external and internal structural walls of the building to a finished standard (but excluding non-structural partitioning and furnishings); all building services; floor coverings; and all site works but not including land cost or the cost of the proposed work of art;
- (d) a certificate prepared and signed by a registered quantity surveyor or registered architect must be supplied to the Council to verify total construction cost as defined in H8.6.20(3)(c) above, land cost and cost of the proposed work of art; and
- (e) a fraction of the one per cent of total construction cost, either more or less, may be spent on the commission and execution of the work and where this occurs the amount of extra floor area granted will be increased or reduced in the same proportion.

H8.6.21. Maximum total floor area ratio

Purpose: manage the overall scale of development in the city centre.

- (1) The basic FAR plus the accumulation of any bonus FAR must not exceed the MTFAR identified on Map H8.11.7.
- (2) The MTFAR achievable in bonus areas 1a, 2 and 3 is limited by the ratio of average floor area to site area to the extent shown in Table H8.6.21.1 and Figure H8.6.21.1 MTFAR bonus areas 1a and 2 and Figure H8.6.21.2 MTFAR bonus area 3.

Table H8.6.21.1 Maximum total floor area ratio

Bonus area 1a		
Where:		MTFAR equals
(A52)	$\frac{AFA}{SA} < 0.25$	13:1
(A53)	$0.25 < \frac{AFA}{SA} \leq 0.75$	$15 - \frac{(8 \times AFA)}{SA} : 1$
(A54)	$\frac{AFA}{SA} > 0.75$	6.5:1
Bonus area 2		
(A55)	$\frac{AFA}{SA} < 0.35$	10:1
(A56)	$0.35 \leq \frac{AFA}{SA} \leq 0.8$	$12.8 - \frac{(8 \times AFA)}{SA} : 1$
(A57)	$\frac{AFA}{SA} > 0.8$	6.5:1
Bonus area 3		
(A58)	$\frac{AFA}{SA} < 0.6$	8:1
(A59)	$0.6 \leq \frac{AFA}{SA} \leq 0.75$	$10.8 - \frac{(8 \times AFA)}{SA} : 1$
(A60)	$\frac{AFA}{SA} > 0.75$	4.5:1

Figure H8.6.21.1 MTFAR bonus areas 1a and 2

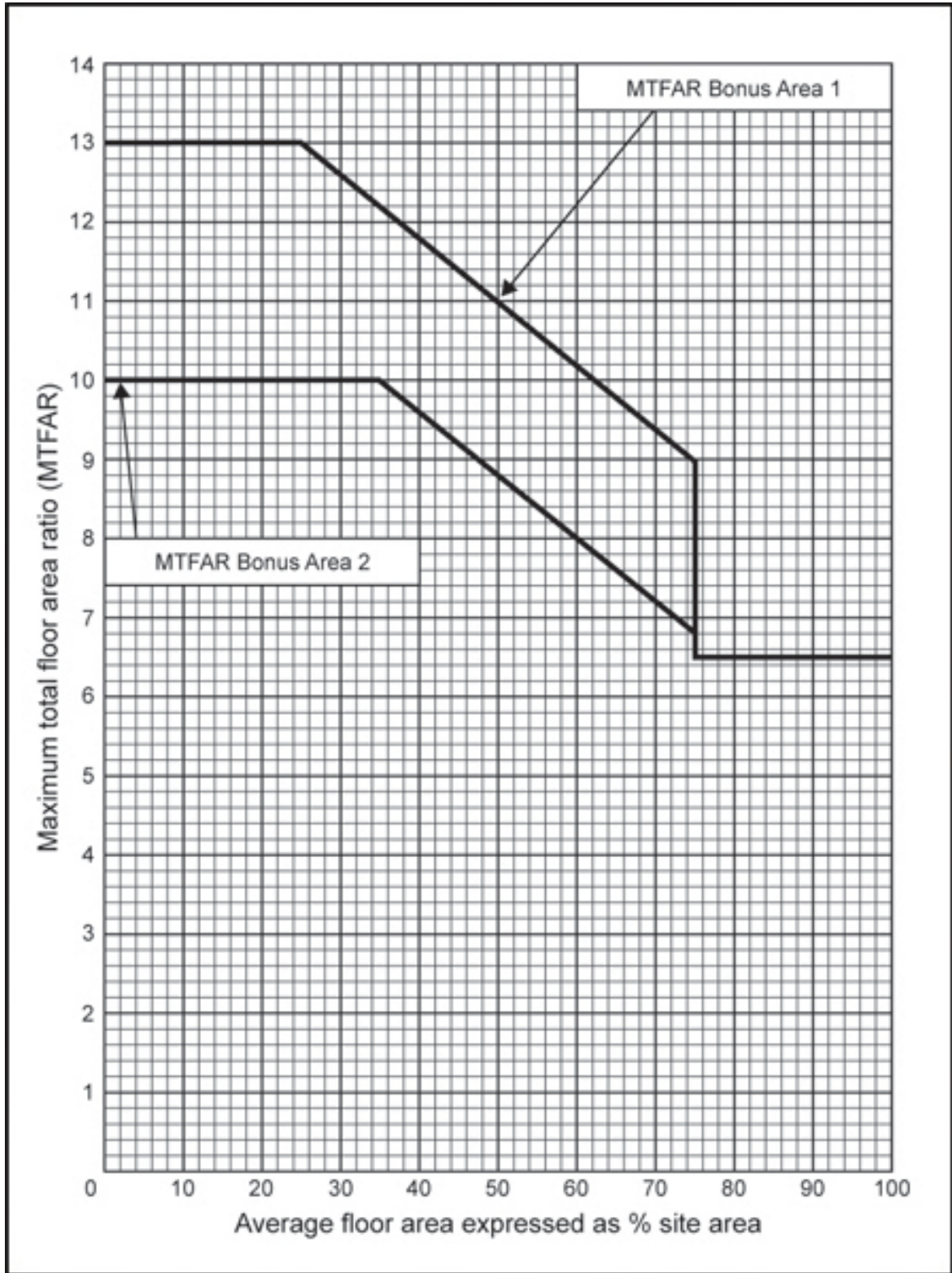
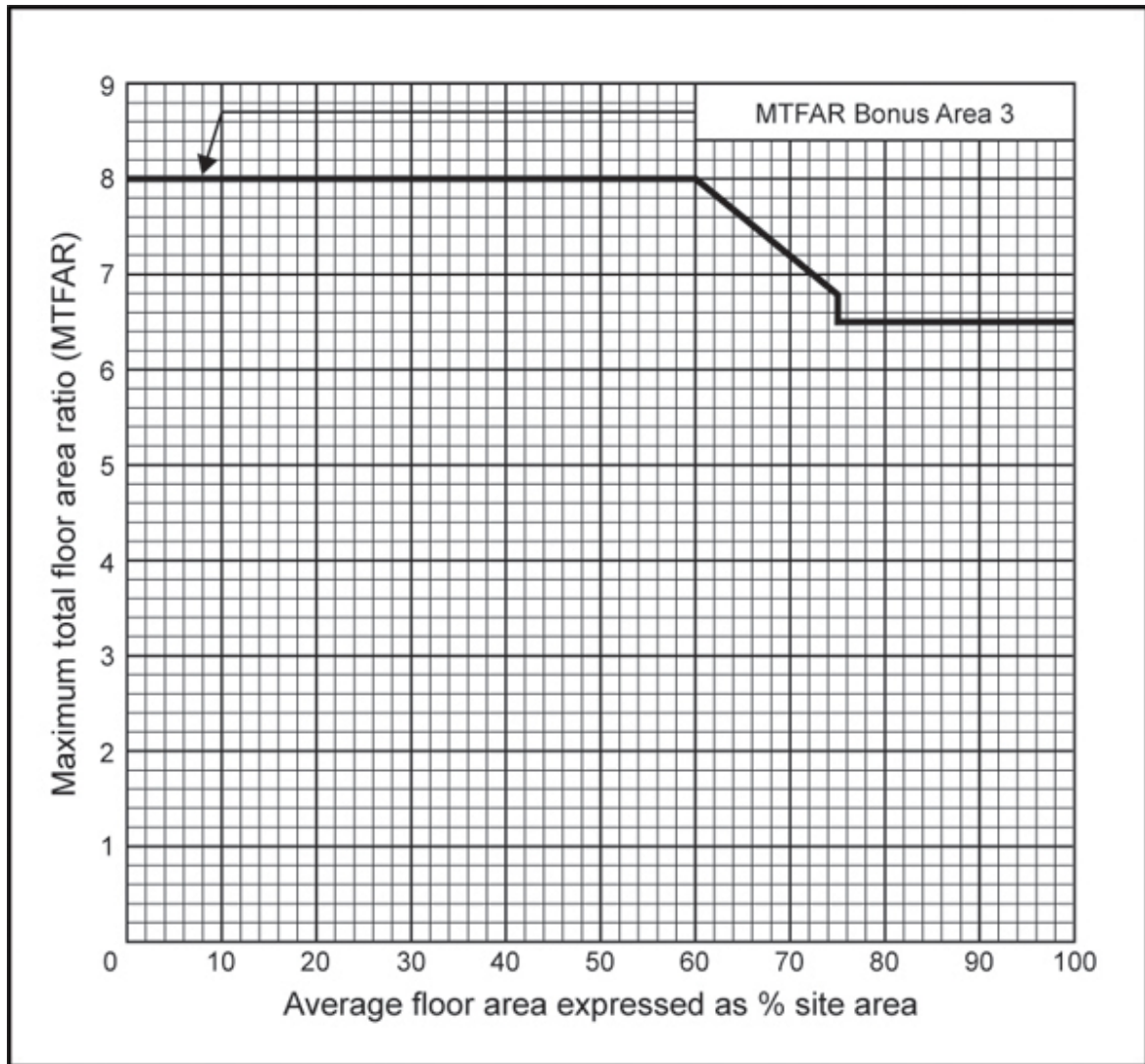


Figure H8.6.21.2 MTFAR bonus area 3



H8.6.22. Building in relation to boundary

Purpose: retain the spacious landscaped character and maximise sunlight admission to public open spaces in the areas that the standard applies.

- (1) A building located on a site identified as being subject to this standard on Map H8.11.7 must comply with the indicators set out in Appendix 10 Business – City Centre Zone building in relation to boundary except that:
 - (a) this standard only applies to the shared boundaries of identified sites or where the boundary of an identified site adjoins open space zones; and
 - (b) the effective site boundary for the purpose of this standard may be taken as the furthest pedestrian accessway, entrance strip or access site, where a site adjoins such accessway, entrance strip or access site, or adjoins a series of contiguous entrance strips or access sites.

H8.6.23. Streetscape improvement and landscaping

Purpose: maintain landscaped qualities in the areas that the standard applies.

- (1) For those sites identified on Figure H8.6.23.1 as being subject to the site frontage standard:
 - (a) not less than 50 per cent of that part of the site, between the street and a parallel line 6m from the street frontage must be landscaped;
 - (b) no part of any building or parking and manoeuvring space may be located within an area between the street and a line 3m parallel from the street frontage; and
 - (c) Standards H8.6.23(1)(a)-(b) above do not apply to rear sites.
- (2) For the sites identified on Figure H8.6.23.1 as 'Sites requiring not less than 30 per cent net site area landscaping', at least 30 per cent of the net site area must be landscaped.
- (3) For the sites identified on Figure H8.6.23.1 as 'Sites requiring not less than 10 per cent net site area landscaping', at least 10 per cent of the net site area must be landscaped. The landscaping must include a special amenity yard between the north-eastern boundary and a parallel line 8m from that boundary, as shown on Figure H8.6.23.1, in which no part of any building or parking may be located.
- (4) The landscaping required above must incorporate both:
 - (a) low level shrubs; and
 - (b) specimens of trees capable of reaching a minimum height at maturity of 8m. The trees must be at least 1.5m high at the time of planting.
- (5) The following applies in relation to the site that adjoins and is to the south of the St Andrew's Presbyterian Church site:
 - (a) no part of any building, or parking and manoeuvring space, or service area may be located on the site between the street and a parallel line 8m from the street frontage; and
 - (b) at least 50 per cent of the 8m set-back area must be landscaped.

Figure H8.6.23.1 Streetscape improvement and landscaping



H8.6.24. Maximum tower dimension, setback from the street and tower separation

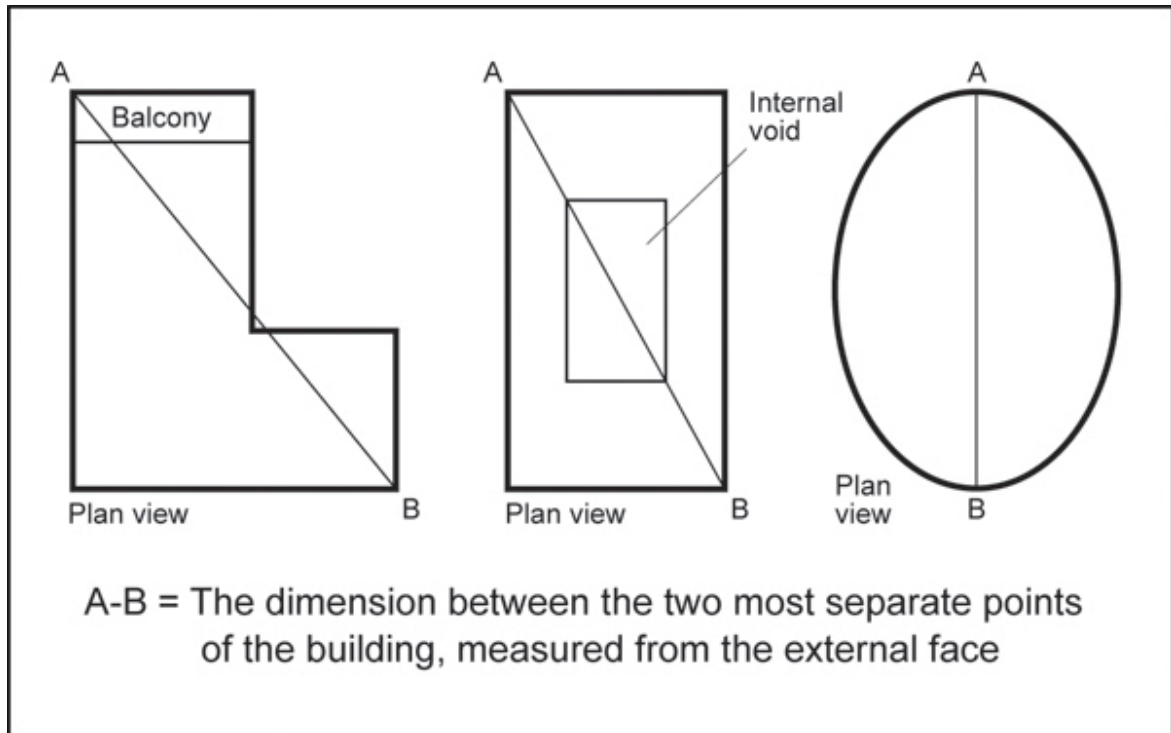
Purpose: ensure that high-rise buildings:

- are not overly bulky and are slender in appearance;
- provide adequate sunlight access to streets;
- provide a consistent human-scaled edge to the street;
- provide adequate sunlight and outlook around buildings;
- enable views through the city centre; and
- mitigate adverse wind effects.

(1) On every site identified as special height area on Map H8.11.3:

- (a) the maximum plan dimension of that part of the building 28m above mean street level must not exceed 50m; and
 - (b) the part of a building above 28m must be located at least 6m from all boundaries of the site.
- (2) The maximum plan dimension is the horizontal dimension between exterior faces of the two most separate points of the building (refer Figure H8.6.24.1).

Figure H8.6.24.1 Maximum plan dimension



H8.6.25. Building frontage alignment and height

Purpose: ensure streets are well defined by buildings and provide a sense of enclosure to enhance pedestrian amenity.

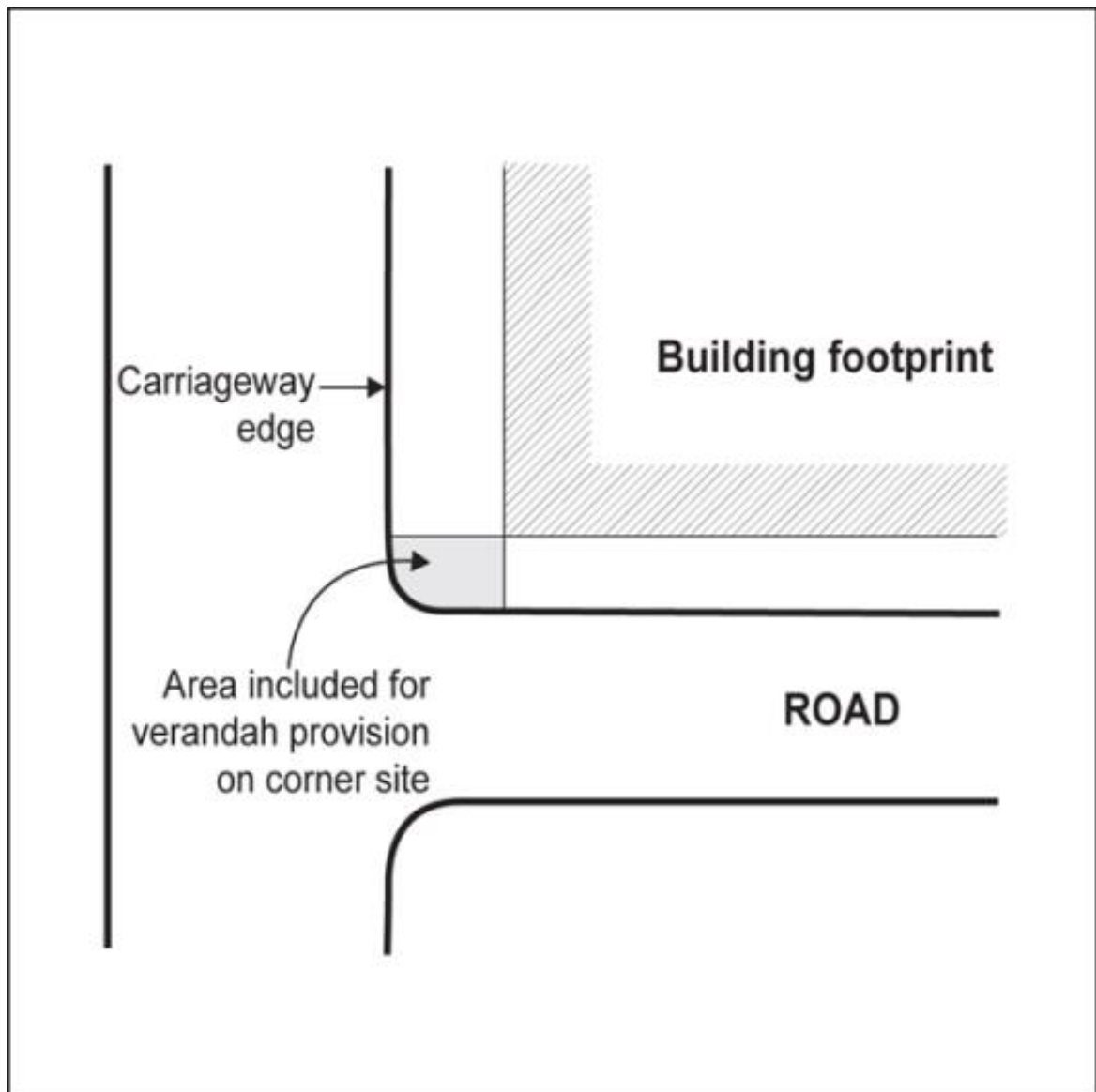
- (1) On every frontage identified on Map H8.11.5, a new building or addition to an existing building must comply with the following:
 - (a) the building must adjoin the entire length of the frontage excluding vehicle and pedestrian access and public open spaces for the minimum frontage height specified in H8.6.25(1)(a)(i) and (ii) below:
 - (i) for frontages identified as '19m', the building must have minimum contiguous height of 19m for a minimum depth of 6m from the frontage; and
 - (ii) for frontages identified as '13m', the building must have minimum contiguous height of 13m for a minimum depth of 6m from the frontage.

H8.6.26. Verandahs

Purpose: provide pedestrians with weather protection on main streets.

- (1) A new building, external alteration or substantial internal alteration to an existing building, excluding minor cosmetic alterations or repairs which do not change its design and appearance, on a site identified on Map H8.11.6 must provide a continuous verandah along the full width of its building frontage.
- (2) For the purpose of this standard, substantial internal alterations means the alteration or reconstruction of an existing building to a value of \$500,000 or more assessed at the time a building consent is lodged with the Council.
- (3) If an existing verandah is removed, it must be replaced in accordance with the requirements of this standard.
- (4) A verandah on a corner site must comply with Figure H8.6.26.1.

Figure H8.6.26.1 Verandah on corner site



- (5) All verandahs must:

- (a) have a minimum height of 3m and a maximum height of 4m above the footpath immediately below;
- (b) be no closer than 700mm in plan to the edge of the road carriageway notwithstanding any other requirement of this standard;
- (c) include drainage to control rain run-off;
- (d) where glazed, be opaque or patterned glass; and
- (e) comply with the minimum widths in Table H8.6.26.1.

Table H8.6.26.1 Minimum width

Location	Minimum width
Queen Street, north of Wakefield Street except the western side between Aotea Square and Wellesley Street	4m
Karangahape Road	4m
Swanson Street between Mills Lane and Queen Street	3m
Vulcan Lane, south side	3m
Queen Street, west side between Aotea Square and Wellesley Street	5m
All other frontages identified on the plan	3m or setback no further than 600mm in plan from the edge of the road carriageway, whichever is the lesser

PC 4 (See modifications)

- (6) Lighting outside daylight hours must be provided under a verandah to a minimum of 20 lux (light illumination) on the footpath, where the lux level is measured at ground level on a horizontal plane at 2m from the building adjoining the footpath. Lighting of the footpath must have a uniformity ratio of 0.5.
- (7) The lighting levels required above may be met by one or more of the following methods:
 - (a) providing lighting beneath a street verandah;
 - (b) providing lighting within the shop/office that spills out through windows to the outside footpath;
 - (c) the use of advertising signage of light colour which will spill light out onto the footpath; or
 - (d) providing downwardly directed lighting on the exterior of the building.

H8.6.27. Minimum floor to floor height

Purpose: ensure that:

- commercial buildings are adaptable to a wide variety of uses over time; and
 - adequate sunlight and/or daylight is provided into the interior spaces of commercial buildings.
- (1) The ground floor of a new building must have a minimum finished floor to floor height of 4.5m for a minimum depth of 10m where it adjoins a street or public open space.
 - (2) The finished floor to floor height of new buildings above ground floor must be at least 3.6m where those floors will accommodate non-residential activities.

H8.6.28. Wind

Purpose: mitigate the adverse wind effects generated by high-rise buildings.

- (1) A new building must not cause:
 - (a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H8.6.28.1 and Figure H8.6.28.1 Wind environment control;
 - (b) the average annual maximum peak 3 second gust to exceed the dangerous level of 25m per second; and
 - (c) an existing wind speed which exceeds the controls below.

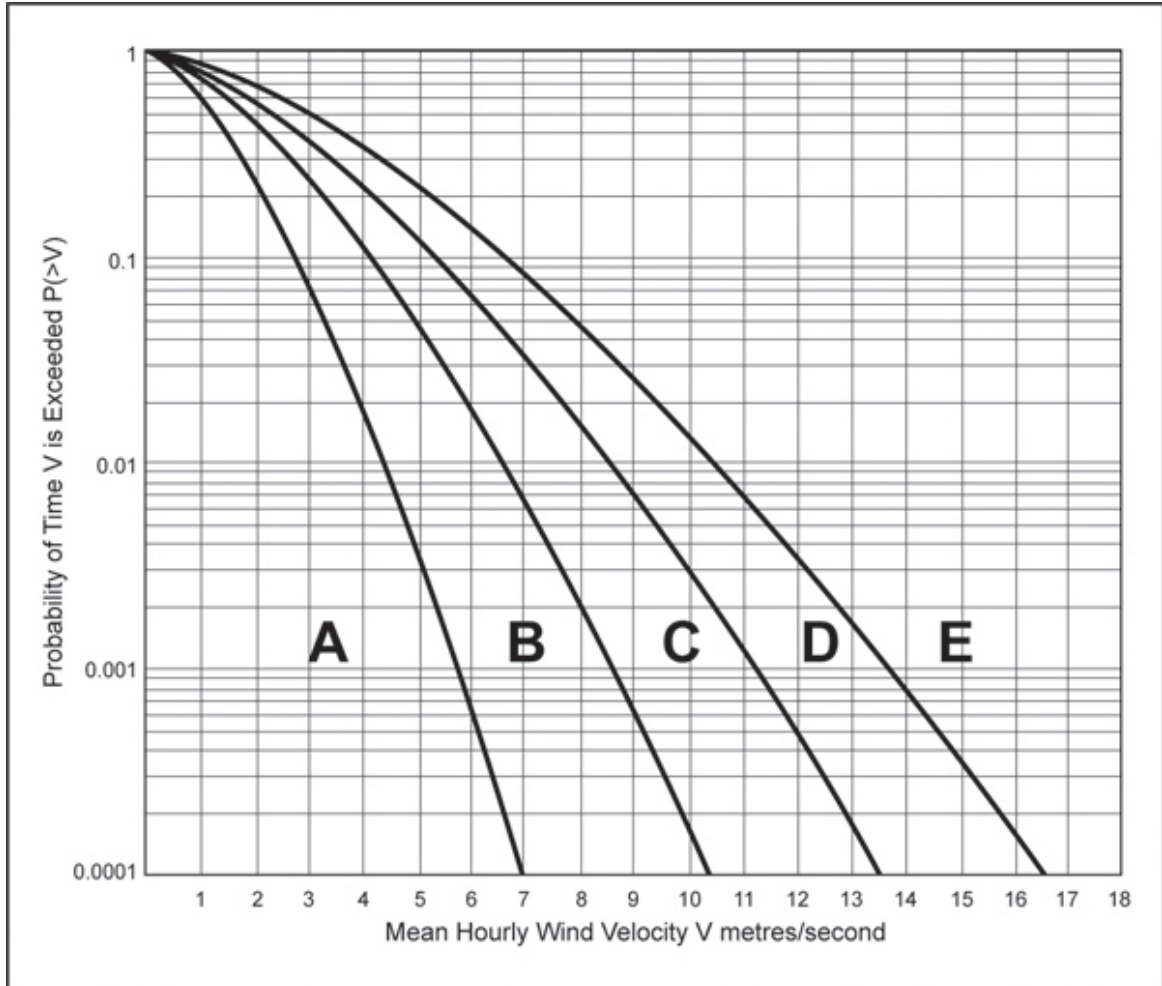
PC 4 (See modifications)

Table H8.6.28.1 Performance categories

Category	Description
Category A	Areas of pedestrian use containing significant formal elements and features intended to encourage longer term recreational or relaxation use, such as. major and minor public squares, parks and other open spaces, including. Aotea Square, Queen Elizabeth Square, Albert Park, Myers Park, St Patrick’s Square, and Freyberg Place
Category B	Areas of pedestrian use containing minor elements and features intended to encourage short-term recreation or relaxation, such as minor pedestrian open spaces, pleasure areas in road reserves, streets with significant groupings of landscaped seating features, including Khartoum Place, Mayoral Drive pleasure areas, and Queen Street
Category C	Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational features, such as footpaths where not covered in categories A or B above
Category D	Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which would include the spaces in categories A - C above
Category E	Represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to

	others. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city
Note: All through-site links and other private land given over to public use as bonus features, or subject to public access easements, must be subject to the wind environmental categories.	

Figure H8.6.28.1 Wind environment control



PC 4 (See modifications)

[New text to be inserted]

H8.6.29. Glare

Purpose: ensure non-reflective materials are used on buildings to avoid, remedy and mitigate the adverse effects of glare on pedestrians and motorists.

- (1) Buildings must be designed and built so that the reflectivity of all external surfaces does not exceed 20 per cent of white light. This means that glass and other materials with reflectivity values that exceed 20 per cent may only be used provided they are covered or screened in such a way that the external surfaces will still meet this standard.

H8.6.30. Special amenity yards

Purpose: avoid buildings locating in areas that would have a significant adverse effect on pedestrian and/or streetscape amenity.

- (1) A building must not be at or above ground level within the yards shown on Figures H8.6.30.1, H8.6.30.2 and H8.6.30.3
- (2) In the Freyberg Place special amenity yard, the existing contour of the land and the existing Phoenix palms within the yard must be retained.

Figure H8.6.30.1 Freyberg Place special amenity yard

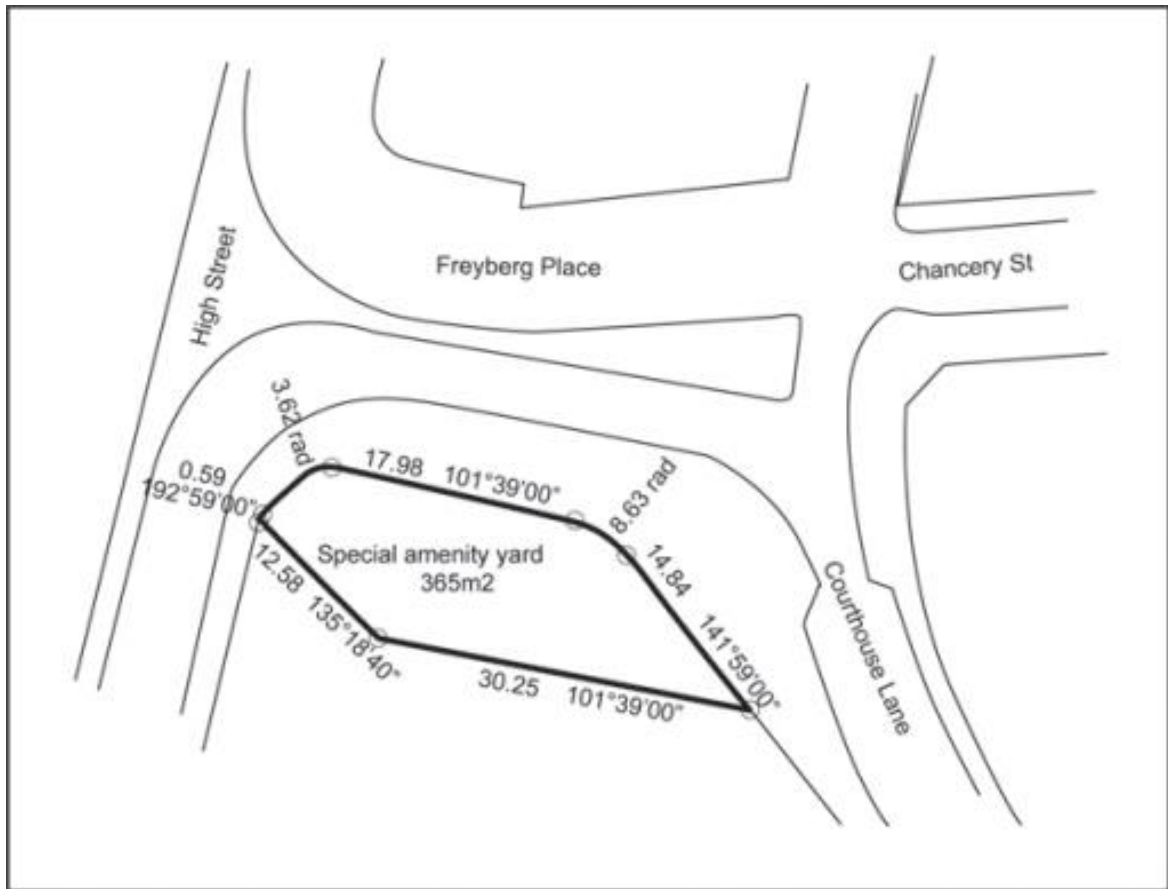


Figure H8.6.30.2 Myers Park special amenity yard

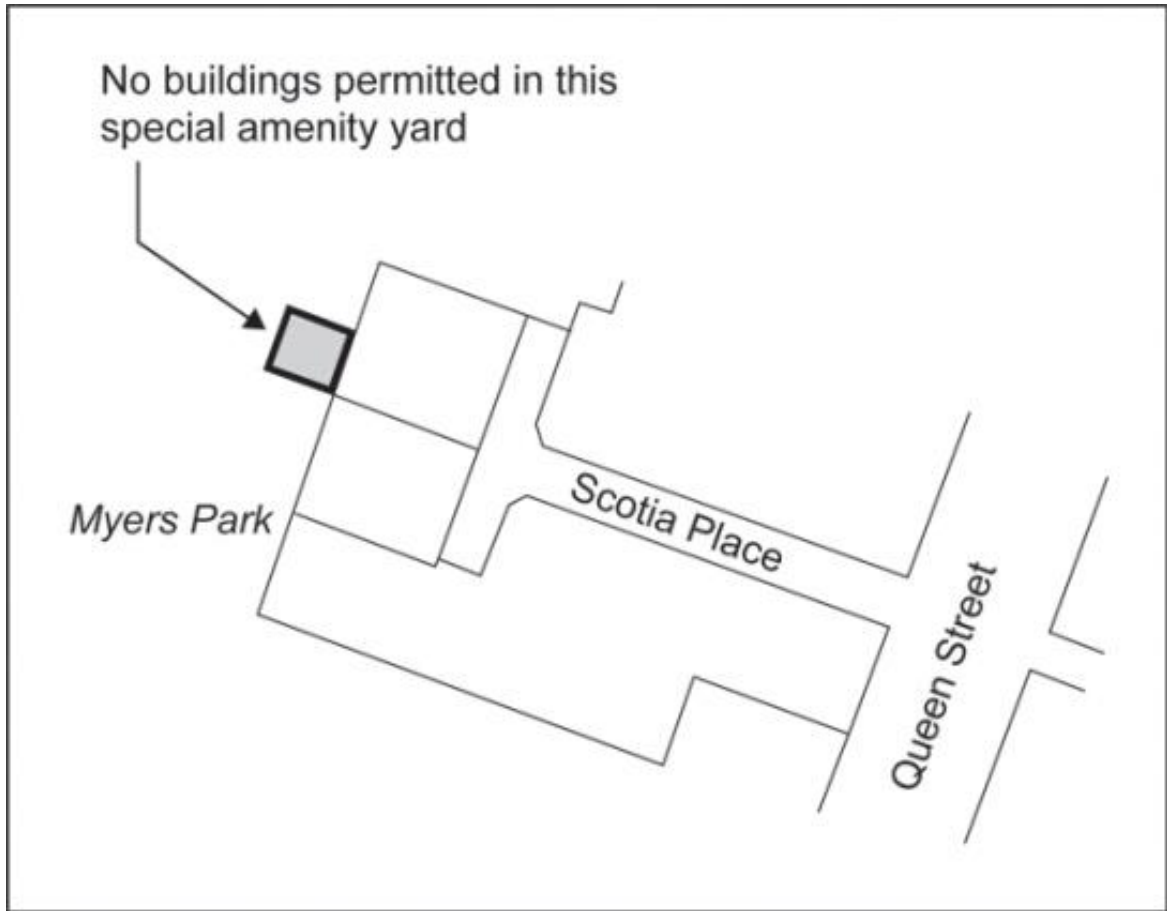
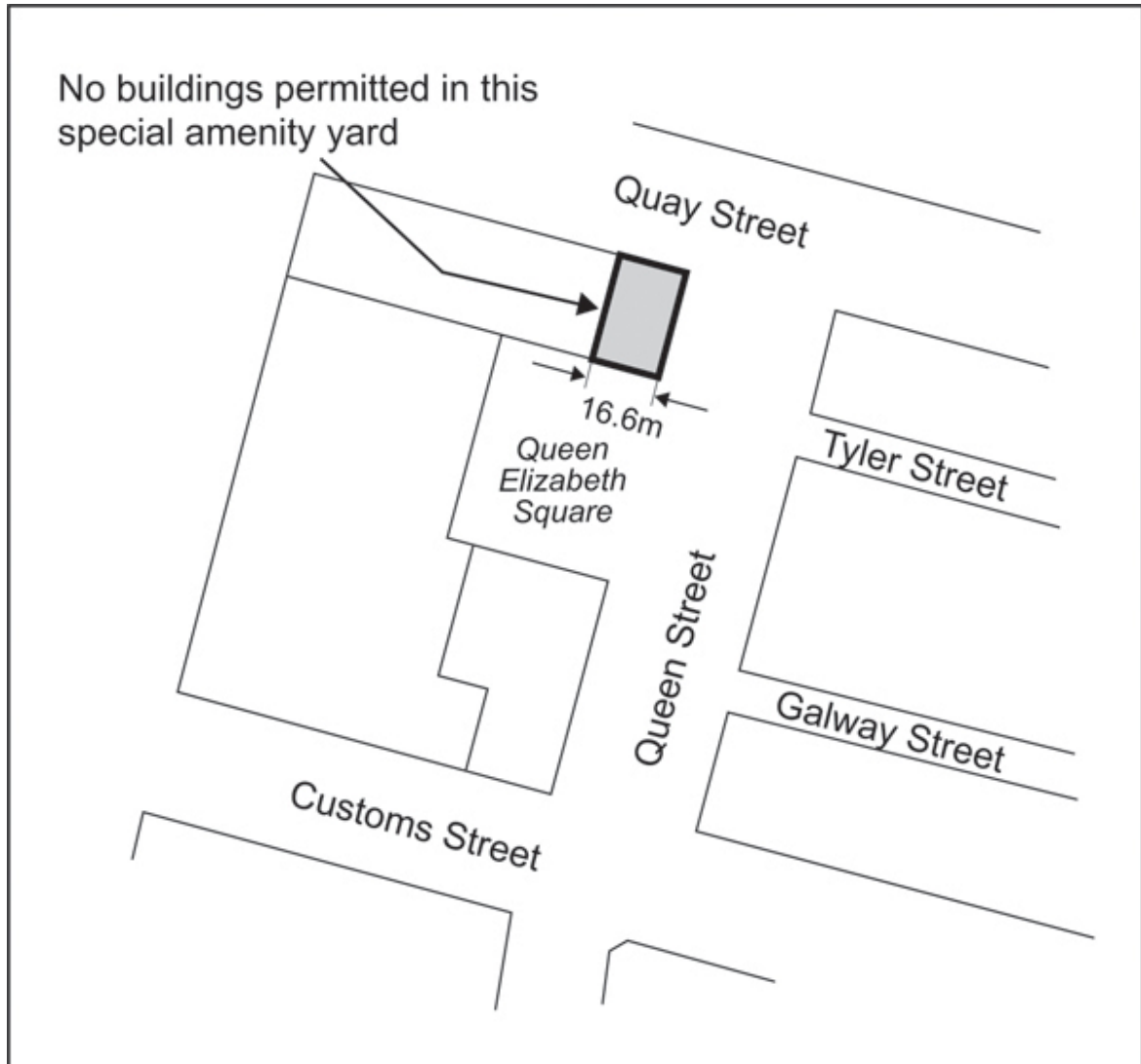


Figure H8.6.30.3 Queen Street special amenity yard



H8.6.31. Street sightlines

Purpose: retain views from key locations in the city centre to significant landmarks and the harbour.

- (1) Views from public open space or along streets to the harbour to Rangitoto Island and to the North Shore or to other natural features and landmarks from within the city centre are protected as shown in Appendix 9 Business – City Centre Zone sight lines. Except for the eastern ray of Street Line No. 23 (which affects part of the Maritime Square site (being Lot 1A DP 198984), this standard does not apply beyond the streets affected. Refer to Appendix 9 Business – City Centre Zone sight lines, where the sightlines are shown in detail.

- (2) Buildings or structures must not locate within the sightlines identified in Appendix 9 Business – City Centre Zone sight lines, except as otherwise provided in Table E26.2.3.1 Activity table in E26 Infrastructure.

H8.6.32. Outlook space

Purpose:

- ensure a reasonable standard of visual and acoustic privacy between different dwellings, including their outdoor living space, on the same or adjacent sites; and
 - encourage the placement of habitable room windows to the site frontage or to the rear of the site in preference to side boundaries, to maximise both passive surveillance of the street and privacy, and to avoid overlooking of neighbouring sites.
- (1) The standard below applies to new buildings containing dwellings, visitor accommodation and boarding houses, and buildings that are converted to dwellings, visitor accommodation and boarding houses.
- (2) An outlook space must be provided from each face of the building containing windows to principal living areas or bedrooms of any dwelling. Where windows to a principal living area or bedroom are provided from two or more faces of a building, outlook space must be provided to the face with the greatest window area of outlook.
- (3) The minimum dimensions for outlook space are:
- (a) for principal living areas, the dimensions of the outlook space, measured perpendicular to the exterior face of the building, must be in accordance with Figure H8.6.32.2, for the relative height of the floor above the average ground level along each building face; and
 - (b) for bedrooms, the outlook space must be a minimum of 6m, measured perpendicular to the exterior face of the building.
- (4) The outlook space must extend from the exterior wall of the principal living room or bedroom and not the windows.
- (5) The outlook space may be over:
- (a) the site on which the building is located, but not towards a side boundary if the building is within 10m of the site frontage (refer Figure H8.6.32.1);
 - (b) the street;
 - (c) public open space; or
 - (d) another site, only if:
 - (i) the outlook space is secured in perpetuity for the benefit of the building by a legal instrument to be put in place prior to the commencement of construction; and

- (ii) the written approval of the owner of the adjoining site for the outlook space is provided when the application for resource consent is lodged.
- (6) In the situation where an outlook space is provided over a legal road narrower than the width specified in Figure H8.6.32.2, the street width is deemed to satisfy the minimum outlook space requirement.
- (7) More than one building on the site may share an outlook space.

Figure H8.6.32.1 Outlook over the street

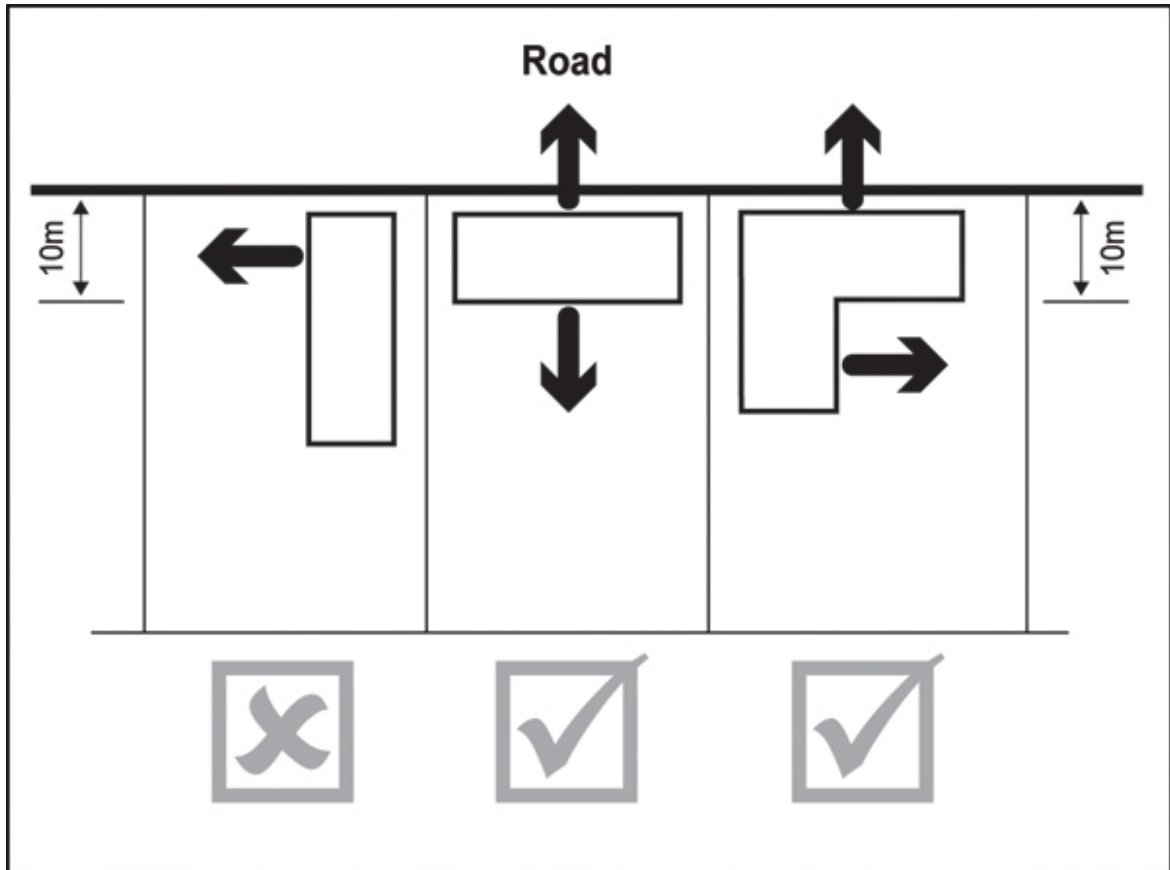
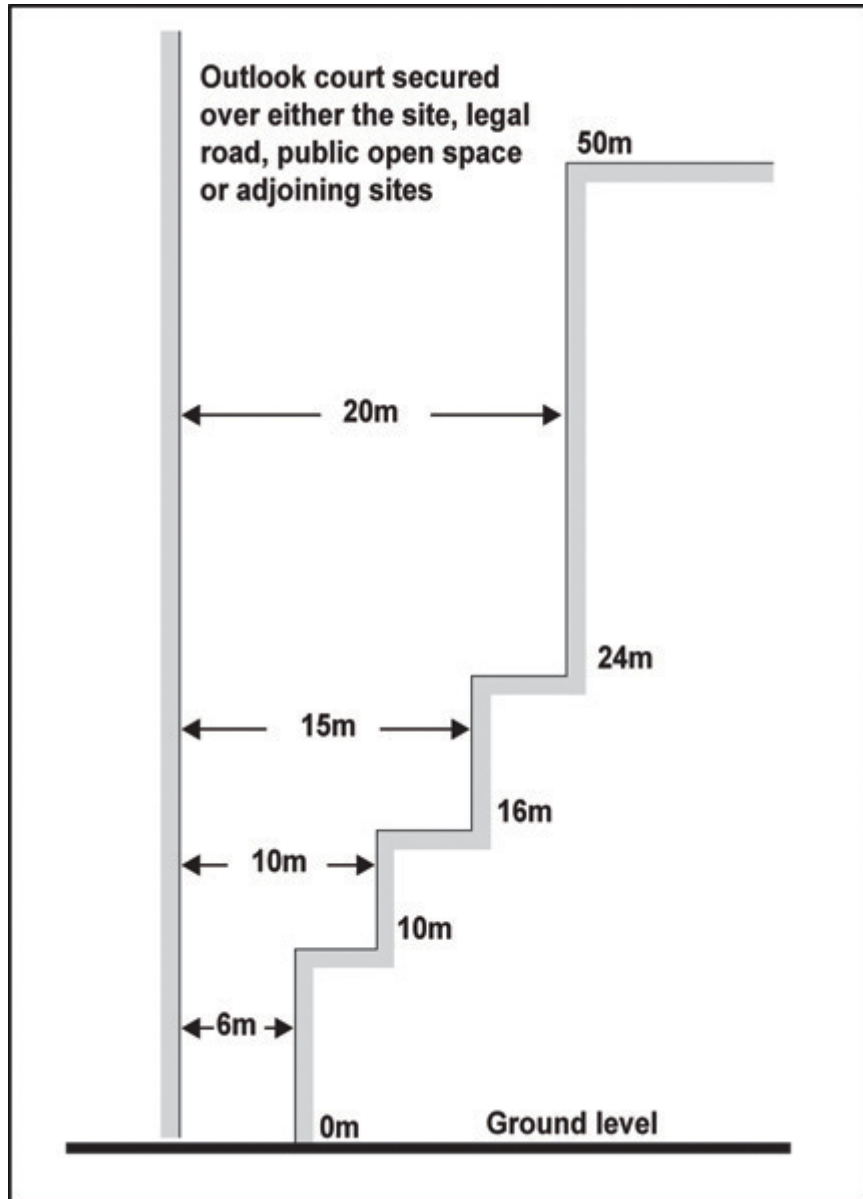


Figure H8.6.32.2 Outlook space



H8.6.33. Minimum dwelling size

(1) Dwellings must have a minimum net internal floor area as follows:

(a) 35m² for studio dwellings.

The minimum net internal floor area for studio dwellings may be reduced by 5m² where a balcony, ground floor terrace or roof terrace of 5m² or greater is provided.

(b) 50m² for one or more bedroom dwellings.

The minimum net internal floor area for one or more bedroom dwellings may be reduced by 8m² where a balcony, ground floor terrace or roof terrace of 8m² or greater is provided.

- (c) Provided that for the purpose of Standard H8.6.33(1)(a) and H8.6.33(1)(b) above, the balcony, ground floor terrace or roof terrace:
- (i) is for the exclusive use of the dwelling occupants;
 - (ii) has a minimum depth of 1.2m for studios;
 - (iii) has a minimum depth of 1.8m for one or more bedroom dwellings; and
 - (iv) balconies and ground floor terraces shall be directly accessible from the principal living room space.

H8.7. Assessment – controlled activities

H8.7.1. Matters of control

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

- (1) demolition of buildings:
 - (a) pedestrian amenity and safety;
 - (b) reuse of building materials;
 - (c) site condition post-demolition; and
 - (d) traffic generation.

H8.7.2. Assessment criteria

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

- (1) demolition of buildings:
 - (a) pedestrian amenity and safety:
 - (i) whether sites containing buildings that are proposed to be demolished have significant adverse effects on the quality and amenity of the public realm and the safety and efficiency of the surrounding transport network. In particular:
 - whether a high-quality and safe temporary hard or landscaped edge is provided along the site boundaries so that a defined boundary to streets and public open spaces is maintained. Including the provision and maintenance of continuous pedestrian cover within areas subject to the verandah standard; and

- whether an edge treatment designed to reduce its vulnerability to graffiti and vandalism is maintained;
- (b) reuse of building materials:
- (i) the extent to which demolished materials are reused and recycled as much as possible;
- (c) site condition post-demolition:
- (i) if the site is not developed following demolition, the extent to which the site is landscaped to provide a good standard of visual amenity and whether the site will not be used for temporary or permanent parking.
- (d) traffic generation:
- (i) with regard to the effects of building demolition on the transport network:
 - proposed hours of operation;
 - the frequency and timing of truck movements to and from the site; and
 - the location of vehicle access.

H8.8. Assessment – restricted discretionary activities

H8.8.1. Matters of discretion

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

- (1) new buildings and external alterations and additions to buildings not otherwise provided for:
 - (a) building design and external appearance;
 - (b) form and design of buildings adjoining historic heritage places;
 - (c) design of parking, access and servicing;
 - (d) design and layout of dwellings, visitor accommodation and boarding houses; and
 - (e) functional requirements;
- (2) external alterations and additions to a special character building identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct:
 - (a) building design and external appearance;
 - (b) architectural style and retention of original building features; and
 - (c) consistency with an approved character plan;

- (3) conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses:
 - (a) design and layout of dwellings, visitor accommodation and boarding houses;
- (4) retail (excluding department stores) between 1000m² and 5000m² gross floor area per site:
 - (a) centre amenity and vitality;
- (5) the total or substantial demolition (more than 30 per cent by volume), or any demolition of the front façade of a special character building identified on Map H8.11.1:
 - (a) the matters of control identified in H8.8.1(1) above; and
 - (b) special character values;
- (6) infringement of building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension and tower separation standards:
 - (a) effects of additional building scale on neighbouring sites, streets and public open spaces (sunlight access, dominance, visual amenity, and landscape character);
 - (b) consistency with the planned future form and character of the area/zone; and
 - (c) site specific characteristics;
- (7) infringement of rooftops standard:
 - (a) amenity effects;
- (8) exception to the harbour edge height control plane standard:
 - (a) form, scale and dominance effects;
 - (b) amenity effects;
 - (c) consistency with the streetscape; and
 - (d) design of buildings or structures;
- (9) infringement of minimum floor to floor height ground floor activities, building frontage alignment and height and verandahs standards:
 - (a) effects on the vitality and amenity of streets and public open spaces;
 - (b) effects on historic heritage and special character buildings; and
 - (c) effects on the potential of the building to accommodate other uses over time;

- (10) infringement of outlook space standard:
 - (a) privacy and outlook for dwellings;
 - (b) daylight access and ventilation for dwellings; and
 - (c) privacy, outlook, daylight access and ventilation for visitor accommodation;
- (11) infringement of wind standard:
 - (a) pedestrian amenity;
- (12) infringement of glare standard:
 - (a) pedestrian amenity; and
 - (b) traffic safety and efficiency;
- (13) infringement special amenity yards standard
 - (a) effects on amenity; and
 - (b) design of buildings or structures;
- (14) infringement of street sightlines standard:
 - (a) design of buildings or structures.
- (15) infringement of minimum dwelling size standard:
 - (a) effects of reduced living and circulation space.

H8.8.2. Assessment criteria

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

- (1) new buildings and external alterations and additions to buildings not otherwise provided for:
 - (a) building design and external appearance:

Contributing to a sense of place

- (i) the extent to which the design of buildings contribute to the local streetscape and sense of place by responding positively to the existing and planned form and character of the surrounding area and significant natural landforms and landscape features;
- (ii) the extent to which the silhouette of the building as viewed from areas surrounding the city centre positively contributes to the city centre's skyline;

Creating a positive frontage

- (iii) the extent to which buildings have clearly defined public frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety;
- (iv) whether the ground floor of a new building is at the same level as the adjoining street;
- (v) the extent to which pedestrian entrances are located on the street frontage and are clearly identifiable and level with the adjoining frontage;
- (vi) whether verandahs are designed to be predominantly transparent to enable pedestrians to view the building façade from under the verandah and from across the street;
- (vii) for mixed use buildings, whether separate pedestrian entrances are provided for residential uses;
- (viii) where not required by a standard, activities that engage and activate streets and public spaces are encouraged at ground and first floor levels;
- (ix) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;
- (x) the extent to which dwellings located on the ground floor of buildings fronting streets and public open spaces adversely affect:
 - amenity values and the vitality of the street or public open space, such as on frontages that are subject to the verandah standard; and
 - amenity values in terms of noise and air quality effects, such as on streets that carry high volumes of vehicle traffic.
- (xi) where dwellings are considered to be appropriate at ground floor, the extent to which they are designed to enable passive surveillance of the street/public open space and provide privacy for residents. This could be achieved by:
 - providing balconies over-looking the street or public open space;
 - providing a planted and/or fenced setback where the site adjoins streets or public open space. Fences or landscaping should be low enough to allow direct sight lines from a pedestrian in the public realm to the front of a balcony; or
 - raising the balcony and floor plate of the ground floor dwellings above the level of the adjoining street or public open space to a height sufficient to provide privacy for residents and enable them to overlook the public realm;

Variation in building form/visual interest

- (xii) the extent to which buildings, including alterations and additions, are designed as a coherent scheme and demonstrate an overall design strategy that contributes positively to the visual quality of the development;
- (xiii) where the proposed development is an addition or alteration to an existing building, the extent to which it is designed with consideration to the architecture to the original building and respond positively to the visual amenity of the surrounding area;
- (xiv) the extent to which buildings are designed to:
 - avoid long, unrelieved frontages and excessive bulk and scale when viewed from streets and public open spaces;
 - visually break up their mass into distinct elements to reflect a human scale and the typical pattern of development in the area; and
 - differentiate ground, middle and upper level;techniques to achieve this include the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and facade modulation and articulation;
- (xv) whether blank walls should be avoided on all levels of building frontages to streets and public open spaces;
- (xvi) whether side or rear walls without windows or access points are used as an opportunity to introduce creative architectural solutions that provide interest in the facade including modulation, relief or surface detailing;
- (xvii) the extent to which buildings provide a variety of architectural detail at ground and middle levels including maximising doors, windows and balconies overlooking the streets and public open spaces;
- (xviii) the extent to which roof profiles are designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes integrating plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design;
- (xix) the extent to which colour variation and landscaping are used- Noting they should not be used to mitigate a lack of building articulation or design quality;
- (xx) for residential development:
 - the extent to which the mechanical repetition of unit types is avoided;

- the extent to which balconies are designed as an integral part of the building. A predominance of cantilevered balconies should be avoided;
- whether apartments above ground floor can be accessed from internal corridors or entrance way. External walkways/breezeways should generally be avoided;

Materials and finishes

- (xxi) the extent to which buildings use quality, durable and easily maintained materials and finishes on the façade, particularly at street level;
- (xxii) where provided, the extent to which signs are designed as an integrated part of the building façade;

Cultural identity

- (xxiii) the extent to which development integrates mātauranga and tikanga into the design of new buildings and public open spaces; and

Functional requirements

- (xxiv) whether the design recognises the functional requirements of the intended use of the building;

(b) design and scale of buildings adjoining historic heritage places:

- (i) buildings adjoining or in close proximity to a scheduled historic heritage place:
 - whether the proposed building is located and designed to have regard to the significant historic heritage elements and built form of the place. This does not mean a rigid adherence to the height of the place, nor does it reduce the development potential of the site, but it does require careful consideration in terms of the form and design of the building to minimise the effects of dominance;
 - may not be required to adjoin the site frontage if a better design outcome could be achieved by respecting the setback and/or spatial location of the place; or
 - whether the proposed building uses materials and/or design detail that respect rather than replicate any patterns or elements existing in the place, however new and contemporary interpretations in form and detail may be used;

(c) design of parking, access and servicing:

- (i) whether parking is located, in order of preference, underground, to the rear of building or separated from the street frontage by uses that activate the street;
- (ii) where parking is provided at lower building levels, the extent to which it is fully sleeved with active uses or activities that provide passive surveillance of the street and contribute to pedestrian interest and vitality. Above this, the extent to which car parking is fully screened on all sides of the building using design methods that present facades that are visually attractive and avoid night time light spill, noise and air quality effects on nearby sites and streets and public open spaces;
- (iii) whether vehicle crossings and accessways are designed to reduce vehicle speed, be visually attractive and clearly signal to pedestrians the presence of a vehicle crossing or accessway;
- (iv) whether pedestrian access between parking areas, building entrances/lobbies and the street provide equal access for people of all ages and physical abilities, a high level of pedestrian safety and be visually attractive;
- (v) whether separate vehicle and pedestrian access are provided within parking areas. Shared pedestrian and vehicle access may be appropriate where a lane or street is proposed within a development site. The shared space should prioritise pedestrian movement;
- (vi) whether ramps visible from the street are avoided, however, where necessary, whether they are minimal in length and integrated into the design of the building;
- (vii) for commercial activities, whether suitable provision is made for on-site rubbish storage and sorting of recyclable materials that:
 - is a sufficient size to accommodate the rubbish generated by the proposed activity;
 - is accessible for rubbish collection; and
 - for new buildings, is located within the building
- (viii) where appropriate, whether a waste management plan is provided and:
 - includes details of the vehicles to be used for rubbish collection to ensure any rubbish truck can satisfactorily enter and exit the site; and
 - provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential apartments.

- (ix) for alterations or additions to existing buildings where it is not possible to locate the storage area within the building, whether they are located in an area not visible from the street or public open spaces;
 - (x) whether the development is able to be adequately served by wastewater and transport infrastructure; and
 - (xi) whether servicing elements (including venting and air-conditioning units) are located on the roof of the building or internal to the site and not on street-facing facades. Where this is not possible (e.g. alterations to a shop front), the extent to which servicing:
 - forms an integrated element of the building façade; and
 - is located so that it minimises adverse effects such as noise/odour on neighbouring sites and the public realm;
- (d) design and layout of dwellings, visitor accommodation and boarding houses:
- (i) the extent to which dwellings are located, proportioned and orientated within a site to maximise the amenity of future residents by:
 - clearly defining communal, semi-communal and private areas within a development;
 - maximising passive solar access while balancing the need for buildings to front the street; or
 - providing for natural cross-ventilation by window openings facing different direction.
 - (ii) the extent to which visitor accommodation and boarding houses are designed to achieve a reasonable standard of internal amenity. Taking into account:
 - any specific internal design elements that facilitate the more efficient use of internal space;
 - the relationship of windows or balconies to principal living rooms; and
 - the provision of larger indoor or outdoor living spaces whether communal or exclusive to the dwelling is more important for units that are not self-contained.
 - (iii) whether suitable provision is made for on-site rubbish storage and sorting of recyclable materials that:
 - is a sufficient size to accommodate the rubbish generated by the proposed activity;
 - is accessible for rubbish collection;
 - for new buildings, is located within the building; and

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- for alterations or additions to existing buildings where it is not possible to locate the storage area within the building, whether the storage area is enclosed and not visible from the street or public open spaces.
- (iv) whether a waste management plan:
- includes details of the vehicles to be used for rubbish collection to ensure any rubbish truck can satisfactorily enter and exit the site; and
 - provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential apartments;
- (2) external alterations and additions to special character buildings identified on Map H8.11.1 and buildings constructed prior to 1940 within the Queen Street Valley precinct:
- (a) building design and external appearance:
- (i) refer to the assessment criteria in H8.8.2(1)(a), H8.8.2(1)(b) and H8.8.2(1)(c) above.
- (b) architectural style and retention of original building features:
- (i) whether alterations and additions to special character buildings:
- are in keeping with the building's architectural form, proportions and style and whether materials that are sympathetic to those originally used;
 - retain as much of the existing building façade as practicable by refurbishing, restoring and adapting parts of the building rather than replacing them;
 - are in a contemporary architectural style and whether they are designed to be sympathetic to the form, bulk, proportions and articulation of the existing building or buildings on the site; and
 - avoid additional structures such as aerials and air-conditioning units on street-facing facades of the special character building. However, where they are necessary, whether they are appropriately located and designed to reduce the appearance of visual clutter.
- (c) consistency with an approved character plan:
- (i) whether alterations and additions are consistent with a character plan, where one has been approved for the site;
- (3) conversion of a building or part of a building to dwellings, visitor accommodation or boarding houses:

(a) design and layout of dwellings, visitor accommodation and boarding houses:

(i) refer to the assessment criteria in H8.8.2(1)(d) above;

(4) retail (excluding department stores) between 1000m² and 5000m² gross floor area per site:

(a) centre amenity and vitality:

(i) whether retail greater than 1000m² and less than 5000m² gross floor area per site outside of the core retail area:

- significantly adversely affect the amenity values and functions of the core retail area having regard to the activity's proposed size, composition and characteristics; and
- provide a net positive benefit in terms of the community's convenient access to commercial activities and community services, including having regard to whether locating within the core retail area would result in adverse environmental effects on the form, function or capacity of the core retail area;

(5) the total or substantial demolition (more than 30 per cent by volume) or any demolition of the front façade of a special character building identified on Map H8.11.1:

(a) the assessment criteria in H8.7.2(1) above apply in addition to the criteria below;

(b) special character values:

(i) whether the total or substantial demolition (more than 30 per cent by volume) or any demolition of the front facade of a special character building significantly adversely affect the built form and streetscape character of the surrounding area. In considering this, the Council will have regard to the following:

- whether the building forms part of a cohesive group of buildings similar in age, scale, proportion or design and the extent to which the building's demolition would detract from the shared contribution that group makes to streetscape, the unique special character or the history and context of the area;
- whether the building makes a significant contribution to the historic context, character or cohesiveness of the surrounding streetscape;
- whether the building is a remnant example of a building type that reflects the history of the area;
- the extent of the building's contribution to any adjoining or nearby scheduled places, either through the context and the

relationship of the building to the scheduled place or through the building's mass, height or rhythm of facades;

- whether demolition would adversely affect the historic heritage values of any neighbouring scheduled historic heritage places; and
- whether the proposal has fully considered whether reasonable use of the site could be achieved through the adaptive re-use of the building rather than through demolition and replacement.

(ii) notwithstanding the above, other factors will be considered and balanced when assessing an application for the demolition of a special character building, including:

- whether the building is beyond rehabilitation in terms of poor structural or physical condition, and the costs of the repair work or upgrading necessary to extend the useful life of the building are prohibitive in comparison to the costs of a new building of similar size; and
- whether the building is beyond rehabilitation to its original state and the costs of the rehabilitation to reproduce the qualities of the building and enhance the architectural qualities and special characteristics of the streetscape and the surrounding area, in comparison to the costs of a new building of a similar size;

(6) infringement of building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension and tower separation standards:

(a) effects of additional building scale on neighbouring sites and streets and public open spaces (sunlight access, dominance, visual amenity and landscape character):

- (i) whether minor height infringements may be appropriate where it would provide an attractive and integrated roof form that also meets the purpose of the standard;
- (ii) whether height infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; and
- (iii) whether minor infringements to the building in relation to boundary standard or the streetscape improvement and landscaping standard may be appropriate where the spacious landscaped character of the area is retained.

(b) consistency with the planned future form and character of the zone/area:

- (i) where building height or maximum tower dimension and tower separation is infringed whether the proposal demonstrates that Policies H8.3(30) and H8.3(31) of the Business – City Centre Zone are met.
- (c) site specific characteristics:
 - (i) whether there are particular site specific characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed;
- (7) infringement of rooftops standard:
 - (a) amenity effects:
 - (i) whether rooftop projections result in a cluttered roof appearance when viewed from the street and surrounding buildings;
- (8) exception to the harbour edge height control plane standard:
 - (a) visual profile:
 - (i) the effects of the building profile on the form of the city centre when viewed from the main city centre approaches by land and water and from public places which offer comprehensive views. Whether the building must be of a scale, bulk, appearance and location which represents a visually compatible addition to the city centre.
 - (b) waterfront amenity:
 - (i) whether the building bulk penetrating the Harbour Edge Height Control Plane results in significant loss of amenity to adjacent waterfront public areas. Particular consideration will be given to sunlight admission, shading and air movement at street level and at public gathering places.
 - (c) streetscape and street corners:
 - (i) the extent to which the proposed building is consistent with the scale, visual harmony and form of the existing streetscape, in particular the relationship to street corners, especially for sites fronting Quay Street, Customs Street and Queen Elizabeth Square.
 - (d) effects on surrounding properties:
 - (i) whether the building allows for adequate light, space and general amenity around the development and where possible through the site while noting that it is not the intention of this provision to protect views from private property to the harbour.
 - (e) design of upper parts of buildings or structures:

- (i) the extent to which the part of the building which protrudes through the harbour edge height control plane is designed in a manner which avoids abrupt or arbitrary truncation of the upper parts of the building or structure.
- (f) particular constraints:
 - (i) whether there are particular site development characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed.
- (9) infringement of minimum floor to floor height (ground floor), building frontage alignment and height and verandahs standards:
 - (a) effects on the vitality and amenity of streets and public open spaces;
 - (b) effects on historic heritage and special character buildings:
 - (i) the Council will give priority to protecting important features of historic heritage and special character building ground floor facades over compliance with the street frontage standard.
 - (c) effects on the potential of the building to accommodate other uses over time.
- (10) infringement of outlook space standard:
 - (a) privacy and outlook for dwellings:
 - (i) dwellings that infringe the outlook standard, whether they will have a good standard of outlook and visual and acoustic privacy between principal living rooms and bedrooms of dwellings on the same and between dwellings on adjacent sites and will not prevent a complying residential development on an adjoining site.
 - (b) daylight access and ventilation for dwellings:
 - (i) dwellings that infringe the outlook standard, whether the dwellings will receive a good degree of natural light and ventilation, particularly those at lower building levels.
 - (c) privacy, outlook, daylight access and ventilation for visitor accommodation:
 - (i) the criteria for dwellings in H8.8.2(10)(a) and H8.8.2(10)(b) above apply, except that a lesser dimension of outlook separation to a minimum of 6.0m from bedrooms or principle living areas may be acceptable in some cases where the intent of criteria H8.8.2(10)(a) and H8.8.2(10)(b) above are satisfied and, with the exception of Crown land, where certainty can be provided, through a registered covenant in favour of the Council or another equally restrictive mechanism, that the building or area within a building is not to be used

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for accommodation other than non-permanent accommodation and is to be managed as a single entity in perpetuity;

(11) infringement of wind standard:

(a) pedestrian amenity:

- (i) whether development avoids excessive wind velocity and turbulence in outdoor pedestrian spaces; and
- (ii) consideration will be given to the potential for mitigation measures to be incorporated into the development to minimise exacerbation of existing wind conditions;

(12) infringement of glare standard:

(a) pedestrian amenity:

- (i) the extent to which glare from external surfaces may cause discomfort or hazards to pedestrians.

(b) traffic safety and efficiency:

- (i) the extent to which glare may generate hazards for drivers;

(13) special amenity yards:

(a) effects on amenity:

- (i) the extent to which buildings within special amenity yards avoid significant adverse effects on pedestrian and/or streetscape amenity.

(b) design of buildings or structures:

- (i) the nature, extent and form of any building element or feature proposed within a special amenity yard;
- (ii) the extent to which any building element or feature proposed within the Queen Street special amenity yard obscures:
 - views of the Ferry Building and harbour glimpses available through the special amenity yard from Queen Elizabeth Square and the Central Post Office building; or
 - views of the Central Post Office Building through the special amenity yard from the Ferry Building.
- (iii) the extent to which the proposed building element constitutes a visually competing intrusion into the foreground or background of the protected sightline(s);

(14) street sightlines:

(a) design of buildings or structures:

- (i) the nature, extent and form of the proposed non-complying feature;

- (ii) the extent to which the proposed non-complying built element will obscure the protected sightline from the key location in the city centre to significant landmarks and the harbour; or
- (iii) the extent to which the proposed non-complying element constitutes a visually competing intrusion into the foreground or background of the protected sightline.

(15) infringement of minimum dwelling size standard:

(a) Effects of reduced living and circulation space, on residential amenity

(i) Dwellings that do not comply with the minimum dwelling size standard must demonstrate that:

- the proposed dwelling size provides a good standard of amenity for the number of occupants the dwelling is designed for
- there is adequate circulation around standard sized furniture.

(ii) Methods to achieve (i) above may include use of built in furniture and mezzanine areas with good access and head height. Provision of a larger private outdoor space may provide amenity that mitigates a smaller dwelling size.

H8.9. Assessment – bonus floor area

H8.9.1. Controlled activities

H8.9.1.1. Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application for development seeking to obtain bonus floor space:

(1) the use or transfer of historic heritage and special character floor space:

(a) recording the use/transfer of floor space on the certificate of title.

H8.9.1.2. Assessment criteria

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

(1) the use or transfer of historic heritage and historic special character floor space:

(a) recording the use/transfer of floor space on the certificate of title.

H8.9.2. Restricted discretionary activities

H8.9.2.1. Matters of discretion

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application for development seeking to obtain bonus floor space:

- (1) public open space:
 - (a) pedestrian safety, interest and amenity;
 - (b) universal access;
 - (c) sunlight access; and
 - (d) landscaping, lighting and materials;
- (2) through-site links:
 - (a) pedestrian safety, interest and amenity;
 - (b) universal access;
 - (c) daylight access; and
 - (d) landscaping, lighting and materials.
- (3) works of art:
 - (a) artistic quality; and
 - (b) public access;
- (4) securing historic heritage building floor space:
 - (a) effects on historic heritage;
- (5) securing special character building floor space:
 - (a) effects on special character;
- (6) residential:
 - (a) internal and on-site amenity;
- (7) infringements to bonus floor area standards:
 - (a) public benefit.

H8.9.2.2. Assessment criteria

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

- (1) public open space:
 - (a) pedestrian safety, interest and amenity:
 - (i) the extent to which pedestrian desire lines are provided to, from and within the public open space;

- (ii) the extent to which the design of the public open space has ~~have~~ a sense of order and proportion and have regard to the human scale;
- (iii) the extent to which orientation and design provides pedestrians with protection from the wind, particularly in those locations where seating is provided;
- (iv) the extent to which a significant area of the public open space is visible from its entrance onto the street;
- (v) the extent to which buildings adjoining the public open space are designed to provide for, or facilitate the establishment of, those activities which attract people, especially at night. For example upper level residential accommodation with windows or balconies overlooking the amenity area would be appropriate, as would adjoining cafes, restaurants or small shops. Blank facades, offices and activities with very large frontages, especially those which are traditionally closed at night and weekends should be avoided; and
- (vi) the extent to which good visibility to, from and within the public open space is provided to ensure public safety;

(b) sunlight access:

- (i) the extent to which sunlight access into the space is maximised. The extent to which seating areas are located to avoid being shaded from 10am to 3pm in mid-winter where practical;

(c) landscaping, lighting and materials:

- (i) the extent to which areas of landscaping dominate any paved pedestrian area;
- (ii) the extent to which seating and landscaping is in pleasant, clearly visible, convenient and safe locations. As a guide landscaping may comprise low shrubs and plants or tall open trees and shrubs which do not screen an area off;
- (iii) the extent to which high quality and durable materials are used; and
- (iv) whether the public open space is well lit. Whether the lighting provides a high vertical luminance so that shadows of people and indications of movement are easily seen, even at a distance;

(2) through-site links:

- (a) the assessment criteria in H8.9.2.2(1)(a)(v) - (vi), H8.9.2.2(1)(b)(i) and H8.9.2.2(1)(d)(iii) above apply;

(b) pedestrian safety, interest and amenity:

- (i) whether through-site links provide a connection between two streets or other public areas to create interest in the city and have a clearly visible origin and destination;
- (ii) the extent to which the design of the through-site link take the pedestrian's desired routes into consideration when determining location;
- (iii) the extent to which lanes are of a width proportionate to the scale of development to create a sense of enclosure, with a ratio of 1:5 being encouraged; and
- (iv) the extent to which lanes have active uses along at least one side.

(c) daylight access:

- (i) the extent to which arcades are covered and lined with active uses at the level of the arcade; and
- (ii) the extent to which arcades are of generous height to maximise a sense of space and maximise daylight penetration to their interior;

(3) works of art:

(a) artistic quality:

- (i) the extent to which the work of art is in media adequate for the site such as a sculpture, mural, glass, or water feature; and
- (ii) the extent to which the work of art aesthetically enhances the public space to which it relates having regard to its artistic merit, scale and placement as adjudged by the Council;

(b) public access:

- (i) whether works of art are freely accessible from public space during daylight hours by being incorporated as a feature into the development or on the facade of the building for which the bonus is claimed, or be in the form of a night time feature;

(4) securing historic heritage building floor space:

- (a) refer to the relevant policies and assessment criteria in D17 Historic Heritage Overlay;

(5) securing special character building floor space:

- (a) effects on special character:

- (i) whether the character plan outlines the significant features of the building that contribute to the built and streetscape character of the surrounding area, and how any future works should be undertaken to respect the significant features of the building identified in the plan;

(6) residential:

(a) internal and on-site amenity:

- (i) the extent to which residential development provides a high standard of internal amenity and on-site amenity for occupants of the dwellings. To demonstrate this, and in order for the bonus floor space to be awarded, residential development must comply with all of the standards applying to residential development, and be consistent with the assessment criteria for residential development.

In some circumstances it may be appropriate to award the bonus floor space where the development does not comply with the standards for dwellings. In this instance, the development will need to demonstrate that an equal or better standard of amenity can be achieved when compared with a complying development;

(7) bonus floor area standards:

(a) public benefit:

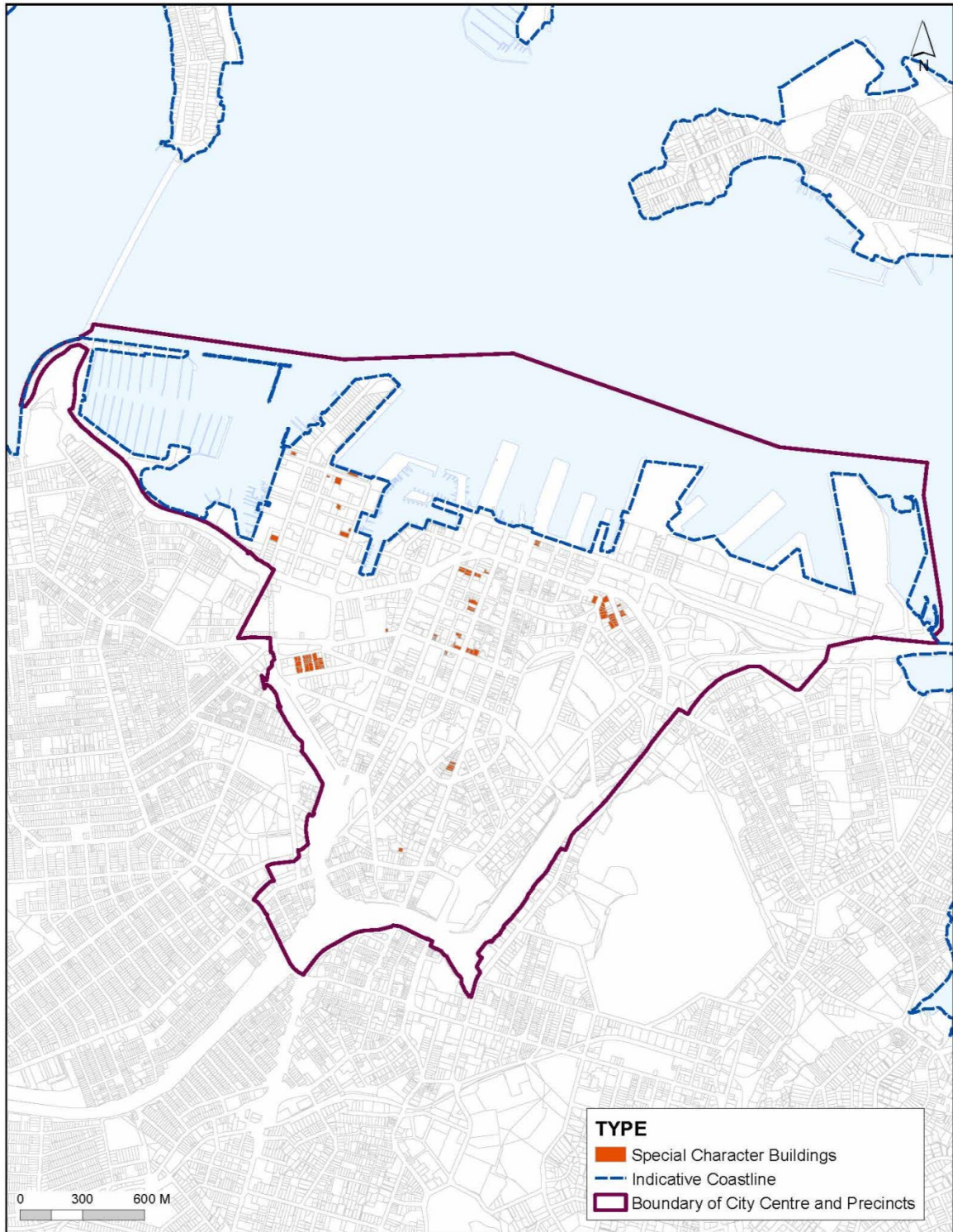
- (i) whether the proposal meets the intent of the bonus as contained in its associated stated purpose or it is unreasonable or impractical to enforce the standard; and
- (ii) whether the application to infringe the standard would achieve the objectives and policies of the Business – City Centre Zone.

H8.10. Special information requirements

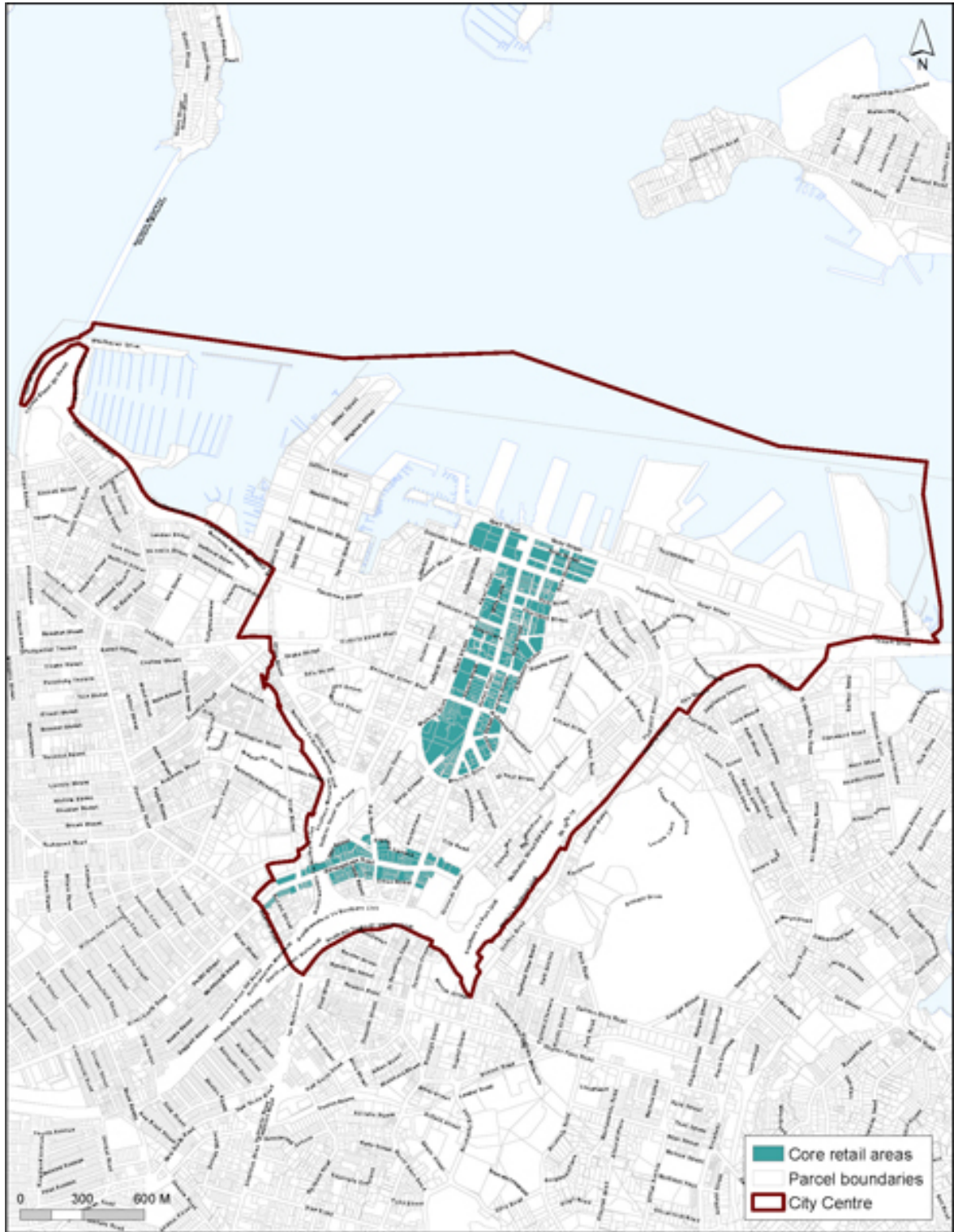
There are no special information requirements in this section.

H8.11. Maps

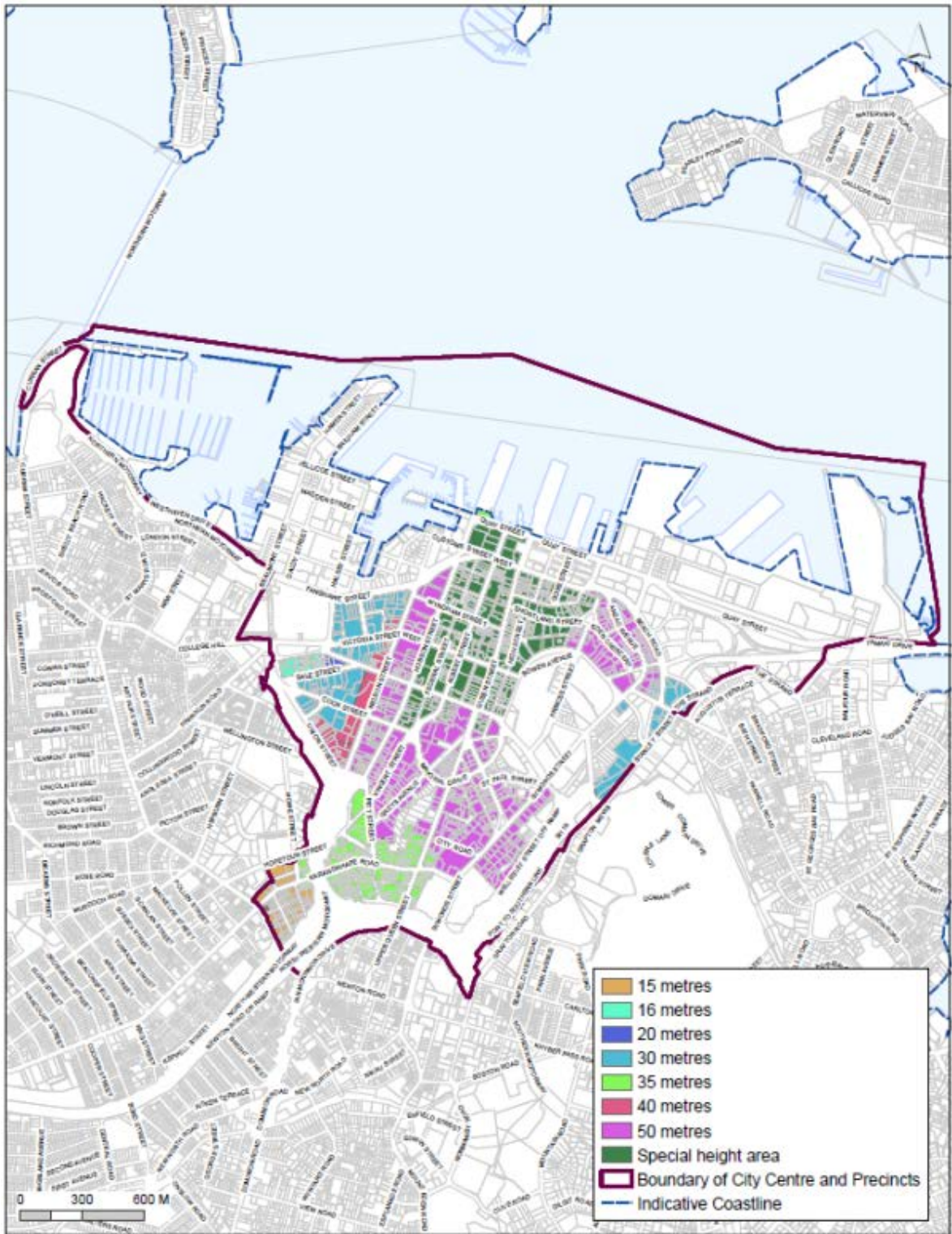
Map H8.11.1 Special character buildings



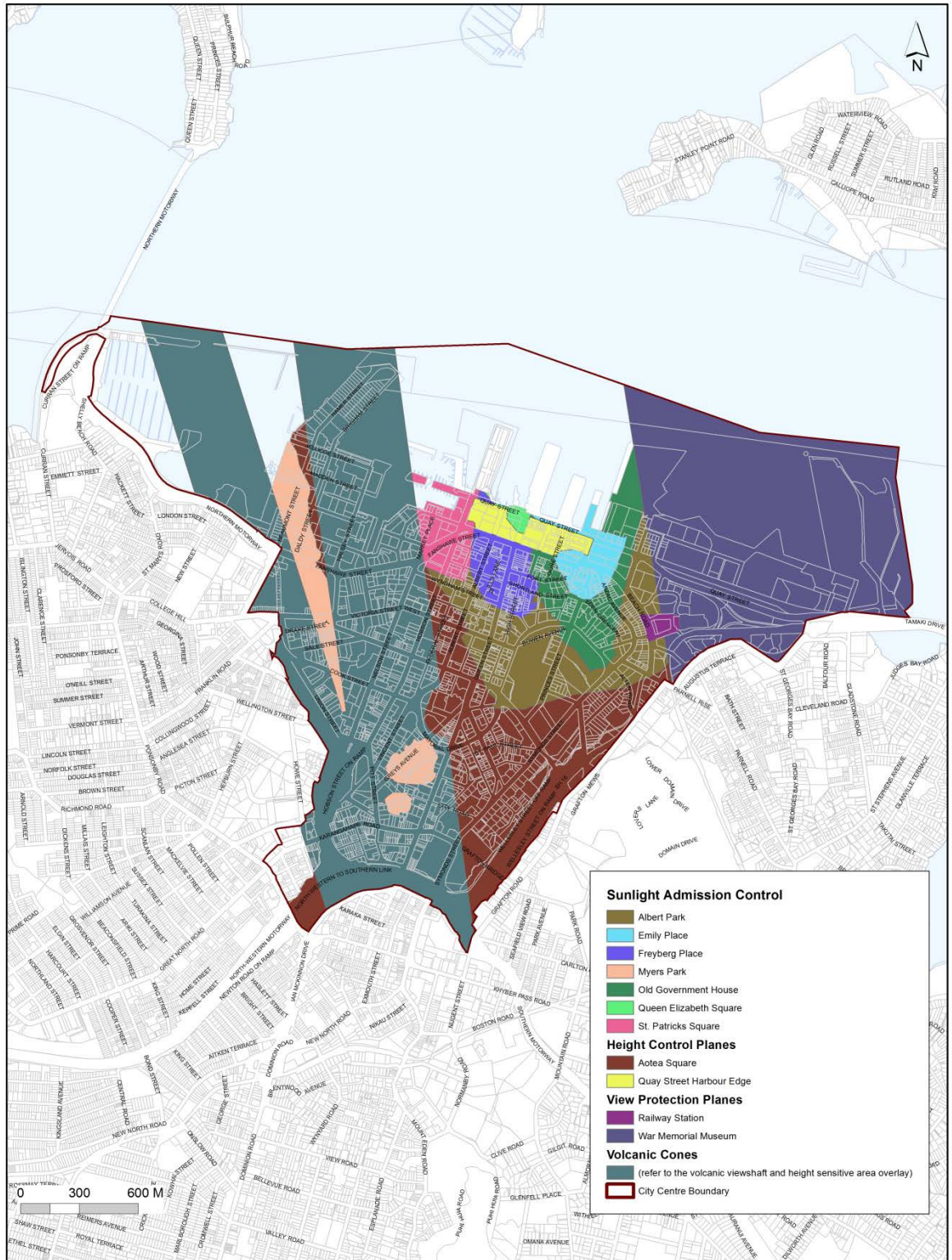
Map H8.11.2 Core retail areas



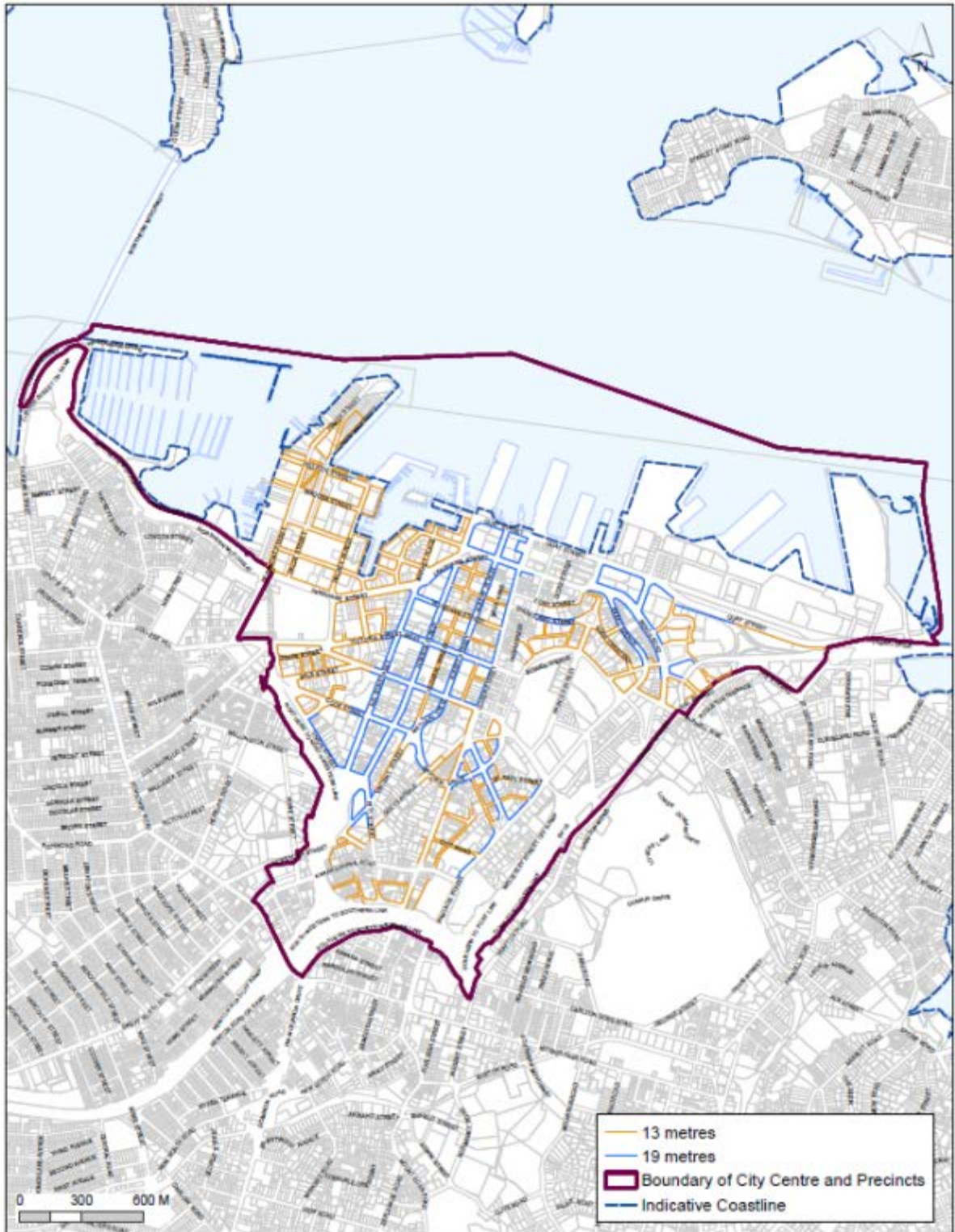
Map H8.11.3 General height controls



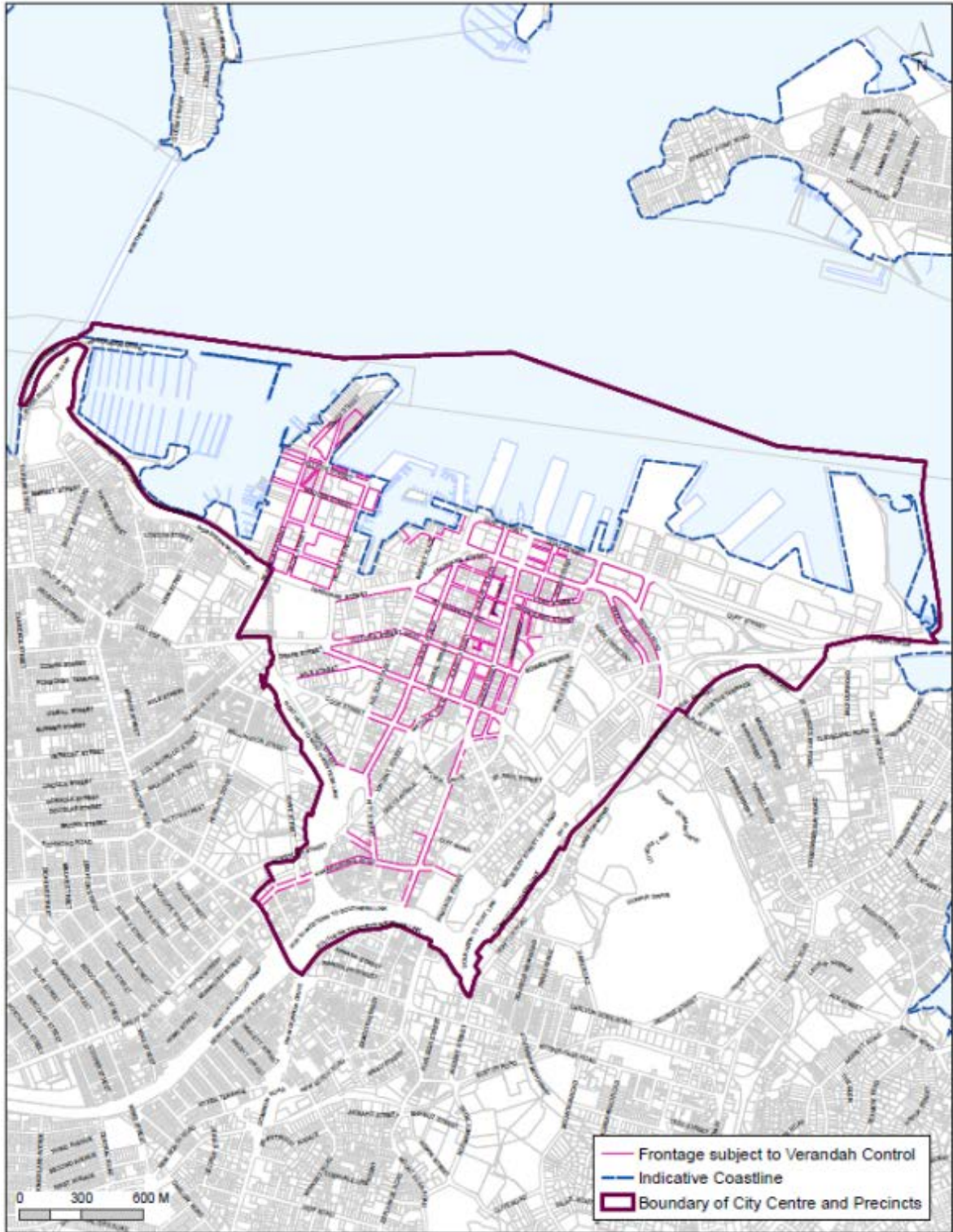
Map H8.11.4 Special height controls



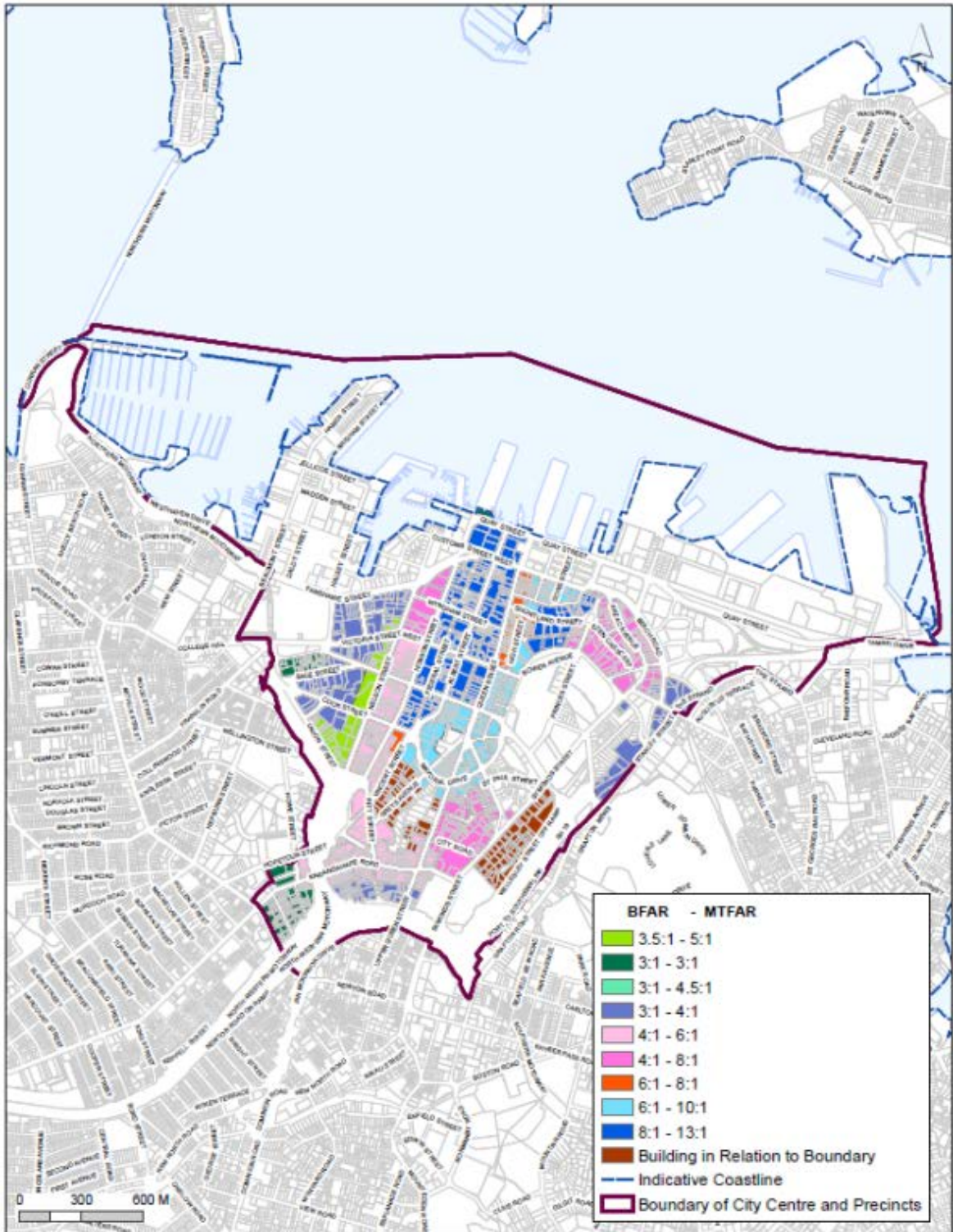
Map H8.11.5 Minimum frontage height



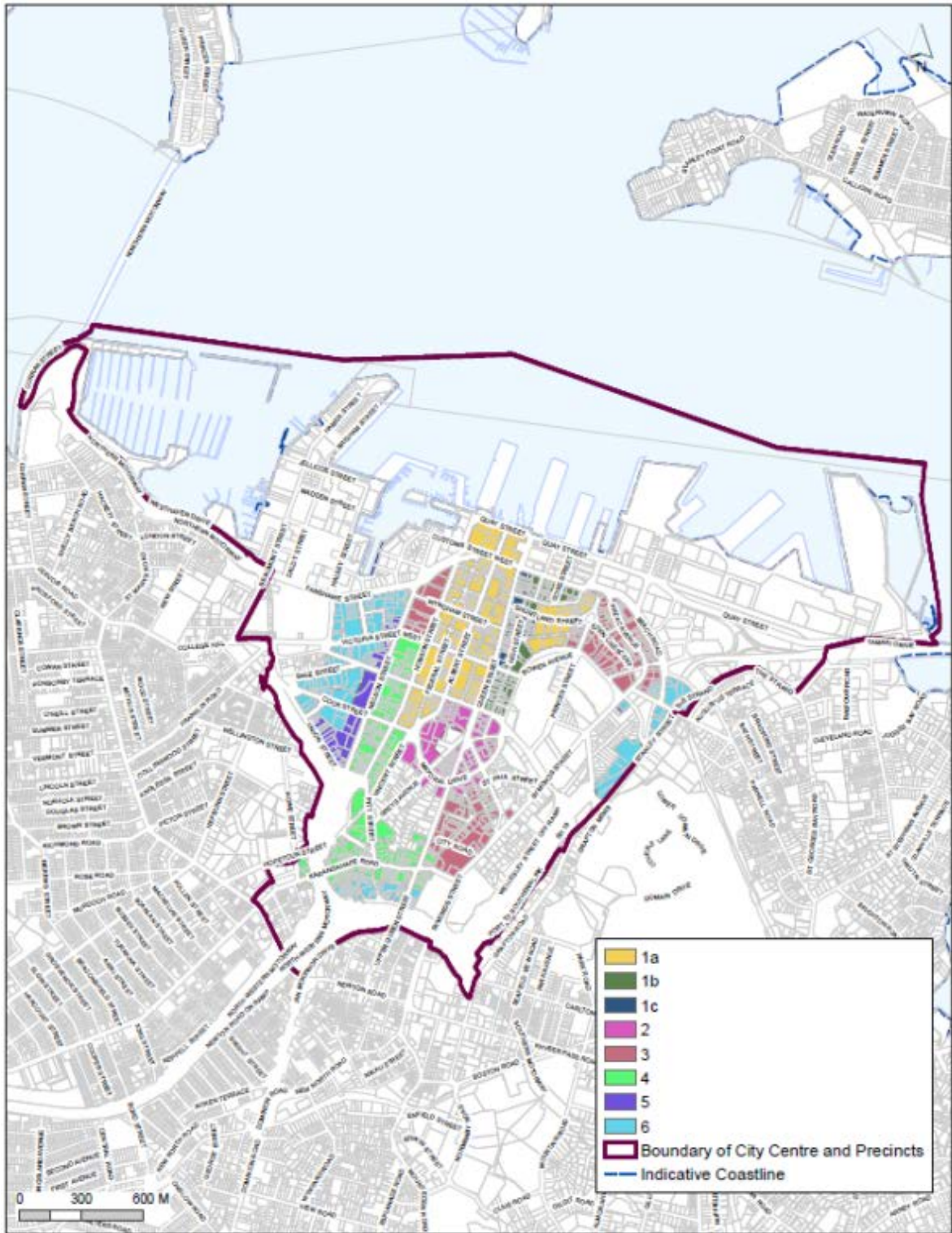
Map H8.11.6 Verandahs



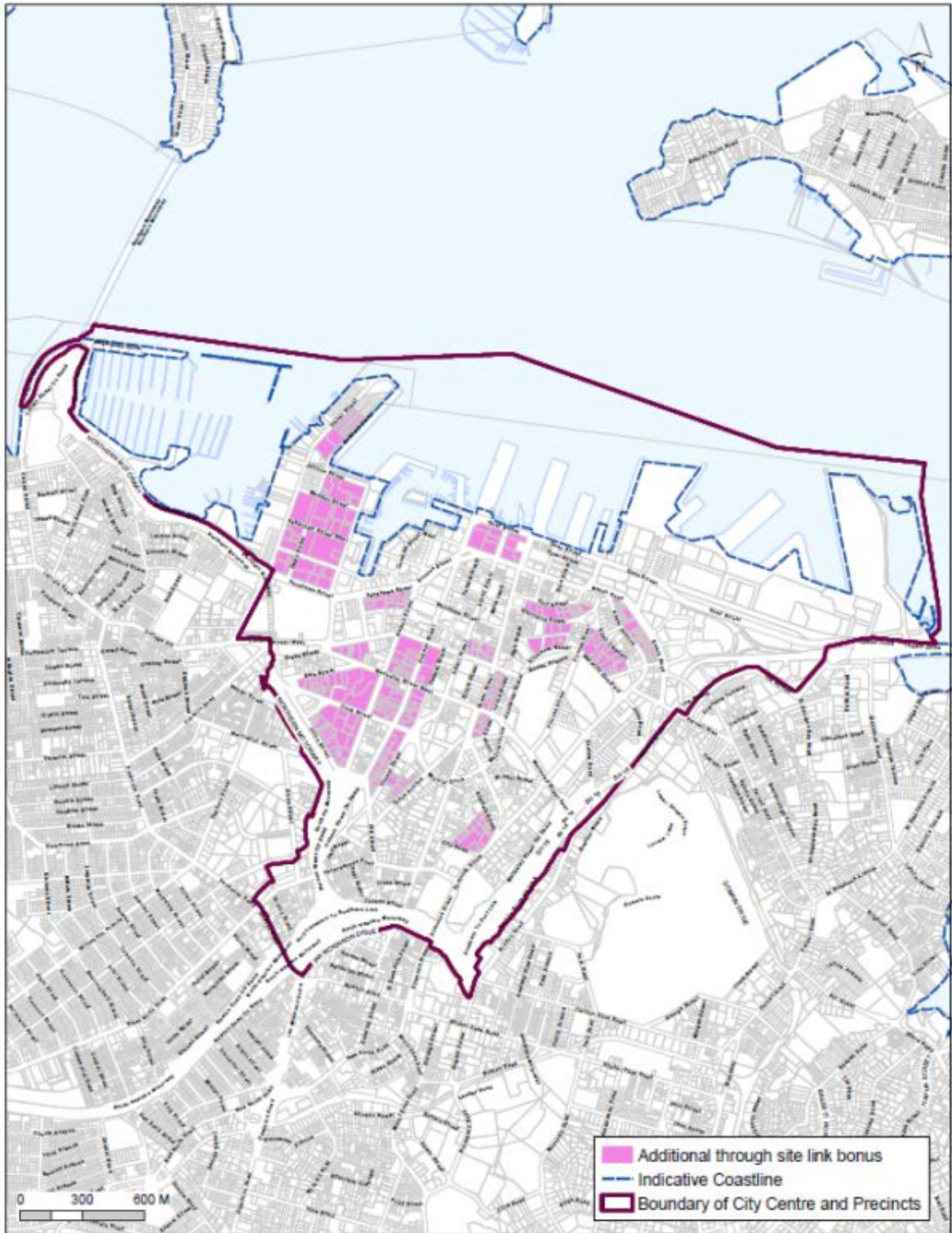
Map H8.11.7 Site intensity



Map H8.11.8 Bonus areas



Map H8.11.9 Additional through-site link bonus



Memo

Date 16 August 2018

To: Phill Reid, Auckland-wide Manager

From: Kath Coombes - Planner

Subject: **Plan Modification: Clause 20A Amendment to Chapter I214 Wynyard Precinct of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Chapter I Precincts I214 Wynyard Precinct				
Subject Site (if applicable)	Not applicable				
Legal Description (if applicable)	Not applicable				
Nature of change	<p>A correction to a spelling mistake change is required to correct I214 Wynyard Precinct to the Auckland Unitary Plan Operative in Part version.</p> <p>Discussion The heading of the activity table Table I214.4.2 has a spelling error in the last column "Coatal", this needs to be corrected to "Coastal"</p> <p>Table I214.4.2. Activity table – development</p> <table border="1" data-bbox="347 1594 1407 1671"> <tr> <td>Activity</td> <td>Land</td> <td>Coatal marine area [rcp]</td> </tr> </table>		Activity	Land	Coatal marine area [rcp]
Activity	Land	Coatal marine area [rcp]			

Effect of change	The change is neutral, the intent of the provisions stay the same.						
Changes required to be made	<p>Amend I214 Wynyard Precint, Table I214.4.2. Activity table – development in the Operative in Part version as below.</p> <p>Table I214.4.2. Activity table – development</p> <table border="1" data-bbox="411 443 1449 609"> <thead> <tr> <th data-bbox="411 443 1082 488">Activity</th> <th data-bbox="1082 443 1257 488">Land</th> <th data-bbox="1257 443 1449 488">Coatal <u>Coastal</u> marine area [rcp]</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 488 1082 609"> </td> <td data-bbox="1082 488 1257 609"> </td> <td data-bbox="1257 488 1449 609"> </td> </tr> </tbody> </table>	Activity	Land	Coatal <u>Coastal</u> marine area [rcp]			
Activity	Land	Coatal <u>Coastal</u> marine area [rcp]					

Prepared by:

Kath Coombes – Planner

Steve Van Kampen – Team Leader

Signature:

Signature:




T4 Manager Approval
Phill Reid

Signature 

I214. Wynyard Precinct

I214.1. Precinct description

The Wynyard Precinct represents the north-western end of the city centre. The land is bound on three sides by the sea and by Fanshawe Street on its southern boundary. It is the largest brownfield area within the city centre. The precinct also includes an area of the coastal marine area to the west and the north. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 11.

The purpose of the Wynyard Precinct is to provide for the comprehensive and integrated redevelopment of this large brownfields area while enabling the continued operation of marine industry and hazardous industry.

Wynyard Precinct is an evolving environment characterised by a mix of activities and development including:

- high-quality open space areas, restaurants, offices and cafés fronting Jellicoe Street and North Wharf;
- office activity fronting Fanshawe Street;
- a marine focus along the western edge; and
- a bulk liquids storage industrial activity focus within the northern finger of the precinct.

Marine-related activities, including marine services, ship repairs, fish processing, berthage and marine-related events, will continue to play an important economic and social role for the area.

Existing built form includes a collection of special character buildings, marine and industrial structures, and features that provide a background context to the area's stages of development. Collectively, these elements create an overall industrial aesthetic of structures and buildings, with robust materials and simple details.

To retain the existing character of the area, a design-based approach has been implemented, with all building development and redevelopment requiring assessment.

Although hazardous industry is likely to relocate progressively from the area, risk must still be managed in the transition period, particularly within the northern part of Wynyard Precinct.

Redevelopment of this area should have regard to the existing and planned infrastructure connections that are adjacent to or pass through the precinct, for example, the Additional Waitemata Harbour Crossing.

The zoning in the Wynyard Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

I214.2. Objectives [rcp/dp]

Social and economic

- (1) Wynyard precinct is redeveloped while managing potential conflicts between different uses to achieve:

- (a) a high-quality visitor destination which showcases the City's diverse communities and the importance of the harbour;
- (b) maintenance and enhancement of the regionally significant economic function of the marine, fishing and other industries and maritime passenger operations to the Hauraki Gulf islands;
- (c) a vibrant community with a mix of activities and experiences for all people including a community focal point, high quality public open space and community facilities;
- (d) public open space on the waterfront, and an area for events and entertainment activity for the social and economic benefit of the wider Auckland Region;
- (e) access to and along the coast and enjoyment of the coastal environment with a network of open space while recognising the need to manage access with competing commercial activities; and
- (f) the maintenance and where practicable enhancement of navigation and berthage within the Wynyard Precinct coastal marine area for a wide range of recreational and commercial vessels, including maritime passenger transport and fishing industry operations, excluding in areas subject to potential risk and public safety effects.

Built form

- (2) An integrated urban environment is created which:
 - (a) exhibits high-quality and diverse built form and urban design which reflects the marine attributes of the precinct;
 - (b) has appropriate building heights that enhance its prominent waterfront location and which complements the central area and wider city landforms, skyline and views; and
 - (c) avoids, remedies or mitigates adverse effects on existing infrastructure.
- (3) Individual buildings or collections of buildings are designed to achieve an appropriate form and scale in relation to:
 - (a) existing and proposed public open spaces; and
 - (b) identified view shafts.

Special character

- (4) Identified special character buildings are protected and enhanced and the unique character within Wynyard precinct, which is reflective of its maritime and industrial history, is retained.

(5) *Public open space*

- (6) A significant area of waterfront public park space is provided for the benefit of the Auckland Region with a complementary hierarchy of interconnected, high quality, public open space for current and future residential and commercial occupants and visitors.

Risk and public safety

- (7) Adverse environmental effects and risks presented by hazardous or dangerous activities or facilities within the precinct are avoided or mitigated.

Remediation

- (8) The adverse effects of contamination are minimised through comprehensive management of contaminated sites and materials.

Reverse sensitivity and amenity

- (9) Conflicts between different uses are managed to ensure the efficient operation of marine industry and fishing industry, other industry and regionally significant transport infrastructure while enabling the marine events centre and public spaces to be used for a range of public events.

Pedestrian access, street quality and safety

- (10) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

Transport

- (11) The safety and capacity of the transport network is maintained and, where appropriate, enhanced.

Integrated development

- (12) The development of buildings and activities and the provision of infrastructure in a comprehensive and integrated manner which achieves high quality urban design outcomes and which avoids, remedies or mitigates adverse effects on existing and planned infrastructure.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I214.3. Policies [rcp/dp]

Built form

- (1) Encourage the location, bulk, outlook, access to, and servicing of buildings to be planned and designed on a comprehensive and integrated basis rather than on an ad hoc individual building basis.
- (2) Encourage the integration of built form with the existing and proposed public open space network on a comprehensive land area basis, rather than a site by site

basis, to create a sound framework for a well-designed and high-quality environment.

- (3) Ensure that maximum building height:
 - (a) is appropriate in scale to the street network and the prominent waterfront location;
 - (b) provides a transition between the core of the precinct and the coastal edge with site-specific opportunities for taller buildings located and designed to reinforce key public open space and waterfront connections while avoiding intrusion of public views into and through Wynyard Precinct;
 - (c) complements development in the Viaduct Harbour Precinct; and
 - (d) provides a transition in height between the core central business district and the harbour.
- (4) Identify and protect public view shafts from open space across, within, and to Wynyard precinct to reinforce connections with the central area, harbour, and wider Auckland.
- (5) Promote excellence and diversity in architecture and urban design that enhances the relationship of buildings with public open space, and reflects the coastal, topographical, and historical qualities of the precinct.

Special character

- (6) Recognise the contribution that identified special character buildings make to the marine, fishing, and industrial heritage aesthetic within the precinct.
- (7) Encourage the retention and re-use of identified special character buildings, features, structures and elements within the precinct.
- (8) Encourage developments adjoining or adjacent to identified special character buildings to respond sympathetically to the historic context by reference to characteristics such as form, scale, materials and setbacks.
- (9) Encourage development and design that is reflective of the precinct's maritime location.
- (10) Promote and encourage the important role the marine and fishing industries play in defining the character and amenity of the precinct.

Social and economic

- (11) Enabling a diverse range of activities, high quality visitor experiences, entertainment, events and development to occur, while recognising and maintaining the economic importance of the marine and fishing industry, the bulk liquid industry and Hauraki Gulf Islands maritime passenger operations to the Auckland Region.

- (12) Recognise the significant local and regional socio-economic benefits associated with providing high-quality waterfront public open space and events activity while also providing for the operational and access requirements of the marine and fishing industries, other industrial activities and maritime passenger operations.
- (13) Ensure that sufficient and suitably located land, wharf, waterspace and appropriate, convenient and adequate navigation and berthing facilities are provided to accommodate the current and future operation and growth of the marine and fishing industries and maritime passenger operations, including Sub-precinct C, North Wharf, the southern face of the Western Viaduct Wharf and the western face of the Halsey Street Extension Wharf together with the adjacent waterspace for use primarily by the fishing industry.
- (14) Encourage activities and built form which contribute to the maintenance of pedestrian interest and vitality at ground level at Jellicoe Harbour to foster a vibrant community focal point.
- (15) Establish and maintain a network of coastal edge, public open space and public access along waterfront areas, linking the precinct to the wider central area while also providing the operational and access requirements of the marine and fishing industries, other industrial activities and maritime passenger operations.

Public open space

- (16) Establish a framework which supports the development of key interconnected public open space across the precinct, including:
 - (a) a high-quality waterfront park of regional significance, including the potential for a high quality public building;
 - (b) a network of coastal edge promenades and pedestrian accessways enabling access to and along the coast comprising a minimum width of 20 metres, with the exception of Sub-precinct C;
 - (c) a high-quality linear park linking Victoria Park to the waterfront park;
 - (d) High quality areas of public open space for the public, residents, workers and local occupants designed to enliven the urban core of the precinct, including a significant park space within Sub-precinct B; and
 - (e) a network of small pocket parks, linking spaces and plazas.
- (17) Encourage the use of the precinct's internal street network to function as part of the public open space network, and provide for the creation of internal canals, ponds and plazas.

Pedestrian access, street quality and safety

- (18) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.

- (19) Facilitate the reconnection of Daldy Street between Pakenham Street and Madden Street to provide a physical north-south connection through Wynyard precinct and enable the establishment of activities with greater people-or traffic-generation potential.
- (20) Provide mechanisms to manage and, in some cases temporarily restrict, public access to and along some parts of the water's edge to enable marine and fishing industry, maritime passenger operations and events to operate.
- (21) Encourage an integrated network of streets and lanes to increase pedestrian permeability and accessibility through the precinct.
- (22) Encourage a high level of pedestrian amenity along identified existing and future routes, including Te Wero Bridge, which reinforces the ease, comfort and safety of the pedestrian environment.
- (23) Enhance the connection between Wynyard precinct and adjoining areas through the provision of additional pedestrian linkages across Fanshawe Street.
- (24) Discouraging parking within buildings visible from existing and proposed public open space.
- (25) Require planning and development of transport and road changes within and on the fringe of the precinct, including Fanshawe Street, to consider any effects on or contribution to the amenity of the precinct and adjacent areas.

Risk and public safety

- (26) Require new activities, buildings and works to be designed, located, and managed to avoid unacceptable levels of risk.
- (27) Require new hazardous industry or changes to existing hazardous industry to be designed, located and managed to avoid levels of risk which are incompatible with existing sensitive activities.
- (28) Require new industry or changes to existing industry at existing or future public interfaces to implement management measures to avoid, remedy or mitigate existing or potential adverse public safety effects.

Reverse sensitivity and amenity

- (29) Provide for the continued efficient operation of existing and future marine, fishing and other industries, including maritime passenger operations.
- (30) Manage establishing permanent or temporary accommodation within or directly adjacent to areas identified for marine or fishing operations or events, or on sites subject to potentially unacceptable levels of risk associated with existing hazardous industry.

- (31) Require new development, or changes to existing marine, fishing and other industries, to protect and enhance amenity values of specified existing and future public interfaces.

Remediation

- (32) Encourage remediation, including clean-up and mitigation methods, to be addressed on a comprehensive basis.
- (33) Encourage remediation of contaminated land to include consideration of future activity and prospective site topography and likely pathways to the contaminant.

Transport

- (34) Constrain and manage private vehicle travel in and out of Wynyard Precinct, particularly during peak travel periods.
- (35) Encourage walking, cycling and the provision of passenger transport services and facilities compatible with the character and amenity of the area.
- (36) Enable the improvement of public connectivity between Wynyard Precinct and the city centre for pedestrians, cyclists and public transport.
- (37) Maintain and enhance maritime passenger transport operations by providing adequate vehicular, pedestrian and public transport access to ferry terminal facilities.
- (38) Protect the safe and efficient operation of Fanshawe Street as a key arterial route connecting the central city area with wider Auckland and an important element of Auckland's frequent and rapid transit network.

Integrated development

- (39) Use integrated assessment for future development that has regard to:
- (a) land ownership;
 - (b) character;
 - (c) activities;
 - (d) existing and proposed street pattern; and
 - (e) existing and planned infrastructure.
- (40) Encourage built form, activities, public open spaces and infrastructure to be planned and designed on a comprehensive land area basis, rather than on an individual site basis.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above

I214.4. Activity table

Table I214.4.1 and I214.4.2 specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area 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, or any combination of all of the above sections where relevant.

- (1) The activities on land in the precinct are as specified in the table below and are also subject to compliance with Precinct plan 7.
- (2) The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Wynyard Precinct unless otherwise specified in the activity table below.
- (3) Activities marked # in the activity table are deemed to be risk-sensitive activities and are subject to additional assessment.
- (4) Within Sub-precinct F and Area 1 and Area 3 shown on Precinct plan 10, the activity status of activities marked * in the activity table applies until the date when all hazardous industry located within Sub-precinct F discontinue operation. After that time, those activities are permitted unless an alternative activity status not marked * is shown.
- (5) The requirements in E40 Temporary activities apply to:
 - (a) all temporary activities within Sub-precincts A, B, C (south of Area 3 as shown on Precinct plan 10), G, Halsey Street Extension Wharf and Western Viaduct Wharf;
 - (b) all sports events provided that the event only passes through, and is not based in, sub-precincts D, E, F or areas 1, 3, 4, 5, and 6 as shown on Precinct Plan 10: Risk areas, and the event does not involve motor racing; and
 - (c) all temporary activities occurring within Sub-precincts D, E, F and areas 1, 3, 4, 5, and 6 as shown on Precinct plan 10: Risk areas, except an event.
- (6) Events located within sub-precincts D, E and F and areas 1, 3, 4, 5, and 6 as identified on Precinct plan 10, will be subject to the requirements set out in Wynyard Precinct. From the date on which all hazardous industry located within Sub-precinct F and Area D discontinue operations, the requirements set out in E40 Temporary activities apply to events within Sub-precinct F and areas 1, 3, 4, 5, and 6 as identified on Precinct plan 10 - Risk areas.

Table I214.4.1. Activity table – Land use

Activity		Sub-precinct A and Sub-precinct B	Sub-precinct C	Sub-precinct D	Sub-precinct E and Sub-precinct G	Sub-precinct F	Coastal marine area [rcp]
(A1)	Dwellings or visitor accommodation #	P	NC	RD*	RD*	NC*	NA
(A2)	Dwellings in the areas identified on Precinct plan 7, as being subject to a no-complaint covenant where no such covenant has been entered into #	Sub-precinct A NA Sub-precinct B D	D	D	D	NC* D	NA
(A3)	Workers accommodation #	P	Areas 1 and 3 - RD* South of Area 3 - P	RD*	RD*	RD*	Areas 4 – 6 RD* Outside of Areas 4 - 6 P
(A4)	Offices accessory to marine and port activities and marine retail located on another site within Sub-precinct C or on land fronting Beaumont Street identified on Precinct plan 7, as 'areas where ground level activity is limited to marine and port industry and marine retail only' #	NA	C	C	C	NA	NA
(A5)	Artworks	P	P	P	P	P	P
(A6)	Community facilities #	P	NC	RD*	RD*	NC*	NC* D
(A7)	Education facilities #	P	NC	RD*	RD*	NC*	NC* D
(A8)	Entertainment facilities, except within lawfully established buildings on Halsey Street extension wharf #	P	NC	RD*	RD*	NC*	NC* D
(A9)	Entertainment facilities, food and beverage up to 100m2 gross floor area and ancillary office activities on the Halsey Street extension wharf within lawfully established buildings	NA	NA	NA	NA	NA	P
(A10)	An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time; and ii. occupies a venue for a maximum cumulative duration of not more than 5 days inclusive of the time required for the establishment and	NA	Areas 1 and 3 - P South of Area 3 - NA	P	P	NC	Area 5 - NC Area 6 - P Area 4 - RD

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	removal of structures						Outside of Areas 4, 5 and 6 – NA
(A11)	An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time; and ii. occupies a venue for a maximum cumulative duration of more than 5 days but not more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - C South of Area 3 - NA	C	C	NC	Area 5 - NC Area 4 - RD Area 6 - C Outside of Areas 4, 5 and 6 - NA
(A12)	An event and associated buildings and structures that either: i. attracts more than 1000 people at any one time; or ii. occupies a venue for a maximum cumulative duration of more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - RD South of Area 3 - NA	RD	RD	NC	Area 5 - NC Areas 4 and 6 - RD Outside of Areas 4, 5 and 6 - NA
(A13)	A major marine event up to 60 consecutive days	NA	NA	NA	NA	NA	P – Halsey St extension wharf and the Western Viaduct wharf
(A14)	Food and beverage up to 100m ² gross floor area per site #	P	Areas 1 and 3 - RD* South of Area 3 - P	RD*	RD*	NC*	Area 5 – NC* - D Outside of Area 5 - D
(A15)	Food and beverage greater than 100m ² gross floor area per site #	P	D	RD*	RD*	NC*	Area 5 – NC* - D Outside of Area 5 - D
(A16)	Industrial activities	D	D	D	D	D	D
(A17)	Information facilities	P	P	P	P	NC*	NC*
(A18)	Marine retail #	P	Areas 1 and 3 -	RD*	RD*	RD*	NC

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			RD*				
			South of Area 3 - P				
(A19)	Marine and port activities	RD	C	RD	RD	RD	P
(A20)	Maritime passenger operations #	P	Areas 1 and 3 - RD* South of Area 3 - P	RD*	RD*	NC*	Area 5 - NC* P Outside of Area 5 - P
(A21)	Offices located within the area identified on Precinct plan 7	P	NA	NA	NA	NA	NA
(A22)	Offices located outside of the area identified for offices on Precinct plan 7 #	P	NC	RD*	RD*	NC*	NC
(A23)	Office activity that exceeds the maximum office activity gross floor area in I214.6.2(1) below, subject to compliance with the maximum office activity gross floor area in I214.6.2(2) below #	Area 1 – NC Area 2 - RD	NC	RD	RD	NC* RD	NA
(A24)	Private use of coastal access areas either vested in the council or areas over which council has a covenant for public access	NA	RD	RD	RD	RD	NA
(A25)	Public amenities, excluding Wynyard Wharf #	P	P	P	P	NC*	P
(A26)	Public amenities on Wynyard Wharf #	NA	NA	NA	NA	NA	NC*
(A27)	Drive-through facilities on sites fronting onto Fanshawe Street	D	NA	NA	NA	NA	NA
(A28)	Retail, excluding marine retail, up to 1000m ² gross floor area per retail tenancy or shop #	P	NC	RD*	RD*	NC*	NC
(A29)	Retail, excluding marine retail, greater than 1000m ² but not greater than 5000m ² per retail tenancy or shop #	RD	NC	RD*	RD*	NC*	NC
(A30)	Retail, excluding marine retail, greater than 5000m ² per retail tenancy or shop #	D	NC	D*	D*	NC*	NC
(A31)	Commercial services #	P	NC	RD*	RD*	NC*	NC
(A32)	Short term car parking (non-accessory)	D	NC	D	D	D	NA
(A33)	Short term parking (accessory) on coastal marine area structures	NA	NA	NA	NA	NA	P
(A34)	Offices, offices accessory to marine retail and marine and port activities, maritime passenger operations, marine retail, retail, food and beverage, entertainment facilities and education facilities greater than	RD	RD	RD	RD	NC* RD	RD

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	100m ² gross floor area per site						
(A35)	Any activity not listed as a permitted, controlled, restricted discretionary or non-complying activity which has a functional need to locate in the coastal marine area	NA	NA	NA	NA	NA	D

Table I214.4.2. Activity table – development

Activity		Land	Coastal marine area [rcp]
Works in the coastal marine area			
(A36)	Reclamation	NA	D
(A37)	Declamation	RD	RD
(A38)	Maintenance dredging	NA	RD
(A39)	Capital works dredging	NA	RD
Buildings and structures including construction in the coastal marine area and occupation of the common marine and coastal area			
(A40)	Marine and port ancillary structures and services	P	P
(A41)	Marine and port facilities	RD	RD
(A42)	Maintenance, repair or reconstruction of lawful marine and port facilities	P	P
(A43)	Demolition or removal of marine and port facilities	P	P
(A44)	Structures below the surface of the foreshore and seabed	NA	P
(A45)	Construction of a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street	RD	RD
(A46)	Conversion of a buildings or part of buildings to dwellings or visitor accommodation	RD	NC
(A47)	Demolition or removal of any buildings or coastal marine area structures	C	P
(A48)	Substantial demolition or any demolition of the front facade of a special character building within the Wynyard precinct identified on Business – City Centre Zone – Map H8.11.1	RD	RD
(A49)	Coastal marine area structures and buildings, and alterations and additions to coastal marine area structures and buildings	NA	RD
(A50)	Minor cosmetic alterations to a building that does not change its external design and appearance	P	NA
(A51)	New buildings, and alterations and additions to buildings (not otherwise provided for as a permitted activity)	RD	NA
(A52)	Roads or lanes	RD	NA
(A53)	Subdivision	RD	NA
(A54)	The transfer of identified character building floor space	C	NA
(A55)	Development that does not comply with Standard	NC	NC

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	I214.6.1(1) Parking ratios		
(A56)	Development that does not comply with Standard I214.6.2(2) Maximum office gross floor area	NC	NC
(A57)	Development that does not comply with Standard I214.6.3(1)-(3) Calculating maximum office gross floor area	NC	NC
(A58)	Development that does not comply with I214.6.7(1) Maximum site intensity	NC	NC
(A59)	Development that does not comply with I214.6.7(2) for the building footprint of an identified special character building	NC	NC
(A60)	A lane that does not meet the requirements of I214.6.12(5) Lanes and view shafts	NC	NC
(A61)	Development that does not comply with I214.6.6. Building height	D	D

I214.5. Notification

- (1) Any application for resource consent for a controlled and restricted discretionary risk-sensitive activity marked with a # in Table I214.4.1. Activity table – Land use will be considered without public notification, except that limited notification may be undertaken to the parties listed for the risk sensitive activities below:
 - (a) for dwellings or visitor accommodation within Area 1 or Area 3 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within Sub-precinct F who has not provided written approval;
 - (b) for dwellings or visitor accommodation within Area 2 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any fish processing plant owner or operator located within Sub-precinct E who has not provided written approval;
 - (c) for events within sub-precincts D and E or Area 1, 2, 3, 4, 5 and 6 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within Sub-precinct F or fish processing plant owner or operator within Sub-precinct E who has not provided written approval.
- (2) Notwithstanding the requirements of I214.5(1)(a) and (b) above, notice of an application need not be served on hazardous industry owners or operators if it can be clearly demonstrated that the land area subject to the application falls outside the hazardous industry toxic injury risk contour caused by the particular hazardous industry owner or operator within Sub-precinct F.
- (3) Any application for resource consent for a restricted discretionary activity to exceed the maximum office activity gross floor area requirement in Standard I214.6.2(1), and which complies with Standard I214.6.2(2) below, will be

considered without public notification or served on any person or party other than the freehold land owner of the subject land and the relevant national and regional statutory roading agency or authority.

- (4) An application for resource consent for a controlled activity listed in Table I214.4.1. Activity table – Land use and Table I214.4.2. Activity table – development above and which is not listed in I214.5(1)-(3) 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.
- (5) New buildings, and alterations and additions to buildings provided for as a restricted discretionary activity 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.
- (6) Any application for resource consent for an activity listed in Table I214.4.1. Activity table – Land use and Table I214.4.2. Activity table – development and which is not listed in I214.5(1)-(5) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (7) 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).

I214.6. Standards

All permitted, controlled and restricted discretionary activities listed in Table I214.4.1 and Table I214.4.2 must comply with the following standards.

The land and water use standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Wynyard Precinct.

The following standards in the Business – City Centre Zone apply to land in the Wynyard Precinct:

- H8.6.26 Verandahs;
- H8.6.28 Wind;
- H8.6.29 Glare;
- H8.6.32 Outlook space; and
- H8.6.25 Building frontage alignment and height except as specified in I214.6.8 below

All other standards that apply to land in the precinct are specified below.

I214.6.1. Parking

Purpose: To maintain or enhance both the safety and capacity of the internal and wider road network and to significantly reduce single occupancy vehicle commuter trips to and from the Wynyard precinct.

(1) Parking ratios:

(a) the number of parking spaces on a site on land within the precinct must not exceed the rates specified in Table I214.6.1.1:

Table I214.6.1.1 Parking ratios

Activity	Maximum parking ratio
Offices	1 space per 150m ² of gross floor area
Retail	1 space per 150m ² of gross floor area
Visitor accommodation	1 space per 200m ² of gross floor area
Dwellings - excluding gross floor area of servicing and common areas within buildings	1 space per 80m ² of gross floor area
All other listed activities	1 space per 105m ² of gross floor area

- (i) on Wynyard wharf, parking accessory to marine and port activities operating from buildings on the wharf must not exceed a ratio of one space per 105m² of gross floor area of the building;
- (ii) the combined number of parking spaces on Halsey Street Extension and Western Viaduct wharves must not exceed 50.

I214.6.2. Maximum office gross floor area

Purpose: To limit office activity, because of its potential to generate traffic during morning and evening peak travel times and particularly in the direction of peak traffic flow.

(1) The amount of office gross floor area allowed on a site must not exceed the rates specified in Table I214.6.2.1:

Table I214.6.2.1. Maximum office gross floor area 1

Sub-precinct	Maximum permitted office gross floor area per sub-precinct	Maximum permitted office activity ratio per site
A	98,000m ²	Lot 1 DP 179403 0:1 Lots 2-10 DP9097, Lot 1 DP197609, Lot 2 DP360738, Lot 3 DP8709 and Part Blk V Deeds Plan 226 - 3:1 All other sites - 3.62:1
B	69,300m ²	2.48:1

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C	5000m ²	Only on Lot 28 DP133386 - 0.41:1
D	34,000m ²	0.94:1
E	35,000m ²	1.02:1
F	13,000m ²	0.86:1
G	0m ²	0

- (2) It is a restricted discretionary activity to exceed the maximum office gross floor area rates specified in I214.6.2(1), provided the amount of office gross floor area on a site does not exceed the rates specified in Table I214.6.2.2:

Table I214.6.2.2. Maximum office gross floor area 2

Sub-precinct	Maximum additional office gross floor area	Maximum restricted discretionary office activity ratio per site	Total office gross floor area - permitted + restricted discretionary
A	12,000m ²	Only on Lot 1 DP179403 - 3:1	110,000m ²
B	14,700m ²	3:1	84,000m ²
C	14,000m ²	1.32:1	48,000m ²
D	8500m ²	1.27:1	45,500m ²
E	5000m ²	1.18:1	18,000m ²

I214.6.3. Calculating maximum office gross floor area

Purpose: To provide a methodology for calculating office gross floor area which meets the purpose of I214.6.2 Maximum office gross floor area above.

- (1) When calculating or allocating office activity in accordance with I214.6.2 above:
 - (a) the maximum permitted office activity ratio and restricted discretionary office activity ratio is to be applied to the site area excluding any area of land shown on Precinct plan 6, as 'public open space inclusive of land subject to public access easement', but including any land shown as 'indicative lane'.
- (2) Office activity may be transferred between sub-precincts A, B, D, E, F and G subject to:
 - (a) the maximum amount of office activity able to be established on the donor land in accordance with I214.6.2(1) above not being increased as a consequence of the transfer;
 - (b) office activity must not be transferred from Lot 1 DP360738 and Lot 1 DP309925 to any other site.

- (3) Offices accessory to marine and port activities and marine retail must not exceed:
- (a) 15 per cent of the total gross floor area on any site, unless otherwise specified in I214.6.3(3)(b) below;
 - (b) 3000m² or 15 per cent total gross floor area on the Sanford site (Lot 1 DP 70740 (NA27B/649), Lot 1 DP 57246 (NA29A/54), Lots 27 & 28 Block VI Deeds 226 (NA29A/56) and Lot 1 DP 89281 (NA46B/682)) in Sub-precinct E, whichever is the greater.

I214.6.4. Noise

Purpose: to minimise reverse sensitivity effects on existing industrial and maritime land uses by providing a minimum level of internal acoustic amenity for occupants of buildings from external noise sources generated by activities in the Wynyard Precinct and a maximum level of noise that activities other than accommodation may generate.

- (1) Sound insulation of accommodation buildings:
 - (a) All dwellings must be designed and constructed to provide an indoor noise level of 35dBA L10 in every bedroom and 45dBA L10 in any other habitable spaces (as defined in the NZ Building Code), based on both:
 - (i) an external traffic noise level of 65dBA L10 at the boundary of any road between 11pm and 7am;
 - (ii) the noise levels standards in I214.6.4(2) below as applicable to the Noise Area within which the accommodation units are located as shown on Precinct plan 9;
 - (b) At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces are to be adequately ventilated in accordance with clause G4 of the NZ Building Code.
- (2) External noise levels:
 - (a) Noise from activities in Wynyard Precinct must comply with the following limits in Table I214.6.4.1, measured at 1m from the façade of any building containing habitable spaces (as defined in the NZ Building Code) located in the noise areas shown on Precinct plan 9.

Table I214.6.4.1. External noise levels

Noise source location	Noise limit		Noise receiver location
	Day - 7am-11pm	Night - 11pm-7am	
Noise Areas 1,2	L10 60dBA	55dB L _{Aeq} (15 min) 66dB L _{eq} (15 min) @ 63Hz 62dB L _{eq} (15 min) @ 125Hz	Noise Area 2

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		90dB L _{AFmax}	
Noise Areas 1,2	L10 70dBA	70dB L _{Aeq} (15 min) 76dB L _{eq} (15 min) @ 63Hz 73dB L _{eq} (15 min) @ 125Hz 90dBA L _{AFmax}	Noise Area 1

(3) Internal noise levels for adjacent tenancies:

- (a) Where an activity shares a common building element such as floor or wall with a separate tenancy it must not exceed the following noise levels in Table I214.6.4.2 when measured in any habitable spaces (as defined in the NZ Building Code):

Table I214.6.4.2 Internal noise levels

Time	Noise limit
7:00am to 11:00pm	L10 45dBA
11:00pm to 7:00am	L10 40dBA L10 55dB @ 63Hz L10 50dB @ 125Hz

(4) Noise levels for events:

- (a) events in sub-precincts D, E, F and G and on coastal marine area structures must comply with I214.6.4(2) above, except that for no more than 15 noise events in any calendar year (1 January to 31 December inclusive) those levels may be exceeded subject to:
- (i) the noise level specified in I214.6.4(2) above not exceeding a cumulative duration of more than six hours within any 24 hour period for a noise event, and
 - (ii) the maximum noise levels not exceeding:
 - 75dBA L10 and 80dBA L01 (medium noise level) for at least 12 of the 15 noise events, and
 - 85dBA L10 and 90dBA L01 (high noise level) for a cumulative duration of not more than 3 of the total 6 hours permitted in I214.6.4(4)(a)(i) above exclusive of one sound check of no more than one hour duration prior to each event, and for no more than 3 of the 15 noise events.
 - (iii) the medium and high noise levels must be determined from the logarithmic average of the L10 values for any measurement periods not exceeding 15 minutes during the event. The L01 values must be determined from the logarithmic average of the L01 values for representative periods not exceeding 15 minutes within the timeframe

of the event. The noise levels must not be exceeded by more than 5 dBA for medium noise levels and 3dBA for high noise levels in any representative measurement period not exceeding 15 minutes during the noise event.

- (iv) Noise levels exceeding the standard in I214.6.4(4)(a)(iii), including sound checks, must start no earlier than 10.00am and must finish no later than 10.30 pm Sunday to Thursday inclusive, 11.00pm Friday and Saturday and 1.00am New Year's Day.
 - (b) at least 4 weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
 - (i) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in I214.6.4(4)(a)(ii) above;
 - (ii) the person(s) and procedures for monitoring compliance with noise levels; and
 - (iii) the nominated alternative date in the event of postponement due to the weather;
 - (c) the council will keep a record of all noise events held and provide this information upon reasonable request.
- (5) Noise measurement and assessment:
- (a) measurement and assessment must be in accordance with the requirements of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sounds". Noise must be measured with a sound level meter complying with at least the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

I214.6.5. Financial contributions

Purpose: to provide for the acquisition and development of public open space in the Wynyard precinct, and/or for enhancing public pedestrian facilities, and/or for enabling public access to and enjoyment of the coastal environment.

- (1) Public open space:
 - (a) a financial contribution may be taken for development on any site for the specific purposes of providing for the acquisition and development of public open space in the precinct, and/or for enhancing public pedestrian facilities;
 - (b) financial contributions must not be levied for subdivisions or refurbishments.
- (2) Public access to the coastal environment:

- (a) with the exception of Sub-precinct C, a financial contribution may be taken in the form of either a conservation covenants, or land to be vested in the council for development on any site adjoining the coastal marine area or any site within 20m of the coastal marine area for the specific purpose of enabling public access to and enjoyment of the coastal environment. This rule does not apply to any site where an esplanade reserve or conservation covenant of 20m or greater in width (or such lesser width as provided by I214.6.4(2)(c) below) has been created prior to 13 July 2007.
 - (b) within sub-precincts E and F, where the site adjoins the coastal marine area, the land to be vested in the council or otherwise secured shall be of a minimum width of 20m and shall not exceed 30m in width measured perpendicular from the coastal mean high water springs mark, except where specified in I214.6.5(2)(c), below.
 - (c) the total width of land over which public access is secured within Sub-precinct G is limited to the area identified as public open space as shown on Precinct plan 6.
 - (d) Standard E38.7.3.2 Subdivision establishing an esplanade reserve does not apply to subdivision or development within the Wynyard Precinct.
- (3) Interpretation:
- (a) for the purpose of this rule "development" includes site works, building construction and alterations; and
 - (b) for the purpose of this rule "refurbishment" means the cosmetic alteration, restoration or redecoration to the interior or exterior of a building or site and includes replacement of services such as lifts or air-conditioning. "Refurbishment" excludes increases to the gross floor area of a building and changes in activity such as conversion of office premises to retail premises or conversion of offices to residential apartments.

I214.6.6. Building height

Purpose: To ensure the height of buildings complements and reinforces key public open spaces within Wynyard Precinct and development within the Viaduct Harbour precinct while providing an appropriate scale and transition in relation to the street network, the harbour and coastal environment and the core central business district. Refer Policy I214.3(3) of the Wynyard Precinct.

- (1) Buildings must not exceed the heights specified on Precinct plan 5.
- (2) For sites on precinct plan 5 with a maximum permitted height of 52m, the maximum cumulative floor plate area per floor must not exceed:
 - (a) sub-precinct B: 1200m² GFA and a maximum dimension of 45m by 45m for that part of the building exceeding a height of 31m;

- (b) sub-precinct E at the corner of Halsey and Jellicoe streets: 1200m² GFA and a maximum dimension of 40m by 30m for that part of the building exceeding a height of 27m; and
 - (c) sub-precincts C and E, except for the site at the corner of Halsey and Jellicoe streets: 900m² GFA and a maximum dimension of 30m by 30m for that that part of the building exceeding a height of 31m.
- (3) In land areas shown on sub-precinct E with a height limit of 25m, the height limit may be exceeded by no more than 2m for roofs, including any roof top projections, subject to a maximum of 6 building storeys and compliance with clause I214.6.7 below for maximum site intensity.

I214.6.7. Maximum site intensity

Purpose: manage the scale, form and intensity of development in the Wynyard precinct. Refer Policies I214.3(1)-(4) of the Wynyard Precinct.

- (1) Buildings on a site must not exceed the maximum site intensity specified for the site on Precinct plan 3, except as specified in I214.6.7(2) below
- (2) The maximum floor area ratio applying to the building footprint of an identified special character building (refer Map H8.11.1 of the Business – City Centre Zone) may be transferred to another site within the precinct subject to:
 - (a) resource consent being obtained as controlled activity;
 - (b) the total area of transferable floor space being calculated on the following basis:
 - (A x B) - (A x C) = total area of transferable floor space
 - A = Area of identified special character building floorplate*
 - B = Maximum floor area ratio shown on Precinct plan 3
 - C = Floor area ratio of 1:1
 - (i) the bonus floor space transferred not increasing the floor area ratio on the recipient site by more than 1:1 above the maximum floor area ratio shown on Precinct plan 3

*Except that the for the character building located on Lots 9 and 10 DP 9092, A = 1655m².

- (3) When calculating gross floor area, where the vertical distance between building storeys exceeds 6m, the gross floor area of the building or part of the building so affected must be calculated as gross floor area as opposed to the volume of that airspace.
- (4) 'Character building floor plate' means that part of the site covered by a special character building identified on Map H8.11.1 of the Business – City Centre Zone including a curtilage of a depth of 2m contained within the legal boundaries of the site and surrounding the character building to enhance the visual integrity of the character building.

- (5) Where a special character building is incorporated in a development or a new development is proposed on the residual site area and the special character building is subject to an approved character plan, the gross floor area of the special character building is excluded from the floor area ratio calculations.
- (6) For the purpose of calculating maximum site intensity the subject land area of any proposed development may be considered as one site, provided the maximum total cumulative gross floor area across all sites within the subject land area is not exceeded.

I214.6.8. Building frontage alignment and height

Purpose: ensure streets are well defined by buildings and provide a sense of enclosure to enhance pedestrian amenity, while avoiding buildings dominating public open space.

- (1) H8.6.25 Building frontage alignment and height applies except that:
 - (a) where the maximum building height is less than the minimum frontage height requirement in Map H8.11.5 of the Business – City Centre Zone, H8.6.25 of the Business – City Centre Zone rules does not apply; and
 - (b) in Sub-precinct G, the ground floor along the eastern boundary must be set back from the public open space identified on Precinct plan 6 by a minimum width of 2.5m measured perpendicular from the public open space for a minimum height of 4m.

I214.6.9. Special industrial frontage

Purpose: avoid unacceptable levels of human injury risk associated with accidental ammonia release from the fish processing plant

- (1) For any building proposed for dwellings or visitor accommodation, facades of buildings fronting the Industrial Frontage identified on Precinct plan 8 must not incorporate opening windows or balconies.

I214.6.10. Marine retail at ground level

Purpose: Provide for marine and fishing industry and marine and fishing retail activity at ground level on specific sites identified on Precinct plan 7. Some flexibility has also been built into the control to allow specific sites identified as Transitional Ground Level Activity to accommodate other activities in the future.

- (1) Except as specified in I214.6.10(2) below, activities at ground level must be restricted to the extent and in the manner identified on Precinct plan 7.
- (2) Activities at ground level on a site identified on Precinct plan 7 as transitional ground level activity must be limited to marine and port activities and/or marine retail until any of the following occurs on that site:
 - (a) the marine and port activity and/or marine retail at ground level occurring on the site as at 1 November 2009 has either relocated off-site or ceased operating from the site, or

(b) the lease (including all rights of renewal) for the site existing as at 1 November 2009 which, as at 1 November 2009, is used for marine and port activities and/or marine retail at ground level expires; or

(c) the road widening works along the frontage of the site authorised by a designation are constructed.

(3) At any time any one of the Standards I214.6.10(2)(a)-(c) above occur on the site, the limitation to marine and port activities and/or marine retail is lifted from that site and those activities listed in the precinct activity table may establish at ground level.

I214.6.11. Vehicle access

Purpose: To avoid potential adverse traffic safety and efficiency effects on the regional arterial and rapid transit functions of Fanshawe Street, as well as protecting traffic capacity and pedestrian and cyclist amenity along Beaumont Street, Halsey Street, Daldy Street and Jellicoe Street.

- (1) Except from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761), vehicle entry or exit must not be established directly from Fanshawe Street.
- (2) Vehicle entry or exit from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761) to Fanshawe Street is limited to one entry and one exit providing left turn manoeuvres only.
- (3) Vehicle entry or exit must not be established directly from Beaumont Street (south of Jellicoe Street), Daldy Street, Jellicoe Street or the western side of Halsey Street where alternative access via another road or service lane is available.
- (4) Notwithstanding I214.6.11(1)-(3), the total crossing width for any front or corner site must not exceed 50 per cent of the frontage to any road in which it adjoins.

I214.6.12. Lanes and view shafts

Purpose: To build upon the existing grid pattern of streets that characterise the precinct by requiring additional lane connections to serve a finer urban grain. The minimum required widths provide the opportunity for some lanes to be used as service lanes while also contributing to pedestrian permeability within the development blocks. The widths also provide the opportunity to include landscaping features, furniture and artworks.

The viewshafts identified along required lanes are designed to enhance the visual connections of the precinct with the harbour, other features of the surrounding landscape, the CBD and the wider city.

- (1) Lanes must be provided at ground level, generally in the locations shown on Precinct plan 6 and must comprise:

- (a) a minimum width of 10m where provided for pedestrians, cyclists and service vehicles; or
- (b) a minimum width of:
 - (i) 6m where lanes are 50m or less in length, or
 - (ii) 7m where lanes are up to 100m in length, or
 - (iii) 8m where lanes are over 100m in length
 - (iv) where provided for pedestrians and cyclists only.

For the purpose of this standard, the length of the lane must be measured as the dimension between the lane intersections and/or the lane termination points as shown on Precinct plan 6.

- (2) Where the lanes shown on Precinct plan 6 are also shown as view shafts on land, the minimum width must be 10m.
- (3) Where a view shaft on land is indicated alone, it must have a minimum width of 10m.
- (4) The minimum widths specified in I214.6.12(1)-(3) above, must be clear and unobstructed by buildings or structures from ground level upwards, except that verandahs may be provided where they meet H8.6.26 Verandahs of the Business – City Centre Zone rules.
- (5) The lane must be available for public use at all times unless written approval has been obtained from the council. In all circumstances the lane must be available for public use between the hours of 7am and 11pm.
- (6) The registration of an access easement on the title to which the lane applies is required to ensure preservation of the lane and its ongoing maintenance by the owner(s) of the land concerned.
- (7) Structures and buildings, including marine and port facilities, must not be located within or over those parts of wharves and water space identified as coastal view shafts on Precinct plan 6.

I214.6.13. Public access ways - wharves

Purpose: Maintain and enhance public access to the Wynyard Precinct wharves.

- (1) Public access ways on wharves must be provided at ground level in the following locations and to the following dimensions in Table I214.6.13.1:

Table I214.6.13.1. Public access ways - wharves

Wharf	Location	Public accessway dimension
Halsey Street Extension	Western, northern and eastern edge	10m

Western Viaduct	Southern edge	10m
Wynyard	Eastern and northern edge	8m

- (2) The access ways must be available to the public at all times unless written approval has been obtained from the council to be temporarily restrict access from time to time for security, safety or operational needs associated with marine and port activities, maritime passenger operations or temporary events.
- (3) Except as allowed by I214.6.13(2) above, the access ways must be clear and unobstructed by structures and buildings, including marine and port facilities from ground level upwards.
- (4) Structures and buildings, including marine and port facilities must not be erected or placed on North Wharf or the Western Viaduct Wharf other than temporary structures or buildings.

I214.6.14. Buildings and structures on the Halsey Street extension wharf

Purpose: Limit building and structures on the Halsey Street extension wharf

- (1) Structures and buildings, including marine and port facilities on the Halsey Street extension wharf must be located within the building platform area shown on Precinct plan 1 and must not cover more than 60 per cent of the building platform.

I214.6.15. Temporary structures or buildings

Purpose: to enable temporary structures while managing public access and risks associated with hazardous industry.

- (1) Temporary structures or buildings within sub-precinct D, and E, and Areas 1, 3, 4 and 6 as identified on Precinct plan 10 must comply with the following:
 - (a) no part of any venue that has been occupied by a building, tent, marquee or air supported canopy may be reoccupied by the same structure within a period of 5 days after the structure's removal.
- (2) Temporary structures or buildings within the Halsey Street extension wharf, and the Western Viaduct wharf as identified on Precinct plan 1:
 - (a) where the temporary structures or buildings wharf and are for the purpose of a major marine event related to an internationally recognised boat race or race series, the associated structures and buildings must not occupy any venue for more than 60 days within any 12 month period, inclusive of the time required for the establishment and removal of all structures and activities associated with the activity. Where the temporary structures or buildings are not for the purpose of a major marine event related to an internationally recognised boat race or race series, I214.6.15(1)(a) above applies;

- (b) when it is necessary to place vehicles, tents, marquees, seating, canopies and other structures within the 10m wide public accessway around the western, northern and eastern sides of the Halsey Street extension wharf, the southern side of the Western Viaduct wharf, or the 8m wide accessway along Wynyard wharf, alternative public accessways must be provided and be free of charge and clearly marked; and
- (c) public access around the Viaduct Events Centre shall be available at all time and free of charge except for special events when public access can be restricted provided the restriction is for no more than 60 days in any 12 month period and no more than 20 days consecutively.

I214.7. Assessment – controlled activities

I214.7.1. Matters of control

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

- (1) offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table:
 - (a) transfer of office space.
- (2) events and associated buildings and structures specified as a controlled activity in the activity table:
 - (a) duration, demographic and number of people attending the event;
 - (b) transportation effects and management;
 - (c) visual amenity;
 - (d) emergency response and management processes; and
 - (e) risk to the activity from adjacent storage and use of hazardous substances.
- (3) marine and port activities and marine and port facilities specified as a controlled activity in the activity table:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on views and visual amenity;
 - (e) effects on public access, navigation and safety;
 - (f) effects on existing uses and activities;

- (g) consent duration; and
- (h) traffic and parking.
- (4) the transfer of identified character building floor space:
 - (a) recording the use/transfer of floor space on the certificate of title.
- (5) building demolition:
 - (a) the matters of control in H8.8.1(5) of the Business – City Centre Zone apply.

I214.7.2. Assessment criteria

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

- (1) offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table:
 - (a) whether the amount of ancillary office gross floor area constructed on another site within Sub-precinct C or on land fronting Beaumont Street is recorded by covenant on the donor freehold and leasehold title(s) upon which the ancillary office gross floor area is transferred from to ensure the amount transferred does not exceed the limit specified in the definitions of marine and port activities and marine retail;
- (2) events and associated buildings and structures specified as a controlled activity in the activity table:
 - (a) the relevant assessment criteria in E40.8.2 Temporary activities in addition to the following criteria; and
 - (b) whether adverse risk or transport related effects are able to be adequately remedied or mitigated through the preparation and implementation of an emergency evacuation and management plan and event transport plan;
- (3) marine and port activities specified as a controlled activity in the activity table:
 - (a) the relevant assessment criteria in F2.23.2 Coastal – General Coastal Marine Zone rules apply in addition to the following criteria;
 - (b) the activity should protect and enhance amenity values and public safety at the sub-precinct interface with existing and proposed public open space (as shown on Precinct plan 6);
- (4) the transfer of special character building floor space:
 - (a) the assessment criteria in H8.9.2.2(5) of the Business – City Centre Zone rules for the transfer of special character building floor space apply;
- (5) building demolition:

- (a) the relevant assessment criteria in H8.8.2(5) of the Business – City Centre Zone rules for building demolition apply in addition to the following criteria; and
- (b) whether adverse effects on the marine environment (including water, sediment quality, and ecology) of the coastal marine area are avoided, remedied or mitigated;

I214.8. Assessment – Restricted discretionary activities

I214.8.1. Matters of discretion

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

- (1) risk sensitive activities marked # in the activity table identified as a restricted discretionary activity (excluding events):
 - (a) location, extent, design and staging of buildings;
 - (b) design occupancy;
 - (c) risk to the activity from adjacent storage and use of hazardous substances;
 - (d) emergency response processes, including accessibility and the content of evacuation plans; and
 - (e) reverse sensitivity effects;
- (2) an event and associated buildings and structures identified as a restricted discretionary activity in the activity table:
 - (a) duration, demographic and number of people attending the event;
 - (b) transportation effects and management;
 - (c) emergency response and management processes;
 - (d) risk to the activity from adjacent storage and use of hazardous substances; and
 - (e) effects on the navigation and safety of commercial vessels operation in these areas;
- (3) marine and port activities and marine and port facilities:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;

- (d) the location, bulk and scale of the activities and facilities relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location;
 - (e) effects on public access, safety and navigation;
 - (f) effects on existing uses and activities including existing and planned significant infrastructure;
 - (g) consent duration; and
 - (h) traffic, parking and access;
- (4) private use of coastal access areas either vested in the council or areas over which council has a covenant for public access:
- (a) duration and frequency of the activity; and
 - (b) public access and safety.
- (5) offices that exceed the thresholds of I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
- (a) travel management;
 - (b) traffic generation; and
 - (c) operational capacity and safety of the adjacent road network;
- (6) offices, offices accessory to marine retail and marine and port activities, maritime passenger operations, marine retail, retail, food and beverage, entertainment facilities and education facilities greater than 100m² gross floor area per site:
- (a) travel management; and
 - (b) traffic generation;
- (7) declamation:
- (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (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; and
 - (f) consent duration;
- (8) 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;
- (9) a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street:
- (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (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) amenity, effects on views and visual amenity; and
 - (g) consent duration and monitoring;
- (10) new buildings, and alterations and additions to buildings:
- (a) the matters of discretion in H8.8.1(1) of the Business – City Centre Zone rules for new buildings and/or alterations and additions to buildings apply;
 - (b) the location, bulk and scale of buildings relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location; and
 - (c) where one or more buildings infringes the basic site intensity or basic building heights on Precinct plans 2 and 4, but complies with the maximum site intensity and maximum building heights on Precinct Plans 3 and 5:
 - (i) location, physical extent and design of streets, pedestrian connections and open space;
 - (ii) location, form and scale of buildings;
 - (iii) location and staging of activities;
 - (iv) provision of adequate infrastructure.
- (11) subdivision:
- (a) the matters of discretion set out in E38 Subdivision - Urban under E38.12.1; and

- (b) the location, bulk and scale of buildings relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location;
- (12) conversion of a building or part of a building to dwellings or visitor accommodation:
- (a) the matters of discretion in H8.8.1(3) in the Business – City Centre Zone apply;
- (13) substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on Business – City Centre Zone – Map H8.11.1:
- (a) the matters of discretion in of the Business – City Centre Zone apply;
- (14) retail specified as a restricted discretionary activity in the activity table:
- (a) the matters of discretion in H8.8.1(4) of the Business – City Centre Zone apply;
- (15) roads or lanes:
- (a) scale, form and dominance/ visual amenity effects;
 - (b) effects on the transportation network (including safety and efficiency);
 - (c) amenity and function of public open space and pedestrian access; and
 - (d) the location, physical extent and design of the transport network and any pedestrian linkages;
- (16) infringing the building height standard:
- (a) building scale, form, dominance and visual amenity effects; and
 - (b) effects on current or planned future form and character;
- (17) building frontage alignment and height:
- (a) building scale, form, dominance and visual amenity effects; and
 - (b) amenity and function of public open space and pedestrian access.
- (18) infringing the special industrial frontage standard:
- (a) risk and safety;
- (19) infringing the access to sites with multiple frontages standard:
- (a) effects on the transportation network (including safety and efficiency); and
 - (b) amenity and function of public open space and pedestrian access;
- (20) infringing the vehicle access over footpaths standard:

- (a) effects on the transportation network (including safety and efficiency); and
 - (b) amenity and function of public open space and pedestrian access;
- (21) infringing the lanes and viewshafts standards:
- (a) scale, form, dominance and visual amenity effects;
 - (b) effects on the transportation network (including safety and efficiency); and
 - (c) amenity and function of public open space and pedestrian access;
- (22) infringing the public accessways – wharves standard:
- (a) building scale, form, dominance and visual amenity effects; and
 - (b) amenity and function of public open space and pedestrian access;
- (23) infringing the buildings and structures on the Halsey Street extension wharf standard:
- (a) building scale, form, dominance and visual amenity effects;
 - (b) reverse sensitivity effects;
 - (c) amenity and function of public open space and pedestrian access; and
 - (d) risk and safety;
- (24) infringing the temporary structures or buildings standard:
- (a) building scale, form, dominance and visual amenity effects;
 - (b) reverse sensitivity effects; and
 - (c) amenity and function of public open space and pedestrian access.

I214.8.2. Assessment criteria

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

- (1) marine and port activities and marine and port facilities:
 - (a) the assessment criteria in F2.23.2 of the Coastal – General Coastal Marine Zone rules, including F2.23.2(17) for coastal marine area structures & buildings, apply in addition to the criteria below; and
 - (b) whether the activity protects and enhances amenity values and public safety at the interface with existing and proposed public open space (as shown on Precinct plan 6 and the amenity values of existing or approved residential activity, and, in particular, visual and aural privacy;
- (2) offices that exceed the thresholds in I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:

(a) whether the activity together with existing, permitted and consented activities, will adversely affect the current and future operational capacity and safety of the adjacent road network and specifically the Beaumont Street/Fanshawe Street, Daldy Street /Fanshawe Street and Halsey Street/Fanshawe Street intersections. In determining the extent of any potential transportation effects, the following matters shall be taken into account:

(i) the extent to which it is demonstrated that the proposed office activity will result in vehicle trips consistent with a maximum formula of:

- 0.38 trips per parking space, plus
- 0.16 trips per 100m² proposed office gross floor area;

(ii) whether it is demonstrated that:

- the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the following trip generation ceiling targets for all activities from Wynyard Precinct:
 - 3650 vehicles per hour two way; and
 - 2500 vehicles per hour one way inbound or outbound during the weekday morning peak (7.00am - 9.00 am)
 - 2500 vehicles per hour one way outbound or inbound during the weekday afternoon peak (4.00pm-6.00pm);
- the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the total allowable gross floor area and the predicted total trips for the relevant sub-precinct set out in Table 2 of Part A of the Wynyard Precinct Transport Plan;
- the proposed office activity will not exceed the number of trips per hour inbound or outbound during the weekday morning and afternoon peaks for each sub-precinct set out in the table below:

Sub-precinct	Trips per hour one way in peak direction
A and B	968
C	21
D-F	451
G	0

- (iii) any available information demonstrating the success or otherwise of travel management measures implemented within the precinct;
 - (iv) any planned or constructed transport infrastructure improvements;
 - (v) the proximity of the site to a regular public transport service;
 - (vi) when assessing any application in sub-precincts D, E and F, any agreed reduction in allowable office gross floor area provided in these sub-precincts or sites below that specified in I214.6.2 above;
 - (vii) where the proposed activity does not comply with criteria I214.8.2(2)(a)(i) and (ii) above, the council shall have regard to whether the proposed activity could comply with these criteria if either:
 - less than the maximum permitted parking is proposed in the application for the proposed office activity gross floor area, or
 - no parking is proposed in the application for the proposed office activity gross floor area;
- (b) in granting any resource consent the council may impose resource consent conditions relating to any of the matters listed in these criteria, including a requirement for ongoing morning and afternoon peak vehicle trip generation monitoring results and supporting review condition(s);
- (3) retail specified as a restricted discretionary activity in the activity table:
- (a) The assessment criteria in H8.8.2(4) of the Business – City Centre Zone rules apply;
- (4) offices (including offices accessory to marine and port activities and marine retail), maritime passenger operations, marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m² per site:
- (a) whether it can be demonstrated by the measures and commitments outlined in a detailed site travel management plan that the activity or activities will be managed to minimise private vehicle travel to and from precinct to achieve Policies I214.3(34)-(37) of the Wynyard Precinct using methods outlined in Part A of the Wynyard Precinct Transport Plan (19 August 2010) refer I214.11.1 Appendix 1;
- (5) private use of coastal access areas either vested in the Council or areas over which council has a covenant for public access:
- (a) whether:
 - (i) the requirement for the use of coastal access areas is based on the operational nature of the activity, including any available alternatives to avoid the use of coastal access areas;
 - (ii) the proposed duration and frequency of the use of the coastal access area is minimised, including the level of certainty provided (through

conditions offered by the applicant, site management plans and monitoring) that usage will be appropriately managed and the conditions of use adhered to;

- (iii) the existing and future potential public use of the subject coastal access area could be compromised, including the timing of the proposed use in relation to peak pedestrian activity;
 - (iv) alternative access along the coastline is available during any periods of closure;
 - (v) the level of public safety risk posed will be avoided, remedied or mitigated, including the provision of a site management plan;
- (6) risk sensitive activities marked # in the activity table identified as a restricted discretionary activity (excluding events):
- (a) whether any unacceptable levels of risk can be avoided or mitigated based on the following:
 - (i) the location of the development, including service areas, parking and outdoor areas, with respect to industrial hazard sources;
 - (ii) the design occupancy of the development, including anticipated design occupation numbers, the predominant and most vulnerable age demographic, hours of operation, estimated mean and maximum occupancy times for individual site dwellers in hours/days and any other pertinent occupancy information;
 - (iii) a description of alternative layout plans considered in order to mitigate risk arising from offsite hazard sources;
 - (iv) methods for advising occupiers of the development of potential safety risks including methods of risk mitigation and control;
 - (v) building design methods for avoiding or mitigating occupant risk resulting from exposure to toxic vapour, thermal radiation and explosion debris from offsite hazard sources;
 - (vi) details of any proposed development staging and any voluntary site occupancy controls to be implemented during the transition period leading up to hazardous industry relocation;
 - (b) for open markets that attract more than 1000 people at any one time, the criteria in I214.8.2(7) below also apply;
- (7) an event and associated buildings and structures identified as a restricted discretionary activity in the activity table:
- (a) whether measures outlined in an emergency, evacuation and management plan and event transport plan avoid or mitigate any unacceptable level of risk or adverse transport related effects associated with the type and duration of event and expected demographic and number of people attending the event including for events within Areas 4

and 6, whether the activity will adversely affect marine and port activities and the navigation, safety or commercial vessels operating in these areas;

- (8) substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on Business – City Centre Zone Map H8.11.1;
 - (a) the assessment criteria in H8.8.2(5) of the Business – City Centre Zone rules for the demolition of special character buildings apply in addition to the criteria below; and
 - (b) the contribution the identified special character building (including its association with any nearby identified character buildings) makes to the character or streetscape quality of the precinct and whether its removal or partial demolition adversely impacts upon those qualities. In assessing proposals against this criterion particular regard should be had to retaining a link to the past marine industrial aesthetic of the precinct;
- (9) new buildings, and alterations and additions to buildings:
 - (a) the relevant assessment criteria in H8.8.2(1) of the Business – City Centre Zone rules for buildings or alterations and additions to buildings apply in addition to the criteria below; and
 - (b) the proposed building, or alteration or addition to buildings, relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area;
 - (c) whether internal space at all levels within the building are designed to maximise outlook onto existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6;
 - (d) the extent to which activities which engage and activate existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 at ground level are encouraged;
 - (e) at grade private parking areas and parking areas located within buildings which are visible from existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 are strongly discouraged. It is expected that activated building space will be provided between parking areas within buildings and existing and proposed street and public open space frontages;
 - (f) whether vehicle access to sites are designed and located to complement the road function and hierarchy, while avoiding conflict with the function of existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 and public transport priority lanes, balancing the requirements of access and through-movement;

- (g) where alternative vehicle access is available, the creation of new vehicle crossings across frontages along Jellicoe, Beaumont, Halsey and Daldy Streets is discouraged;
- (h) Precinct plan 6 illustrates the locations of publicly accessible lanes which should be provided to create alternative, shorter, or more convenient pedestrian routes at ground level;
- (i) whether a safe and practical 24hr east-west public pedestrian walkway is provided through the block bound by Daldy, Jellicoe, Beaumont and Madden Streets to provide connectivity between Beaumont and Daldy Streets;
- (j) where a building accommodates greater than 100m² gross floor area of office, marine and fishing retail, retail, food and beverage, entertainment/gathering or education activity, the criteria listed in I214.8.2(4) above, also apply;
- (k) the design of building frontages and elevations facing streets and/or other public open spaces should have regard to the setback, form and character of any identified character building(s) adjoining or adjacent to the site. This requires consideration of important character elements and qualities through building design on frontages and elevations visible from streets and other public open spaces;
- (l) a new building abutting, or adjacent to, an identified character building which is set back from the street frontage, may not be required to be constructed predominantly to the street boundary, where a better urban design outcome could be achieved by respecting the spatial location of the character building;
- (m) building elevation, design and materials should respect (rather than replicate) the architectural design composition of the identified special character building(s), and new and contemporary interpretations in form, elevational composition, material and detail may be used;
- (n) where the building works are undertaken within the coastal marine area, the assessment criteria for buildings/structures in the Coastal - General Coastal Marine Zone apply in addition to the following:
 - (i) whether adverse effects associated with the methods of construction on water quality and coastal processes can be avoided, remedied or mitigated;
 - (ii) whether adverse effects on navigation and safety can be avoided, remedied or mitigated; and
 - (iii) whether the buildings or structures are of an appropriate scale, design, colour and location to complement its waterfront setting, maintain or enhance amenity values, and where practicable, maintain

views from the land to the coastal marine area, particularly the viewshafts shown on Precinct plan 6; and

- (iv) with the exception of Wynyard wharf and Halsey Street extension wharf, demonstrate that the purpose for which the structure is required cannot reasonably or practicably be accommodated on the land or by existing structures in the coastal marine area; and
 - (v) where practicable, enhance public access to the coastal marine area; and
 - (vi) whether the building or structure is required for significant infrastructure;
- (o) where one or more buildings infringes the basic site intensity or basic building heights on Precinct plans 2 and 4, but complies with the maximum site intensity and maximum building heights on Precinct plans 3 and 5:
- (i) Refer to Policies 1, 2, 3, 39 and 40;
 - (ii) Whether building footprints, profile and height (as opposed to detailed building design) establishes an integrated and legible built form and also:
 1. Integrates with other approved development (including approved Integrated Development Plans);
 2. Enhances the form and function of existing and proposed streets, lanes and public open space, including complementing and enhancing the function of Daldy Street as a major tree-lined boulevard linking Victoria Park to the public open space in sub-precinct F as shown on precinct plan 6;
 3. Avoids monotonous built form when viewed from public open space through variation in building footprints, height and form;
 4. Maintains the ability for marker buildings within sub-precincts B, C and E to be established to the maximum height provided for on Precinct plan 5;
 5. Within sub-precincts D, E, F and G, the extent to which the location or orientation of buildings, and the type and location of any known prospective activities marked # in the activity table, including the use of public open space areas:
 - a. Avoids or mitigates reverse sensitivity issues associated with existing industry, marine industry, fishing industry and maritime passenger operations;
 - b. Avoids unacceptable levels of risk associated with existing hazardous industry, including the adjacent ammonia refrigerant based fish processing plant;

6. Enables or maintains efficient vehicle access to existing industry, marine industry, fishing industry and maritime passenger operations;
 7. Supports the role of Jellicoe Street as the major community and visitor focal point of the precinct;
- (iii) The extent to which the building footprints, height, floor to floor heights and profile of buildings enable them to accommodate a wide range of activities and to be adapted to accommodate differing uses in the future;
 - (iv) Whether the location and staging of anticipated activity types and/or the location, orientation or layout of buildings avoids or mitigates potential conflicts between activities within the subject land area and adjacent land areas;
 - (v) Whether buildings may provide opportunities for the establishment of community facilities, such as health, educational and care facilities, for future people in the area;
 - (vi) Whether the layout and design of public open space within the subject land area will ensure well-connected, legible and safe vehicular and pedestrian routes with appropriate provision for footpaths, servicing, infrastructure services and landscape treatment;
 - (vii) Whether the layout and design of public open space and lanes within the subject land area will integrate with and complement the form and function of existing and proposed public open space and lanes network;
 - (viii) Whether stormwater, wastewater, water supply, electricity and telecommunication infrastructure will be provided to adequately service the nature and staging of anticipated development within the subject land area;
 - (ix) Whether consideration has been given to integration of parking, loading and servicing areas within the subject land area taking account of location and staging of anticipated activity types;
- (10) a bridge across the Viaduct Harbour:
- (a) the bridge should contribute to a high quality maritime and urban environment and meets the following outcomes:
 - (i) the bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour, particularly within the viewshafts identified on Precinct plan 6.
 - (ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precinct by:

- providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;
 - having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
 - not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
 - ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses;
- (iii) the bridge is designed and operated to provide for:
- vessel access to and from the inner Viaduct Harbour without undue delay;
 - navigation and berthage by the existing range of vessels in the inner Viaduct Harbour; and
 - any reduction in berthage area to be minimised as far as practicable;
- (iv) convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;
- (v) appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and
- (vi) a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;
- (b) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use Sub-precinct G) to accommodate marine and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;
- (c) the bridge has a high quality design that:
- (i) enhances the character of the Viaduct Harbour;
 - (ii) is simple and elegant;
 - (iii) is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
 - (iv) has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage overlay; and

- (v) utilises high quality and low maintenance materials and detailing;
 - (d) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the precinct and the city centre; and
 - (e) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;
- (11) 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;
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area;
 - (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 along the water's edge whether on land or on the adjacent water space;
- (12) maintenance dredging and capital works dredging:
- (a) the assessment criteria in F2.23.2(1) and F2.23.2(11) of the Coastal - General Coastal Marine Zone rules apply in addition to the criteria below;
 - (b) whether the dredging is necessary to achieve the outcomes sought by the objectives and policies for the Wynyard precinct.
- (13) conversion of a building or part of a building to dwellings or visitor accommodation:
- (a) the assessment criteria in H8.8.2(3) in the Business – City Centre Zone apply; and
- (14) subdivision:
- (a) the assessment criteria set out in E38 Subdivision - Urban under E38.12.2; and
 - (b) the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area;

(15) roads and lanes:

- (a) the extent to which pedestrian permeability is maintained and enhanced through the site layout;
- (b) whether pedestrian access to the water's edge is maintained;
- (c) the integration of the site with the wider Wynyard Precinct; and
- (d) whether intrusion of public views into and through Wynyard Precinct are avoided;

(16) infringing the building height standard:

- (a) where building height is exceeded, Policies I214.3(3) of the Wynyard Precinct and Policy H8.3(30) of the Business – City Centre Zone should be considered.

(17) infringing the building frontage alignment and height standards:

- (a) the extent to which buildings are of a scale and form appropriate to the setting; and
- (b) the extent to which pedestrian access and amenity is enhanced through the design of the building;

(18) infringing the special industrial frontage standard:

- (a) whether the design avoid, remedy or mitigate human injury risks associated with accidental ammonia release associated with the ammonia refrigerant based fish processing plant;

(19) infringing the access to sites with multiple frontages standard:

- (a) the extent to which access to sites are located to allow safe and efficient access to and from the site;
- (b) whether the access location and traffic generation from the site compromise the safe and efficient operation of the transportation network; and
- (c) whether pedestrian function, and safety of pedestrians on footpaths is compromised;

(20) infringing the vehicle access over footpaths standard:

- (a) whether the pedestrian function, and safety of pedestrians on footpaths is compromised; and
- (b) whether an alternative access location would better maintain pedestrian and cyclist safety and amenity.

(21) infringing the lanes and view shafts standard:

- (a) the extent to which pedestrian permeability is maintained and enhanced through the site layout;
 - (b) whether pedestrian access to the water's edge is maintained;
 - (c) the integration of the site with the wider Wynyard precinct; and
 - (d) avoid intrusion of public views into and through Wynyard Precinct.
- (22) infringing the public access ways – wharves:
- (a) the extent of public access to the water's edge; and
 - (b) whether the development control infringement is required to enable marine and fishing industry, maritime passenger operations and events to operate;
- (23) infringing the buildings and structures on the Halsey Street extension wharf standard:
- (a) Whether pedestrian access is maintained.
 - (b) the extent to which the building design is consistent with the character and amenity of Halsey Street extension wharf.
 - (c) whether buildings and structures adversely affect the current and future operation and growth of the marine and fishing industries and maritime passenger operations.
- (24) infringing the temporary structures or buildings standard:
- (a) the extent to which buildings are of a scale appropriate to the waterfront setting; and
 - (b) whether building location compromises the function of the Wynyard Precinct.

I214.9. Special information requirements

In addition to the general information that must be submitted with a resource consent application (refer C1.2(1) Information requirements for resource consent applications), applications for the activities listed below must be accompanied by the additional information specified.

- (1) Events specified as a controlled activity in the activity table:
 - (a) an emergency evacuation and management plan and event transport plan.
- (2) Marine and port activities:
 - (a) a site management plan that details operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.
- (3) The transfer of special character building floor space:

- (a) the special information required in H8.6.13 of the Business – City Centre zone rules for the transfer of special character building floor space apply.
- (4) Offices that exceed the permitted thresholds in I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
- (a) the Council will require independently verified actual morning and afternoon peak vehicle trip generation monitoring results from existing office activity within and, if appropriate, adjacent to the precinct with similar operational characteristics to the office activity proposed. The trip generation formula set out in the assessment criteria for the activity must be used to predict trips from the proposed, permitted and consented office activities.
- (5) Offices (including offices accessory to marine and port activities and marine retail), marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m² per site:
- (a) a site travel management plan must be provided corresponding to the scale and significance of the activity and containing the following information as a minimum to demonstrate how the development will achieve the objectives of the Wynyard Precinct Transport Plan including:
 - (i) the physical infrastructure to be established or currently established on-site to support the use of alternative forms of transport, such as adequate covered facilities for cyclists, showering, locker and changing facilities; carpool parking areas, travel reduction information boards in foyer areas, such as timetables and route maps; internet service to enhance awareness of alternative transportation services;
 - (ii) the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources;
 - (iii) operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard precinct, including car sharing schemes, public transport use incentives, flexitime, staggered working hours;
 - (iv) operational measures to be established to restrict the use of any short term parking area(s) during peak periods;
 - (v) details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures;
 - (vi) the methods by which the effectiveness of the proposed measures outlined in the site travel management plan can be independently measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour; and

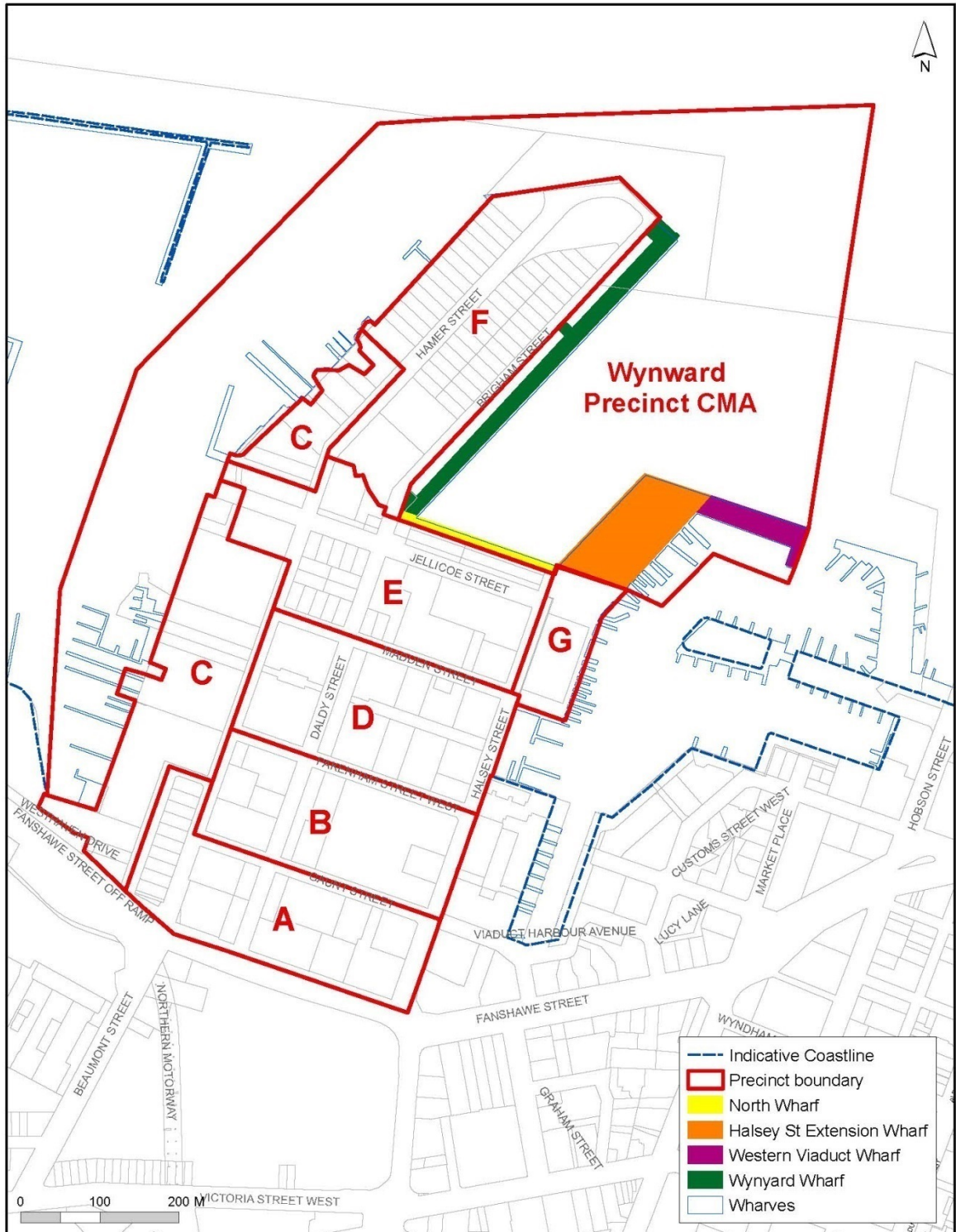
- (vii) the methods by which the travel management measures complement the Precinct wide travel management measures outlined in part B of the Wynyard Precinct Transport Plan (refer I214.11.1 Appendix 1) and use the travel demand management measures outlined in part C of that plan, or other appropriate initiatives.
- (6) private use of the coast access areas either vested in the council or areas over which council has a covenant for public access:
- (a) a site management plan corresponding to the scale and significance of the activity detailing the operational measures to be established to address the matters listed in assessment criteria for the activity.
- (7) risk sensitive activities marked # in the activity table located in sub-precinct D, E, F, G or areas 1-6 shown on Precinct plan 10 (excluding events):
- (a) an emergency and evacuation plan prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location of egress points and assembly areas.
- (8) events within sub-precinct D and E and areas 1, 3, 4 and 6 shown on Precinct plan 10:
- (a) an emergency, evacuation and management plan, prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location and management of access and egress points, assembly areas and people movement for the event;
 - (b) an event transport plan, developed in consultation with adjacent hazardous industry, marine industry and maritime passenger operators, which addresses the following matters:
 - (i) measures to ensure the maintenance of safe and efficient access (including at least two access points for emergency service vehicles) to existing hazardous industry, marine industry and maritime passenger operations for the full duration of the event;
 - (ii) measures to prevent event attendees entering into, or parking within Sub-precinct F or Wynyard wharf for the full duration of the event;
 - (iii) communication channels and methods to respond to and remedy traffic issues as they may arise with existing hazardous industry, marine industry and maritime passenger operations; and
 - (iv) where multiple events are planned, review procedures with hazardous industry, marine industry and maritime passenger operators to ensure that

I214 Wynyard Precinct

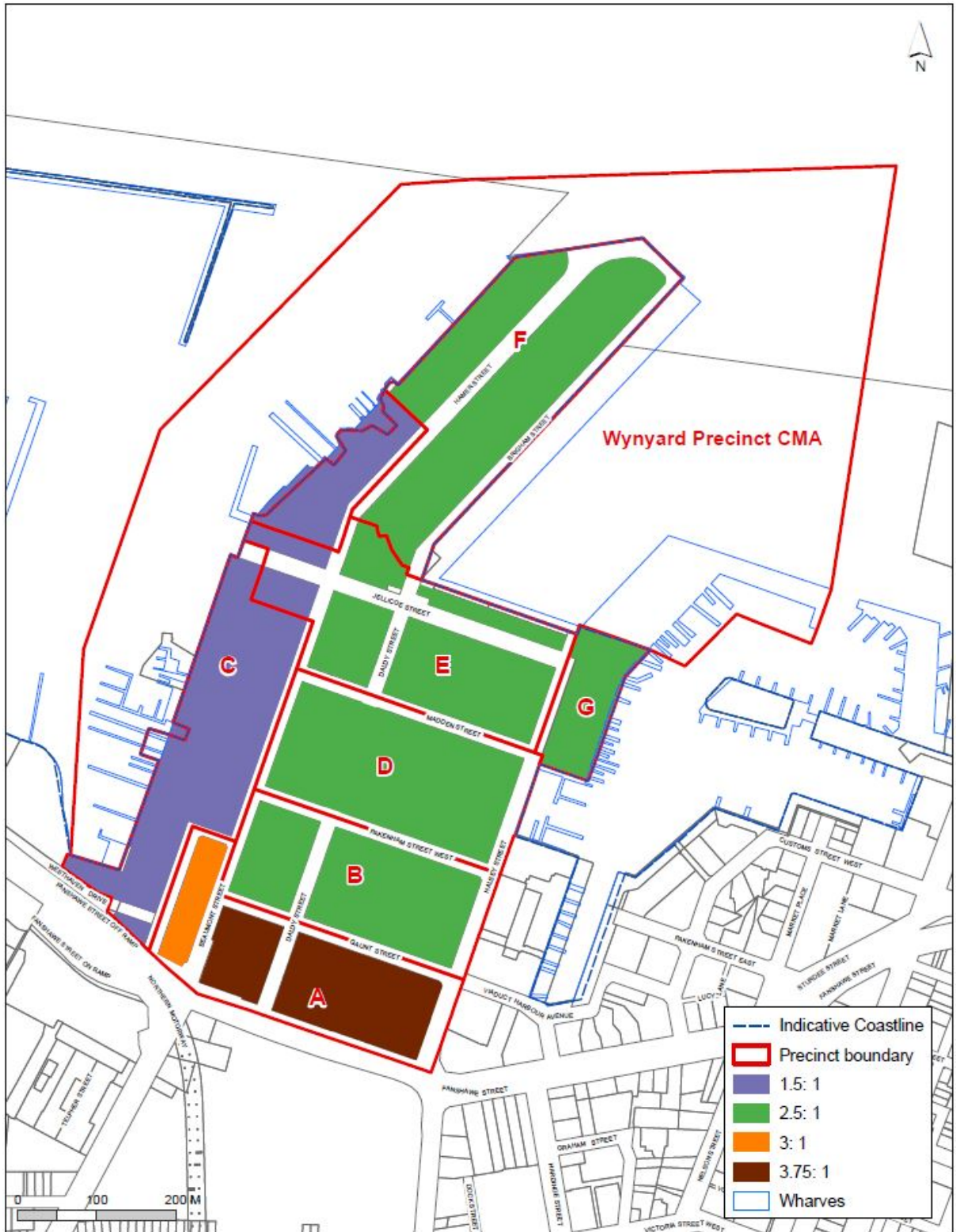
issues identified are avoided, remedied or mitigated for future planned events.

I214.10. Precinct plans

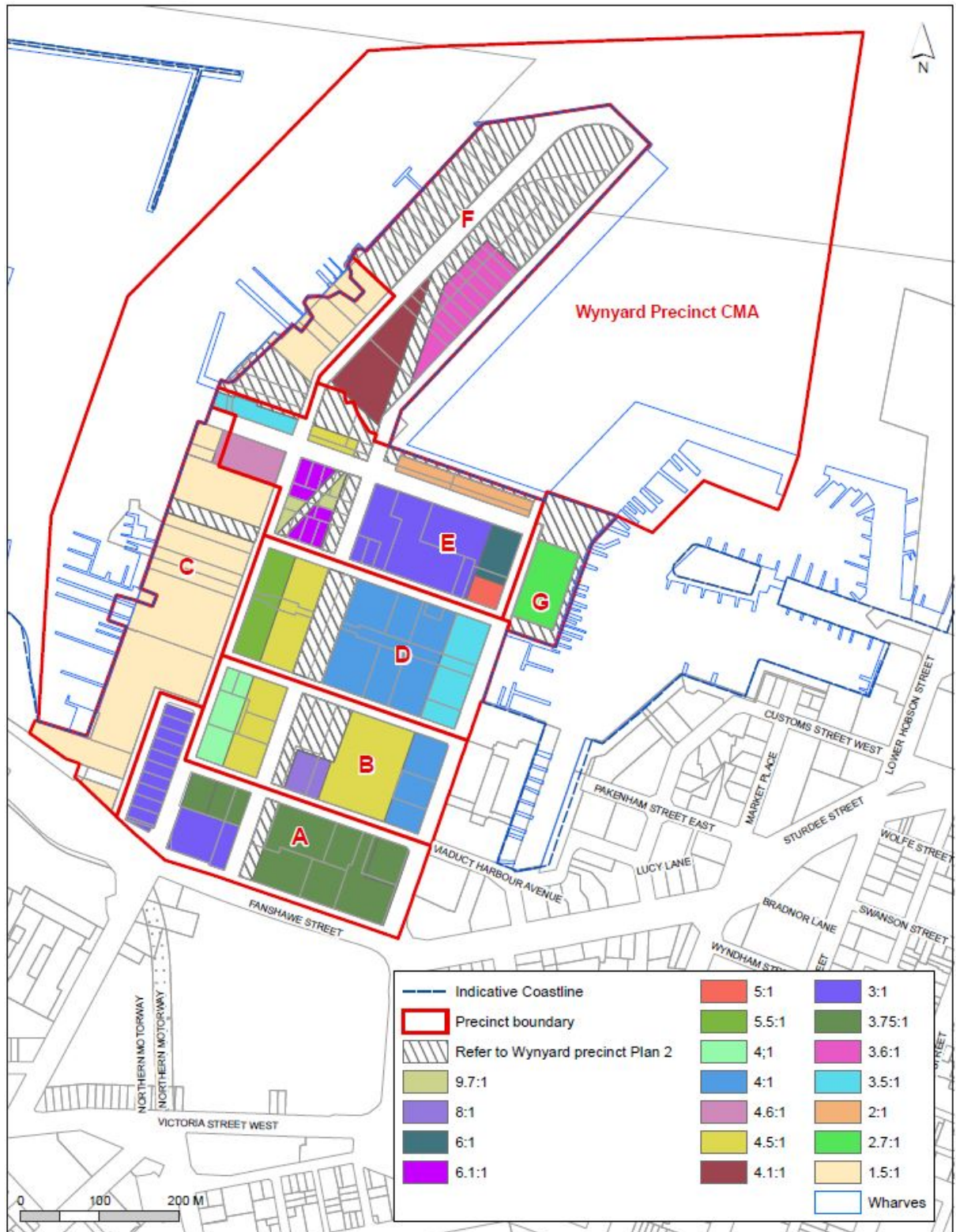
I214.10.1 Wynyard: Precinct plan 1 - Sub-precincts



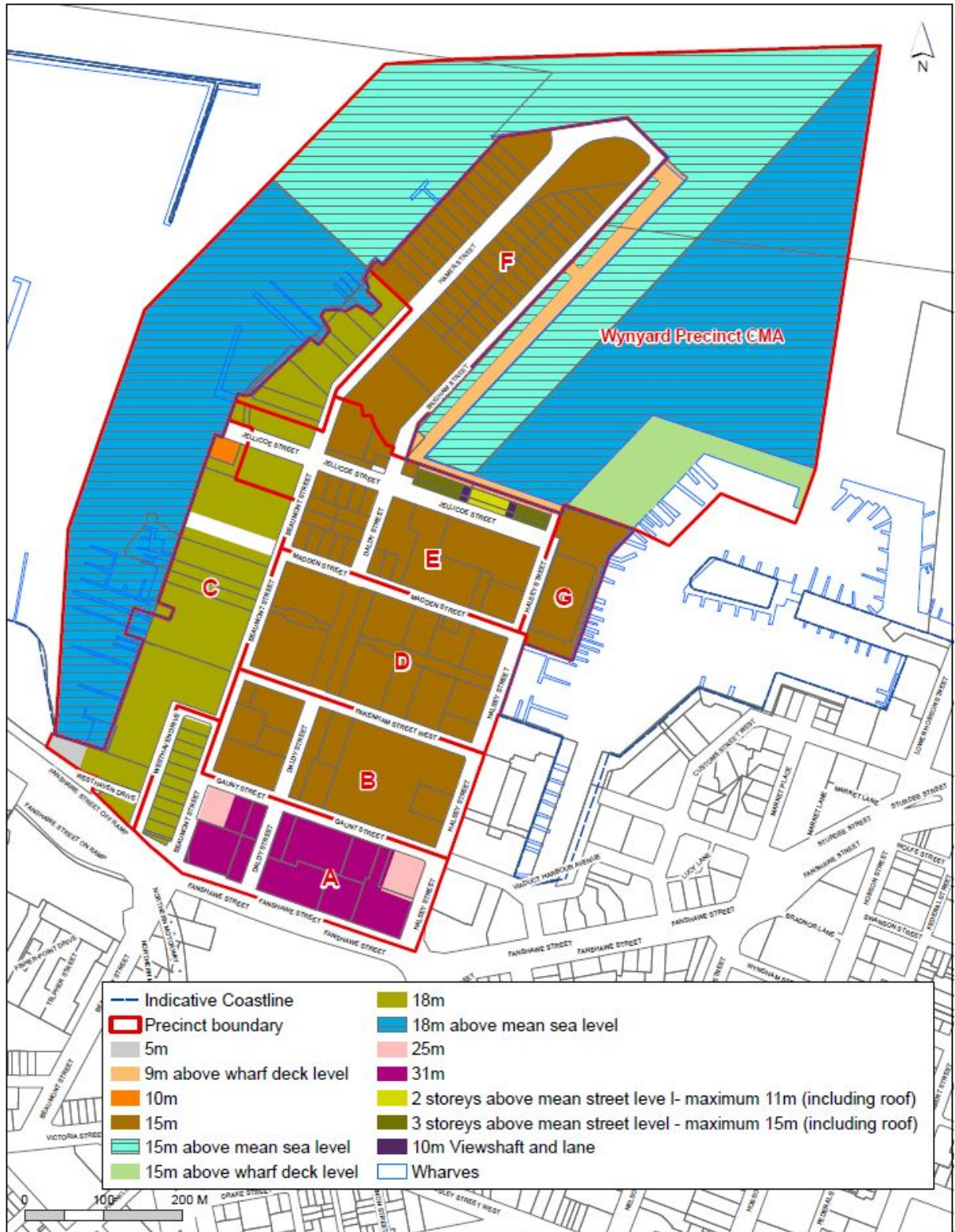
I214.10.2 Wynyard: Precinct plan 2 - Basic floor area ratio



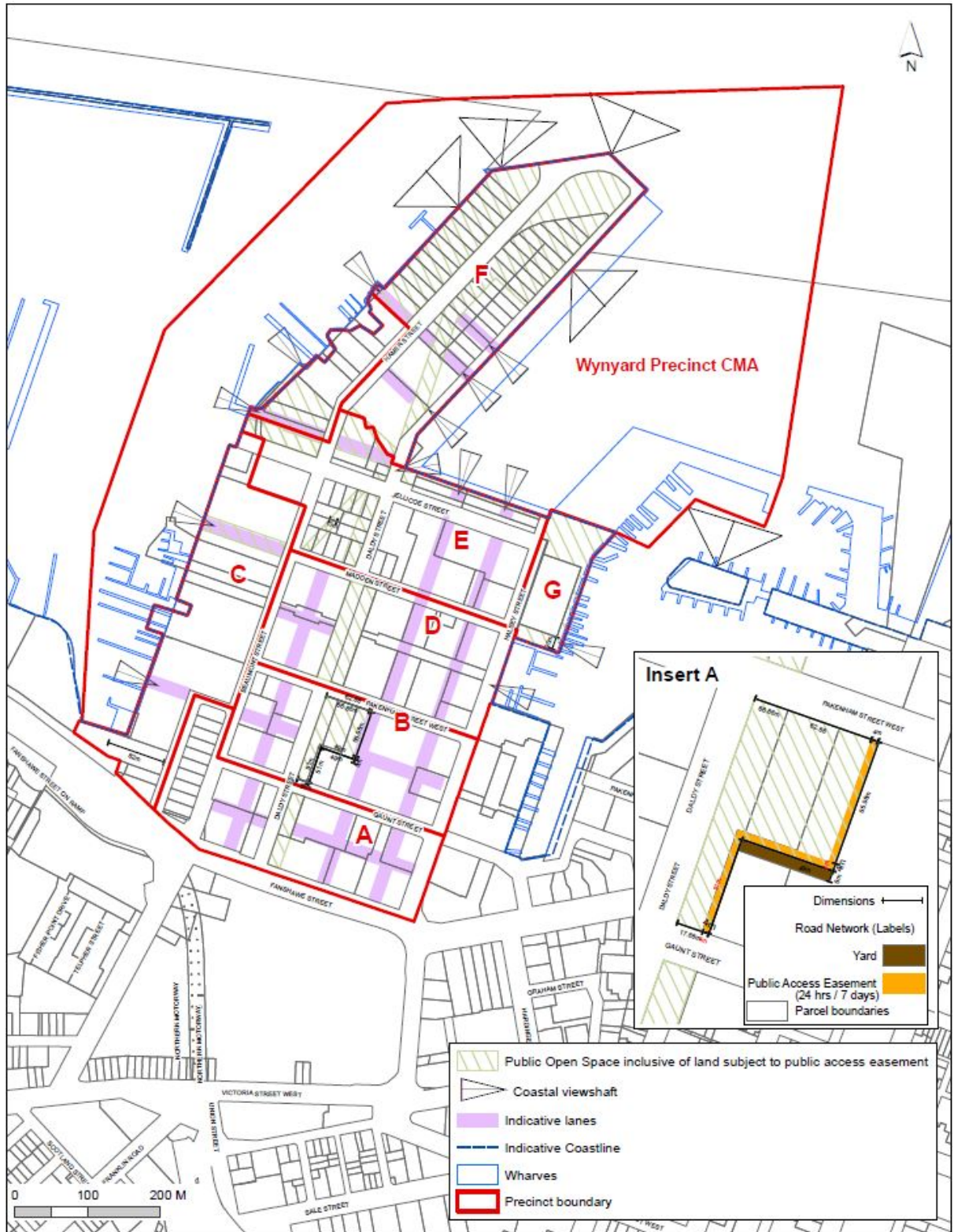
I214.10.3 Wynyard: Precinct plan 3 - Maximum floor area ratio



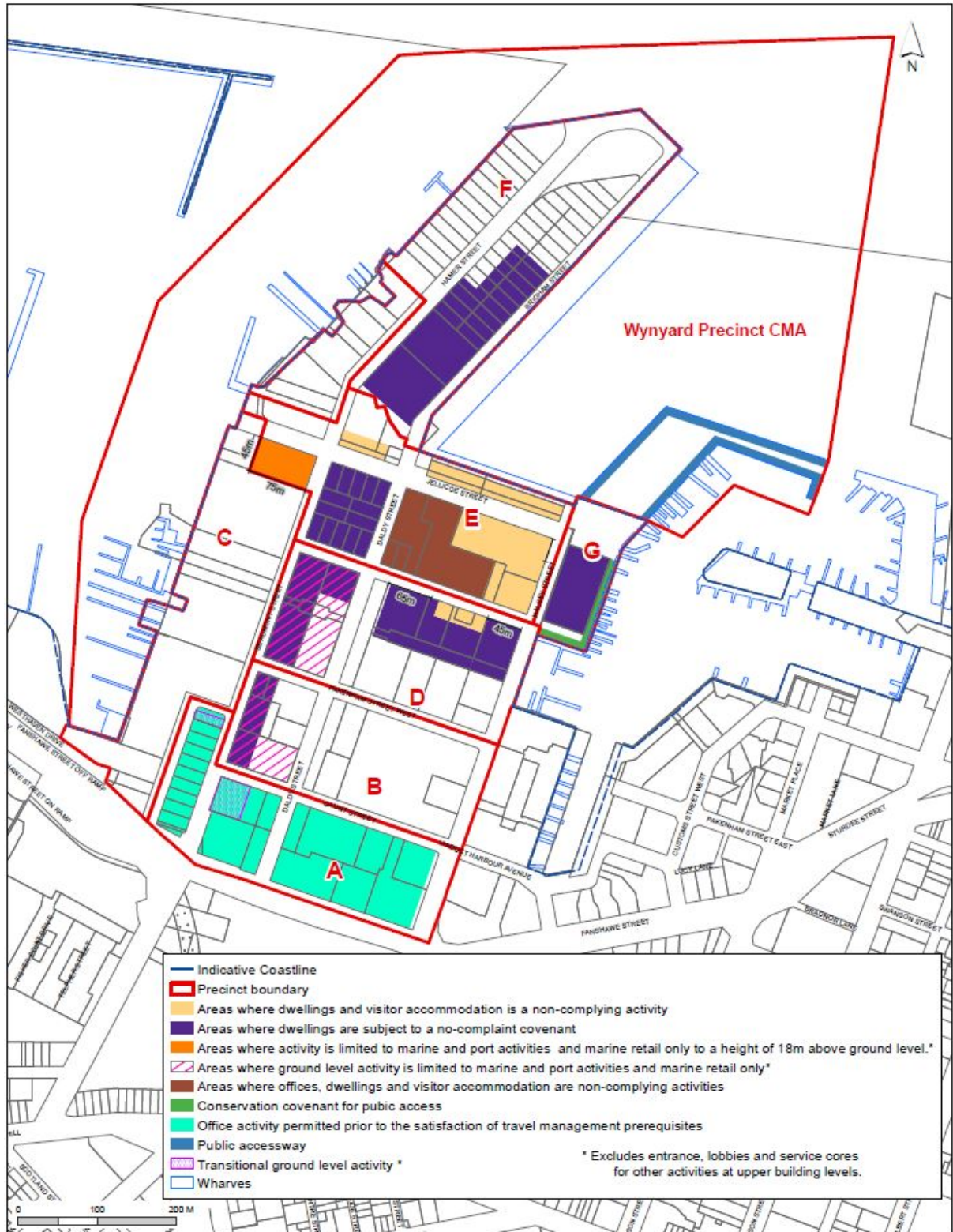
I214.10.4 Wynyard: Precinct plan 4 – Basic height



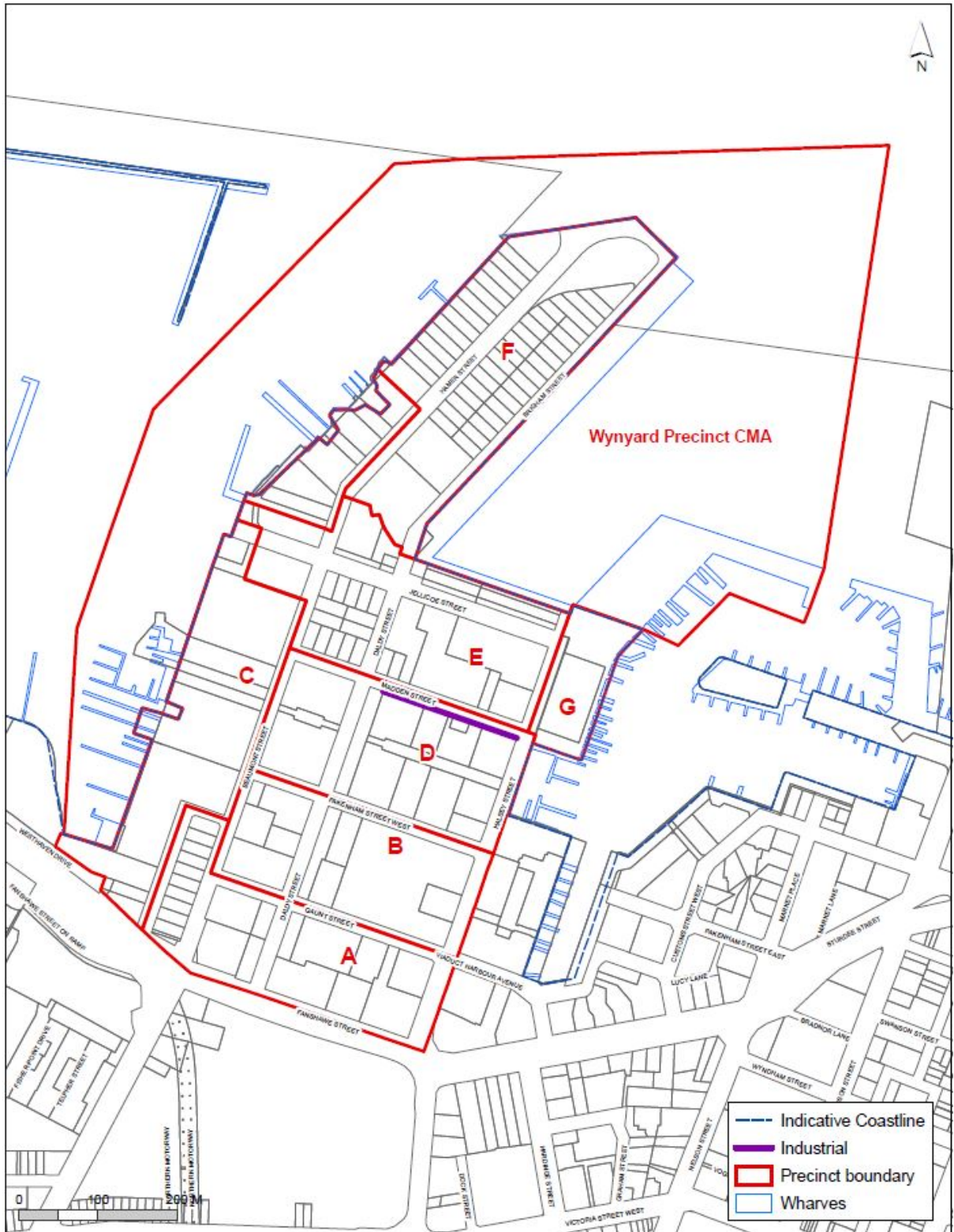
I214.10.6 Wynyard: Precinct plan 6 - Indicative lanes and viewshafts



I214.10.7 Wynyard: Precinct plan 7 – Additional activity restrictions



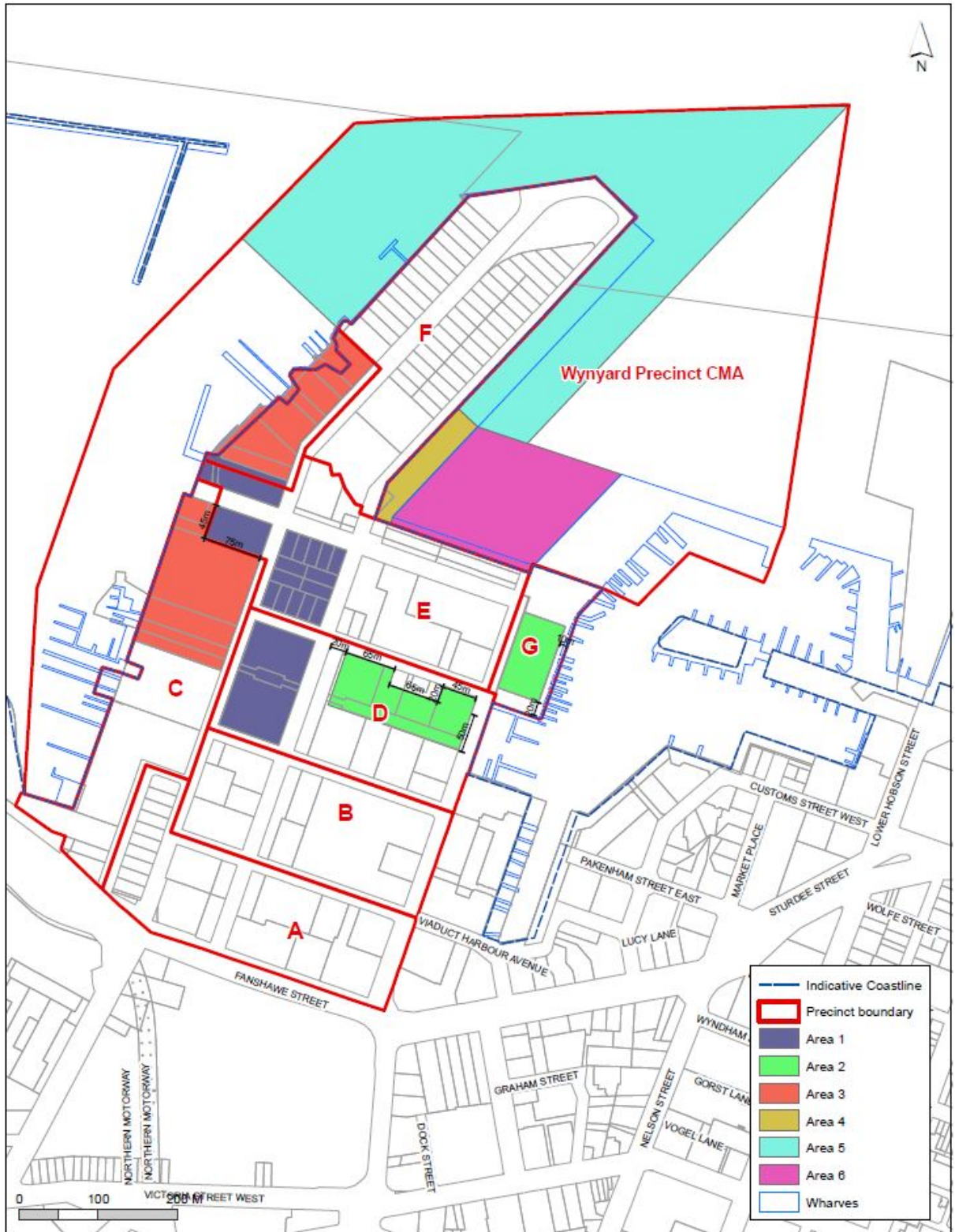
I214.10.8 Wynyard: Precinct plan 8 - Industrial frontages



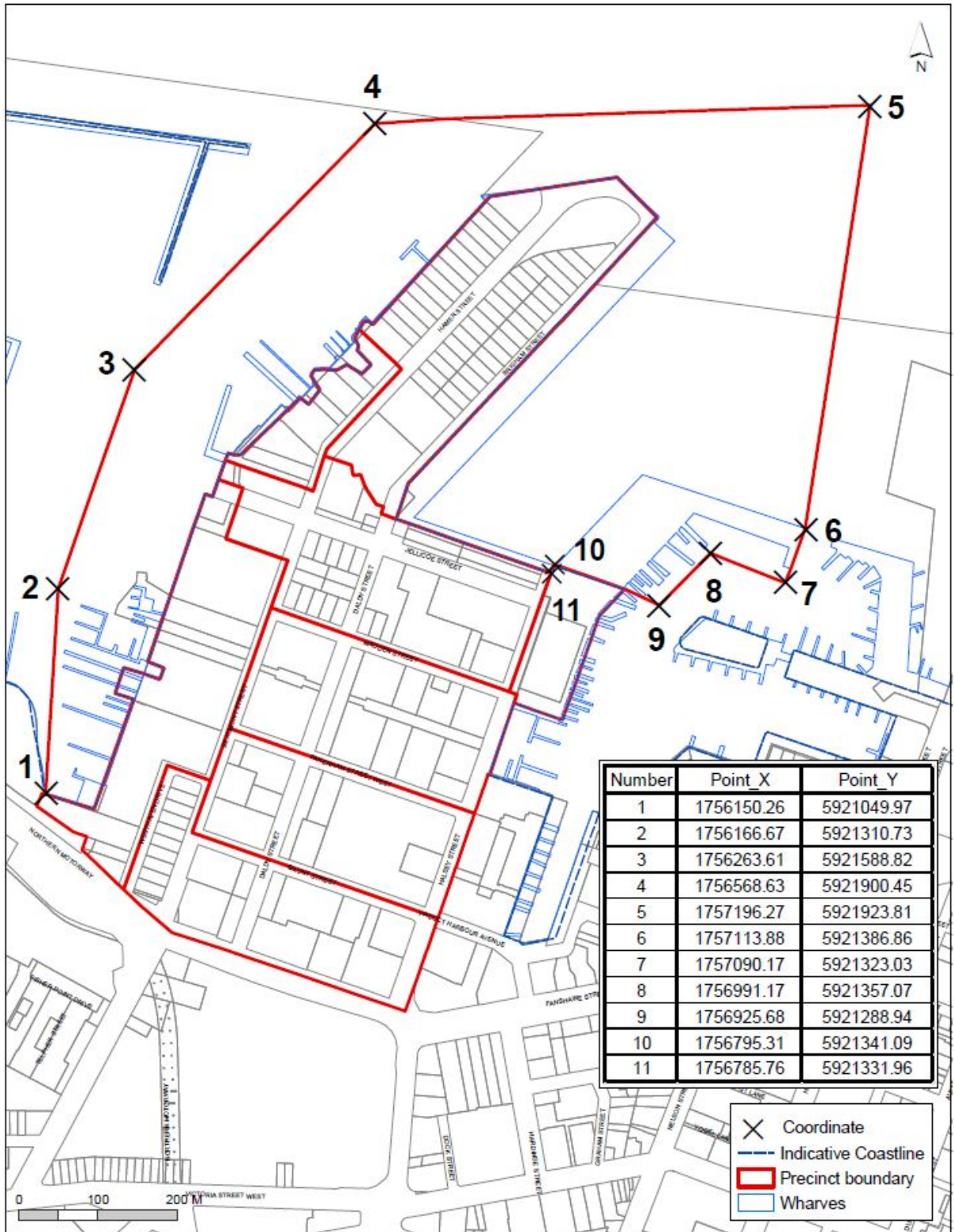
I214.10.9 Wynyard: Precinct plan 9 - Noise areas



I214.10.10 Wynyard: Precinct plan 10 – Risk areas



I214.10.11 Wynyard: Precinct plan 11 – Precinct boundary coordinates in the coastal marine area



I214.11. Appendices

I214.11.1 Appendix 1 - Methodology for undertaking traffic generation surveys in Wynyard Quarter (non-statutory)

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Phill Reid – Manager: Planning Aucklandwide
FROM Megan Patrick – Principal Advisor: Special Projects
DATE 30 August 2018
SUBJECT **Withdrawal of a Notice of Requirement for a Heritage Order in accordance with s189 of the Resource Management Act from Chapter 13 of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**



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

Reason for update – withdrawal of NOR for a Heritage Order	
Chapter	L Schedules
Section	Schedule 13 – Heritage Orders
Heritage Order #	#7 & #8 Auckland Council
Locations:	HO#7 – Thomas Doo Building, 164-168 Hobson Street, Auckland Central HO#8 – Gilfillan’s Store (former), 95 Queen Street, Auckland Central
Lapse Date	Decision to withdraw made under delegated authority - 7 November 2017 Public notification of the withdrawal – 13 September 2018
Purpose	Heritage protection
Changes to text (shown in underline and strikethrough)	See attachment
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	<ol style="list-style-type: none"> 1. Decision under delegated authority memorandum 2. Public Notice 3. Schedule 13 Strike Through 4. Schedule 13 revised

Prepared by:
Megan Patrick
Principal Advisor – Special projects

Text entered by:
Bronnie Styles
Planning Technician

Signature:

Signature:

Reviewed by:
Megan Patrick
Principal Advisor – Special Projects

Noel Reardon
Manager

Signature:

Signature

Memo

30 October 2017

To: John Duguid, General Manager Plans & Places
cc: Celia Davison, Manager Planning – Central / South
Joao Macado, Team Leader Planning – Central / South Planning
From: Noel Reardon, Manager Heritage

DECISION UNDER DELEGATED AUTHORITY: WITHDRAWAL OF NOTICE OF REQUIREMENT FOR A HERITAGE ORDER

Heritage orders are provided for under the RMA (s187 to 198) whereby any place of special interest, character, intrinsic or amenity value or visual appeal may be protected. A heritage order is similar in effect and has a similar process to a designation. Namely, no one without the prior consent of the heritage protection authority can do anything that would compromise the effect of the heritage order (s193).

A Notice of Requirement (NOR) is an application for a heritage order and has interim effect (s194).

The Auckland Unitary Plan (Operative in Part) (AUP) includes eight heritage orders (Schedule 13 – Heritage Order Schedule). Of these heritage orders, two are subject to a NOR with council as the heritage protection authority:

1. Thomas Do Building, 164 – 168 Hobson Street, Auckland Central; and
2. Gilfillan's Store (former), 95 Queen Street, Auckland Central.

NORs were made on these places in April 2011 by Auckland Council. At the time, it was considered "demolition was foreseeable" for the Thomas Do Building as it had a valid resource consent for demolition and "demolition of the building could be a future threat" for the Gilfillan's Store.

Since this time, both places have been included as scheduled historic heritage places with the Auckland Unitary Plan – operative in part (AUP); Thomas Do Building being Category B and Gilfillan's Store being Category A. The demolition consent for the Thomas Do Building has lapsed and the site has been subject to redevelopment.

While the NORs were publically notified, the process to confirm them was never completed. This would require a hearing and likely the presentation of evidence.

The removal of the NOR from these places is considered appropriate. The places have been given appropriate protection through their scheduling within the AUP and are no longer considered to be at threat of demolition.

The withdrawal of the NORs is supported by Heritage New Zealand Pouhere Taonga (Sherry Reynolds, General Manager Northern).

A NOR can be withdrawn at any time. This is not considered a complex or onerous process.

Advice has been sought from Legal Service (Mike Moodie, Senior Solicitor, Litigation & Regulatory in April 2017). This advice is the council's Delegation Register¹ does not identify any relevant delegation relating to

¹ Updated July 2017

either s196 or 182(1) of the RMA. In the absence of a specific delegation, any member of staff can exercise the function. Accordingly, the decision to withdraw the NORs can be made under delegated authority, should an officer be comfortable to exercise this discretion.

The delegated authority for the "power, as requiring authority to withdraw a requirement [for a designation] by giving notice in writing to the territorial authority; s168(4)" is provided for within the Delegation Register at Tier 4. This is relevant as under the RMA a heritage order is similar in effect and has a similar process to a designation.

It is recommended that the NOR withdrawal be done under delegated authority. A report to the Planning Committee is not considered necessary, given that the places have been given appropriate protection through their scheduling within the AUP, the places are no longer considered to be at threat of demolition, the redevelopment of Thomas Do Building is completed, and this is not a substantive (or a change in policy position) decision requiring to be considered by the committee.


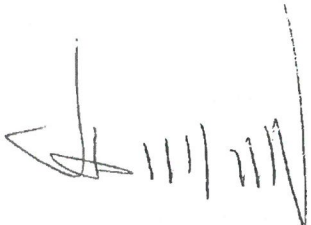
There were no submissions to the NORs through the unitary plan process and no evidence was presented to the Independent Hearing Panel.

If the NORs are not to be withdrawn, resources should be allocated to complete the process to confirm the NORs.

Approval, under delegated authority, for:

The withdrawal of the Notice of Requirement for a heritage order within the Auckland Unitary Plan (Operative in Part) for:

1. Thomas Do Building, 164 – 168 Hobson Street, Auckland Central; and
2. Gilfillan's Store (former), 95 Queen Street, Auckland Central.

	Signature	Date
Noel Reardon Manager Heritage		30/10/17
John Duguid General Manager Plans & Places		7/11/17

Auckland Unitary Plan

Withdrawal of Heritage Orders Auckland Unitary Plan Operative in part

Auckland Council has withdrawn Heritage Order # 7 Thomas Doo Building, 164 – 168 Hobson Street, Auckland Central and Heritage Order # 8 Gilfillan's Store (former), 95 Queen Street, Auckland Central to the Auckland Unitary Plan (Operative in Part) under Schedule 1 (s189) to the Resource Management Act 1991 (RMA).

The reasons for the withdrawals are:

- Notice of Requirements was made on these places in April 2011 by Auckland Council. At the time, it was considered "demolition was foreseeable" for the Thomas Doo Building as it had valid resource consent for demolition and "demolition of the building could be a future threat" for the Gilfillan Store.
- Since this time, both places have been included as scheduled historic heritage places with the Auckland Unitary Plan Operative in part (AUP); Thomas Doo Building being Category B and Gilfillan's Store being Category A. The demolition consent for the Thomas Doo Building has lapsed and the site has been subject to redevelopment.

For further information on please visit the Auckland Council website at www.aucklandcouncil.govt.nz/unitaryplan.

Dated 13/09/2018

Changes to text

Schedule 13 Heritage Orders Schedule

...

Table: Schedule of heritage orders

Heritage order number	Heritage order name/ description	Address
1	Bluestone store	9-11 Durham Lane, Auckland Central
2	Courtville Annexe Building, middle flats - 3-storey block	9 Parliament Street, Auckland Central
3	Courtville - Corner flats, 5-storey block	11 Parliament Street, Auckland Central
4	Bank of New Zealand - facade only	125 Queen Street, Auckland Central
5	Civic Theatre	269-285 Queen Street, Auckland central
6	Terrace of shops	456 -486 Queen Street, Auckland Central
7	Thomas Doo Building	164-168 Hobson Street, Auckland Central
8	Gilfillan's Store (former)	95 Queen Street, Auckland Central

...

Heritage order number 7: Thomas Doo Building

Heritage order number	7
Heritage protection authority	Auckland Council
Location	164-168 Hobson Street, Auckland Central
Legacy reference	n/a
Date	n/a
Status	Subject to notice of requirement

Conditions

None

Attachments

None

Heritage order number 8: Gilfillan's Store (former)

Heritage order number	8
Heritage protection authority	Auckland Council
Location	95 Queen Street, Auckland Central
Legacy reference	n/a
Date	n/a
Status	Subject to notice of requirement

Conditions

None

Attachments

None

Schedule 13 Heritage Orders Schedule

The RMA enables heritage protection authorities to make requirements for heritage orders to assist in the protection and conservation of historic heritage places. Details of the processes by which a requirement for a heritage order is considered are set out in the RMA. The RMA requires all places subject to 'confirmed' heritage orders to be identified in the Unitary Plan. Historic heritage places subject to heritage orders are identified in a register of places subject to heritage orders held by Heritage New Zealand Pouhere Taonga.

Notices of requirements for heritage orders are identified as plan modifications until such time as the requirement is confirmed by a heritage protection authority, and mapped as a plan modification.*

Any person wishing to undertake works within a place subject to a heritage order, or a requirement for a heritage order, must obtain approval for the works from the relevant heritage protection authority. This statutory protection takes immediate interim effect when a notice of requirement for a heritage order is given.

*Section 175 and 192 of the RMA state that a territorial authority must include a heritage order 'as soon as practicable' once the heritage order has been confirmed by the heritage protection authority and is not subject to any appeals.

Table: Schedule of heritage orders

Heritage order number	Heritage order name/ description	Address
1	Bluestone store	9-11 Durham Lane, Auckland Central
2	Courtville Annexe Building, middle flats - 3-storey block	9 Parliament Street, Auckland Central
3	Courtville - Corner flats, 5-storey block	11 Parliament Street, Auckland Central
4	Bank of New Zealand - facade only	125 Queen Street, Auckland Central
5	Civic Theatre	269-285 Queen Street, Auckland central
6	Terrace of shops	456 -486 Queen Street, Auckland Central

Heritage order number 1: Bluestone store

Heritage order number	1
Heritage protection authority	Heritage New Zealand Pouhere Taonga

Schedule 13 Heritage Orders Schedule

Location	9-11 Durham Lane, Auckland Central
Legacy reference	Heritage Order 031/342, Auckland Council District Plan (Central Area Section) 2005
Date	1987
Status	Confirmed

Conditions

None

Attachments

None

Heritage order number 2: Courtville Annexe building, middle flats

Heritage order number	2
Heritage protection authority	Heritage New Zealand Pouhere Taonga
Location	9 Parliament Street, Auckland Central
Legacy reference	Heritage Order 079/343, Auckland Council District Plan (Central Area Section) 2005
Date	September 1987
Status	Confirmed

Conditions

None

Attachments

None

Heritage order number 3: Courtville – corner flats

Heritage order number	3
Heritage protection authority	Heritage New Zealand Pouhere Taonga
Location	11 Parliament Street, Auckland Central (Corner Waterloo Quadrant)
Legacy reference	Heritage Order 080/343, Auckland Council District Plan (Central Area Section) 2005
Date	September 1987
Status	Confirmed

Conditions

None

Attachments

None

Heritage order number 4: Bank of New Zealand

Heritage order number	4
Heritage protection authority	Heritage New Zealand Pouhere Taonga
Location	125 Queen Street, Auckland Central
Legacy reference	Heritage Order 128/339, Auckland Council District Plan (Central Area Section) 2005
Date	July 1984
Status	Confirmed

Conditions

None

Attachments

None

Heritage order number 5: Civic Theatre

Heritage order number	5
Heritage protection authority	Heritage New Zealand Pouhere Taonga
Location	269-285 Queen Street, Auckland Central (Corner Queen Street and Wellesley Street)
Legacy reference	Heritage Order 141/341, Auckland Council District Plan (Central Area Section) 2005
Date	May 1988
Status	Confirmed

Conditions

None

Attachments

None

Heritage order number 6: Terrace of shops (Queen Street associated retail use 2004)

Heritage order number	6
Heritage protection authority	Heritage New Zealand Pouhere Taonga
Location	456-486 Queen Street, Auckland Central (between Turner Street and City Road)
Legacy reference	Heritage Order 151/340, Auckland Council District Plan (Central Area Section) 2005
Date	June 1989
Status	Confirmed

Conditions

None

Attachments

None

Memo

Date 17 July 2018

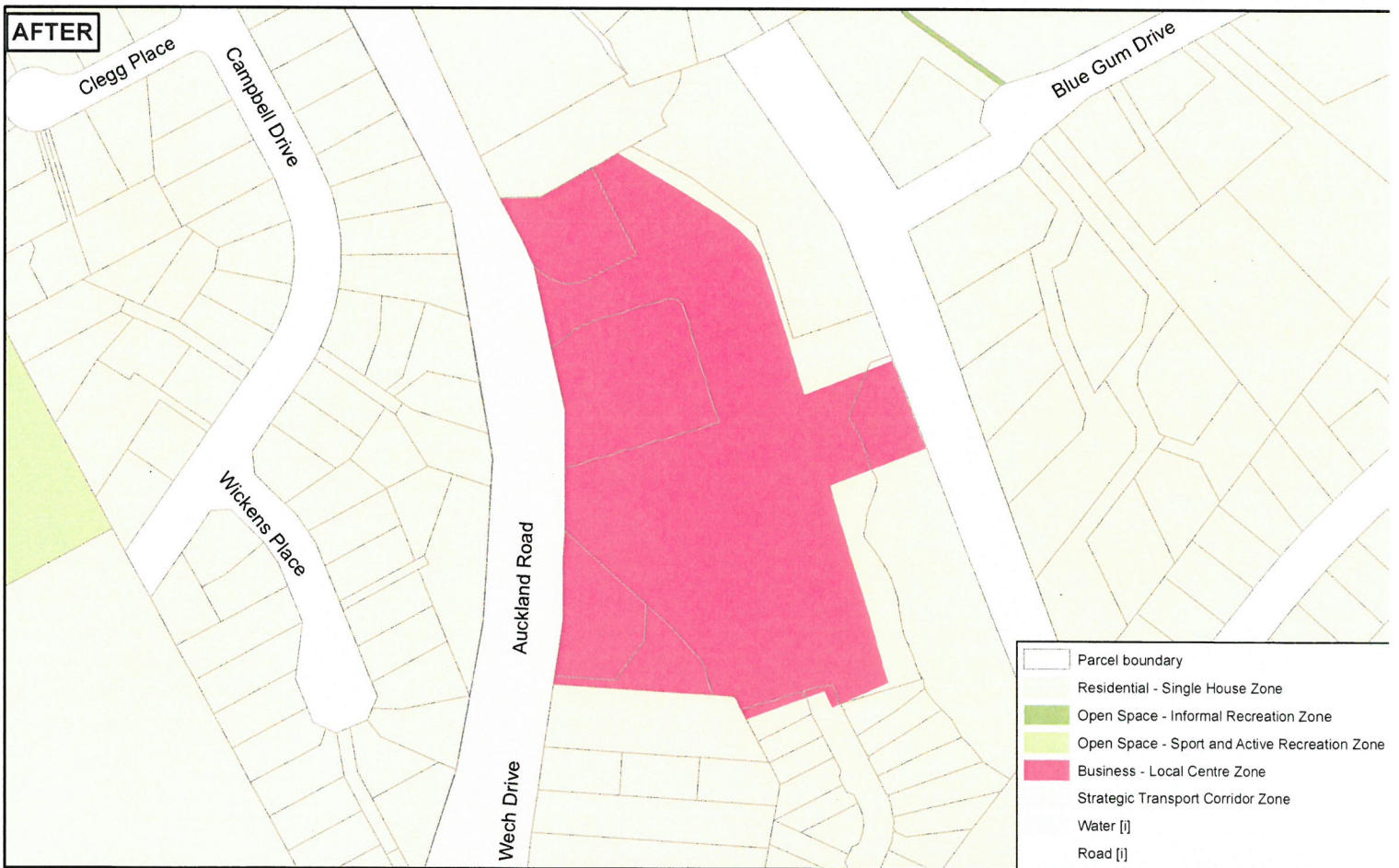
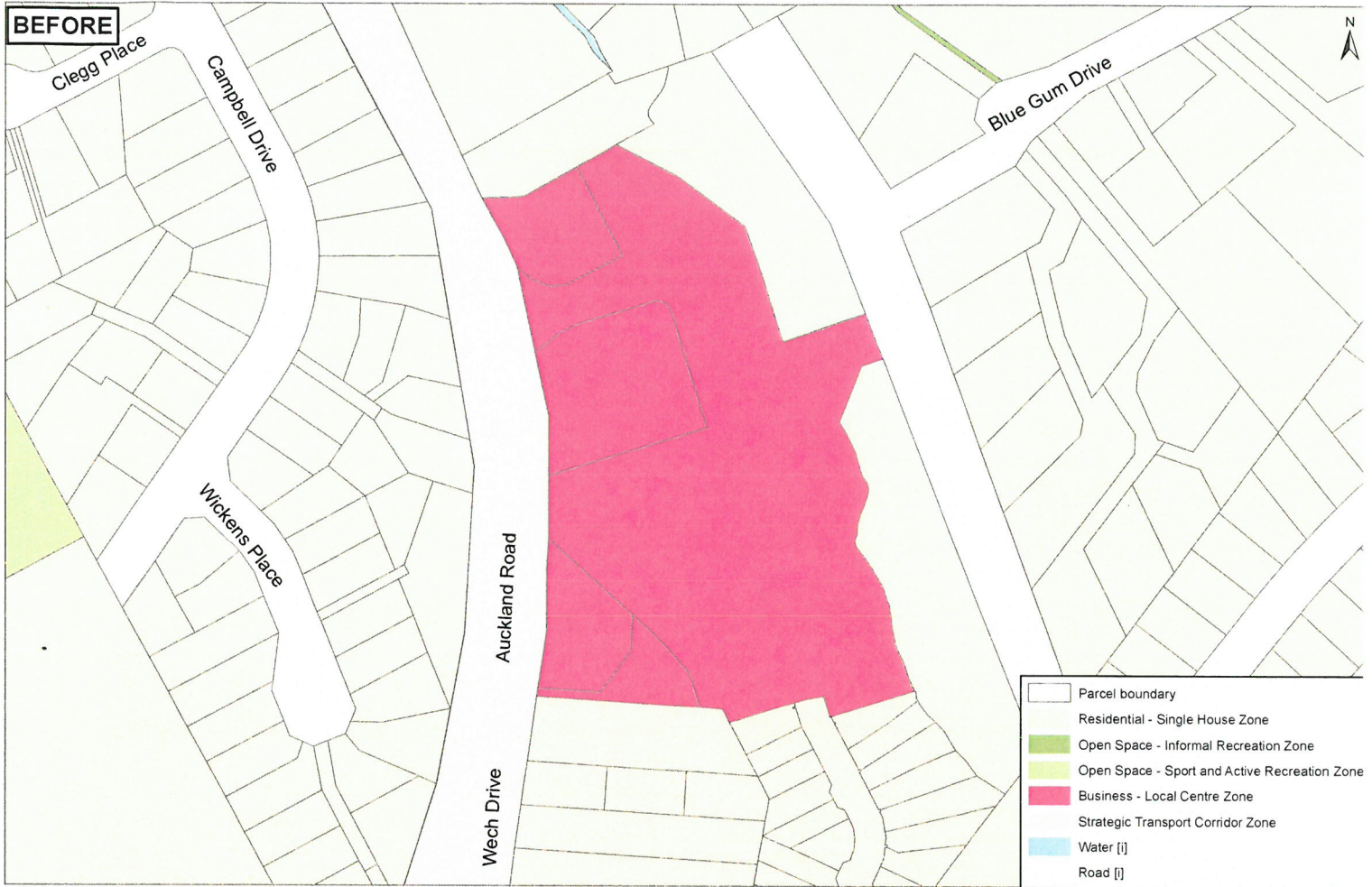
To: Phill Reid, Auckland-wide Manager
From: Jeremy Wyatt, Principal Planner, Plans and Places

Subject: **Plan Modification: Clause 20A Amendment to the Auckland Unitary Plan (AUP) Operative in part (15 November 2016) maps.**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Mapping of zones
Subject Site (if applicable)	The change affects are a number of sites, as shown in the map below, including 1 – 11 Fairwater Road.
Legal Description (if applicable)	There are a number of legal descriptions, including Lot 1000 DP 501509 in Warkworth.
Nature of change	<p>Discussion</p> <p>This area of Business – Local Centre Zone was mistakenly moved to align with parcels via a previous clause 20A. This was so it would follow the area’s subdivision pattern and avoid a split zoning on this and other sites.</p> <p>Since that time one of the landowners has complained that the Business Local Centre Zone has been removed from their property.</p> <p>On reflection, the previous clause 20A overreached and should be reversed. This is an amendment to restore the Business – Local Centre Zone to its previous alignment.</p>
Effect of change	The change will remove the previous Clause 20A and the zoning will revert to the spatial outline that was implemented by the IHP.



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 30/05/2018

Realign Local Centre zone at 11 Fairwater Road, Warkworth



Plans and Places