
SECTION 32 EVALUATION REPORTS

PLAN MODIFICATION 14

AND

PLAN MODIFICATION 16

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PLAN CHANGE 14: Improving consistency of provisions for Auckland-wide and Overlays

The proposed plan change to the Auckland Unitary Plan seeks to address identified technical issues within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2 and Appendix 17.

ATTACHMENT A
PROPOSED PLAN CHANGE 14

Auckland Unitary Plan - Operative in part

PROPOSED PLAN CHANGE 14 (PC14)

Improving consistency of provisions in Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2 and Appendix 17 of the Auckland Unitary Plan (Operative in part)

Public notification: 29 November 2018

Close of submissions: 31 January 2019

This is a council initiated plan change

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

Explanatory note – not part of the plan change

The proposed plan change to the Auckland Unitary Plan seeks to address identified technical issues within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2 and Appendix 17.

Plan Change Provisions

Note:

Amendments proposed by this plan change to the Auckland Unitary Plan are underlined for new text and ~~struckthrough~~ where existing text is proposed to be deleted.

The use of “...” indicates that there is more text, but it is not being changed. These are used when the whole provisions if too long to be included.

Where a proposed amendment has legal effect upon notification of the plan change under Section 86B(3) of the Resource Management Act 1991 this is shown in **grey highlight**.

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ATTACHMENT A.1 – NATURAL HERITAGE

Showing proposed amendments as tracked changes for Chapters:
 D11 Outstanding Natural Character and High Natural Character Overlay
 D13 Notable Trees Overlay
 D14. Volcanic Viewshafts and Height Sensitive Areas Overlay

Consequential changes from D13 Notable Trees Overlay can be found in Attachment A.5 Infrastructure for chapter E26 Infrastructure

D11 Outstanding Natural Character and High Natural Character Overlay

...

D11.4 Activity table

...

Table D11.4.1. Activity Table

Activity		Activity Status		
		High Natural Character	Outstanding Natural Character	Outstanding Natural Landscape
Development				
(A9)	Buildings and structures accessory to pastoral farming, cropping and other forms of non-intensive forms of rural land production <u>that is not intensive farming</u> (excluding dwellings) that meet Standard D11.6.2	P	P	P
(A10)

...

D11.6 Standards

...

D11.6.2. Buildings and structures accessory to pastoral farming, cropping and other non-intensive forms of land production (excluding dwellings) and additions to a building or structure existing at 30 September 2013

(1) Buildings and structures accessory to pastoral farming, cropping and other ~~forms of non-intensive forms of rural land production~~ that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a total gross floor area of:

- (a) 50m² in areas scheduled in the High Natural Character Overlay;
- (b) 25m² in areas scheduled in the Outstanding Natural Character Overlay; and
- (c) 50m² in areas scheduled in the Outstanding Natural Landscape Overlay

- (2) Buildings and structures accessory to pastoral farming, cropping and forms of non-intensive forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a maximum height of 5 metres.
- (3) No maximum height applies to road lighting, traffic and direction signs, road name signs, traffic safety and operational signals or traffic monitoring equipment, or the support structures for these activities.
- (4) Buildings and structures accessory to pastoral farming, cropping and other forms of non-intensive forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must have an exterior finish that has:
- (a) a reflectance value of up to 30 per cent; and
 - (b) be within Groups A, B or C as defined within the BS5252 standard colour palette
- (5) No exterior finish applies to traffic and direction signs, road name signs or traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

D13 Notable Trees Overlay

...

D13.4 Activity table

Table D13.4.1 Activity table specifies the activity status for land use activities related to tree management in the Notable Trees Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation are located in Section E26 Infrastructure.

Reference to 'trees' includes trees, groups of trees and the protected root zone

Table D13.4.1 Activity table

Activity		Activity status
(A7)
(A8)	Works within the protected root zone undertaken by <u>to enable</u> trenchless methods at a depth greater than 1m below ground level	P
(A9)		

...

D13.6. Standards

...

D13.6.2. Works within the protected root zone ~~undertaken by~~ to enable trenchless methods at a depth greater than 1m below ground level.

...

D14. Volcanic Viewshafts and Height Sensitive Areas Overlay

D14.4 Activity table [rcp/dp]

Table D14.4.1 specifies the activity status of land use and development activities in the Volcanic Viewshafts and Height Sensitive Areas Overlay pursuant to sections 9(3) and 12 of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation in the Volcanic Viewshafts and Height Sensitive Areas Overlay are located in Section E26 Infrastructure.

Table D14.4.1 Activity table

Activity		Activity status	
Buildings, and fences and walls where their height does not exceed 2.5m, (where they intrude into a scheduled volcanic viewshaft) excluding network utilities, electricity generation facilities, broadcasting facilities and road networks}			
		Regionally Significant Volcanic Viewshaft	Locally Significant Volcanic Viewshaft
(A1)	Buildings that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule Buildings that comply with standard <u>D14.6.2</u>	P	P
(A1A)	<u>Fences and walls, where their height does not exceed 2.5m, that comply with standard D14.6.2</u>	P	P
(A2)	Temporary activities construction and safety structures that comply with standard <u>D14.6.4</u>	P	P
<u>(A2A)</u>	<u>Temporary construction and safety structures for a duration of between 12 and 24 months</u>	<u>RD</u>	<u>RD</u>
<u>(A2B)</u>	<u>Temporary construction and safety structures for a duration exceeding 24 months</u>	<u>NC</u>	<u>NC</u>
(A3)	Buildings, except for fences and walls, up to 9m in height	RD	P

(A4)	Fences and walls, where their height does not exceed 2.5m	RD	P
(A5)	Towers associated with fire stations operated by the New Zealand Fire Service <u>Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone.	RD	P
(A6)	Buildings not otherwise provided for or that do not comply with the standards under D14.6	NC	RD
Buildings in a height sensitive area, excluding network utilities, electricity generation facilities, broadcasting facilities and road networks			
(A7)	Buildings up to 9m in height except as specified in Standard D14.6.3.	P	
(A8)	Buildings up to 13m in height in the areas identified in Figure D14.10.1	P	
(A9)	Temporary activities <u>construction and safety structures that comply with standard D14.6.4</u>	P	
<u>(A9A)</u>	<u>Temporary construction and safety structures for a duration of between 12 and 24 months</u>	<u>RD</u>	
<u>(A9B)</u>	<u>Temporary construction and safety structures for a duration exceeding 24 months</u>	<u>NC</u>	
(A10)	Towers associated with fire stations operated by the New Zealand Fire Service <u>Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone	RD	
(A11)	Buildings not otherwise provided for or that do not comply with the standards	NC	

D14.6 Standards

All activities listed as permitted and restricted discretionary in Table D14.4.1 must comply with the following standards.

...

D14.6.2. Buildings, and structures-fences and walls that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule but are not visible from the identified viewpoint or line due to the presence of landform

- (1) Compliance must be confirmed by a report from a registered surveyor that the building, fence or wall intruding into the scheduled viewshaft is not visible from the identified viewpoint or line due to the presence of a landform. ~~does not intrude into the scheduled viewshaft (from the identified viewpoint or line) because of the presence of landform. Vegetation is not to be taken into account when confirming compliance and the report shall include identification of the landform used to confirm compliance.~~

...

D14.6.4 Temporary construction and safety structures

- (1) Temporary construction and safety structures, associated with the construction of buildings and structures, must be removed within 30 days from the viewshaft and height sensitive area ~~or~~ upon completion of construction works; ~~or within 12 months of being erected,~~ whichever is the lesser time period.

...

D14.8.2 Assessment criteria

(1A) For temporary construction and safety structures for a duration of between 12 and 24 months the Council will consider the relevant assessment criteria from the list below:

- (a) having regard to the viewshaft or height sensitive area statement in Appendix 20 Volcanic Viewshafts and Height Sensitive Area – Values Assessment whether the temporary construction and safety structure adversely affects the visual integrity of the maunga;
- (b) whether there are practicable alternatives that will not intrude into, or will minimise the intrusion into the viewshaft or exceedance of the maximum height of a height sensitive area; and
- (c) The extent to which identified adverse effects on the visual integrity of the maunga can be minimised through:
 - (i) measures to avoid or reduce night time illumination;
 - (ii) recessive colours and low reflectively; and
 - (iii) the configuration of construction cranes.

(1) For all other restricted discretionary activities, the council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

(1) All restricted discretionary activities;

- (a) having regard to the viewshaft or height sensitive area statement 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) whether the proposed building has a functional or operational requirement to be in the location proposed and the proposed height of the building is consistent with that requirement;
- (c) whether there are practicable alternatives available that will not intrude into, 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; and
- (e) the relevant objectives and policies in B4.3, D14.2 and D14.3

ATTACHMENT A.2 – HISTORIC HERITAGE

Showing proposed amendments as tracked changes for Chapters:
 D17 Historic Heritage Overlay
 D19 Auckland War Memorial Museum Viewshaft Overlay

D17. Historic Heritage Overlay

...

Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places [rcp – where reference is made in Chapter F to these rules applying]

...

		Primary feature Category A places	Primary feature Category A* places	Activities within the scheduled extent of place of Category A and A* places	Primary feature Category B places	Activities within the scheduled extent of place of Category B places	Features identified as exclusions
Demolition or destruction							
(A1)	Demolition or destruction of 70% or more by volume or footprint (whichever is the greater) of any feature	Pr	NC	NC	D	D	P - where the feature is free-standing P – for interior of building(s) where identified as an exclusion C – where the feature is connected to a scheduled feature
(A2)	Demolition or destruction of 30% or more, but less than 70%, by volume or footprint (whichever is the greater)	NC	NC	NC	D	D	P - where the feature is free-standing P – for interior of building(s) where identified as an

	of any feature						<u>exclusion</u> C – where the feature is connected to a scheduled feature
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For the purpose of applying rule D17.4.1(A1) and (A2) to Oakley Hospital Main Building (ID 1339) the map in Schedule 14.3 Historic Heritage Place maps identifies the footprint for the area of the building that comprises the primary feature

Relocation

(A3)	...						
(A4)	Relocation of features (including buildings or structures) beyond the scheduled extent of place	Pr	NC	D	D	RD	P - where the feature is free-standing <u>P – for interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a scheduled feature

...

Modification and restoration

(A9)	...						
<u>(A9A)</u>	<u>Trimming and alteration of trees identified in Schedule 14.1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>(A9B)</u>	<u>Modification of a grave ledger to allow the insertion of cremated ash remains</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

...

Seismic strengthening

(A12)	Modifications to buildings, structures or	RD	RD	RD	RD	RD	P - where the feature is free-
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	features of a scheduled historic heritage place for seismic strengthening						standing P – for interior of building(s) where identified as an exclusion C – where the feature is connected to a scheduled feature
(A12A)	Modifications to buildings, structures or features of a scheduled historic heritage place for invasive seismic investigation	P	P	P	P	P	

...

D17.6. Standards

...

D17.6.5. Modifications to buildings, structures, fabric or features of a scheduled historic heritage place identified as exclusions

...

D17.6.5A. Trimming and alteration of trees identified in Schedule 14.1

- 1) The maximum branch diameter must not exceed 50mm at severance.
- 2) No more than 10 per cent of live growth of the tree may be removed in any one calendar year.
- 3) The works must meet best arboriculture practice.
- 4) All maintenance and trimming must retain the natural shape, form, and branch habit of the tree.

D17.6.5B. Modification to grave ledgers to allow the insertion of cremated ash remains

- 5) Apertures for insertion of cremated remains must:
 - (e) Be cut or drilled;
 - (f) Not exceed a maximum dimension of 250mm; and

- (g) Be repaired or covered by a plaque following insertion. Repairs shall comply with standard D17.6.2. Plaques shall not exceed 0.5m². Plaques shall be of copper alloy or a material that is the same as the original or most significant fabric on the grave, or the closest equivalent.

D17.6.6. Temporary buildings and structures and signs including those accessory to a temporary activity

...

D17.6.6A. Modifications to buildings, structures or features of a scheduled historic heritage place for invasive seismic investigation

- 6) Modifications to buildings, structures, or features of a scheduled historic heritage place for invasive seismic investigation must not result in any of the following:
 - (h) holes, cuts or drilling in visually obvious locations;
 - (i) holes, cuts or drilling in or through original panel finishes such as but not limited to timber, pressed metal;
 - (j) removal of original fabric;
- 7) All investigation works must be repaired/made good with the same material as the original fabric, or the closest equivalent

...

D19. Auckland War Memorial Museum Viewshaft Overlay

D19.1 Background

...

D19.4 Activity table

Table D19.4.1 Activity table specifies the activity status of development activities in the Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation in the Auckland War Memorial Museum Viewshaft Overlay are located in Section E26 Infrastructure.
- Refer to the applicable zone rules for the permitted height limit
- the Auckland War Memorial Museum Viewshaft Overlay provisions do not apply to structures that do not exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps.

Table D19.4.1 Activity table

Activity		Activity status
Development		
(A1)	Temporary construction and safety structures	P
(A2)	Buildings, structures, parapets, chimneys, communication devices, tanks or building services components, ornamental towers, lift towers or advertising signs that exceed the height limits specified on Figures D19.6.1.1 Height limit surface, D19.6.1.2 Height limit surface – 2 and D19.6.1.3 Height limit surface – 3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum	NC

...

ATTACHMENT A.3 – NATURAL RESOURCES

Showing proposed amendments as tracked changes for Chapters:

D1 High-use Aquifer Management Areas Overlay

D2 Quality-sensitive Aquifer Management Areas Overlay

D3 High-use Stream Management Areas Overlay

E2 Water quantity, allocation and use

E7 Taking, using, damming and diversion of water and drilling

E8 Stormwater - Discharge and diversion

E9 Stormwater quality - High contaminant generating car parks and high use roads

D1. High –use Aquifer Management Areas Overlay

D1.1. Background

Aquifers are important as direct sources of water supply for domestic, industrial and rural use. They are the major contributors to the base flow of many streams, particularly in the southern parts of Auckland. Aquifers also contribute to the overall quality and diversity of surface waterbodies.

Some aquifers are highly allocated, providing water to users as well as being major sources of spring and stream flow. They are currently adversely affected by over pumping or are likely to become highly allocated over the life of the Plan, particularly in areas of high potential growth. These aquifers are identified as High-use Aquifer Management Areas.

Aquifers in the High-use Aquifer Management Areas Overlay require careful management of water availability to meet user needs and at the same time maintain base flows for surface streams. For this reason most proposals to take or use groundwater from aquifers will be assessed through the resource consent process.

Rules for this overlay are located in section E7 Taking, using, damming and diversion of water and drilling and E32 Biosolids.

...

D2. Quality-sensitive Aquifer Management Areas Overlay

D2.1. Background

The Quality-sensitive Aquifer Management Areas Overlay contains aquifers that are shallow and unconfined and therefore susceptible to pollution from surface sources such as excess fertiliser application or discharges of contaminants such as stormwater or sewage. The potential for contamination is highest in the volcanic aquifers where discharge to aquifers is most direct. These aquifers are important sources of water for rural and industrial purposes, as well as providing base flow to surface streams in some areas.

Rules for this overlay are located in section ~~E7 Taking, using, damming and diversion of water and drilling~~ E32 Biosolids.

...

D3. High-use Stream Management Areas Overlay

D3.1. Background

A number of streams in Auckland are under pressure from demands to take water or use water. The high use of these streams creates conflicts between the amount of water being abstracted, the amount of water needed for assimilating the adverse effects of discharges, and the amount of water required to maintain ecological values and base flows. Management of high-use streams can be particularly difficult during summer months when stream flows are generally at their lowest.

The rules relating to the High-use Stream Management Areas Overlay are located in E7 Taking, using, damming and diversion of water and drilling and E32 Biosolids.

...

E2. Water quantity, allocation and use

...

E2.3. Policies [rp]

...

Water allocation and availability guidelines

(5) Manage the taking and use of surface water from rivers, streams and springs and taking and use of groundwater from aquifers to meet all of the following except where water allocation exceeds or is close to exceeding the guidelines (refer to Policy E2.3(1410)):

- (a) the minimum flow and availability guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability are not exceeded; and
- (b) the aquifer availability and groundwater levels in Table 1 Aquifer water availabilities and Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels are not exceeded.

Take and use of water

...

(11) Allow takes that exceed the guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability and Table 1 Aquifer water availabilities and Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels in the following circumstances:

- (a) For guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability, when the river or stream flow is greater than the median flow, provided the total take does not exceed 10 per cent of the flow in the river or stream at the time of abstraction, and natural flow variability is maintained; or
- (b) For all guidelines, where it is appropriately demonstrated in terms of the requirements of Policy of E2.3(6)(b) or Policy E2.3(7), that additional water is available for allocation.

...

E7. Taking, using, damming and diversion of water and drilling

...

E7.6.1.10. Diversion of groundwater caused by any excavation, (including trench) or tunnel

DRAFT – subject to change

- (1) All of the following activities are exempt from the Standards E7.6.1.10(2) – (6):
- (a) pipes cables or tunnels including associated structures which are drilled or thrust and are ~~less than~~up to 1.2m in external diameter;
 - (b) pipes including associated structures up to 1.5m in external diameter where a closed faced or earth pressure balanced machine is used;
 - (c) piles up to 1.5m in external diameter are exempt from these standards;
 - (d) diversions for no longer than 10 days; or
 - (e) diversions for network utilities and road network linear trenching activities that are progressively opened, closed and stabilised where the part of the trench that is open at any given time is no longer than 10 days.

...

E7.6.3.3. Take and use of groundwater

...

- (2) The replacement of an existing resource consent to take and use groundwater for municipal water supply purposes:
- (a) at the time of the application, the take is an authorised take;
 - (b) a water management plan has been prepared;
 - (c) the take will not result in the water availabilities and levels in Table 1 Aquifer water availabilities and Table 2 Aquifer groundwater levels, in Appendix 3 Aquifer water availabilities and levels being exceeded, except in accordance with E2 Water quantity, allocation and use Policy E2.3(9)(11); and
 - (d) the take must not be from an area in the Wetland Management Areas Overlay.

...

E7.7.2. Assessment criteria

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

- (1) all controlled activities:
- (a) the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated.

...

DRAFT – subject to change

(4) new bores for purposes not otherwise specified:

(a) the options for the location, depth and design of the bore and the design of the head works to avoid adverse effects on the groundwater resource and other groundwater users;

(b) the options to locate and design the bore and the head works to avoid adverse effects on any scheduled historic heritage places;

(c) the most effective method to identify the bore; and

(d) an effective programme of maintenance for the bore; and

(e) [deleted]

demonstrates consultation and engagement with Mana Whenua.

...

E7.8.2. Assessment criteria

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

...

(5) Whether the proposal provides mitigation options where there are significant adverse effects on the matters identified in E7.8.2(4)(3) and (5)(4) above, including the following:

(a) consideration of alternative locations, rates and timing of takes for both surface water and groundwater;

...

E8. Stormwater - Discharge and diversion

...

E8.6.2.1. Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network

(1) The impervious area ~~was~~ lawfully established ~~as of the date this rule becomes operative,~~ or

~~(2) The diversion does not increase stormwater runoff to the combined sewer network; or~~

~~(3) The diversion increases stormwater runoff to the combined sewer network and (unless the increase is approved by the combined sewer network operator).~~

...

E8.6.4. Restricted discretionary activity standards

Activities listed as restricted discretionary in Table E8.4.1 Activity table must comply with the following restricted activity standard.

E8.6.4.1. Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor

...

(3) Where stormwater runoff from an impervious area is discharged into a stream receiving environment, it must be managed by a stormwater management device to meet the hydrology mitigation requirements ~~E10.6.3.1.1(1)~~ specified ~~for Stormwater management area - Flow 1~~ in Table E10.6.3.1.1 Hydrology mitigation requirements, except as provided for in ~~E10.6.3.1.1(2)~~.

(4) Stormwater management devices must be provided to reduce or remove contaminants from stormwater runoff.

...

E9. Stormwater quality - High contaminant generating car parks and high use roads

...

E9.6.1.3. Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m² and up to 5,000m²

...

(2) Stormwater management device(s) must meet the following standards:

(a) the device or system must be sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

(3) Stormwater runoff from the impervious area used for the high contaminant generating car park is treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.

(4) Where the car park is more than 50 per cent of the total impervious area of the site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.

...

E9.6.1.4. Development of a new or redevelopment of an existing high use road greater than 1,000m² and up to 5,000m²

(1) Stormwater runoff from a new high use road, and any additional area of road discharging to the same drainage network point(s), must be treated by a Stormwater Management Device meeting the following:

(a) the device or system must be sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

...

E9.6.2. Controlled activity

All controlled activities in Table E9.4.1 Activity table must comply with the following activity specific standards.

E9.6.2.1. Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m²

...

(3) Where a high contaminant generating car park is more than 50 per cent of the total impervious area of a site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s).

(4) The stormwater management device(s) must meet the following:

(a) the device or system must be sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

E9.6.2.2. Development of a new or redevelopment of an existing high use road greater than 5,000m²

(1) Stormwater runoff from the impervious area is treated by stormwater management device(s).

(2) Stormwater management device(s) must meet the following:

(a) the device or system must be sized and designed in accordance with Auckland Councils Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

...

ATTACHMENT A.4 – NATURAL RESOURCES

Showing proposed amendments as tracked changes for Chapters:

E11 Land disturbance - Regional

E12 Land disturbance - District

E14 Air quality

E15 Vegetation management and biodiversity

E17 Trees in Roads

Changes to Chapter E17 Trees in Roads are consequential from changes to chapter E26 Infrastructure

Consequential changes are made to Chapter E26 Infrastructure from the changes here for Chapter E15 Vegetation management and biodiversity

E11 Land disturbance – Regional

...

E11.2. Objectives [rp]

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

...

E11.3. Policies [rp]

...

- (2) Manage land disturbance to:

...

- (c) avoid, remedy ~~and~~or mitigate adverse effects on accidentally discovered sensitive material; and

...

- (6A) Recognise and provide for the management and control of kauri dieback as a means of maintaining indigenous biodiversity.

...

E11.6.2. General standards

...

- (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~~ 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)' or similar design.

...

E11.6.3. Standards for ancillary farming earthworks

...

- (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~~ Auckland Council 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)' or similar design for other ancillary farming earthworks.

...

- (4) 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.

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.

...

- (15) 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.

...

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;

...

E12 Land disturbance – District

...

E12.2. Objectives

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

...

E12.3. Policies

- (2) Manage the amount of land being disturbed at any one time, to:

- (b) avoid, remedy ~~and~~or mitigate adverse effects on accidentally discovered sensitive material; and

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

Activity		Activity status				Archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps
		Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage 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	<u>RD</u>
(A18)	Earthworks for interments in a burial ground, cemetery or urupā (within the	P	P	P	P	

PC 4
s86B (3) Immediate legal effect (See modifications) [ENV-2018-AKL000147:Housing New Zealand]

	burial plot for that interment)					
(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 earthworks for maintenance of tracks	P	P	P ²	P	<u>RD</u>
Forestry						
(A26)	Ancillary forestry earthworks for maintenance	P	P	P ²	P	<u>RD</u>
Temporary activities						
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P ²	RD	<u>RD</u>
Land disturbance not otherwise listed in this table ³						
(A28)	Up to 5m ²	P	P	P ²	D	<u>RD</u>
(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	<u>RD</u>
(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 *[deleted]*

~~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.

...

E14 Air quality

...

E14.3. Policies [rcp/rp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

.....

(2) In the coastal marine area and in urban and rural zones, except for those zones and precincts subject to policies E14.3(3) to (5):

(a) avoid offensive ~~and or~~ objectionable effects from dust and odour discharges and remedy or mitigate all other adverse effects of dust and odour discharges; or

...

(7) Require discharges of contaminants to air from outdoor burning (except when associated with test and training exercises by emergency response services), to be:

(b) avoided in urban and industrial areas and the coastal marine area; or

(c) minimised in rural areas; or

(d) minimised where it is for community or public event purposes or for cooking or heating.

(8) Avoid, remedy or mitigate the adverse effects on air quality from discharges of contaminants into air by:

(e) using the best practicable option for emission control and management practices that are appropriate to the scale of the discharge and potential adverse effects; ~~or and~~

(f) adopting a precautionary approach, where there is uncertainty and a risk of significant adverse effects or irreversible harm to the environment from air discharges.

...
Table E14.4.1 Activity table

Activity	Activity status				
	High air quality - dust and odour	Medium air quality - dust and odour	Medium air quality - dust and odour area	Low air quality - dust and odour area	Low air quality - dust and odour area

	area	odour rural area (Rural)	(Industry)	(Industry)	(Quarry)
--	------	--------------------------	------------	------------	----------

...

Discharge of contaminants into air from chemical and metallurgical processes

(A38)	Use of more than 200kg/hour of resins	D	D	D	D	D
(A38A)	<u>Thermal metal spraying of any metal or metal alloy where discharges to air are through particulate control equipment [Standards in E14.6.1.3]</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(A39)	The melting of any metal or metal alloy used in the process of thermal metal spraying, including zinc, that does not comply with the permitted activity standards	D	D	D	D	D

...

Discharge of contaminants into air from dust generating processes

(A77)	<u>Bulk</u> cement storage, handling, redistribution, or packaging	<u>D-P</u>	P	P	P	P
-------	--	------------	---	---	---	---

...

Discharge of contaminants into air from emergency services and the New Zealand Defence Force

(A96)	Air discharges, including outdoor burning of any material, for the purpose of fire-fighting and other emergency response activities, carried out by <u>the New Zealand Fire Service Fire and Emergency New Zealand</u> , Auckland International Airport Limited and the New Zealand Defence Force	P	P	P	P	P
-------	---	---	---	---	---	---

...

Discharge of contaminants into air from food, animal or plant matter processes

(A102)	Coffee roasting at a loading rate of green coffee beans greater than 50kg/hour and not exceeding 250kg/hour <u>or with a total weekly production between 100kg and 500kg</u>	P	P	P	P	P
(A103)	Coffee roasting at a loading rate of green coffee beans of more than 250kg/hour <u>or with a total weekly production of more than 500kg</u> , or less than 250kg/hour and not meeting the permitted activity standards	D	D	D	D	D

...

Discharge of contaminants into air from mobile sources and tunnels

(A114)	Discharges to air from <u>the engines of</u> motor vehicles, aircraft, trains, vessels (including boats) and mobile sources not otherwise specified (such as lawnmowers), including those on industrial or trade premises (excluding tunnels) (permitted standards do not apply)	P	P	P	P	P
--------	--	---	---	---	---	---

...

Discharge of contaminants into air from outdoor burning						
(A124)	Cooking and or heating outdoors using fuels (including natural gas, liquid fossil fuels, solid fuels or untreated dry wood containing less than 25 per cent moisture) that contain less than 0.5 per cent sulphur by weight providing it does not cause offensive or objectionable smoke beyond the site boundary (includes braziers, firepits, barbecues, umus, hangis, domestic smokehouses and other ethnic cooking fires)	P	P	P	P	P

...

E14.6.1.1 General standards

The following standards apply to all permitted activities that discharge contaminants into air except for:

- mobile sources; and
- fire-fighting and other emergency response activities.

(1) The discharge must not ~~contain contaminants that cause, or are likely to cause, cause, or be likely to cause,~~ adverse effects on human health, property or ~~the environment~~ ecosystems beyond the boundary of the premises where the activity takes place.

E14.6.1.12. Bulk Cement storage, handling, redistribution, or packaging

...

Emergency Services

E14.6.1.15 Burning of any material for the purpose of fire emergency service training or investigation

- (1) All adjacent neighbours must be advised in writing at least 48 hours prior to the fire being lit.
- (2) The Auckland Council Compliance Team ~~Principal Rural Fire Officer~~ must be advised at least seven working days in writing in advance of the

location and duration of the fire and the contact details of the person overseeing the fire.

- (3) The fire must be under the direction and supervision of ~~the New Zealand Fire Service~~ Fire and Emergency New Zealand, Council fire officers or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

Outdoor burning

E14.6.1.20 Outdoor burning of any material required by Ministry for Primary Industries or designated authorities under the Health Act 1965 or Biosecurity Act 1993 (excluding rural and quarry zones)

- (4) All adjacent neighbours must be advised in writing at least 48 hours prior to the fire being lit.
- (5) The Auckland Council ~~Compliance Team Principal Rural Fire Officer and Auckland Council Pollution Response Team~~ must be advised in writing at least 48 hours in advance of the location and duration of the fire and the contact details of the person overseeing the fire.
- (6) The fire must be under the direction and supervision of ~~the New Zealand Fire Service~~ Fire and Emergency New Zealand, Council fire officers or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

...

E14.6.1.21. Other outdoor burning and burning within a backyard or single chamber incinerator but excluding outdoor cooking ~~and or~~ heating

...

Rural activities

...

E14.6.3.5. Intensive farming established from 21 October 2001 housing between 10,000 to 180,000 chickens

- (1) The premises, measured from the exhaust vents closest to the neighbouring site, must be located a minimum of 400m from the property boundary or notional property boundary. Notional property boundaries must be established through an instrument registered against the land title or any neighbouring property within the buffer area. Such registered instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive ~~and or~~ objectionable odours or dust within the buffer area generated by the intensive livestock chicken farm.

E15 Vegetation management and biodiversity

...

E15.6. Standards

All activities listed as a permitted, controlled or restricted discretionary activity in Table E15.4.1 or Table E15.4.2 must comply with the following standards.

E15.6.A1. General standards

The following standards apply to all permitted, controlled or restricted discretionary activities.

- (1) All kauri material (including sawdust and woodchips) must be retained within 3 times the radius of the canopy drip line of the tree or disposed of to an approved landfill facility.

E15.6.1. ~~[deleted]~~Deadwood removal

- ~~(1) All kauri deadwood material (including sawdust and woodchips) must be retained on site or disposed of to an approved landfill facility.~~

...

E17. Trees in roads

E17.1 Background

...

E17.6. Standards

All permitted and restricted discretionary activities listed in Table 0.4.1 must comply with the following standards.

E17.6.1. Tree trimming or alteration

...

- (6) Standards E17.6.1(1),(2),(3),(4) and (5) do not apply for works carried out:
 - (b) in order to comply with the Electricity (Hazards from Trees) Regulations 2003;
 - (c) by Council or its agent or the road controlling authority or its agent to maintain the visibility of road safety signage, maintain vehicle sight lines for traffic safety, maintain legal clearance height and width above the road carriage way including to:
 - (iv) maintain a clearance of 4.5m height above the road carriageway or ~~5.3m where there is~~ up to 0.5m above any traffic signal, or road safety and directional signage located above the carriageway;
 - (v) maintain the clearance of 0.5m width back from the road kerb;
 - (vi) maintain the clearance of 0.6m width back from the unkerbed road; or
 - (vii) maintain clearance requirements for over dimension routes.
 - (d) within the formation width of the legal road where the road adjoins any rural zone for maintaining visibility.

...

ATTACHMENT A.5 - INFRASTRUCTURE

Showing proposed amendments as tracked changes for Chapters:

D26 National Grid Corridor Overlay

E26 Infrastructure

Changes to E26 Infrastructure include consequential changes from Chapter D13 Notable trees.

Consequential changes from E26 Infrastructure can be found in:

Attachment A.2 Built heritage and character for chapter D19 Auckland War Memorial Museum

Viewshaft Overlay, and

Attachment A.4 Natural resources for chapter E17 Trees in Roads

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.

...

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.

The location of the National Grid Corridor Overlay must be updated if any National Grid line, support structure or substation is relocated or removed or if the site boundary of a substation reduces in size.

...

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.

...

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.

The National Grid Corridor Overlay rules cease to have effect and the maps can be updated accordingly where:

(a) a National Grid line or part of a line is dismantled, undergrounded or moved;

or

(b) a National Grid substation is dismantled or the site boundary of a National Grid substation reduces in size; and Transpower New Zealand Limited has advised the Council in writing that the National Grid Corridor Overlay provisions are no longer required for that line or part of that line, or for that substation or that part of that substation.

**Table D26.4.1 Activity table – within the National Grid Yard
(Compromised and Uncompromised)**

....

E26. Infrastructure

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

E26.1 Introduction and other relevant regulatory requirements

E26.1.1 Introduction

...

E26.2.2. Policies [rp/dp]

...

(7) Enable the following activities within natural heritage, natural resources, coastal environment, historic heritage, historic special character and Mana Whenua cultural heritage overlays:

...

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

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							
	...						
(A23)	<p>Pole mounted transformer</p> <p>* within areas of the Road, Unformed Road and the Strategic Transport Corridor Zone, this activity shall have the same status as the adjacent zone</p> <p>** Industrial zones</p> <p>*** 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	P	RD P***	RD P**	RD

	<u>*** in those zones that are located outside the RUB, and within areas of the Road, Unformed Road and the Strategic Transport Corridor Zone adjacent to those zones.</u>							
							
(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 <u>whip or dipole</u> antennas: <ul style="list-style-type: none"> • 650mm high; • <u>650mm horizontal length for dipole antennas;</u> and • <u>Whip or cross rod section of 60mm in diameter</u> 	P	P	P	P	P	P	P
	...							
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P
(A51A)	<u>Water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2 (3)(a)</u> <u>*Centres zones and Business – Mixed Use Zone</u>	<u>NA</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u> <u>*RD#</u>	<u>RD#</u>
(A52)	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P
							

...

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.

...

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m;
- (b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters, omni-directional whip antennas and GPS antennas; and

(c) the maximum height for of 2.5m applies to:

- (i) telecommunication kiosk; and
- (ii) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas.

...

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.

...

(3) Height:

(a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes:

- (i) structures in industrial zones, where the height controls of the relevant zone will apply;
- (ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and

(iii) telecommunication shelters and electricity storage facilities in rural zones, where a maximum height of 3m applies.

(b) the maximum height for support structures for electricity lines and telecommunication lines is 25m.

...

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 (or a single bundled line containing all 4 electricity lines), 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6.
 - (iii) the provisions in E26.2.5.3(1)(b)(i) and E26.2.5.3(1)(b)(ii) above exclude service connections and lateral network connections
 - (iv) additional cross arms that do not exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m; and
 - (v) additional or replacement electricity and telecommunication lines that:
 - do not exceed 30mm in diameter; or
 - in the case of a single bundled line containing all 4 electricity lines provided for under E26.2.5.3(1)(b)(ii), does not exceed 44mm in diameter.

...

Substations and electricity storage facilities

- (2) Noise from substations must not exceed the following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
- (a) 55 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
 - (b) 45 dB L_{Aeq} /75 dB L_{Amax} for all other times
- (2A) Noise from electricity storage facilities must not exceed:
- (a) The noise limits in E26.2.5.3(2) when the electricity storage facility is located on the same site as a substation and the noise levels are assessed cumulatively; or

(b) The following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:

(i) 50 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and

(ii) 40 dB L_{Aeq}/75 dB L_{Amax} for all other times.

(3) Noise from substations and electricity storage facilities received in other zones must not exceed the noise limits for the zone in which the receiver is 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.~~

(4) Noise from distribution substations and electricity storage facilities within roads, unformed roads and the Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} at:

(a) 6m from the distribution substation or electricity storage facility; or

(b) any residential boundary or rural notional boundary where those boundaries are further than 6m from the distribution substation or electricity storage facility.

(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".

...

E26.2.5.4 Standards for road network activities in Table E26.2.3.2

The following permitted activity standards apply to activities within Table E26.2.3.2 Activity table for road network activities in the existing road.

(1) Temporary works, buildings and structures must be removed from the road on completion of works.

(2) After completion of works, the ground must be reinstated to at least the condition existing prior to any work starting.

(3) Work within the formation width of the road must be incidental to, and serve a supportive function for the existing public road or is required for the safety of road users or is required for the safety of adjacent landowners or occupiers.

(4) Road network activities involving the construction, renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, that are within 20m of any building or structure that is listed as a primary feature in Schedule 14.1, shall prepare a vibration management plan. The plan shall be prepared by a suitably qualified and experienced person and shall demonstrate that vibration levels in E25.6.30 (1)(a) German Industrial Standard DIN 4150-3(1999):Structural

vibration – Part 3 Effects of vibration on structures will be complied with.
The plan must include the information set out in E26.8.8 and be provided to the council no less than 5 days prior to the works commencing.

E26.2.5.5 Controlled activity standards

All activities listed as controlled in Table E26.2.3.1 Activity table must comply with the following controlled activity standards.

....

Substations within new or existing buildings and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a)

- (2) Substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
- (d) the substation building or pumping station must comply with the standards for the relevant zone; and
- (e) 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:

...

- (3) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
 - (a) external building appearance;
 - (b) landscaping and fencing;
 - (c) compliance with Standard E26.2.5.5(2); and
 - (d) effects on health and safety.

E26.2.6.2 Assessment criteria

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

...

- (3) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
- (a) whether Standard E26.2.5.5(2) is complied with;
 - (b) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the pumping station or substation;
 - (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping station or substation; and
 - (d) the extent to which fencing can be used to minimise potential health and safety hazards.

E26.2.7 Assessment – restricted discretionary activities

E26.2.7.1 Matters of discretion

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

...

- (2) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
- (i) effects of external building appearance on amenity values of the streetscape and adjoining properties; and
 - (ii) effects on health and safety.

...

E26.2.7.2 Assessment criteria

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

...

- (2) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and

water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):

- (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the pumping station or substation;
- (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping station or substation; and
- (c) the extent to which fencing can be used to minimise potential health and safety hazards.

...

E26.3 Network utilities and electricity generation – Vegetation management

E26.3.1 Objectives

...

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~~ areas (for the meaning of 'coastal areas' and 'riparian areas', refer to E15 Vegetation management and biodiversity and in particular Table E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules);
- D9 Significant Ecological Areas Overlay; (SEA)
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay; and (ONF) and (ONL)
- D11 Outstanding Natural Character Overlay and High Natural Character Overlay; (ONC) and (HNC)

...

E26.3.4A General Standard

All activities listed as permitted, or restricted discretionary in Table E26.3.3.1 must comply with the following standard.

Disposal of kauri material

- (1) All kauri material (including sawdust and woodchips) must be retained on site according to best practice or disposed of to an approved landfill facility.

E26.3.5 Permitted activity standards Standards

All activities listed as permitted in Table E26.3.3.1 Activity table must comply with the following permitted activity standards.

Regional [rp]

Permitted activity standards for vegetation management in rural zones, coastal areas, riparian areas ~~margins~~ and the Significant Ecological Areas Overlay

...

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.~~

~~[Deleted]~~

(3) Must not result in the removal of more than 50m² of vegetation within a coastal area or riparian ~~area margin~~ not identified as a significant ecological area.

...

(7) Vegetation alteration or removal from a significant ecological area must be for the purpose of:

~~(a) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and not result in the removal of more than 20m² of vegetation, except within the formation width of the road; or~~

~~(b) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and must be undertaken in any of the following:~~

~~(i) within the formation width of existing roads, except where Standard E26.3.5.2(4) applies; or~~

~~(ii) within 1m of the network utility, or existing access track; or~~

~~(iii) in accordance with the Electricity (Hazards from Trees) Regulations 2003; or~~

~~(c) maintaining the safety of the network utility and must be undertaken in any of the following:~~

~~(i) within state highway designations as at 30 September 2013; or~~

~~(ii) within railway designations as at 30 September 2013; or~~

~~(d) installing a service connection and must not result in the removal of more than 10m² of vegetation.~~

~~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 0.5m above any traffic signal, or road safety and directional signage located above the road carriageway;
 - (b) clearance of a 0.5m width back from the road kerb;
 - (c) clearance of a 0.6m width back from the un-kerbed road; or
 - (d) clearance for any over dimension route requirement.

District [dp]

Permitted Activity Standards for vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay and Outstanding Natural Character and High Natural Character Overlay

...

E26.3.5.4. Vegetation alteration or removal

...

- (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 0.5m above any traffic signal, or road safety and directional signage located above the road carriageway;
 - (b) clearance of a 0.5m width back from the road kerb;
 - (c) clearance of a 0.6m width back from the un-kerbed road; or
 - (d) clearance for any over dimension route requirement.

...

E26.3.7 Assessment – restricted discretionary activities

E26.3.7.1 Matters of discretion

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

- (1) regional rules - vegetation management in rural zones, coastal areas, riparian areas 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.

(aa) hazard mitigation:

- (i) the role of the vegetation in avoiding or mitigating natural hazards and the extent to which the vegetation alteration or removal will increase any hazard risk.

...

E26.3.7.2 Assessment criteria

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

- (1) regional rules - vegetation management in rural zones, coastal areas, riparian areas 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.

(aa) hazard mitigation:

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

....

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

...

E26.4.3 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				
	...			
(A86)	Works within the protected root zone undertaken by <u>to enable</u> trenchless methods at a depth greater than 1m below ground level	NA	NA	P
	...			

...

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

...

(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~~ up to 0.5m above any traffic signal, or road safety and directional signage located above the carriageway;
 - (ii) maintain the clearance of 0.5m width back from the road kerb;
 - (iii) maintain the clearance of 0.6m width back from the unkerbed road; or
 - (iv) maintain clearance requirements for over dimension routes;
- (c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

...

E26.4.5.4 Notable trees - works within the protected root zone ~~undertaken by to enable~~ trenchless methods at a depth greater than 1m below ground level

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 1m².
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.
- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

...

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

...

E26.6.5 Standards

...

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

...

- (3) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~except where the excavation is less than 10m² in area and 5m³ in volume.~~

...

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

...

- (16) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~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 road maintenance, repair, renewal and minor upgrading of road network activities (excluding bridges, retaining walls and tunnels); or 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~~

...

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

...

E26.7.5 Standards

...

E26.7.5.2 General standards

All activities listed as permitted or restricted discretionary in Table E26.7.3.1 Activity table must comply with the following standards.

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³.
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of land previously disturbed, ~~except where the excavation is less than 10m² in area and 5m³ in volume.~~

...

E26.11 Network utilities and electricity generation – 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 <u>or are located in a height sensitive area</u>				
(A152)	Buildings and structures for network utilities and electricity generation facilities that do not intrude into a viewshaft <u>Buildings and structures for network utilities and electricity generation facilities that comply with Standard E26.11.5.1(1A)</u>	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
<u>(A154A)</u>	<u>Minor infrastructure upgrading that does not comply with Standard E26.11.5.1(2)</u>	<u>D</u>	<u>RD</u>	<u>D</u>
(A155)	Minor upgrading of road	P	P	P

	network <u>activities</u> <u>utilities</u>			
(A155A)	<u>Minor upgrading of road network activities that do not comply with Standard E26.11.5.1(3)</u>	<u>D</u>	<u>RD</u>	<u>D</u>
(A156)	Minor utility structure	P	P	P
(A157)	Service connections	P	P	P
(A158)	Antennas and aerials	P	P	P
(A158A)	<u>Antennas and aerials that do not comply with Standard E26.11.5.1(5)</u>	<u>D</u>	<u>RD</u>	<u>D</u>
(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
(A160A)	<u>Road network activities comprising road lighting and associated support structures that do not comply with Standard E26.11.5.1(7)(a)</u>	<u>D</u>	<u>RD</u>	<u>D</u>
(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, <u>traffic signals</u> , 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 <u>E26.11.5.1(1) – (7) E26.11.5.1(1), (1A), (4), (6) and (7)(b) and the height does not exceed 9 metres</u>	<u>NG</u> <u>D</u>	RD	<u>NG</u> <u>D</u>
(A164A)	<u>Network utilities and electricity generation facilities that are</u>	<u>D</u>	<u>D</u>	<u>D</u>

	<u>not provided for and the height does not exceed 9 metres</u>			
(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)~~ E26.11.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E26.11.5 Standards

All activities listed as permitted in Table E26.11.3.1 Activity table must comply with the following permitted activity standards.

E26.11.5.1 Permitted activity standards

- (1) Height must be measured using the rolling height method.

(1A) Buildings and structures for network utilities and electricity generation facilities that intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule but are not visible from the identified viewpoint or line due to the presence of landform:

(a) compliance must be confirmed by a report from a registered surveyor for a building or structure for network utilities and electricity generation facilities that intrudes into a scheduled viewshaft, but is not visible from the identified viewpoint or line due to the presence of landform; and

(b) vegetation is not to be taken into account when confirming compliance and the report shall include identification of the landform used to confirm compliance.

...

- (7) Road network activities must comply with the following standards:

(a) maximum height of 25m for road lighting and associated support structures; and

- (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic signals, traffic information signage and support structures including interactive warning signs, real time information signs, lane control signals, ramp signals, cameras, vehicle identification and occupancy counters.

...

E26.11.7 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 operational ai 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 or height sensitive area statement 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;

...

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

...

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;
- the Auckland War Memorial Museum Viewshaft provisions do not apply to structures that do not exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps.

Table E26.12.3.1 Activity table - Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays

Activity	Activity status		
Network utilities and electricity generation activities			
	Auckland War Memorial Museum Viewshaft	Local Public Views	Ridgelines
...			

...

ATTACHMENT A.6 – TRANSPORT

Showing proposed amendments as tracked changes for Chapter E27 Transport.

Consequential changes from E27 Transport can be found in Attachment A.9 Subdivision for Chapter 38 Subdivision - Urban.

E27 Transport

E27.1 Introduction

...

E27.4. Activity table

Table E27.4.1 specifies the activity status of land use activities in all zones pursuant to sections 9(3) and 11 of the Resource Management Act 1991. A site may contain more than one of the listed activities.

Table E27.4.1 Activity table

...

(A14)	Short-term non-accessory parking in the Business – City Centre Zone and Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone	D
(A15)	Long-term non-accessory parking in these zones and locations: <ul style="list-style-type: none">• Business – City Centre Zone; and• Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone.	NC

E27.6.2. Number of parking and loading spaces

...

(2) Where a minimum rate applies and a site supports more than one activity, the parking requirement of each activity must be separately determined then combined to determine the overall minimum site rate. Provided that where the peak parking demands of the ~~two~~ activities allow for the sharing of parking resources, the total parking requirement for the site shall be based on the activity with the highest of the parking requirements ~~of the two activities~~.

(3) For the purposes of meeting the requirements of the vehicle parking rules, a parking space includes those provided for in a garage or car port or any paved area provided for the sole purpose of parking a motor vehicle.

(3A) Within the Centre Fringe Office Control area, the parking rates contained in Table E27.6.2.2 apply instead of those contained in Table E27.6.2.3 and Table E27.6.2.4.

Table E27.6.2.2 Maximum parking rates for the Centre Fringe Office Control area adjoining the Business – City Centre Zone as shown on the planning maps

...

Table E27.6.2.3 Parking rates - area 1

Activity		Applies to zones and locations specified in Standard 0.6.2(4)	
		Minimum rate	Maximum rate
(T18)	Offices	No minimum	1 per 30 m ² GFA
(T19)	Retail	Food and beverage (excluding taverns)	1 per 30m ² GFA and outdoor seating area
(T160)		Trade suppliers, garden centres and large format retail (excluding supermarkets and department stores)	1 per 45m ² GFA
(T161)		Marine, retail, motor vehicle sales	No maximum
(T20)		All other retail (including supermarkets, department stores and taverns)	1 per 30m ² GFA
(T162)	Commercial services	1 per 30m ² GFA	No maximum
(T21)	Entertainment facilities and community facilities Provided that, for places of worship, the “facility” shall be the primary place of assembly (ancillary spaces such as prayer rooms, meeting rooms and lobby spaces may be disregarded)	No minimum	No maximum
(T22)	Emergency services	No minimum	No maximum
(T23)	Care centres	No minimum	No maximum
(T24)	Education facilities	Primary and secondary	0.5 per FTE employee plus 1 visitor space per classroom
(T25)		Tertiary	No minimum

PC 4 (See modifications)

Activity			Applies to zones and locations specified in Standard 0.6.2(4)	
			Minimum rate	Maximum rate
				time) student the facility is designed to accommodate
(T26)	Medical facilities	Hospital	No minimum	1 per 40 m ² GFA
(T27)		Healthcare facilities	No minimum	No maximum
(T28)	Residential	All dwellings in the Terrace Housing & Apartment Buildings zone	No minimum	No maximum
(T29)		Dwellings – studio or 1 bedroom	No minimum	No maximum
(T30)		Dwellings – two or more bedrooms	No minimum	No maximum
(T31)		Visitor spaces	No minimum	No maximum
(T32)		Retirement villages	No minimum	No maximum
(T33)		Supported residential care	No minimum	No maximum
(T34)		Visitor accommodation	No minimum	No maximum
(T35)		Boarding houses	No minimum	No maximum
<u>(T35A)</u>		<u>Minor dwellings</u>	<u>No minimum</u>	<u>No maximum</u>
(T36)		All other activities		No minimum

...

Table E27.6.2.4 Parking rates - area 2

Activity				Applies to zones and locations specified in Standard 0.6.2(5)	
				Minimum rate	Maximum rate
(T37)	Residential	Residential – Mixed Housing Urban Zone	Dwellings - studio	No minimum	No maximum
(T38)			Dwellings - 1 bedroom	No minimum	No maximum
(T39)			Dwellings - two or more bedrooms	1 per dwelling	No maximum

Activity				Applies to zones and locations specified in Standard 0.6.2(5)	
				Minimum rate	Maximum rate
(T39A)			<u>Minor dwellings</u>	<u>No minimum</u>	<u>No maximum</u>
(T41)	Residential – Mixed Housing Suburban Zone		Dwellings - studio	0.5 per dwelling (rounded down to nearest whole number)	No maximum
(T42)			Dwellings - 1 bedroom	0.5 per dwelling (rounded down to nearest whole number)	No maximum
(T43)			Dwellings - two or more bedrooms	1 per dwelling	No maximum
(T43A)			<u>Minor dwellings</u>	<u>0.5 per dwelling (rounded down to nearest whole number)</u>	<u>No maximum</u>
(T44)		Sites within the D18 Special Character Areas Overlay – Residential and Business		Site area 500m ² or less	No minimum
(T45)			Site area greater than 500m ²	As per the underlying zoning	
(T46)	All other areas		Dwellings	1 per dwelling	No maximum
(T46A)			<u>Minor dwellings</u>	<u>1 per dwelling</u>	<u>No maximum</u>
(T47)		Conversion of dwelling into two dwellings (Sites within the D18 Special Character Areas Overlay – Residential and Business)		No minimum	No maximum
(T48)		Home occupations		1 per dwelling except no additional space is required where both of the following apply: (a) all employees live on the site of the home	No maximum

Activity		Applies to zones and locations specified in Standard 0.6.2(5)	
		Minimum rate	Maximum rate
			occupation; and (b) goods and services are not sold from the site (except electronically or by mail/courier)
(T49)	Retirement village	0.7 per unit plus 0.2 visitor space per unit plus 0.3 per bed for rest home beds within a retirement village	No maximum
(T50)	Supported residential care	0.3 per bed	No maximum
(T51)	Visitor accommodation	1 per unit Or, where accommodation is not provided in the form of units, 0.3 per bedroom	No maximum
(T52)	Boarding houses	0.5 per bedroom (except that parking is not required for boarding houses which accommodate school students within the H29 Special Purpose – School Zone)	No maximum

...

~~(10) Accessible parking:~~

~~(a) Note: Where parking is provided, parking spaces are to be provided for people with disabilities and accessible routes from the parking spaces to the associated activity or road as required by the New Zealand Building Code D1/AS1. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001).~~

...

E27.6.3 Design of parking and loading spaces

E27.6.3.1. Size and location of parking spaces

(1) Every parking space must:

- (a) comply with the minimum dimensions given in Table E27.6.3.1.1 and Figure E27.6.3.1.1; and
- (b) be located on the same site as the activity to which it relates unless one of the following criteria is met:
 - (iii) the parking is located in an H7 Open Space Zone and the reserve, park or recreation area consists of more than one adjoining Certificate of Title. In that case, the parking must be located within the same reserve, park or recreation area as the activity to which it relates; or
 - (iv) resource consent is granted to an alternative arrangement, such as shared parking, offsite parking, or non-accessory parking.
- (c) not be used for any other purpose; and
- (d) be kept clear and available at all times the activity is in operation, except where stacked parking is permitted by Standard E27.6.3.3(3) below; and
- (e) be located outside any area designated for road widening; and
- (f) parking located in part of any yard on the site (where it is permitted in the zone) must not:
 - (i) impede vehicular access and movement on the site; and
 - (ii) infringe any open space and landscape requirements for the relevant zone; and
- (g) not to be sold or leased separately from the activity for which it provides parking ~~required under a resource consent as an accessory activity unless a resource consent is granted to an alternative arrangement such as shared parking or off-site parking.~~ as an accessory activity unless a resource consent is granted to an alternative arrangement such as shared parking or off-site parking.

E27.6.3.3 Access and manoeuvring

(2) Every parking space must have driveways and aisles for entry and exit of vehicles to and from the road, and for vehicle manoeuvring within the site.

Access and manoeuvring areas must accommodate the 85 percentile car tracking curves in Figure E27.6.3.3.1

- (3) ~~For Every loading space and where access and manoeuvring areas must accommodate~~ accommodating heavy vehicles, ~~a tracking curve for an appropriately sized truck for the type of activities to be carried out on the site must be assessed. Heavy vehicle tracking curves are set out in the following~~ the access and manoeuvring areas associated with that loading space must comply with the tracking curves set out in the NZTA guidelines: RTS 18: NZ on-road tracking curves (2007).
- (4) Where a dwelling provides more than one parking space, these may be stacked. Stacked parking means access is required through another parking space.

...

E27.6.3.4 Reverse manoeuvring

- (5) Sufficient space must be provided on the site so vehicles do not need to reverse off the site or onto or off the road from any site where any of the following apply:
- (h) four or more ~~required~~ parking spaces are served by a single access;
 - (i) there is more than 30m between the parking space and the road boundary of the site; or
 - (j) access would be from an arterial road or otherwise within a Vehicle Access Restriction covered in Standard E27.6.4.1.

E27.6.4.2 Width and number of vehicle crossings

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Table E27.6.4.2.1 Maximum number of vehicle crossings and separation distance between crossings

Location		Maximum number of vehicle crossings per road frontage of the site	Minimum separation from crossings serving adjacent sites	Minimum separation between crossings serving same site
(T143)	That part of a site subject to: • a Vehicle Access Restriction General Control in the Business – City Centre Zone	No crossings permitted	No crossings permitted	No crossings permitted

	<ul style="list-style-type: none"> • a Key Retail Frontage Control as shown on the planning maps 			
(T144)	<ul style="list-style-type: none"> • That part of a site subject to: • a Vehicle Access Restriction under Standards 0.6.4.1(2) and 0.6.4.1(3) (see additional limitation below for site at 71-75 Grafton Road) • a General Commercial Frontage Control as shown on the planning maps 	1 per 50m of frontage or part thereof	<u>2m</u> Where 2m provided that two crossings on adjacent sites can be combined and where <u>the combined crossings</u> they do not exceed a total width of 6m at the property boundary, <u>no minimum separation distance will apply</u>	6m
(T145)	Site at 71-75 Grafton Road	1 - located within the area identified on Figure 0.6.4.2.1	No limitation	Only one crossing permitted
(T146)	All other sites	1 per 25m of frontage or part thereof	<u>2m</u> Where 2m provided that two crossings on adjacent sites can be combined and where <u>the combined crossings</u> they do not exceed a total width of 6m at the property boundary, <u>no minimum separation distance will apply</u>	6m

...

(5) Where a vehicle crossing is altered or no longer required, the crossing, or redundant section of crossing, must be reinstated as berm and/or footpath and the kerbs replaced. The cost of such work will be borne by the owner of the site previously accessed by the vehicle crossing.

Note 1 – Any new vehicle crossing or alteration of an existing vehicle crossing (e.g. repair, replacement, widening or relocation) will require vehicle crossing approval from Auckland Transport as road controlling authority. As part of the

approval considerations it is expected that the vehicle crossing is located at least 1m from services including cesspits, street lights, and power poles.

Table E27.6.4.3.2 Vehicle crossing and vehicle access widths

Location of site frontage		Number of parking spaces served	Minimum width of crossing at site boundary	Maximum width of crossing at site boundary	Minimum formed access width
(T149)	Residential zone	Serves 1 – 2 car parking spaces	2.75m	3.0m	2.5m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3m
(T150)		Serves 3 – 9 car parking spaces	3.0m (one way)	3.5m (one way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T151)		Serves 10 or more car parking spaces	5.5m (two-way) <u>This may be narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals can be provided</u>	6.0m (two-way)	<u>5.5m (providing for two-way movements), provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 6.5m</u> The formed width is permitted to be <u>narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals are provided.</u> <u>1.0m pedestrian access for rear sites which may be located within the formed driveway</u>
(T152)	Centres, Mixed Use and all other zones not listed	Serves nine or less parking spaces or two or less	3.0m (one way)	3.5m (one way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m

	below	loading spaces			
(T153)		Serves 10 or more parking spaces or three or more loading spaces	5.5m (two-way)	6.0m (two-way)	5.5m (providing for two-way movements) 1.5m pedestrian access for rear sites
(T154)	General Business, Business Park or Industrial zones	Serves nine or less parking spaces or two or less loading spaces	3.7m (one-way)	4.0m (one-way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T155)		Serves 10 or more parking spaces or three or more loading spaces	6.0m (two-way)	7m (two-way)*	6.0m (providing for two-way movements)
(T156)	Rural zones		3.0m	6.0m*	No minimum specified

* Provided that a maximum width of 9.0m is permitted where the crossing needs to accommodate the tracking path of large heavy vehicles

...

E27.6.5. Design and location of off-road pedestrian and cycling facilities

- (1) The design and location of the proposed facility ~~is to ensure good~~ shall provide connections to existing pedestrian and cycling routes and facilities.
- (2) The width of the path is designed to accommodate the anticipated number and type of users.
- (3) The surface of the path is designed to safely provide for the anticipated number and type of users.

...

E27.8.2. Assessment criteria

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(3) any activity or development which infringes the standards for design of parking and loading areas or access under Standard 0.6.3:

...

(c) the practicality and adequacy of parking, loading and access arrangements having regard to:

- (i) site limitations, configuration of buildings and activities, user requirements and operational requirements;
- (i) the ability of the access to accommodate the nature and volume of traffic and vehicle types expected to use the access. This may include considering whether a wider vehicle crossing is required to:
 - comply with the tracking curve applicable to the largest vehicle anticipated to use the site regularly;
 - accommodate the traffic volumes anticipated to use the crossing, especially where it is desirable to separate left and right turn exit lanes;
 - the desirability of separating truck movements accessing a site from customer vehicle movements;
 - the extent to which reduced manoeuvring and parking space dimensions can be accommodated because the parking will be used by regular users familiar with the layout, rather than by casual users, including the number of manoeuvres required to enter and exit parking spaces;

Note: Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking.

- (ii) any use of mechanical parking installation such as car stackers or turntables does not result in queuing beyond the site boundary; or
- (iii) any stacked parking is allocated and managed in such a way that it does not compromise the operation and use of the parking area.

...

(4) any activity or development which infringes the standard for design and location of off-road pedestrian and cycling facilities under Standard E27.6.5:

(e) location, design and external appearance:

- (iv) the location, design and external appearance of any off-road pedestrian and cycling facility:

- is legible and designed to provide for safe and convenient access for users, including safe connections with the existing ~~road~~ pedestrian and cycling network and public transport;

ATTACHMENT A.7 – BUILT ENVIRONMENT

Showing proposed amendments as tracked changes for Chapters:

E23 Signs

E25 Noise and vibration

E40 Temporary activities

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 traffic and pedestrian safety. ~~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).

...

E23.3 Policies [rcp/dp]

- (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.

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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.

...

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
	...	

...

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 in zones

All activities listed as permitted or restricted discretionary activities in:

- Table E23.4.1 Activity Table – Billboards in zones; and
- (A51), (A52) and (A53) in Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage;

must comply with the following standards.

- (1) Billboards must:

...

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

All activities listed as a permitted activity in (A46) and (A47) in Table E23.4.2 Activity table - Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage must comply with the following permitted activity standards.

- (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-;
- (d) If the billboard is a digital billboard it must include controls to ensure that the luminance does not exceed:
 - (i) 5000cds/m² between sunrise and sunset; (daytime)
 - (ii) 250cds/m² between sunset and sunrise (night time); and
 - (iii) 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);
- (e) A billboard shall not emit noise, smoke, steam or other matter;
- (f) A billboard must not extend more than:
 - (i) 200mm from the face of any building or structure to which it is attached if it is a static billboard; or
 - (ii) 400mm from the face of any building if it is a changeable message billboard.
- (g) A billboard must not display any image that:
 - (i) resembles or is likely to be confused with any traffic sign or signal;
 - (ii) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or
 - (iii) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers; and
- (h) 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.

E23.6.3. Billboards on new street furniture

All activities listed as a permitted activity in (A48) in Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage must comply with the following permitted activity standards.

- (1) Billboards on new street furniture must:

- (a) comply with Standards E23.6.2(1)(a) to ~~(h)~~; ~~and(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) [deleted]

~~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) [deleted]

~~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) [deleted]

~~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) [deleted]

~~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 and pedestrian 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 0.4.1 Billboards in zones and Activity Table 0.4.2 Billboards on street furniture in road reserves, existing lawfully established billboards and comprehensive development signage from the list below:

...

- (2) lighting and traffic and pedestrian 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 or pedestrian 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 or pedestrian safety.

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E25. Noise and vibration

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E25.6. Standards

All activities must comply with the following relevant permitted activity standards.

E25.6.29. Construction noise and vibration levels for work within the road

(1) Noise from any construction, maintenance and demolition activities in the road must ~~meet~~ comply with the relevant noise levels in the following relevant table:

- (a) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (b) Table E25.6.27.2 Construction noise levels for noise affecting any other activity; or
- (c) Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive calendar days duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (d) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone.

(1A) Vibration from any construction, maintenance and demolition activities in the road must comply with the relevant vibration levels in the following relevant table or standard:

- (a) the limits set out in E25.6.30(1)(a) German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures; and
- (b) Table E25.6.30.1 Vibration limits in buildings.

...

(3) The noise levels specified in Standard E25.6.29(1) above do not apply to unplanned repair or maintenance works or planned works in the road between the hours of 7am and 10pm where:

- (a) the number of days where the noise generated by the works exceeds the relevant noise levels in the following tables:
 - (i) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or

...

- (iv) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone;

at any one receiver is 10 days or less; or

...

(4) The noise levels specified in Standard E25.6.29(1) do not apply to road rehabilitation works that comprise the substantial removal and replacement of the road structural base and pavement in the road where:

...

- (f) a construction noise and vibration management plan is provided to the Council no less than five days prior to the works commencing in accordance with the applicable provisions of Standard E25.6.29(5) below.
- (4A) The vibration levels specified in Standard E25.6.29(1A)(b) do not apply to works within the road where:
- (a) for planned works, a copy of the works access permit issued by Auckland Transport or approval from the New Zealand Transport Agency is provided to the Council five days prior to work commencing; and
- (b) a construction noise and vibration management plan is provided to the Council no less than five days prior to the works commencing in accordance with the applicable provisions of Standard E25.6.29(5) below.
- (5) A construction noise and vibration management plan must be prepared by a suitably qualified and experienced person and include the following:
- ...
- (b) a description of the works and its duration, anticipated equipment to be used, ~~and the processes to be undertaken~~ and the predicted noise and vibration levels; and
- (c) identification of the best practicable options that will be undertaken to mitigate and minimise any noise and vibration being produced that is likely to exceed the relevant levels of the following tables:
- (i) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (ii) Table E25.6.27.2 Construction noise levels for noise affecting any other activity; or
- (iii) Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive calendar days duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (iv) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (vi) Table E25.6.30.1 Vibration limits in buildings.
- (6) For the purpose of Standards E25.6.29(1) to E25.6.29(4)(A) above:
- (a) planned work means work that has been planned to take place at least seven days before the work commences; ~~and~~
- (b) the measurement and assessment of all construction noise must be in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise; and
- (c) the measurement of all vibration must be in accordance with E25.6.30 Vibration.

Vibration

E25.6.30 Vibration

...

- (2) Permanently installed stationary vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery must be installed and maintained so that any resulting vibration does not exceed the limits of Table E25.6.30.2 Vibration levels for stationary machinery when measured in any occupied room of any building on another site or in any occupied unit under different ownership from the source of the vibration. Vibration must be measured in accordance with ISO 2631-2:2003

Mechanical vibration and shock – Evaluation of human exposure to whole-body vibration – Part 2: Vibration in buildings (1Hz to 80Hz):

Table E25.6.30.2 Vibration levels for stationary machinery

Affected occupied building or area	Time of day	Maximum vibration level in root mean square velocity (mm/s) between 8 and 80Hz
Noise sensitive spaces	7am-10pm	0.20
Bedrooms and sleeping areas only within activities sensitive to noise	10pm-7am	0.14

(3) For vibration levels applying to work within the road, refer to E25.6.29.

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E40. Temporary activities

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E40.6. Standards

All activities listed as permitted in Table E40.4.1 must comply with the following standards.

...

E40.6.4. Noise events outside the City Centre and Metropolitan Centres

- (1) Up to 15 noise events at a venue are permitted outside the City Centre and Metropolitan Centres in any 12 month period, provided that no more than two noise events occur in any seven-day period, and the noise event complies with all of the following:
 - (a) the noise event does not exceed six hours in duration, excluding:
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
 - (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level limit of 70dB L_{Aeq} A_{eq} and 80dBA L_{A01} except;
 - (i) three noise events can have a noise limit of 80dB L_{Aeq} A_{eq} and 90dBA L_{A01} for a maximum of three hours, excluding one hour for sound testing and balancing undertaken after 9am on the day of the event; and
 - (ii) three noise events in the Auckland Domain can be held with no noise limits applying.
 - (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
 - (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.27, except that up to 10pm on all days except Sunday, the noise levels at activities sensitive to noise do not exceed 60dB L_{Aeq} and 75dB L_{Amax} for up to 3 hours following the conclusion of the event when measured and assessed in accordance with the requirements of E25.6.1(3).

E40.6.5. Noise events within the City Centre and Metropolitan Centres

- (1) Up to 18 noise events at a venue are permitted within the City Centre and Metropolitan Centres any 12 month period, provided no more than two noise events occur in any seven-day period and the noise event complies with all of the following:
 - (a) the noise event does not exceed six hours in duration, excluding:
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and

- (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
- (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level of 70dB L_{Aeq} and 80dBA L_{A01} except;
 - (i) three noise events can have a noise limit of 80dB L_{Aeq} and 90dBA L_{A01} for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event; and
 - (ii) three noise events can have a noise limit of 90dB L_{Aeq} and 95dBA L_{A01} , for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event.
- (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
- (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.28.

ATTACHMENT A.8 – ENVIRONMENTAL RISK

Showing proposed amendments as tracked changes for Chapters: E34. Agrichemicals and vertebrate toxic agents E36. Natural hazards and flooding

E34. Agrichemicals and vertebrate toxic agents

...

E34.6. Standards

...

E34.6.1. Permitted activity standards

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E34.6.1.2 The discharge from non-domestic applications of agrichemicals onto or into land

...

- (3) Any person applying agrichemicals by a handheld application (a non-motorised sprayer carried on foot) must:
- (c) hold a minimum qualification required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agent; or
 - (a) be under the supervision of person holding the minimum qualifications required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; and
 - (b) have received instruction on the New Zealand Standard - Management or Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents;

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E36. Natural hazards and flooding

E36.8. Assessment – restricted discretionary activities

E36.8.1. Matters of discretion

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Activities in overland flow paths

...

- (13) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:
- (a) the effects of flooding on the activity proposed, including whether it is a more or less vulnerable activity;
 - (b) the effects on the location of habitable rooms;
 - (c) ~~the extent to which~~ the design of the building and how it provides for safe access, and the potential effects of flood hazards on chosen access routes; and
 - (d) the effects on people during a flood event and the ability to avoid, remedy or mitigate these.

...

E36.8.2. Assessment criteria

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

...

- (12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:
- (a) the extent to which the continuity of the overland flow paths both within the site and upstream and downstream of the site will be maintained;
 - (b) The extent to which and how the effects on other properties from the diversion or alteration of the overland flow path will be avoided or mitigated;
 - (c) the extent to which and how scouring and erosion will be managed;
 - (d) the extent to which and how the proposal will avoid, or mitigate adverse effects on stream ecology;
 - (e) the extent of long-term maintenance proposed, ensuring that, when appropriate, an easement in favour of Council is created to limit further changes to the overland flow path; and
 - (f) the extent to which design and management measures are proposed to manage risk to a building, its occupants or contents.

(18) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

- (a) the extent to which the overland flow path is maintained to convey stormwater runoff safely from a site to the receiving environment;
- (b) the location of habitable area in relation to the overland flow path;
- (c) the extent to which the design of the building provides for safe access and the potential effects of flood hazards on chosen access routes;
and
- (d) the extent to which people are affected during flood events and the extent to which effects are avoided, remedied or mitigated.

ATTACHMENT A.9 - SUBDIVISION

Showing proposed amendments as tracked changes for Chapters
E38 Subdivision - Urban
E39 Subdivision – Rural

Changes below to Chapter E38 Subdivision – Urban are consequential changes from Chapter E27 Transport

E38. Subdivision – Urban

...

E38.12. Assessment – restricted discretionary activities

E38.12.1. Matters of discretion

...

(7) all other restricted discretionary activity subdivisions:

...

(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.

E38.12.2. Assessment Criteria

...

(7) all other restricted discretionary activity subdivisions:

...

(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads

(i) refer to Policy E38.3(15); and

(ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.

E39. Subdivision Rural

...

E39.4. Activity Table

...

Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone

Activity		Activity status
(A31)	Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha not complying with Standard E39.6.5.3	NC
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone <u>or Rural – Waitākere Ranges Zone</u> not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitakere Ranges Heritage Area Overlay	NC
(A37)	Any other subdivision not otherwise provided for in Tables E39.4.1 or E39.4.5	D

...

ATTACHMENT A.10 - DEFINITIONS

Showing proposed amendments as tracked changes for Chapter J1 Definitions

J1. Definitions

...

J1.4. Definitions

...

C

...

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

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

The Coastal storm inundation 1 per cent AEP area is:

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

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

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

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

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

- the area shown in the ~~planning maps as 'Coastal Inundation 1 per cent AEP Plus 1m Control'~~ Council's publicly available online GIS viewer as the modelled extent of affected land for a 100 year return period (Average Recurrence Interval) plus 1m sea level rise;
or

- as identified in a site-specific technical report prepared by a suitably qualified and experienced professional.

...

P

...

Public place

~~A place that, at any particular time, (including for the duration of an event) is accessible to or is being used by the public whether free or on payment of a charge.~~

~~Excludes:~~

- ~~• internal areas of buildings~~

Has the same meaning as defined in the Trading and Events in Public Places Bylaw 2015:

- any place that, at any material time, is owned, managed, maintained or controlled by the council or council controlled organisation and is open to or, being used by the public, whether free or on payment of a charge. It includes any road, footpath, public square, grass verge, berm, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshore and dunes, access ways, recreational grounds and sports fields.

...

T

...

Temporary activity

An activity that:

- is outside the normal expected use of a site (or area within the coastal marine area); and
- has a start and end date and time.

Includes:

- filming activities at temporary locations and activities accessory to that filming activity;
- activities accessory to a building or construction project, such as scaffolding, fencing, offices or storage sheds;
- Council HazMobile collections;
- carnivals;
- concerts;
- fairs;
- festivals and events;

- public meetings;
- parades;
- special events;
- sporting events;
- overflow parking;
- temporary military training (land based only);
- emergency response training, including live burns carried out by ~~the New Zealand Fire Service~~ Fire and Emergency New Zealand; and
- structures accessory to temporary activities.

Excludes:

- markets;
- temporary military training activities within the coastal marine area;
- temporary structures within the coastal marine area; and
- temporary signs.

...

Total gross heat release ~~Total rated thermal input~~

Total units of energy in megawatts (MW) required to operate all combustion appliances on a site.

...

V

...

Vegetation alteration or removal

Damaging, cutting, destroying or removing any part of vegetation.

Includes:

- roots; and
- crown pruning.

Excludes:

- the alteration or removal of vegetation planted as a crop or pasture.

...

ATTACHMENT A.11 - APPENDICES

Showing proposed amendments as tracked changes for Chapter M.
 Appendix 2 River and stream minimum flow and availability
 Appendix 17 Documents incorporated by reference

*Changes shown below to Appendix 17 are consequential changes from Chapter E11
 Land disturbance – Regional and E9 Stormwater quality - High contaminant
 generating car parks and high use roads.*

Appendix 2 River and stream minimum flow and availability

All provisions in this appendix are regional plan [rp].

Table 1 River and stream minimum flow and availability

River or stream	Minimum flow	Availability
...		
Mahurangi ² (at 6 Brown Rd site)	35 l/s	-
Wairoa (as measured at Tourist Rd recording site)	340 l/s	-
Puhinui (at 356 Puhinui Rd site)	14 l/s	35 l/s
Hōteo ³ (at 47 Wilson Rd site)	175 l/s	-
Other rivers and streams	85% of MALF	30% of MALF

Note¹

Requires mitigation such as riparian planting to achieve the same environmental outcomes as for 'other rivers and streams', otherwise the minimum flow and availability for 'other rivers and streams' applies.

Note²

Mahurangi as calculated from the College Weir recording site, adjusted for the net abstraction for municipal supply.

Note³

Hôteo as correlated to the measured flow at the Gubbs recording site.

Appendix 17 Documents incorporated by reference

...

E9 Stormwater quality - High contaminant generating car parks and high use roads

~~Auckland Council Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01) December 2017'

E11 Land disturbance - Regional

Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

~~Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region~~ Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)'

Erosion and Sediment Control Guidelines for Vegetable Production Horticulture New Zealand (June 2014)

...

ATTACHMENT B
PROPOSED PLAN CHANGE 14
– SECTION 32 EVALUATION

Proposed Plan Change 14 (PC14)

Improving consistency of provisions in
Chapter D Overlays, Chapter E Auckland-
wide, Chapter J Definitions, Appendix 2 and
Appendix 17 of the Auckland Unitary Plan
(Operative in part)

SECTION 32 EVALUATION REPORT

Advice note: Please read the 'Navigation guide' on the Proposed Plan Change A prior to reading any of the reports and attachments.

Auckland Unitary Plan – Proposed Plan Change 14: Section 32 Report

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1 Introduction

1.1 Scope and purpose of the report

This report is prepared by Auckland Council (Council) to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (the RMA) for Proposed Plan Change 14 - Improving consistency of provisions in Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2, Appendix 17 (Operative in part) (**PC14**).

PPC14 is one of a series of four plan changes to address technical issues across the Auckland Unitary Plan – Operative in part (**AUP**). These plan changes follow on from *Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan (Operative in part) version (PC4)*. The series of proposed follow up plan changes are proposed to have a slightly broader scope than PC4 to enable a number of the technical issues that did not meet the criteria for inclusion within PC4 to be addressed. Other plan changes in the series include:

- Proposed Plan Change 15 (**PC15**) – Improving consistency of provisions in Chapter F Coastal, Chapter J Definitions and Appendix 7 of the Auckland Unitary Plan (Operative in part)
- Proposed Plan Change 16 (**PC16**) – Improving consistency of provisions in Chapter H Zones and Chapter J Definitions of the Auckland Unitary Plan (Operative in part)
- Proposed Plan Change 17 (**PC17**) – Improving consistency of provisions in the Viewer of the Auckland Unitary Plan (Operative in part)

PPC14 introduces amendments within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices of the AUP in order to address identified technical issues only and will retain the current policy direction of the plan. In particular the amendments proposed in PPC14 are to:

- amend provisions that are ambiguous or unclear;
- amend the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions; and
- improve integration of different chapters within the AUP.

The plan change documents for PPC14 are set out in Attachments 1-11 and show the proposed amendments to the AUP, and any consequential amendments.

Section 32 of the RMA requires that before adopting any objective, policy, rule or other method, the Council shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation. In accordance with section 32(6) of the RMA and for the purposes of this report:

- the 'proposal' means PPC14,
- the 'objectives' means the purpose of the proposal/ PPC14, and
- the 'provisions' means the policies, rules or other methods that implement, or give effect to the objectives of the proposal.

The AUP contains existing objectives and policies which set the direction for the use of natural and physical resources across Auckland, and for the protection or enhancement of particular overlay values.

PPC14 is not altering or re-litigating any of these provisions. This evaluation report on PPC14 relates to technical issues within the existing policy framework of the AUP. The policy approach remains unchanged, and this report will not evaluate it in any more detail.

This evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information that may arise, including through submissions and during hearings as per Section 32AA of the RMA.

1.2 Background to the proposed plan change

The structure of the AUP is complex. It is a combined plan pursuant to section 80 of the Resource Management Act 1991, bringing the regional policy statement, the regional plan (including the regional coastal plan) and the district plan into a single document. This plan applies to almost the entire Auckland region, excluding only the district plan provisions in respect of the land area of the Hauraki Gulf Islands. The scale of such a combined planning exercise has never before been undertaken in New Zealand.

The separation of controls among overlays, zones, Auckland-wide and precinct provisions means that a single site may be subject to four or more layers of plan provisions. Identifying accurately all of the provisions that may be relevant to a site or a proposal is integral to understanding the planning controls that might apply.

As a result of the nature of the layered provisions of the AUP, plan users and Council planning staff have been identifying a number of technical issues. These issues affect the usability of the AUP and its overall integration. Since the AUP became operative in part (15 November 2016), the Council has been registering potential errors and issues that have been identified by both staff and members of the public. Issues are sent through via email enquiry and then they are registered, categorised and grouped in a spreadsheet by their respective AUP chapter, section, precinct, GIS mapping layer, provision/standard and/or property.

Over 2,000 potential errors or issues have been recorded to date and the number continues to grow as AUP users continue to identify and send potential issues to the Council's enquiry line.

The issues identified so far are found in all components of the AUP (text and maps), and cover a range of matters.

There are four ways in which issues in the AUP can be corrected under the RMA:

- Clause 16(2) of Schedule 1 to the RMA – for alterations of a minor effect, or the correction of minor errors where the plan is not yet operative/still subject to appeal;

- Clause 20A of Schedule 1 to the RMA – for the correction of minor errors where the plan is operative;
- Decisions made on matters subject to appeal; and
- Plan change/s to the AUP.

Many of the issues that were registered when the AUP first became operative in part were clear errors or anomalies, which although minor in nature could not be amended using Clause 16 or Clause 20A. In order to resolve these issues quickly to enable the AUP to function how it was intended PC4 was notified in September 2017.

Where an error or anomaly required further research and investigation, there were various possible scenarios or corrections or where the impact of the correction was unclear, these issues were excluded from PC4.

At the conclusion of the preparation of PC4 the Council was left with issues which required further investigation for potential inclusion in a plan change that had broader scope than PC4. Additionally a range of issues across the AUP continued to be added to the register. Consequently the Council decided to prepare a series of follow up plan changes to PC4 to continue to address technical issues within the AUP.

The series of proposed follow up plan changes which PPC14 is part of, are proposed to have a slightly broader scope than PC4. This is to enable a number of the technical issues that did not meet the criteria for inclusion within PC4 to be addressed.

1.3 The resource management issue to be addressed

The resource management issue to be resolved through PPC14 is to correct the identified technical issues and resolve the identified gaps in the horizontal and vertical alignment of provisions, to improve the workability of the plan and ensure that the AUP functions in an integrated way.

The identified technical issues are creating confusion for plan users¹ and increasing the likelihood of debate and litigation when administering the AUP. The identified technical issues are also impacting the integrity of the AUP through compromising the ability to fully implement the plan as intended.

1.4 Objectives of the proposed plan change

An evaluation under Section 32 of the RMA must examine the extent to which the objectives of PPC14 are the most appropriate way to achieve the purpose of the RMA. The objective of PPC14, or the purpose of the plan change, is to address the identified technical issues as outlined in Section 6 'Evaluation approaches' of this report, to ensure:

¹ Council's Resource Consents department and external planning practitioners involved in consenting processes as well as the property owners themselves.

- the wording of provisions is clear and unambiguous;
- the provisions of the AUP cascade vertically and horizontally;
- the plan functions in the way it was intended; and
- there is a high level of integration across the different chapters of the AUP.

The plan change should assist the Council to carry out its functions in order to achieve the purpose of the RMA, being to promote the sustainable management of natural and physical resources.

The evaluation of the identified amendments to the provisions in the chapters of the AUP mentioned above concludes that these are technical issues which have the potential to create confusion for plan users. The uncertainty or ambiguity created by the current provisions identified in Section 6 impacts the functionality and workability of the AUP and increases the risk of debate and litigation when administering the AUP. Amending the AUP to resolve these identified issues is the most appropriate way to achieve the purpose of the RMA, as outlined in the evaluation of options below.

1.5 Development and Evaluation of Options

Section 32 requires an examination of whether the provisions in PPC14 are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of PPC14, the following options have been identified:

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo.

Option 2 – Undertaking non-regulatory methods to meet the objective.

Option 3 – Undertaking regulatory methods – a plan change to amend the identified technical issues in respect of the provisions identified in Section 6 of this report.

Option 4 – Other regulatory methods – Address technical issues at a later date, as part of a full AUP review.

1.6 Evaluation of Options (Evaluation 1 – Overview)

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo

The ‘do nothing’ option means the technical issues which have the potential to compromise the integrity of the AUP will not be addressed. By not amending the AUP, ambiguous provisions will continue to cause confusion for plan users increasing the risk of debate and litigation while implementing the plan. The AUP will continue to have gaps in the horizontal and vertical alignment of provisions that affect the ability of the AUP to promote the purpose of the RMA in an integrated way.

Option 2 – Non-regulatory methods

Non regulatory methods to address the identified technical issues include practice notes, guidance or interpretation notes. This option is an alternative to addressing technical issues through a plan change.

Option 3 – Regulatory methods

This option would result in a plan change to amend the identified technical issues within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices in respect of the provisions identified in Section 6 of this report.

This option will address the identified technical issues within the AUP, through a statutory process. The statutory plan change process allows the technical issues to be addressed in a clear and legally robust process.

Option 4 – Other regulatory methods

Other regulatory methods to address the identified technical issues include waiting to amend the AUP to address the identified technical issues as part of the full plan review. This would involve incorporating the amendments proposed to address the technical issues into the review of the AUP, which is approximately five to ten years away.

Table 1.6.1 – Summary of analysis of the plan change under section 32(2) of the RMA

Options	Efficiency and effectiveness	Benefits	Costs
Option 1: Adopt a 'do nothing' approach/retain the status quo	The do nothing option is not an effective or efficient option to achieve the objectives of PPC14 (to address technical issues to remove ambiguity and ensure the provisions align both vertically and horizontally across the AUP). The identified issues are a result of the current wording of provisions and have arisen as the plan has been used. This option will do nothing to address the identified issues which are compromising the ability to implement the plan as intended. This option will also lead to inefficient implementation of the AUP as the plan users will have to clarify technical issues on a case by case basis.	As a plan change is not pursued under this option, there is no financial burden on the Council to undertake a public plan change. This option also allows the Council more time to collate further technical issues and research appropriate solutions. There is a risk that in trying to address an issue a further issue can be created. With no action, this can be prevented.	If users of the AUP interpret the AUP differentially because of the identified technical issues, there is both an economic and environmental cost. The need to clarify the identified technical issues will slow down the consenting process. There is also the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP. The identified technical issues compromise the ability to implement the plan as intended. This could result in outcomes that are not aligned with the objectives and policies of the AUP and in turn the purpose of the RMA.
Option 2: Non-regulatory methods	Non-regulatory methods include practice notes, guidance or interpretation notes which do not have any statutory weight. This lack of weight may limit	This option requires limited staff time and resourcing, compared to a plan change. It also allows technical issues to be addressed in a timely	Due to the non-statutory nature of practice notes, guidance or interpretation notes there is the potential for there is both an economic and

Options	Efficiency and effectiveness	Benefits	Costs
	<p>the effectiveness of this option in achieving the objectives of PPC14 as the guidance contained within non-statutory guidance can be challenged or ignored.</p> <p>Furthermore guidance notes themselves are open to interpretation and therefore there is a risk that these non-statutory documents have the potential to impact on the integrity and public opinion of the AUP.</p>	<p>manner as practice notes, guidance or interpretation notes do not need to go through a statutory process.</p>	<p>environmental cost.</p> <p>Non-statutory guidance may be challenged and ignored by plan users, which could slow down the consenting process and increase the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP.</p> <p>The identified technical issues compromise the ability to implement the plan as intended. If non-statutory guidance is ignored or challenged this could result in outcomes that are not aligned with the objectives and policies of the AUP, and in turn the purpose of the RMA.</p>
<p>Option 3: Regulatory Methods - A plan change to amend the identified technical issues within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices in respect of the provisions identified in Section 6</p>	<p>A plan change can effectively address the technical issues identified in the AUP to remove ambiguity within the provisions and ensure there is both vertical and horizontal alignment across the plan. Through undertaking four plan changes based on the structure of the plan a more efficient process can be followed via a series of small discrete plan changes addressing individual issues. It also ensures that similar issues can be grouped together while stopping the plan change from getting so large that it is difficult to manage and interpret by plan users.</p>	<p>At present, PPC14 can be resourced through existing staff budgets. Depending on the submissions received and the issues that arise there may be the potential for higher costs in the future.</p>	<p>By addressing the identified technical issues within the AUP, consenting should become more efficient. The plan can be implemented as intended which ensures that the outcomes reflect the objectives and policies of the AUP and also the purpose of the RMA.</p>
<p>Option 4: Other regulatory methods – Address technical issues at a later date,</p>	<p>This option involves a comprehensive review of the AUP which allows the identified technical issues to be comprehensively reviewed at the same</p>	<p>This option is cost efficient in that the technical issues can be addressed as part of a wider review of the AUP. As the timeframe for the</p>	<p>As the technical issues will remain in the AUP until it is reviewed the environmental and economic costs that are associated with these</p>

Options	Efficiency and effectiveness	Benefits	Costs
as part of a full AUP review	time. Although it is efficient to review the issues as part of a wider review of the plan, this is not an effective approach as the issues will remain unresolved for the next five to ten years.	review however is more than five years away, the costs of the technical issues will significantly outweigh the benefits. Their costs include lost development opportunities and costs caused by difficulty in plan interpretation.	<p>issues will remain.</p> <p>The need to clarify the identified technical issues will slow down the consenting process. There is also the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP.</p> <p>The identified technical issues compromise the ability to implement the plan as intended. This could result in outcomes that are not aligned with the objectives and policies of the AUP and in turn the purpose of the RMA.</p>

1.7 Risk of acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

There is considered to be sufficient information about the technical issues being addressed through PPC14 to proceed with the plan change.

This evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings on PPC14 as required by Section 32AA.

2 Reasons for the proposed plan change

2.1 Reasons for the preferred option

The evaluation of options above concludes that a plan change is most appropriate option to address the identified technical issues.

Option 1, which is to maintain the status quo, is not recommended. The technical issues can result in differing interpretations of the AUP, delay consenting and have an overall impact on the functionality and integrity of the AUP.

Option 2, the non-statutory approach, which would include guidance material or advice on plan interpretation is not recommended as this type of guidance does not have statutory standing and therefore can be challenged or interpreted differently by different plan users. This can reduce any gains in efficiencies in plan administration and also pose a reputational risk to the integrity of the AUP.

Both regulatory options (Option 3 and 4) allow technical issues to be addressed in a legally robust manner and increase efficiencies in the administration of the AUP. While Option 4 is more holistic and cost efficient in the longer term, in the immediate term the issues will remain unresolved. Timeliness is an important dimension in addressing the issues as the potential costs and risks posed by these technical issues are significant and have a real impact on the way land is used in the present. Through proceeding with Option 3 the issues can be resolved so that the plan can be efficiently administered.

2.2 Scope of plan change

The scope PPC14 is limited to addressing the technical issues (outlined in Section 6 of this report) that are compromising the ability of plan users to efficiently administer the AUP. PPC14 is limited to amending technical matters to ensure the subject provisions give effect to the objectives and policies of the AUP.

As such the scope of PPC14 generally includes:

- Amendments to provisions that are ambiguous or unclear;
- Amendments to the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions; and
- Amendments to improve integration of different chapters within the AUP.

PPC14 does not seek to alter the current policy direction of the plan. It will not alter the outcomes of the objectives and policies nor will it seek to add new objectives. One new policy is proposed in order to close a gap in the AUP². Minor changes are proposed to clarify existing objectives and policies in the AUP, in order to remove ambiguity³. These do not alter the policy direction of the objectives and policies.

3 Statutory evaluation under Part II and relevant sections of the Resource Management Act (RMA)

3.1 Part 2 of the RMA and relevant sections of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the RMA. The Overlay and Auckland-wide provisions are required to achieve the purpose of the RMA, as set out in section 5.

In addition to the overall purpose of the RMA set out above, sections 6, 7 and 8 of that RMA identify, respectively, matters of national importance that shall be recognised and provided

² New policy E11.3.2(A6) is proposed in Chapter E11 Land disturbance – regional.

³ Clarifications are proposed to objectives E11.2(1) and E12.2(1), and policies E11.3(2)(c), E12.3(2)(b), E14.3(2)(a), E14.3(7)(d), E14.3(8), E23.3(4).

A correction is proposed to policy E2.3(5).

for, matters to which particular regard shall be had, and the requirement to take into account the principles of the Treaty of Waitangi.

A number of the matters in Part 2 of the RMA are of particular significance to the Auckland-wide and overlays provisions of the AUP. This plan change does not affect the degree to which the AUP addresses these matters as it does not change the policy direction of the plan.

3.2 Other relevant sections of the RMA

There are relevant sections of the RMA that must be considered in context of the proposed plan change:

- Section 30 – Functions of regional councils under this Act
- Section 31 – Functions of territorial authorities under this Act
- Section 63 – Purpose of regional plans
- Section 65 – Preparation and change of other regional plans
- Section 66 – Matters to be considered by regional councils (plans)
- Section 67 – Contents of regional plans 37
- Section 68 – Regional rules
- Section 69 – Rules relating to water quality
- Section 70 – Rules about discharges
- Section 70A – Application to climate change of rules relating to discharge of greenhouse gases
- Section 70B – Implementation of national environmental standards
- Section 72 – Purpose of district plans
- Section 73 – Preparation and change of district plans
- Section 75 – Contents of district plans
- Section 76 – District rules
- Section 79 – Review of policy statements and plans
- Section 80 – Combined regional and district documents

Sections 30 and 31 of the RMA state that a function of council is to control any actual or potential effects of the use, development or protection of land and associated natural and physical resources of the district and regional level.

3.3 Provisions with immediate legal effect

Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect.

When deciding the date a plan change takes effect, the RMA provides in section 86B(1) that 'a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified'. Exceptions are provided for in section 86B(3), 'a rule in a proposed plan has immediate legal effect if the rule –

- (a) protects or relates to water, air, or soil (for soil conservation); or
- (b) protects areas of significant indigenous vegetation; or

(c) protects areas of significant habitats of indigenous fauna; or

(d) protects historic heritage; or

(e) provides for or relates to aquaculture activities.’

Certain types of rules in the AUP have immediate legal effect from the date of notification of PPC14, provided that they fit within section 86B(3) of the RMA. Immediate legal effect means that a rule must be complied with from the day the proposed rule (or change) is notified.

Table 3.3.1 identifies the rules that are in PPC14 and will have immediate legal effect on and from the date on which the PPC14 is publicly notified (29 November 2018). The associated controls, assessment criteria, information requirements, definitions and appendices applicable to these rules also have immediate legal effect. Table 3.3.1 - List of proposed amendments in PPC14 that will have immediate legal effect on and from the date on which the PPC14 is publicly notified (29 November 2018) below shows PPC14 rules that have immediate legal effect from notification.

The remaining proposed amendments to rules⁴ in PPC14 will not have legal effect until the release of the decision notice of PPC14.

Table 3.3.1 - List of proposed amendments in PPC14 that will have immediate legal effect on and from the date on which the PPC14 is publicly notified (29 November 2018)

AUP Chapter	Change proposed to rule	Theme outlining proposed change	Reason for immediate legal effect
E7, E8, E9	All	Themes in 6.4 Natural resources – land and water	Rules protect or relate to water.
E14 D14	All	Themes in 6.5 Natural resources – air quality	Rules protect or relate to air
E11, E12	All All	Themes in 6.4 Natural resources – land and water	Rules protect or relate to soil (for soil conservation)
E15 E26	Rules in Activity table E15.4.2 for SEAs Rules in Activity table E26.3.3.1 for SEAs	Theme 6.4.2 Kauri dieback disease	Rules protect areas of significant indigenous vegetation and rules protect areas of significant habitats of indigenous fauna
D17	All	Themes in 6.3 Historic heritage	Rules protect historic heritage
E26	Rules in Activity table E26.11.3.1 for Volcanic viewshafts and height sensitive	Theme 6.6.8 Volcanic viewshafts and height sensitive areas Theme 6.6.11 Traffic	Protects historic heritage

⁴ Note that PPC14 is making small amendments to some objectives and policies. Under s86A of the Act, s86B-86G do not limit the weight that a consent authority may place on objectives and policies prior to becoming operative.

AUP Chapter	Change proposed to rule	Theme outlining proposed change	Reason for immediate legal effect
	areas	signal height in volcanic viewshafts & height sensitive areas	
E26 D19	E26.12.3 Activity table D19.4 Activity Table	Theme 6.6.12 Auckland War Memorial Museum Viewshaft Overlay	Protects historic heritage
E26	E26.2.3.1(A51A)	Theme 6.6.16 Pumping stations	Protects or relates to water
E26	Rules in Activity table E26.2.3.2 for Historic Heritage Overlay	Theme 6.6.15 Works near the Historic Heritage Overlay	Protects historic heritage
E26	Rules in Activity table E26.3.3.1 for SEAs	Theme 6.6.21 Infrastructure – Policy alignment Theme 6.6.22 Vegetation management – existing infrastructure in significant ecological areas Theme 6.6.23 Vegetation management – new service connections in significant ecological areas	Protects areas of significant indigenous vegetation (SEAs) (To the extent that the matters of discretion and assessment criteria apply to SEAs)
E26	E26.6.5.2(17)(a) Rules in Activity table E26.6.3.1 Rules in Activity table E26.7.3.1	Theme 6.6.14 Earthworks within the historic heritage overlay Theme 6.6.13 Depth of earthworks	Protects historic heritage Rules protect or relate to soil (for soil conservation)
D14.	All	Themes in 6.2 Natural heritage	Rules protect historic heritage

4 National and Regional Planning Context

In addition to the statutory evaluation detailed in Section 3 'Statutory evaluation under Part II and relevant sections of the Resource Management Act (RMA)' of this report, there are a number of other statutes, regulations, national directives, policies and plans that are of relevance to PPC14.

4.1 New Zealand Coastal Policy Statement

Sections 67(3) and 75(3) of the RMA require that a regional plan and district plan must give effect to the New Zealand Coastal Policy Statement (NZCPS).

The AUP contains existing objectives, policies, rules, zoning and other methods that give effect to the NZCPS.

PPC14 is limited to addressing identified technical issues as set out in Section 1.1 'Scope and purpose of the report' of this report to ensure that provisions give effect to the objectives and policies of the AUP. PPC14 does not seek to alter the current policy direction of the plan, and therefore no amendment in PPC14 will alter how the AUP gives effect to the NZCPS.

4.2 National Policy Statements

National policy statements are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are four national policy statements in place:

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission

At present, the Ministry for the Environment is in the process of developing a proposed National Policy Statement for Indigenous Biodiversity.

Sections 67(3) and 75(3) of the RMA require that a regional plan and district plan must give effect to any national policy statements.

PPC14 has a narrow purpose and seeks to amend technical issues set out in Section 1.1 of this report. PPC14 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PPC14 is consistent with the purpose and principles of the national policy statements listed above.

4.3 National Environmental Standards

There are currently six National Environmental Standards in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standard for Plantation Forestry

A Proposed National Environmental Standard on Ecological Flows and Water Levels was developed by the Ministry for the Environment in 2008. This proposed NES is currently on hold, pending decisions on the Government's freshwater reform programme.

Section 44A of the RMA requires local authorities to recognise national environmental standards.

PPC14 has a narrow purpose and seeks to amend technical issues set out in Section 1.1 of this report.. PPC14 is proposing amendments that are technical in nature and will not

change the overall policy direction of the plan. Consequently PPC14 is consistent with the purpose and principles of the national environmental standards listed above.

4.4 Other Acts

4.4.1 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) has the purpose of seeking the integrated management of the national, historic and physical resources of the Hauraki Gulf, its islands, and catchments. It also established the Hauraki Gulf Forum, the Park itself and the recognition of tangata whenua with the Hauraki Gulf and its islands.

PPC14 has a narrow purpose and seeks to amend technical issues set out in Section 1.1 of this report. PPC14 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PPC14 is consistent with the purpose of HGMPA and section 6 of the RMA (recognition of the national significance of the Hauraki Gulf, and its islands).

4.4.2 Waitākere Ranges Heritage Area Act 2008

The purpose of the Waitākere Ranges Heritage Area Act 2008 (WRHAA) is to recognise the national, regional and local significance of the Waitākere Ranges heritage area and promote its protection and enhancement for present and future generations.

To achieve this, the WRHAA established the Waitākere Ranges area as a matter of national significance (s6 of the RMA) and defines its heritage features. Furthermore, it provides additional matters for the council and other parties to consider when making decision, exercising a power or carrying out its duty that relate to the heritage area.

PPC14 proposes one change in relation to the Waitākere Ranges area. This is to remove an anomalous discretionary activity for 'any other subdivision not otherwise provided for'. The proposed change is consistent with the way the Act is given effect to through the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay and section B4.4 of the regional policy statement.

This proposed change is within the narrow purpose for PPC14 set out in Section 1.1 of this report, and will not change the overall policy direction of the plan. PPC14 is consistent with the purpose of WRHAA and section 6 of the RMA (recognition of the national significance of the Waitākere Ranges and its heritage features).

4.4.3 Local Government Act 2002

Council's functions and powers are derived from the purpose of the Local Government Act 2002 (LGA). The LGA mandates the purpose, funding, and governance duties of the council. With additional responsibilities for Auckland Council under the provisions of the Local Government (Auckland Council) Act 2009, including the preparation of a spatial plan.

Section 12 of the LGA states that a local authority has full capacity to carry on or undertake any activity or business, do any, or enter into any transaction with full rights, powers and privileges subject to any other enactment and the general law.

PPC14 is prepared under the RMA and overall is consistent with the LGA.

4.4.4 Local Government (Auckland Transitional Provisions) Act 2010

The purpose of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) is to resolve further matters relating to the reorganisation of local government in Auckland begun under the Local Government (Tāmaki Makaurau Reorganisation) Act 2009 and continued under the Local Government (Auckland Council) Act 2009.

In s3(2)(d) of the LGATPA it states this Act “provides a process for the development of the first combined planning document for Auckland Council under the RMA”.

Part 4 (sections 115-171) of the LGATPA outlines the process for development of the combined plan for Auckland Council. The development of the first combined plan followed the legislation set out in LGATPA, and the Hearings Panel (**IHP**) was set-up under the LGATPA.

Although the AUP is now operative in part, and PPC14 is prepared under the RMA, the purpose of the plan change is to address technical issues that have arisen from the development of the first combined plan process. Consequently reference is made to the material developed in this process to support the proposed amendments included in PPC14.

4.4.5 Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) purpose is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand, whilst the Act’s principles include recognising that historic places have lasting value in their own right.

The HNZPTA provides for the New Zealand Heritage List/Rārangi Kōrero (NZHL/RK), comprising historic places, historic areas, wāhi tapu, wāhi tapu areas, and wāhi tūpuna, as a means for recognising heritage values, and, through its regulatory functions, prohibits the modification or destruction of an archaeological site unless an authority is obtained from Heritage New Zealand.

In light of the narrow purpose of PPC14 to address issues which are technical in nature within Chapter D Overlays, overall PPC14 is consistent with the purpose and principles of this HNZPTA.

4.4.6 Hazardous Substances and New Organisms Act 1996

The Hazardous Substances and New Organisms Act 1996 (HSNOA) purpose is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.

In light of the narrow purpose of PPC14 to address issues which are technical in nature within Chapter E Auckland-wide and Chapter J Definitions overall PPC14 is consistent with the purpose of HSNOA.

4.4.7 Soil Conservation and Rivers Control Act 1941

The Soil Conservation and Rivers Control Act 1941 (SCRCA) purpose is to make provision for the conservation of soil resources, the prevention of damage by erosion and to make better provision for the protection of property from damage by floods.

The AUP contains existing objectives, policies, rules, zoning and other methods that give effect to the SCRCA.

In light of the narrow purpose of PPC14 to address issues which are technical in nature within Chapter D Overlays, Chapter E Auckland-wide and Chapter J Definitions overall PPC14 is consistent with the purpose of SCRCA.

4.5 The Auckland Plan

The Auckland Plan (2012) is a 30 year strategy for Auckland's future growth and development required under the Local Government (Auckland Council) Act 2009. The Auckland Plan is a strategy prepared under other legislation to which regard should be had pursuant to section 74(2)(b)(i) of the RMA. The Auckland Plan specifically identifies the AUP as a means of implementing the Auckland Plan.

The overall vision stated in the Auckland Plan (2012) is for Auckland to become the world's most liveable city. The Auckland Plan (2012) identifies the need to achieve a balance between increasing the development potential of land in Auckland, and ensuring the protection of historic and natural heritage, integration with infrastructure, resilience to natural hazards and enabling housing choice. The RPS broadly gives effect to the strategic direction set out in the Auckland Plan.

The Auckland Plan (2018) has been reviewed and the Auckland Plan 2050 is now available. The plan sets out three key challenges Auckland will face over the next 30 years – our high population growth and its various impacts, sharing prosperity across all Aucklanders and reducing environmental degradation.

The plan is framed around six outcomes and a development strategy. The development strategy sets out how Auckland will grow and change over the next 30 years, including sequencing of growth and development.

The strategic directions in the Auckland Plan (2012) influenced the regional policy statement which the Overlay and Auckland-wide provisions contained within Chapter D and Chapter E give effect to. The amendments to Chapter D Overlays, Chapter E Auckland-wide and Chapter J Definitions are technical in nature and do not change the way in which the AUP implements the strategic direction of the Auckland Plan (2012) or the Auckland Plan 2050.

4.6 Auckland Unitary Plan (Operative in part)

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS. The RPS identifies a number of issues of regional significance, and several of these are relevant to PPC14.

- B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy

- B4 Te tiaki taonga tuku iho - Natural heritage
- B5 Ngā rawa hanganga tuku iho me te āhua - Built heritage and character
- B6 Mana Whenua
- B7 Toitū te whenua, toitū te taiao - Natural resources

PPC14 is limited to addressing identified technical issues as set out in Section 1.1 'Scope and purpose of the report' of this report to ensure that provisions give effect to the objectives and policies of the AUP. PPC14 does not seek to alter the current policy direction of the plan,; rather it is aligning the provisions with the objective and policy framework of the AUP and the RPS and therefore the provisions will still give effect to the RPS.

4.7 Iwi Management Plans

An iwi management plan (IMP) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. IMPs are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. IMPs are a written statement identifying important issues regarding the use of natural and physical resources in their area.

The RMA describes an iwi management plan as "*...a relevant planning document recognised by an iwi authority and lodged with the council*". IMPs must be taken into account when preparing or changing regional and district plans (sections 66(2A)(a), and 74(2A) of the RMA).

Council is aware that the following iwi authorities have an iwi management plan:

- Ngāti Whātua Ōrākei
- Te Kawerau-a-Maki
- Ngāti Rehua
- Ngāti Paoa
- Waikato – Tainui
- Ngāti Te Ata
- Ngātiwai
- Ngāi Tai ki Tāmaki
- Te Uri o Hau

It is considered that the amendments to the Chapter D Overlays, Chapter E Auckland-wide and Chapter J Definitions provisions proposed within PPC14 are minor and will have little bearing on the Iwi Management Plans listed above.

5 Development of Proposed Plan Change

This section outlines the development of PPC14 and the consultation in preparing the plan change.

5.1 Methodology and development of Plan Change

5.1.1 Develop the Scope of PPC14

First, the Council developed a statement on the scope of PPC14. This is outlined in section 1 of this report. The statement on scope provided the criteria to determine which issues could be included in PPC14.

5.1.2 Review of issues

A project team was established to review the issues that were out of scope of PC4 in addition to the issues that continued to be identified by both staff and members of the public. A scope statement for PPC14, as outlined in section 1, was developed to guide this review.

The project team undertook a review of the identified potential issues registered at the time to determine one of the following courses of action:

- a) Correct the error through Clause 16(2) or Clause 20A;
- b) No further action; or
- c) Address the issue through the PPC14.

In recommending an appropriate course of action the project team considered the following criteria:

Technical or Policy Matter

As outlined in Section 1.1, PPC14 is limited to amending technical issues to improve the usability of the AUP and its overall integration. Many of the issues registered related to dissatisfaction with various policy directions within the plan. Therefore the first task was to determine if the issues were technical or policy matters.

A technical issue is where a change is required so that the AUP will function in the way it was intended. The amendment of technical issues will not, by themselves, result in any substantive changes to the plan provisions. Technical issues may include:

- Format and language changes to clarify provisions where the intent is not clear; and
- Amendments to achieve vertical or horizontal integration and alignment.

Vertical or Horizontal Integration and Alignment

It is essential to the effectiveness of the AUP that it promotes the purpose of the Resource Management Act 1991 in an integrated way. This integration must also address the regional, coastal and district functions of the Council. This means that to support integration and to align provisions where they are related, the plan should have vertical or horizontal integration and alignment.

Many of the issues identified relate to a gap within the vertical or horizontal alignment of provisions through the AUP. To remediate these issues amendments are required in one of three directions:

- i. down through provisions to give effect to a policy;
- ii. up from methods to fill the absence of a policy direction; and
- iii. across sections to achieve consistency of restrictions or assessments and the removal of duplicate controls.

Complexity of the Issue

Once the project team had established whether the issues were technical or policy matters they considered the complexity of the issue. This was in order to determine whether it was appropriate to address particular issues through an omnibus plan change or whether an issue may be of a scale to warrant its own plan change.

As an example, it was decided that complex issues which relied on certainty of other parts of the plan (such as precincts) have a level of complexity that sits outside the scope of this plan change.

Alternative Options

In the case of many issues there are alternative options available to resolving the issue other than a change to the plan. The project team considered the alternative options in determining the course of action for each registered issue.

The alternative options include non-statutory methods such as practice notes, guidance or interpretation notes. Non-statutory methods have been utilised where guidance has been needed promptly. In many instances this non-statutory guidance has satisfactorily clarified the provisions thereby resolving the issue. Where this is the case the Council has not pursued amendments to the plan.

In some instances the issues relate to provisions that are the subject of appeals before the courts. There has occasionally been scope to fix the issue through this process.

Another alternative option is to take no further action in relation to an issue. This has been the recommended course of action where the Council does not agree that there is enough evidence to show that this is an issue and will monitor the provisions to determine if a change is warranted in future.

In some limited circumstances, an amendment via PPC14 is not required as the issue may have been resolved via another process such as a separate plan change. Therefore no change is required to the AUP.

Results of the Review of Registered Issues

As a result of this review the following courses of action were recommended:

- 160 errors were amended using Clause 20a or Clause 16;
- 143 errors via another process (such as the appeals process or internal interpretation/guidance/practice notes);
- 136 potential matters were not progressed and had no further action;
- 301 potential issues required further investigation for potential inclusion in a plan change that had broader scope than PC4.

The recommendations of the project team were audited by a review panel comprising of senior managers, representatives from the legal and resource consents department and Auckland Transport. The review panel sought to ensure the issues proposed to be included within PPC14 were within scope of the plan change and most appropriately addressed by the plan change.

5.1.3 Development of Proposed Amendments

Issue definition

The issues proposed for inclusion within PPC14 have been recorded verbatim from the original source email. As a first step the project team grouped similar issues and clarified the issues so that it was clear what the plan change is trying to achieve.

Research and Collection of Evidence

Once the issues had been clearly defined the project team undertook background research to determine how the issue had come about and built up an evidence basis to support or reject proposed amendments to the plan.

Depending on the issue this process included reviewing recent consent decisions, seeking input from experts, undertaking site visits consulting with internal and external stakeholders. The consultation is outlined below in Section 5.2 Consultation Undertaken of this report.

Development of first draft of proposed amendments and draft Section 32 evaluation

The project team drafted amendments to the AUP to address the various issues and documented the Section 32 evaluation process.

Identify affected sections of the plan

The project team then identified an initial index of the sections of the AUP affected by proposed amendments to address the identified issues. The purpose of the index was to ensure that consequential amendments could be identified and to identify any crossover between different workstreams. It was also used in consulting with stakeholders to determine areas of interest.

Stakeholder Review of draft amendments and section 32 evaluation

The proposed amendments and draft section 32 evaluation report was circulated to internal stakeholders for comment and feedback. The internal stakeholders included plan users across the Council and Council Controlled Organisations including resource consents, Auckland Transport, Watercare, Healthy Waters, Auckland Design Office, Parks Services and Legal Services.

Upon receiving this feedback the proposed amendments and section 32 evaluation report were further refined.

5.2 Consultation Undertaken

In accordance with clause 3 of Schedule 1 of the RMA, during the preparation of a proposed policy statement or plan, the Council is required to consult with:

- a) the Minister for the Environment; and
- b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
- c) local authorities who may be so affected; and
- d) the tangata whenua of the area who may be so affected, through iwi authorities; and
- e) any customary marine title group in the area.

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

5.2.1 Summary of general consultation undertaken

As PPC14 is focused on technical matters and does not include any shift in policy direction, no specific consultation was undertaken with the community prior to notification of the plan change.

Staff advised members of the public and internal staff within the council who had sent in potential issues to the email address (unitaryplan@aucklandcouncil.govt.nz) to advise them on the course of action in response to the issue raised. A number of these customers were advised that their potential issue would be addressed as part of a plan change process. An additional letter was sent to these customers to advise and confirm that the issue is part of PPC14. All letters were sent prior to notification and provide information on the plan change process.

Council have also sent a copy of PPC14 to statutory bodies and parties specifically affected by amendments in PPC14 (such as the Ministry for the Environment).

5.2.2 Consultation with iwi authorities

Clause 3(1)(d) of Schedule 1 to the RMA, states that local authorities shall consult with tangata whenua of the area who may be so affected, through iwi authorities, during the preparation of a proposed policy statement or plan.

Due to the nature and scale of PPC14, staff have identified, through the mana whenua-defined rohe maps, the following iwi authorities who the Council must consult with on the content of the plan change:

- Ngāti Wai
- Ngāti Manuhiri
- Ngāti Rehua
- Te Runanga o Ngāti Whātua
- Te Uri o Hau
- Ngāti Whātua o Kaipara
- Ngāti Whātua o Ōrākei
- Te Kawerau a Maki
- Ngāti Tamaoho

- Te Akitai Waiohua
- Ngāti Te Ata Waiohua
- Te Ahiwaru
- Ngai Tai ki Tāmaki
- Ngāti Paoa
- Ngāti Whanaunga
- Ngāti Maru
- Ngāti Tamaterā
- Te Patukirikiri
- Waikato-Tainui

Clause 4A of Schedule 1 to the RMA states that local authorities must:

- Provide a copy of a draft proposed policy statement or plan to iwi authorities to consider
- Have regard to feedback provided by iwi authorities on the draft proposed policy statement or plan
- Provide iwi authorities with sufficient time to consider the draft policy statement or plan.

And in addition to the above, recent legislation changes to the RMA introduced section 32(4A):

(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- (c) a summary of all advice received from iwi authorities on the PC4 (section 32 (4)(a) of the RMA).

5.2.2.1 Summary of feedback from iwi authorities

The proposed amendments and draft section 32 evaluation report for PC14 were circulated to iwi authorities for comment and feedback, with further proposed changes⁵ later circulated separately. No advice or feedback from iwi authorities was provided to council on PPC14 as a result.

5.2.3 Material to be incorporated by reference

⁵ Set out in Theme 6.6.21 Infrastructure – Policy alignment, Theme 6.6.22 Vegetation management – existing infrastructure in significant ecological areas, and Theme 6.6.23 Vegetation management – new service connections in significant ecological areas of this report.

In accordance with cl 34 of Schedule 1 of the Act, local authorities must make any material to be incorporated by reference available for inspection, and provide a reasonable opportunity for persons to comment. The local authority must then consider any comments that have been made prior to notifying a plan change.

5.2.3.1 Summary of comments made on material to be incorporated by reference

Council’s intention to incorporate technical guidance documents; ‘*Stormwater Management Devices in the Auckland Region*’, December 2017, Guideline Document 2017/001 Version 1 (GD01); and ‘*Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*’, June 2016, Guideline document 2016/005, Incorporating Amendment 1 (GD05) was publicly notified on 8 November, 2018.

Three submissions were received providing comments on the materials, after the closing date of 22 November 2018. A summary of the feedback received is shown below.

	Submitter	Received	Changes sought	Overview
1	Rayoner NZ Ltd/ Matariki Forests	23 Nov	Seek amendments to GD05	Confusing as to the relevancy of GD05 to ancillary forestry earthworks.
2	Hancock Forest Management NZ Ltd	23 Nov	Oppose the inclusion of GD05	The guideline is ambiguous in its application to forestry activities. Seek consultation on the inclusion of the guideline.
3	Northland Wood Council	23 Nov	Oppose the inclusion of GD05	Section A1.2 is ambiguous regarding definition of land and implies that forestry activities are included. Seek that forestry is excluded.

Copies of the comments received will be made available on the Council website.

The feedback received on the materials to be incorporated by reference all relates to ‘*Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*’, June 2016, Guideline document 2016/005, Incorporating Amendment 1. This is referred to as GD05. The submissions received are primarily concerned about the regulatory implications of the guideline to forestry activities in the Auckland Region. The process to incorporate these documents by reference means that the ‘*what*’ has been notified, without the ‘*how*’. The comments received on GD05 all reflect the lack of regulatory context that will be made available when the plan change is notified. Submitters are seeking that GD05 is amended to exclude forestry from the scope and application of the guideline. Some submitters are seeking further consultation with the forestry industry on GD05.

GD05 states that it *"primarily focuses on 'earthworks', which comprise the disturbance of soil, earth or substrate land surfaces for activities such as residential, commercial or infrastructure developments and maintenance, roads and utilities, ancillary farming earthworks, and earthworks associated with quarrying, such as overburden disposal."*

In addition, GD05 states that *"While many of the measures covered in the guideline are relevant to cultivation and ancillary forestry activities, those activities are not specifically addressed. Other industry best-practice guidelines apply to those activities, as required throughout the PAUP"*.

How the guideline is implemented in the AUP has implications for the forestry industry, not the guideline itself. Therefore, the issues raised in the submissions received are more appropriately resolved through the plan change process.

6 Evaluation approaches

6.1 Approach

In accordance with section 32(1)(b) of the RMA, an evaluation report is required to examine whether the provisions in PPC14 are the most appropriate way to achieve the objectives of PPC14 and therein, the purpose of the RMA.

Minor changes are proposed to clarify existing objectives and policies in the AUP, in order to remove ambiguity. Otherwise, PPC14 relies on the existing objectives and policies of the AUP.

6.1.1 Structure of the analysis

PPC14 covers a range of topics and issues. It proposes changes to the provisions of Chapter D Overlays, Chapter E Auckland-wide Chapter J Definitions and Chapter M Appendices.

Proposed amendments to the rules and other methods are grouped according to their plan topic, and further set out according to the degree of change. Each amendment is then presented as a separate theme.

The proposed amendments to the AUP made in this report are contained in Attachments 1-11 of this report. For a list of the attachments and the sections of the plan that they relate to, see Table 8.1.1 – Proposed amendments to AUP in attachments to report at the end of this report.

The broad structure of the report is as follows.

- *Natural Heritage*
- *Historic Heritage*
- *Natural Resources*
 - *Land and water*
 - *Air quality*
- *Infrastructure*
- *Transport*
- *Built Environment and Temporary Activities*
- *Environmental risk*
- *Subdivision*
- *GIS Viewer*

6.1.1.1 Overview of proposed amendments

Natural Heritage

Changes to natural heritage provisions are proposed to clarify:

- accessory buildings in natural character area overlays

- standards for works around Notable trees
- Activity table D14.4.1, standards for temporary construction, and for buildings not intruding into the floor of Volcanic viewshafts.

Historic Heritage

New activities and standards are proposed to clarify situations where resource consent is required to carry out specific activities within the Historic Heritage overlay, being maintenance of trees, addition of cremated remains in graves, invasive testing for seismic strengthening, and interiors of buildings when identified as exclusions.

Natural Resources

Land and water

Changes proposed to the AUP with regard to Auckland-wide land and water provisions are intended to:

- to remove an assessment criteria requiring consultation with mana whenua for new bores
- to reinstate a permitted activity standard for land disturbance around kauri trees for ancillary farming earthworks and ancillary forestry earthworks
- To insert a new definition for vegetation alteration or removal in order to increase clarity for plan users
- update technical guidance documents incorporated by reference with regard to erosion and sediment control and stormwater management devices
- clarify the intent and wording of existing provisions for Land disturbance (district) within the Historic Heritage Overlay; existing Land disturbance objectives and policies; and hydrological mitigation requirements for impervious surfaces from road (re)development
- amend existing provisions to rectify their alignment with the existing policy context and standards for control of kauri dieback disease by managing the disposal of vegetative material.

Air quality

Changes are also proposed to remove ambiguity with respect to air quality provisions, in particular to:

- reinstate a permitted activity for thermal metal spraying into the AUP
- clarify rules related to fires for cooking and heating, cement storage, coffee roasting, discharges to air from motor vehicles, offensive or objectionable odours/effects, and adverse effects on air quality from discharges
- update the plan with reference to the requirement to notify council of permitted fires
- clarify the wording and application of standards related to discharge of contaminants to air, and the definition of total rated thermal input.

Infrastructure

Amendments proposed to Chapter E26 Infrastructure include the following:

- the permitted type and height of antennas;
- the rules relating to electricity storage facilities;
- noise limits applying to distribution substations;
- minor infrastructure upgrading limits that apply to above ground electricity lines and the depth of earthworks for road network activities;
- network utilities' activity status in volcanic viewshafts and height sensitive areas, the height of traffic signals in these areas, and when the network utilities rules apply in height sensitive areas;
- clarifying the vegetation management rules in coastal and riparian areas and the permitted height of vegetation clearance in the road reserve (with consequential changes to E17 Trees in Roads);
- addressing inconsistencies in the objectives and policies in E26 Infrastructure, and in the E26 vegetation management standards, to enable vegetation alteration and removal in significant ecological areas for the purposes of operation and maintenance of existing infrastructure and for installation of service connections;
- provisions regarding road network activities within and near the Historic Heritage Overlay;
- the consent path for water, wastewater and stormwater pumping stations; and
- clarifying the regional and district functions of network utility and vegetation management rules.

Amendments are also proposed to:

- the D19 Auckland War Memorial Museum Viewshaft Overlay provisions, to clarify when they apply;
- the D24 National Grid Corridor Overlay provisions, to automatically remove planning restrictions that are no longer required when transmission lines or substations are removed.

Transport

Amendments to transport provisions are proposed to make the following improvements for the transport provisions:

- Require a 1m wide pedestrian footpath along access serving 10 or more car parking spaces in E27.6.4.3.2(T151);
- Under Standard E27.6.4.3.2(T151), clarify that a formed vehicle access width can be reduced to 2.75m in certain circumstances, rather than the vehicle crossing width;
- Under Standard E27.6.4.3.2(T151), require formed access serving 6 or more dwellings to be contained within a corridor clear of buildings measuring a minimum of 6.5m in width
- Allow vehicle crossings in the Industrial zones, General Business Zone and Business Park Zone serving 10 or more parking spaces or three or more loading spaces, to be widened to 9.0 as is permitted in the Rural zones.
- Amend Standards E27.6.4.3.2(T152) – (T156) so that the vehicle access dimensions are solely based on car parking spaces, rather than dual triggers based on parking and loading spaces;

- Amend the matters of discretion and assessment criteria in Chapter E38 Subdivision – Urban to enable effects of the design and layout of sites on transport infrastructure and facilities within roads to be considered;
- Clarify the wording of Standards E27.6.4.2.1(T144) and (T146) relating to combining vehicle crossings;
- Introduce a note advising the need for approval from Auckland Transport for new vehicle crossings or alterations from existing crossings;
- Clarifying standards and assessment criteria relating to manoeuvring, including manoeuvring of heavy vehicles;
- Amend the standard for reverse manoeuvring to apply to all car parking spaces, rather than just those required by minimum parking rates in E27;
- Clarify where Centre Fringe Office Control standards shown in Table E27.6.2.2 apply, and that they apply in place of the nominal car parking standards in Tables E27.6.2.3 and E27.6.2.4
- Amend standard E27.6.2(2) which allows for activities on the same site to share car parking resources, to reduce opportunities for parking overspill arising from activities with similar peak parking demand sharing parking spaces;
- Clarify Standard E27.6.3.1(1)(g) which does not allow the sale or lease of accessory car parking spaces, to avoid duplicating resource consenting requirements;
- Convert Standard E27.6.2(10) relating to accessible car parks complying with the New Zealand Building Code D1/AS1 from a standard to a note.
- Clarify the parking rates applicable to minor dwellings in Table E27.6.3 Parking rates – area 1 and Table E27.6.4 Parking rates – area 2;
- Clarify the wording of Standard E27.6.5(1) relating to off-road pedestrian and cycle facilities;
- Clarify the wording of the preamble to E27.4.1 Activity Table 1.

Built Environment and Temporary Activities

Changes are proposed to the following chapters:

- E23 Signs: in regards to what standards apply to certain activities, as well as references to traffic and pedestrian safety;
- E25 Noise and vibration: to enable vibration amenity effects to be included in a construction noise and vibration management plan for works in the road reserve;
- E40 Temporary Activities: to enable appropriate pack in and pack out parameters for noise events in public places;
- Chapter J Definitions, to amend the definition of ‘public place’, so that the noise events rules in Chapter E40 Temporary Activities function correctly.

Environmental risk

A new standard is proposed for any person applying agrichemicals by a handheld application in E34 Agrichemicals and vertebrate toxic agents. A new assessment criterion is proposed for restricted discretionary activities in overland flow paths in order to align with the relevant matters of restricted discretion already included in the AUP.

Subdivision

An amended activity, along with the removal of another activity, is proposed to clarify the activity status of any other subdivision within the Waitākere Ranges and the Waitākere Foothills zones.

GIS Viewer

Removal of the 'coastal inundation 1 per cent AEP plus 1m control' map from the AUP map viewer, and consequential change to the definition.

6.2 Natural heritage

Theme 6.2.1 Outstanding Natural Character and High Natural Character Overlay

Chapter of the AUP	<i>Chapter D Overlays – Natural Heritage</i>
Sub-section of the AUP	<i>D11. Outstanding Natural Character and High Natural Character Overlay</i>
Specific provision/s	<i>D11.4 Activity table Table D11.4.1. Activity Table - Activity (A9)</i>

Status quo and problem statement

In chapter D11 Outstanding Natural Character and High Natural Character Overlay rule (A9) states:

“Buildings and structures accessory to pastoral farming, cropping and other non-intensive forms of land production.” [emphasis added]

It has been brought to the council’s attention that there is no definition in the AUP (OP) for ‘land production’ or ‘non-intensive’. Other parts of the AUP (OP) when referring to similar practices or activities use the terms ‘rural productions activities’ and ‘intensive farming’ which do have definitions in the AUP (OP).

It is recommended that the definitions that are already in the plan are introduced into this section. This will improve the consistency of the plan as it will enable a consistent approach to the activities to be taken.

Outline the proposal(s)

Option 1 - Status quo

No change to the current provisions

Option 2 - Amendments to activity (A9) in Table D11.4.1 Activity Table, standard D11.6.2, activity (A86) in Table E26.4.3.1 and standard E26.4.5.4.

Delete from activity (A9), (A86), standards D11.6.2, E26.4.5.4 “non-intensive forms of”; and

Insert in activity (A9), (A86), standards D11.6.2, E26.4.5. the defined terms “rural land production” and “that is non intensive farming”.

Evaluating the proposal against its objectives

Table 6.2.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<i>Option 1: Status quo</i>	<i>This option is considered the least effective option.</i>	<i>There are minimal costs associated with this option.</i>	<i>Although this option does not have any associated costs (which is a</i>

Options	Efficiency and effectiveness	Costs	Benefits
			<i>benefit); this option does not benefit from using defined clear terms.</i>
<i>Option 2: Amendments to activity (A9) in Table D11.4.1 Activity Table, standard D11.6.2, activity (A86) in Table E26.4.3.1 and standard E26.4.5.4. (preferred option)</i>	<p><i>This option is considered more effective and efficient. Using defined terms that are already included in the plan helps clarify how the activity table, and standards are being applied to.</i></p> <p><i>This option gives better effect to objective:</i></p> <p><i>D11.2. Objective [rcp/dp]</i></p> <p><i>(1) The natural characteristics and qualities of areas with outstanding natural character, or high natural character values are preserved and protected from inappropriate subdivision, use and development.</i></p>	<i>Costs associated with the plan change.</i>	<i>This option benefits from improved clarity by using defined terms; making it easy to determine on what the activity and standards are being applied to.</i>

Conclusion

Option 2 is the preferred option. Implementing the proposed amendments to include defined terms 'rural land production' and 'non-intensive farming' which are already included in Chapter J Definitions in the AUP (OP); is the most appropriate method to achieve the objective of the plan change because the amendment:

1. Reduces ambiguity by using defined terms that are consistently used throughout the plan;
2. Makes the provision clearer with the use of the defined terms.

The proposed amendments to the AUP are located in Attachment A.1 - Natural heritage.

Theme 6.2.2 Notable Trees Overlay

Chapter of the AUP	<i>Chapter D Overlays – Natural Heritage Chapter E Auckland wide - Infrastructure</i>
Sub-section of the AUP	<i>D13 Notable Trees Overlay E26 infrastructure</i>
Specific provision/s	<i>D13.4.1 Activity table D13.6.2 Standard E26.4.3.1 Activity table E26.4.5 Standard</i>

Status quo and problem statement

Standard D13.6.2. states:

Works within the protected root zone undertaken by trenchless methods at a depth greater than 1m below ground level.

There are interpretation issues on how this standard should be applied. The confusion is based on the word 'undertaken', the intention is not to undertake trenchless methods but to enable trenchless methods. Or in other terms, you can undertake trenchless methods if you stay within these permitted standard thresholds.

For example, standards D13.6.2 (2) – (7) set out the threshold to which a user can operate to enable work that involves trenchless methods of excavation.

A grammatical correction can be made in the D13.4.1 Activity table and the correlated notable tree provisions in Chapter E26. Infrastructure. The correction would improve the usability of the plan by making it clear how the standards should be applied.

Outline the proposal(s)

Option 1- Status quo

No change to the current provisions

Option 2 – Amendment to Standard D13. Notable Trees Overlay and E26. Infrastructure

Amend D13.4.1 Activity table and Standard D13.6.2 – deleting “undertaken by” inserting “to enable”; and

Amend E26.4.3.1 Activity table and Standard E26.4.5 – deleting “undertaken by” inserting “to enable”

Evaluating the proposal against its objectives

Table 6.2.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<i>Option 1: Status quo</i>	<i>This option does not effectively or efficiently describe the intention of the standard and its purpose.</i>	<i>This option currently generates clarification requests, being costs to the council</i>	<i>There are limited to no benefits in this approach in comparison to option 2. Using better grammar will improve the reliance of the standard.</i>
<i>Option 2: Amendment to Standard D13. Notable Trees Overlay and E26. Infrastructure (preferred option)</i>	<i>This option is more effective than option 1, as a grammatical correction efficiently sets out the permitted standards which enable the work to be completed.</i>	<i>Costs affiliated with the plan change. Cost reduction through less clarification requests sent; therefore, less resourcing costs to council.</i>	<i>This option is likely to reduce the costs of clarification requests to the council, and therefore council resourcing costs. This option benefits from a clear</i>

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>This option gives better effects to objective:</i></p> <p><i>D13.2. Objective</i></p> <p><i>(1) Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development.</i></p>		<i>grammatical direction.</i>

Conclusion

Implementing option 2 to make the proposed amendments, to make a grammatical correction is the most appropriate method to achieve the objective of the plan change because:

1. Reduces ambiguity as the provisions are easy to apply; and
2. Less time for Regulatory Services in dealing with interpretation queries.

The proposed amendments to the AUP are located in Attachment A.1 - Natural heritage.

Theme 6.2.3 Volcanic Viewshafts – Temporary construction and safety structures

Chapter of the AUP	<i>Chapter D Overlays – Natural Heritage</i>
Sub-section of the AUP	<i>D14 Volcanic Viewshaft and Height Sensitive Areas Overlay</i>
Specific provision/s	<p><i>D14.4.1 Activity table [rcp/dp]</i></p> <p><i>D14.6 Standards</i></p> <p><i>D14.6.2 Buildings and structures that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule</i></p> <p><i>D14.6.4 Temporary construction and safety structures</i></p>

This section addressing D14.Volcanic Viewshaft and Height Sensitive Area Overlay are requests for clarification on the intention of the provisions and on how the provisions are to be applied. The purpose of the changes proposed in this section is to address clarity issues for:

- a) Temporary construction and safety structures
- b) Buildings that intrude a view shaft abut are not visible due to the presence of a landform

Status quo and problem statement

Issues have been raised with 'D14.6.4. *Temporary construction and safety structures*' and were submitted by private consultancies or officers from the Council's regulatory services. Temporary activities are a permitted activity (A2) in Table D14.4.1 Activity table.

The wording of standard D14.6.4 is not clear or practical Standard D14.6.4 states:

*Temporary construction and safety structures must be removed **within 30 days or upon completion of the construction works, whichever is the lesser.***[emphasis added]

The current wording is unclear when the 30 days commences, and if the equipment is not removed within 30 days of the commencement date; the user triggers activity (A6) or (A11) for buildings not otherwise provided for or that do not comply with D14 standards. The consequence is a non-complying activity status with public notification.

It is considered unpractical and unreasonable to apply such costs when construction and safety equipment more often than not would be required to be erected for more than 30 days. Therefore amendments to clarify that temporary construction and safety equipment can have a longer duration of time will improve the usability of the plan. It should be noted that emphasis of the final design of the permanent building or structure should have greater influence than temporary activities. It is also expected that operation costs would be greater the longer the duration of the temporary activity, therefore users would not have the intention to erect equipment for longer than required.

There is an increase in risk associated with non-complying full notification procedure not being triggered as often for temporary activities that run greater than 30 days. This risk varies between the type of building or structure being proposed. For example, a residential development around the maunga, with temporary construction equipment erected, is unlikely to have a more than minor visual effect from the public viewpoint and/or sightline. Where a construction of a larger building occurs, which has not intruded a viewshaft, but temporary construction and safety equipment will intrude, the effects of the temporary activity is likely to be more than minor.

The risk, of removing *whichever is lesser* which will allow temporary construction activities and safety equipment to be erected longer than 30 days could be mitigated through activity (A20) in Table E40.4.1 Activity table in E.40 Temporary activities of the AUP (OP). Activity (A20) sets out that a temporary activity associated with building or construction, for the duration of the project, or up to 24 months, whichever is the lesser is a permitted activity. An activity with a timeframe longer than 24 months is a restricted discretionary activity.

The result of this amendment will be a less restrictive activity status. It is proposed to include two new activities or temporary construction and safety structures, one being a restricted discretionary for up to 12 months, and the other a non-complying activity for structures erected for more than 24 months. A 12 month timeframe is an acceptable period to intrude the viewshaft or be erected in the height sensitive area, and therefore is a permitted activity. The restricted discretionary activity allows for the effects to be considered for the period of

intrusion for 12 to 24 months. Intruding for more than 24 months is considered unacceptable and it is proposed to be non-complying.

This approach will manage temporary construction and safety structures that intrude the viewshaft or are located in the height sensitive area. It is important that any infringement to these provisions happen no longer than necessary, as a cumulative effect of multiple construction sites can have an on going effect on the views to the maunga.

Further, even though temporary activities must have a start and end date, a non-statutory method such as a practice note, could clarify the intension of the standard. But as interpretation issues are already being identified by plan users, the method to best achieve the objective of the plan change is an amendment to the text.

Outline the proposal(s)

The proposal/s to address the problem identified for '*Temporary construction and safety structures*' are:

Option 1- Status quo

No change to the current provisions

Option 2 – Amendment to Standard D14.6.4 and Table D14.4.1 activity table

Proposed amendment to Standard D14.6.4.(1)

D14.6.4 Temporary construction and safety structures

- (1) Temporary construction and safety structures, associated with the construction of buildings and structures, must be removed within 30 days from the viewshaft and height sensitive area or upon completion of construction works; or within 12 months of being erected, whichever is the lesser time period.

Proposed amendment to Table D14.4.1 activity table and D14.8.2 assessment criteria:

- Delete 'activities' in activity (A2) and (A9) and insert 'construction and safety structures that comply with standard D14.6.4'.
- Add a new restricted discretionary activity (A2A) Table 14.4.1 activity table: 'Temporary construction and safety structures for a duration of between 12 and 24 months'
- Add a new restricted discretionary activity (A9A) Table 14.4.1 activity table: 'Temporary construction and safety structures for a duration of between 12 and 24 months'
- Add a new non-complying activity (A2B) Table 14.4.1 activity table: 'Temporary construction and safety structures for a duration exceeding 24 months'
- Add a new non-complying activity (A9B) Table 14.4.1 activity table: 'Temporary construction and safety structures for a duration exceeding 24 months'
- Add a new assessment criterion under D14.8.2 for restricted discretionary activities for temporary construction and safety structures.

Evaluating the proposal against its objectives

Table 6.2.4 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p><i>Option 1: Status quo</i></p>	<p><i>Effectiveness: Restricts temporary activities to 30 days before triggers NC activity. Forcing time restrictions on construction activity which is impractical and therefore less effective.</i></p> <p><i>Efficiency: The date restriction could cause construction project to lapse and become a NC activity causing full public notification which is inefficient.</i></p> <p><i>This option better addresses to the below objective:</i></p> <p><i>D14.2 Objectives [rcp/dp] (1) The regionally significant views to and between Auckland's maunga are protected.</i></p>	<p><i>Economic: This option is considered to have a high cost to the applicant with the requirement of full public notification if NC activity is triggered.</i></p>	<p><i>Cultural: Recognises the importance of the views of the maunga, and limits the time temporary activities affect the views.</i></p>
<p><i>Option 2: Amendments to D14 to improve clarity (preferred option)</i></p>	<p><i>Effectiveness/efficiency: The amended standard effectively establishes a clear time frame that a temporary activity is allowed to operate in. This option is considered more efficient as NC activities are less likely to be triggered, which will not delay or hinder construction.</i></p> <p><i>This option effectively and efficiently meets the objective of the plan change improving the usability of the plan.</i></p> <p><i>This option does not achieve the same level of effectiveness of the objective below as option 1 does; however the views will still be protected from the final building or structure, with a reasonable timeframe to complete work.</i></p> <p><i>D14.2 Objectives [rcp/dp] (1) The regionally significant views to and between Auckland's maunga are protected.</i></p>	<p><i>Economic: Reduces costs on the applicant as less NC activities will be triggered, and therefore no public notification is required.</i></p> <p><i>Temporary cost on the views to the maunga, as temporary activities will have effect on the view.</i></p>	<p><i>Social: Recognises that a temporary activity has a start and end date/time, and does not restrict temporary activities to 30 days in the standard.</i></p>

Conclusion

Option 2 is the preferred option. Implementing the proposed amendments to standards D14.6.4 Activity table will improve clarity and the usability of the AUP (OP) and is the most appropriate method to achieve the objective of the plan change because the amendments:

1. Takes into account the in-effective approach to temporary activities and construction equipment, whilst recognising the importance of the maunga.
2. Overall taking a balance approach for development to occur whilst protecting Auckland's natural heritage sites.

The proposed amendments to the AUP are located in Attachment A.1 - Natural heritage.

Theme 6.2.4 Volcanic Viewshafts – Buildings that intrude a viewshaft but are not visible due to the presence of a landform

Chapter of the AUP	<i>Chapter D Overlays – Natural Heritage</i>
Sub-section of the AUP	<i>D14 Volcanic Viewshaft and Height Sensitive Areas Overlay</i>
Specific provision/s	<i>D14.4.1 Activity table [rcp/dp] D14.6 Standards D14.6.2 Buildings and structures that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule D14.6.4 Temporary construction and safety structures</i>

Status quo and problem statement

This section addresses concerns towards standard 'D14.6.2. Buildings and structures that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule' and activity (A1) in Table D14.4.1 Activity table. Activity (A1) is for:

'Buildings that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule'

Activities that trigger (A1) are permitted in both Regionally Significant Volcanic Viewshafts and Locally Significant Volcanic Viewshafts.

A recent enquiry about the volcanic viewshaft rules highlighted the confusion around what activities managed by standard D14.6.2 and activity (A1). Clarity was needed to determine if (A1) affected all properties located under a volcanic viewshaft as mapped on the council's GIS viewer. If (A1) affected all properties under a viewshaft, which include buildings that do not physically intrude the floor of the viewshaft; this would result in buildings being a permitted activity. The implications of that permitted activity status would mean these

buildings that have not intruded into the floor of the viewshaft would need to comply with the standards under *D14.6. Standards*.

It was not intended that activity (A1) would apply to buildings that do not intrude physically into the viewshaft. Table D14.4.1 Activity table is only for buildings that have physically intruded the floor of the viewshaft. This is confirmed in the activity table note:

Buildings (where they intrude into a scheduled volcanic viewshaft), excluding network utilities, electricity generation facilities, broadcasting facilities and road networks) [emphasis added].

The intention of (A1) is to correlate with D14.6.2 to give a permitted activity status to buildings that intrude into the floor of a viewshaft but are not visible due to the presence of a landform. Further, it is non-sensical to apply a restricted discretionary activity status on fences and walls which are also not visible due to the presence of a land form, but allow for permitted activity for buildings up to 9m. Clarity is needed to ensure that only properties that trigger standard D14.6.2 are clearly identified; and fences and walls are appropriately captured under Table D14.4.1 activity table.

Outline the proposal(s)

The proposal/s to address the problem identified is:

Option 1 - Status quo

No change to the current provisions

Option 2 - Amendments to activity (A1) in 'Table D14.4.1 activity table'. Amendments to standard 'D14.6.2. Buildings and structures that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule':

- Delete the current wording of activity (A1) and replace with reference of compliance with standard D14.6.2.
- Add a new permitted activity in Table D14.4.1 activity table as (A1A) to include fences and walls 'Fences and walls where their height does not exceed 2.5m that comply with standard D14.6.2'
- Consequential amendments to the heading to Table D14.4.1 to include fences and walls where their height does not exceed 2.5m, and correction of minor formatting error to delete ')' which is not required.
- Amendment to the heading of D14.6.2 to clarify the standard is for buildings, including fences and walls, that are not visible due to the presence of landform.
- Amendments to D14.6.2.(1) to clarify the standard is for buildings, including fences and walls, that are not visible due to the presence of landform.
- Amendment to D14.6.2.(1) That vegetation is not to be taken into account when confirming compliance that the building is not visible due to the presence of landform.

Evaluating the proposal against its objectives

Table 6.2.5 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	<i>Effectiveness/efficiency: (A1) does not effectively identify what properties/buildings that are affected by the rule. This confusion around the application makes this option less efficient in comparison to the preferred option to make amendments.</i>	<i>Economic: Costs on the Council services clarifying to users that this rule only applies to buildings that intrude the floor of the viewshaft.</i>	
Option 2: Amendments to D14 to improve clarity (preferred option)	<i>Efficiency: This option is the more efficient option in identifying who the rule is intended for and is more effect in applying the standard</i> <i>Effectiveness: This option gives greater effect to the objective of the plan change improving the usability and application of the provisions.</i> <i>This option better addresses to the below objective:</i> <i>D14.2 Objectives [rcp/dp] (1) The regionally significant views to and between Auckland's maunga are protected</i>	<i>Economic: Reduction on time by Council to clarify any confusion with the application of the rules.</i> <i>Social: Easier for applicants to understand.</i>	<i>Cultural: This approach establishes a more direct application; that if you do not comply with standard D14.6.2, it is a NC activity.</i>

Conclusion

Implementing the proposed amendments to standards D14.6.2 table D14.4.1 Activity table (option 2) which improve clarity and the usability of the AUP (OP) is the most appropriate method to achieve the objective of the plan change because the amendments:

1. Are effective as they make it clear that buildings that do not intrude into the viewshaft are not considered against D14.6. Standards thereby reducing enquires.
2. Efficiently applies the standards as they are intended to be applied.

The proposed amendments to the AUP are located in Attachment A.1 - Natural heritage.

6.3 Historic heritage

Theme 6.3.1 Maintenance of trees

Chapter of the AUP	Chapter D Overlays
Sub-section of the AUP	Chapter D17 Historic Heritage Overlay
Specific provision/s	Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places D17.6. Standards

Status quo and problem statement

Confusion has arisen in relation to the maintenance of trees within the Historic Heritage Overlay. The overlay provisions do not include a rule for the maintenance of trees, nor provide any guidance for what level of maintenance (i.e. trimming or pruning) is acceptable as a permitted activity.

The overlay contains rules for maintenance and repair of features, including buildings and structures, and maintenance and repair of gardens, lawns, garden amenities, driveways, parking areas, effluent disposal systems, swimming pools, sports fields, courts and grounds, bridle paths, footpaths, cycle and walking tracks, including the planting of vegetation. The maintenance of trees is a similar, as well as expected, activity within historic heritage places.

It is not clear to plan users that trees identified in Schedule 14.1 are subject to the provisions of the overlay. This has led to trees being removed without consent.

Outline the proposal(s)

Option (1) - Status quo:

No change to current provisions, which do not provide for the maintenance of identified trees.

Option (2) - Add new activity and standard:

The proposed amendment:

- Inserts a new activity to Table D17.4.1 to provide for the trimming and alteration of trees identified in Schedule 14.1 as a permitted activity.
- Inserts a new standard into D17.6 Standards for the trimming and alteration of trees as identified in Schedule 14.1. This standard is in accordance with the standards in the AUP Notable Trees Overlay, including limiting the trimming to be no more than 10 per cent of live growth of the tree in a calendar year.

Evaluating the proposal against its objectives

Table 6.3.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status	Does not clarify that trees identified	Could result in	No change to the plan

Options	Efficiency and effectiveness	Costs	Benefits
quo	in Schedule 14.1 are subject to the provisions of the Historic Heritage Overlay.	the continued removal of trees in the Historic Heritage Overlay that have significant historic heritage value.	required.
Option 2: Add new activity and standard <i>(preferred option)</i>	<p>The appropriate maintenance of trees within a historic heritage place is an expected activity that should be clearly provided for.</p> <p>The addition of this as permitted to the activity table is a discrete technical change.</p> <p>Clearly providing for the maintenance of trees identified within Schedule 14.1, through the addition of a permitted activity and associated standards, addresses a gap identified in the overlay provisions. Option 1 will ensure that this activity that may have effects on the values of historic heritage place is undertaken in an appropriate way, and meets the objectives of the overlay.</p> <p><i>D17.3</i> <i>(1) Encourage and enable maintenance and repair appropriate to scheduled historic heritage places where it is:</i> <i>(a) based upon a clear understanding of the heritage values of the place; and</i> <i>(b) undertaken in accordance with good practice conservation principles and methods.</i></p>	The cost of implementation will reduce with provisions relating directly to maintenance of trees.	<p>The plan provisions will be clearer and implementation therefore easier.</p> <p>Resource consent will not be required for the trimming of trees identified in Schedule 14.1 were the activity meets the permitted standards. As such, the plan will only manage this activity where it may have a potential impact on the values of a historic heritage place.</p>

Conclusion

Section 32(1)(b)(iii) of the RMA requires a summary of the reasons for deciding whether the provisions are the most appropriate way to achieve the objectives. That summary is set out below.

Option two is the preferred option. Introducing an activity and related performance standard for the maintenance of trees, as proposed under Option 2, is the most appropriate method to achieve the objective of the plan change because it provides clarity as to the activity status of this activity (i.e. the maintenance of trees), and will allow for the trimming and alteration of

trees identified in Schedule 14.1 where this activity does not adversely affect the historic heritage values of a scheduled place.

The proposed amendments to the AUP are located in Attachment A.2 - Historic heritage .

Theme 6.3.2 Addition of cremated remains in graves

Chapter of the AUP	Chapter D Overlays
Sub-section of the AUP	Chapter D17 Historic Heritage Overlay
Specific provision/s	Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places D17.6. Standards

Status quo and problem statement

There is a need to provide a more permissive management regime for the modification of graves within the Historic Heritage Overlay for the purpose of inserting cremated ash remains. Currently, this activity requires a resource consent under the provisions of D17 Historic Heritage Overlay (under rule A9 modification and restoration).

The requirement for a resource consent for this activity is considered onerous. In addition, the time required to obtain consent for this activity is causing distress to some applicants.

Outline the proposal(s)

Option (1) Status Quo:

No change to the current provisions, which means consent will continue to be required for the modification of graves in a historic heritage place for the purpose of inserting cremated ash remains.

Option (2) Add new activity and standard:

The proposed amendment:

- Inserts a new activity to Table D17.4.1 to provide for the modification of a grave ledger to allow the insertion of cremated ash remains as a permitted activity.
- Inserts a new standard into D17.6 Standards for the modification to grave ledgers to allow the insertion of cremated ash remains, including the apertures for insertion of cremated remains must not exceed a maximum dimension of 250mm and must be repaired or covered by a plaque that does not exceed 0.5m².

The proposed amendment to add a new activity and standard meets the objectives of the Historic Heritage Overlay as the new provisions will support the protection of scheduled historic heritage places, while allowing for the appropriate use and development of these places.

Evaluating the proposal against its objectives

Table 6.3.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Requires resource consent for insertion of cremated remains in graves, regardless of effects of this activity on scheduled historic heritage places.	Will result in plan users needing to obtain a resource consent for an activity that does not result in adverse effects on the significance of a scheduled historic heritage place.	No change to the plan required.
Option 2: Add new activity and standard (<i>preferred option</i>)	<p>The addition of cremated remains in graves in an appropriate manner is an expected activity that should be clearly provided for.</p> <p>The addition of this as permitted to the activity table is a discrete technical change, and is supported by Policy D17.3</p> <p><i>(3) Enable the use, development and adaptation of scheduled historic heritage places where:</i> <i>(a) it will not result in adverse effects on the significance of the place;</i> ... <i>(c) it is in accordance with good practice conservation principles and methods;</i> <i>(d) it will not result in cumulative adverse effects on the historic heritage values of the place.</i></p> <p>Clearly providing for the addition of cremated remains in a grave through the addition of a permitted activity and associated standards, addresses a gap identified in the overlay provisions. Option 1 will ensure that this activity that may have effects on the values of historic heritage place is undertaken in an appropriate way.</p>	The cost of implementation will reduce with provisions relating directly to the addition of cremated remains to graves.	<p>The plan provisions will be clearer and implementation therefore easier.</p> <p>Resource consent will not be required for the addition of cremated remains in graves where the activity meets the permitted standards. As such, the plan will only manage this activity where it may have a potential impact on the values of a historic heritage place.</p>

Conclusion

Section 32(1)(b)(iii) of the RMA requires a summary of the reasons for deciding whether the provisions are the most appropriate way to achieve the objectives. That summary is set out in the paragraph below.

Option two is the preferred option. The addition of a new activity to the table and an associated standard to provide for the addition of cremated remains to graves, as proposed under Option 2, is the most appropriate method to achieve the objective of the plan change as it will only require resource consent for this activity when it may result in adverse effects on the significance of the scheduled historic heritage place. Option 2 will reduce the distress for people seeking to undertake this activity and will reduce the regulatory burden for both plan users and Council.

The proposed amendments to the AUP are located in Attachment A.2 - Historic heritage .

Theme 6.3.3 Invasive testing for seismic strengthening

Chapter of the AUP	Chapter D Overlays
Sub-section of the AUP	Chapter D17 Historic Heritage Overlay
Specific provision/s	Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places D17.6. Standards

Status quo and problem statement

Landowners often need to undertake invasive testing (e.g. drill bore holes, remove wall linings) to understand the performance and condition of a structure before they are able to complete the design of any required seismic strengthening works.

Activity A12 in Table D17.4.1 requires a restricted discretionary consent for modifications to buildings, structures or features of a scheduled historic heritage place for seismic strengthening. The intent of the D17 provisions was to encourage owners to undertake seismic strengthening. It is counter-productive therefore to require additional consent under A12 for testing, prior to the consent for the required seismic strengthening works.

This issue has arisen a number of times through the consenting process since the AUP became operative in part, and is expected to occur more frequently as more owners upgrade their buildings.

Outline the proposal(s)

Option (1) - Status quo:

No change to the current provisions, which means consent will continue to be required for the modification to the features of a historic heritage place for the purpose of investigating what works are required for seismic strengthening.

Option (2) - Add new activity and standard:

The proposed amendment:

- Inserts a new activity to Table D17.4.1 to provide for modifications to buildings, structures or features of a scheduled historic heritage place for invasive seismic investigation as a permitted activity.
- Inserts a new standard into D17.6 Standards for the modifications to buildings, structures or features of a scheduled historic heritage place for invasive seismic investigation, including that all works must be repaired/made good with the same material as the original fabric, or the closest equivalent.

Evaluating the proposal against its objectives

Table 6.3.3 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Requires consent for investigation for the purposes of seismic strengthening, regardless of the effects of this activity on scheduled historic heritage places.	Will result in plan users needing to obtain a resource consent for an activity that does not result in adverse effects on the significance of a scheduled historic heritage place.	No change to plan required.
Option 2: Add new activity and standard <i>(preferred option)</i>	<p>The testing of a structure to inform its seismic strengthening requirements in an appropriate manner is an expected activity that should be clearly provided for.</p> <p><i>D17.3 Policies</i> <i>(11) Provide for modifications to, or restoration of, parts of buildings or structures where this is necessary for the purposes of adaptation, repair or seismic strengthening, either in its own right or as part of any modifications.</i></p> <p>The addition of this as a permitted activity is a discrete technical change.</p> <p>Clearly providing for a level of invasive testing through the addition of a permitted activity and associated standards, addresses a gap identified in the overlay provisions. Option 1 will ensure that this activity that may have effects on the values of historic heritage place is undertaken in an appropriate way.</p>	The cost of implementation will reduce with provisions relating directly to invasive testing for seismic strengthening.	<p>The plan provisions will be clearer and implementation therefore easier.</p> <p>Resource consent will not be required for invasive testing for seismic strengthening where the activity meets the permitted standards. As such, the plan will only manage this activity where it may have a potential impact on the values of a historic heritage place.</p>

Conclusion

Section 32(1)(b)(iii) of the RMA requires a summary of the reasons for deciding whether the provisions are the most appropriate way to achieve the objectives. That summary is set out in the paragraph below. Option two is the preferred option. The proposal in Option 2 to insert a new activity and associated standard to provide a more permissive management approach to investigation for seismic strengthening within the Historic Heritage Overlay is the most appropriate method to achieve the objective of the plan change because it:

- Implements the objectives of the plan, being to protect scheduled historic heritage places from inappropriate subdivision, use and development, and enable the appropriate use of scheduled historic heritage places.
- Ensures the provisions are clear and are therefore implemented consistently.
- Ensures invasive seismic investigation will only require resource consent when it may affect significant historic heritage values.

The proposed amendments to the AUP are located in Attachment A.2 - Historic heritage .

Theme 6.3.4 Interiors of buildings when identified as an exclusion

Chapter of the AUP	Chapter D Overlays
Sub-section of the AUP	Chapter D17 Historic Heritage Overlay
Specific provision/s	Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places

Status quo and problem statement

Confusion has arisen in relation to the activity status of some activities affecting the interior of a building within a scheduled historic heritage place where this interior is identified as an exclusion in Schedule 14.1.

Schedule 14.1 Schedule of Historic Heritage identifies 'exclusions' for some historic heritage places. Excluded features are those that do not have historic heritage value. Such features are subject to different rules than those that apply to the rest of the scheduled place. Where the interior(s) of buildings are identified for a historic heritage place in Schedule 14.1, the interior(s), the plan does not intend to manage these interiors. The objectives and policies of the Historic Heritage Overlay seek to enable the appropriate use and development of scheduled historic heritage places.

The interior of buildings are identified as an exclusion within a large number of historic heritage places in Schedule 14.1.

Activity table D17.4.1 sets out the activity statuses of various activities occurring in the Historic Heritage Overlay. Features identified as exclusions have their own column in the table and for some activities (A1, A2, A4 and A12) there is a different activity status depending on whether the feature identified as an exclusion is free-standing or connected to a scheduled feature.

Policy D17.3(15) seeks to enable the total or substantial demolition or destruction of features where the feature is identified as an exclusion in Schedule 14.1. The interior of a building is clearly not a free-standing feature, as the interior is always connected to the exterior. However, it is not the intent of the overlay to control the demolition or destruction, relocation, or modification of interiors. Owners of scheduled places that have the interior of buildings identified as an exclusion in Schedule 14.1 are currently advised that the use and development of the interiors is a permitted activity.

Outline the proposal(s)

Option (1) - Status quo:

No change to existing provisions, which do not clearly outline that the demolition and destruction, relocation, and modification of the interior of buildings that are identified in Schedule 14.1 as an exclusion is a permitted activity.

Option (2) - Amend the activity table:

The proposed amendment:

- Amends Table D17.4.1 to clearly identify the activity status for interiors that are identified as an exclusion in Schedule 14.1 for rules (A1), (A2), (A4) and (A12) is permitted.

Evaluating the proposal against its objectives

Table 6.3.4 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Does not allow for the demolition and destruction, relocation, or modification of the interior of buildings where the building is within a historic heritage place in Schedule 14.1 and the interiors have been identified as an exclusion in that schedule.	Could result in confusion over the activity status for the demolition and destruction, relocation, or modification of the interior of buildings where the building is within a historic heritage place in Schedule 14.1 and the interiors have been identified as an exclusion in that schedule.	There is no change required to the plan.
Option 2: Amend activity table (<i>preferred option</i>)	The amendment of the activity table to clarify that interior of building(s), where they are identified as an exclusion in Schedule 14.1, is a permitted activity for activities A1,	The cost of implementation will reduce with provisions stating activities affecting an interior of a building identified as an exclusion as being permitted.	The plan provisions will be clearer and implementation therefore easier. Resource consent will not be required for activities affecting the

Options	Efficiency and effectiveness	Costs	Benefits
	<p>A2, A4 and A12 is a discrete, technical change.</p> <p>The amendments clarify the plan provisions and ensure that they are implemented as is intended.</p> <p><i>Policy D17.3 (15) Enable the total or substantial demolition or destruction of features (including buildings, structures or archaeological sites) where:</i></p> <p>...</p> <p><i>(c) the feature is identified as an exclusion in Schedule 14.1 Schedule of Historic Heritage.</i></p>		<p>interior of a building where they are identified as an exclusion.</p>

Conclusion

Section 32(1)(b)(iii) of the RMA requires a summary of the reasons for deciding whether the provisions are the most appropriate way to achieve the objectives. That summary is set out below.

Option two is the preferred option. Implementing the proposed amendments under Option 2, being to clarify the status of the interior of buildings when they are identified in Schedule 14.1 as an exclusion, is the most appropriate method to achieve the objective of the plan change because it will ensure the plan provisions are clear and are therefore implemented consistently.

The proposed amendments to the AUP are located in Attachment A.2 - Historic heritage .

6.4 Natural resources – land and water

Theme 6.4.1 Controlled new bores

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E 7 Taking, using damming and diversion of water and drilling
Specific provision/s	E7.7.2(4)(e)

Status quo and problem statement

The standards for controlled 'new bores for purposes not otherwise specified' in the AUP include assessment criterion E7.7.2(4)(e): "demonstrates consultation and engagement with Mana Whenua." This criterion is ultra vires as it requires consultation with a third party to have already occurred before consent is applied for. It is also inconsistent with the stated approach to notification and the general rule in Chapter C1.13 Notification in the AUP which specifies that:

(1) An application for resource consent for a controlled activity will be considered without public or limited notification or the need to obtain written approval from affected parties unless:

(a) otherwise specified by a rule applying to the particular activity; or Auckland Unitary Plan Operative in part 4 Chapter C General rules

(b) the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

Chapter E7.5(1) of the AUP follows rule C1.13(1) above, further stating that:

(1) An application for resource consent for a controlled activity listed in Table E7.4.1 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.

Outline the proposal(s)

Option 1 – Status quo. Do nothing as part of this plan change. It may be possible to resolve the issue through a future plan change to implement the National Policy Statement for Freshwater Management, which may consider approaches to mana whenua engagement with regard to water take applications at all levels of the AUP.

Option 2 - Delete controlled activity assessment criterion E7.7.2(4)(e) for 'new bores for purposes not otherwise specified'. Although removing a matter of control from the plan, this change is not considered to alter the ways the provisions of the AUP meet its' objectives. Where special circumstances exist under section 95A(4) of the Act, Council may still require notification or approval for controlled applications. There is nothing to prevent Council from

consulting with iwi over new bore applications, or from requiring a cultural impact assessment where appropriate. Additionally, council is still required to consider ‘the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated’ (E7.7.2(1)(a)) for **all** controlled activities in this chapter.

Evaluating the proposal(s) against its objectives

Table 6.4.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 – Status quo	Does not resolve current issue with regard to s36A of the Act.	Existing issue with plan administration remains. There is a risk of litigation should an applicant challenge the ultra vires standard.	None
Option 2 - Delete controlled activity assessment criterion E7.7.2(4)(e) for ‘new bores for purposes not otherwise specified’. <i>(preferred option)</i>	Removes ultra vires provision from AUP. Continues to meet objectives for water takes and for mana whenua Most efficient way to resolve issue with interpretation of AUP. <i>Objective E7.2 (5)</i> <i>Mana Whenua values including the mauri of water, are acknowledged in the allocation and use of water</i> <i>Policy E2.3 (24)</i> <i>Require proposals to drill holes or bores to demonstrate that the location, design and construction:</i> ... <i>(e) avoids the destruction, damage or modification of any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua; and ...</i>	Negligible	The proposed amendment resolves a technical anomaly in the provisions, and improves plan administration / efficiency.

Conclusion

Option two is preferred. This option resolves the identified issue with the plan and continues to meet objectives of the AUP. The proposed amendments to the AUP are shown in Attachment A.3 - Natural resources of this report.

Theme 6.4.2 Kauri dieback disease

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	Chapter E11 Land disturbance – regional Chapter E15 Vegetation alteration and removal
Specific provision/s	E11.6.3 Standards for ancillary farming earthworks, E11.6.4

Status quo and problem statement

The AUP includes best practice standards for permitted earthworks and vegetation removal to prevent continued spread of kauri dieback disease through the movement of soil and vegetative material.

There are gaps in how these standards are applied throughout the AUP. Standards for land disturbance around kauri trees only apply to the activity 'earthworks'⁶, and not to other land disturbance activities 'ancillary farming earthworks' or 'ancillary forestry earthworks'.

Standard E15.6.1(1) for the activity 'deadwood removal' of kauri trees requires that kauri vegetation is retained onsite or is appropriately disposed of to landfill. This standard only applies to kauri deadwood which is removed under activity tables E15.4.1 and E15.4.2 of the AUP, and not to the equivalent permitted deadwood activity for infrastructure providers in activity table E26.3.3.1. Additionally, due to the way that 'deadwood removal' is defined, this standard is being applied to kauri which dies in-situ, rather than cut kauri after felling. Supporting policies for biodiversity and kauri dieback disease are present in chapter E15, but not in E11.

Provisions relating to the spread of kauri dieback disease in the PAUP were removed through the recommendations of the Auckland Unitary Plan Independent Hearings Panel (IHP), and structural changes to the AUP were also made at this time which:

- altered the layout and order of activity standards for land disturbance
- combined provisions from different parts of the plan related to infrastructure providers into a single infrastructure chapter.
- made wider changes to the plan structure which moved the policies into stand-alone chapters.

The provisions which had been deleted were subsequently reinstated in the AUP through the decisions of council, however these were included inconsistently across the AUP, and there are now gaps in these provisions.

Outline the proposal(s)

Option 1 – Status quo.

⁶ Regional land disturbance standard E11.6.2(6) and standards for infrastructure earthworks E26.5.5.2(8), E26.6.5.2(13).

Do nothing to the AUP. The existing gaps in the plan would remain, and any methods to limit or control the spread of kauri dieback disease in the Auckland region would rely on the implementation of the Proposed Regional Pest Management Plan (PRPMP), which is currently in development. The future implementation of the PRPMP is unknown, it is currently under consultation phase, and its implementation is subject to changes in funding allocation.

Option 2 – Amend the AUP to close gaps in standards and policies.

- Add a new policy to Chapter E11 based on E15.3(8) to clarify that these standards are a means to maintain indigenous biodiversity, and to align this chapter with the RPS.
- Add a new permitted activity standard to Chapter E26 based on E15.6.1(1), so that deadwood removal of kauri trees by infrastructure providers must be retained onsite or disposed of to landfill.

Option 3 - Amend the AUP to close gaps in standards and policies, remove ambiguity and remove exemptions for some plan users.

- Add a new policy to Chapter E11 based on E15.3(8), to clarify that these standards are a means to maintain indigenous biodiversity.
- Remove the exemption for ancillary farming earthworks and ancillary forestry earthworks from the best practice standard for land disturbance around kauri trees at E11.6.2(6), so this standard applies to all permitted land disturbance activities.
- Add a new permitted activity standard to Chapter E26 based on E15.6.1(1), so that deadwood removal of kauri trees by infrastructure providers must be retained onsite or disposed of to landfill.
- Further amend the plan so that this standard, and the standard at E15.6.1(1) apply to other activities which cut, trim or otherwise alter kauri trees as permitted activities under the AUP (activities listed in tables E15.4.1, E15.4.2, E26.3).

(Note that in most cases forestry activities will be regulated by the NESPF, and standards explicitly for ancillary forestry earthworks will not apply.)

Evaluating the proposal(s) against its objectives

Table 6.4.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 – Status quo.	Does not address identified gaps in the AUP. Existing gaps in means to achieve objectives B7.2.1, E15.2(2) and D9.2(1) remain.	Not readily quantifiable, but potential costs through misalignment of plan standards with evolving best practice, codes of practice for activities around kauri trees, and PRPMP.	None.

Options	Efficiency and effectiveness	Costs	Benefits
		Information gaps in existing science around this disease mean that there is uncertainty about which activities pose the greatest and least risk of spreading the disease. Potential risk of not acting has very high negative consequences; i.e. the total loss of the species.	
Option 2 – Amend the AUP to close gaps in standards and policies.	<p>Key objectives and policies for these provisions are found in the RPS and regional plan chapters⁷; RPS objective B7.2.1(2) Auckland-wide objective E15.2(2) Auckland-wide policies E15.3(5), (8) SEA Overlay objective D9.2(1) SEA Overlay policy D9.3(4)</p> <p>Amending the AUP is the most efficient means of closing the identified gaps in the AUP.</p> <p>Option 1 supports the objectives of the AUP by requiring plan users to dispose of kauri material in a more appropriate way, however some gaps remain where some plan users are not required to implement best practice for permitted land disturbance activities.</p>	<p>Potential costs to plan users who are required to dispose of vegetation in different ways, or to obtain resource consent.</p> <p>While this would only occur when working in close proximity to kauri trees, and is consistent with the requirements of the PRPMP, there is likely to be a perception of increased regulatory burden, and need for resource consent.</p>	A more consistent approach across the AUP.
Option 3 - Amend the AUP to close	Amending the AUP is the most efficient means of closing the identified gaps in the AUP.	Potential costs to plan users who are required to dispose of soil /	A more consistent approach across the AUP, and greater

⁷ RPS objective B7.2.1(2); Indigenous biodiversity is maintained through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring.

Auckland-wide objective E15.2(2); Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring.

Auckland-wide policies E15.3(5); Enable activities which enhance the ecological integrity and functioning of areas of vegetation, including for biosecurity, safety and pest management and to control kauri dieback.

E15.3(8); Recognise and provide for the management and control of kauri dieback as a means of maintaining indigenous biodiversity.

SEA Overlay objective D9.2(1); Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.

SEA Overlay policy D9.3(4); Enable activities which enhance the ecological integrity and functioning of significant ecological areas including:

(a) the management and control of pest species that threaten indigenous biodiversity; and

(b) managing works in the vicinity of kauri, such as deadwood removal or earthworks, to control kauri dieback disease by preventing the spread of soil and kauri plant material.

Options	Efficiency and effectiveness	Costs	Benefits
<p>gaps in standards and policies, remove ambiguity and give greater effect to the objectives of the plan.</p> <p><i>(preferred option)</i></p>	<p>Option 3 supports the objectives of the AUP by requiring all permitted activities to dispose of kauri material in a more appropriate way, which is a mechanism for controlling the spread of kauri dieback disease, and is a means of maintaining indigenous biodiversity.</p>	<p>vegetation in different ways, or to obtain resource consent.</p> <p>While this would only occur when working in close proximity to kauri trees, and is consistent with the requirements of the PRPMP, there is likely to be a perception of increased regulatory burden, and need for resource consent.</p>	<p>consistency with PRPMP.</p> <p>Other potential benefits are difficult to quantify, and come from managing the risk of spread of disease to which there is no known cure.</p> <p>Potential social benefit by raising awareness of appropriate methods for working around kauri trees.</p> <p>Preserving kauri is a significant cultural and ecological benefit.</p>

Conclusion

Option three is the preferred option. This option applies best practice standards for land disturbance and vegetation alteration consistently across the plan. This applies a precautionary approach to managing activities which pose a risk to the continued spread of kauri dieback disease. The option is aligned with the requirements of the PRPMP, compliance with one should ensure compliance with both.

The proposed amendments to the AUP are shown in Attachment A.4 – Natural resources of this report.

Theme 6.4.3 Vegetation alteration or removal

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision/s	New proposed definition – Vegetation alteration or removal

Status quo and problem statement

'Vegetation alteration or removal' is not defined in the AUP. This results in a lack of clarity where this term is used in Chapter E26 (Infrastructure) and E15 (Vegetation management and biodiversity). In particular clarification (that works affecting roots i.e. works within the protected root zone, and pruning are managed by the wider encompassing vegetation alteration or removal activity) is required. A definition is necessary to ensure that the full spectrum of activities relating to vegetation alteration or removal, particularly within sensitive areas is captured by all the relevant provisions.

The term vegetation alteration or removal is used throughout Chapter E26 (Infrastructure) and E15 (Vegetation management and biodiversity). It is contained within the objectives, policies, activity tables and assessment criteria. Table E26.3.3.1 for example, relates to vegetation management for network utilities and electricity generation in rural zones, coastal areas, riparian margins, and overlays (including, Significant Ecological Areas, Outstanding Natural Features, High Natural Character, Outstanding Natural Landscape and Outstanding Natural Character overlays). Rows (A75) – (A78) specifically relates to vegetation alteration or removal and E26.3.5.1 and E26.3.5.2 sets out the standards applying to vegetation alteration or removal. In addition to this, Table E26.4.3.1 refers to Network utilities and electricity generation activities relating to trees, specifically Trees in roads, Open Space zones and Notable Trees. Rows (A84), (A85) and (A86) refer to works within the protected root zone, and standard E26.4.5.2 applies to this activity. Tree alteration are also separate activities in E26.4.3.1, for example (A81), (A82) and (A83). Having a definition would clarify that vegetation removal would for example also be covered by Activity Table E26.3.3.1 relating to Vegetation management.

A definition of vegetation alteration or removal was set out in the PAUP but has not been followed through into the operative in part AUP. Further amendments were proposed to the definition by council through the IHP hearings process. The IHP did not include the definition in their decision version of the AUP.

Inserting a definition of vegetation alteration or removal in Chapter J was set out within the notified Plan Change 4 on the basis that it was an error that the definition was not in the AUP. Upon analysis of the submissions in PC4 relating to this definition,⁸ council agreed with the submitters' that the exclusion by the IHP was not necessarily an error and therefore

⁸ Submissions to PC4 from: Housing New Zealand. ID 25. #200.27; CivilPlan Consultants Ltd. Para 1.3. #186.7 and 186.8; and Vector Limited. Para 2.8 – 3.2. #204.5.

should not be the basis for inclusion within the administrative plan change. It was signalled in council's hearings report that this matter would be considered as part of a subsequent plan change.⁹ It is therefore being addressed through this plan change. In addition, these submissions provided alternative wording for the definition.¹⁰ This has been considered as part of developing the subject definition.

Resource Consent Arborists have observed that this has not always been the result in practice, particularly in relation to works within the protected root zone. There has been ambiguity and debate on what vegetation alteration or removal constitutes, including with some infrastructure providers. It therefore remains necessary to provide a definition to avoid ambiguity, unintended outcomes and an over reliance on plan interpretation documents.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1: Status quo. Do not insert a new definition of vegetation alteration or removal. Rely on a practice or interpretation note. An additional sub option could also include developing with infrastructure providers a memorandum of understanding (MOU) for interpretation and implementation on vegetation alteration or removal activities.

Option 2: Insert a definition of vegetation alteration or removal, based on the text set out in council's closing statement for Topic 065 (Definitions) in the IHP hearings and as set out in the notified PC4. Text amends based on this option read as:

Vegetation alteration or removal

Damaging, cutting, destroying or removing any part of vegetation including roots.

Includes:

- *tree alteration;*
- *tree removal;*
- *works within the protected root zone.*

Excludes:

- *the alteration or removal of vegetation planted as crop, garden or pasture.*

⁹ Section 42A Hearing Report for Proposed Plan Change 4 to the Auckland Unitary Plan (Operative in Part).8 December 2017. Auckland Council. Para 33. p 160-161.

¹⁰ Submissions to PC4 from: Housing New Zealand. ID 25. #200.27; CivilPlan Consultants Ltd. Para 1.3. #186.7 and 186.8; and Vector Limited. Para 2.8 – 3.2. #204.5.

Option 3: Insert a definition of vegetation alteration or removal but modify the wording in option 2. This scenario would read as:

Vegetation alteration or removal

Damaging, cutting, destroying or removing any part of vegetation.

Includes:

- roots; and
- crown pruning.

Excludes:

- the alteration or removal of vegetation planted as a crop or pasture.

The proposed amendments to the AUP are located in Attachment A.10 - Definitions.

Evaluating the proposal against its objectives

As specified in E26.3.1, 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. Furthermore, in relation to wider Infrastructure objectives, the inclusion of the definition links back to objectives for Network utilities and electricity generation under E26.2(9), in relation to ensuring that the adverse effects of infrastructure are avoided, remedied or mitigated.

Table 6.4.3 – Summary of analysis under section 32(2) of the Act

Outline the proposal(s)	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Status quo. Do not insert a new definition of vegetation alteration or removal. Rely on a practice or interpretation note. An additional sub option could also include developing with infrastructure providers a MOU (for interpretation and implementation) on vegetation alteration or removal activities.</p>	<p>It is not efficient or effective to have uncertainty and debate with infrastructure providers and others over whether certain works such as, works within the protected rootzone are to be assessed against vegetation alteration or removal provisions.</p> <p>It is not as desirable to reach an understanding on a matter such as this via an MOU. It is</p>	<p>Uncertainty remains for whether works impacting roots require assessment under vegetation alteration or removal.</p> <p>Not being subject to vegetation alteration or removal provisions could result in adverse effects and a narrowing of points of consideration. This is undesirable from an effects basis.</p> <p>Risk of inconsistent application of consents and consents advice.</p>	<p>There are not new provisions for plan users to have to become familiar with and understand. Avoids costs associated with bringing definition forward as part of the plan change.</p> <p>Perception by some applicants that there may be less matters of assessment required. May be seen by such parties as a benefit, but true benefit is questionable.</p>

Outline the proposal(s)	Efficiency and effectiveness	Costs	Benefits
	<p>more effective to clarify it for all plan users directly in Chapter J1 Definitions.</p>	<p>Interpretation notes can remain debated, and are generally for internal use only, not widely available.</p> <p>A MOU is limited to infrastructure providers, not other parties. Some infrastructure providers may not agree to participate. Also, may not be possible to reach consensus to form MOU. Outcome may therefore be unsatisfactory overall.</p>	<p>If MOU agreed to then it would establish an agreed interpretation with at least some parties.</p>
<p>Option 2:</p> <p>Insert a definition of vegetation alteration or removal, based on the text set out in council's closing statement for Topic 065 (Definitions) in the IHP hearings and as set out in the notified PC4.</p>	<p>Vegetation alteration or removal is used extensively in Chapter E26 and E15. For a term frequently used in these sections, yet subject to debate, the most effective and efficient option is to explicitly define it.</p>	<p>May require additional infringements and consenting considerations, where currently some plan users don't interpret works in the protected rootzone in this way.</p> <p>Monetary and resource cost associated with bringing this new definition forward as part of the plan change.</p> <p>Listing inclusion points as part of the definition, particularly tree alteration and tree removal may be considered self-evident and unnecessary by some parties.</p>	<p>A definition will clarify that activities such as tree alteration and tree removal, along with works within the protected root zone, are vegetation alteration or removal. In particular for the activity tables in Chapter E26. This will ensure all the relevant matters are subject to consideration.</p> <p>With the three bullet points relating to tree alteration, tree removal and works within the protected root zone, the definition is prescriptive. It is consistent with other definitions in Chapter J1 which also set out inclusions and exclusions.</p> <p>For Infrastructure related works, all rules and matters for assessment still remain within the E26 Infrastructure chapter. This is because E26 encapsulates all the various natural overlays of relevance. It is a benefit that there</p>

Outline the proposal(s)	Efficiency and effectiveness	Costs	Benefits
			will not be a need to consider the rules in other chapters (with the exception of objectives and policies).
<p>Option 3:</p> <p>Insert a definition of vegetation alteration or removal but modify the wording in option 2.</p> <p><i>(Preferred option)</i></p>	<p>Vegetation alteration or removal is used extensively in Chapter E26 and E15. For a term frequently used in these sections, yet subject to debate, the most effective and efficient option is to define it.</p> <p>This option in part takes into consideration feedback from Plan Change 4, in terms of not explicitly referring to 'tree removal' and 'tree alteration'. It does however, set out the inclusion of roots and crown pruning which have been two areas lacking clarity.</p> <p>Incorporating a definition is consistent with the relevant vegetation objectives noted above and is not contradictory to the relevant infrastructure objective either. Linking back to the objectives of the enhancement plan change, the inclusion of this definition assists in reducing ambiguity and intends to provide further clarity; both of which are key objectives of the plan change.</p>	<p>Not including tree removal and tree alteration could leave this more open to interpretation. However, tree removal and tree alteration are much clearer as forming part of what constitutes vegetation alteration or removal than works within the rootzone and crown pruning.</p> <p>Monetary and resource cost associated with bringing this new definition forward as part of the plan.</p>	<p>Including reference to roots and pruning in the definition will avoid ambiguity on whether these fall within this activity. This is therefore not seen to be a significant cost, and more so a benefit. The inclusion of pruning deliberately does not encompass the separate term 'trimming'.</p> <p>The draft National Planning Standards released (Part 2C Definitions), June 2018 sets out that definitions need to be as concise as possible and moves away from listing inclusion and exclusions within a definition. In this regard a shorter, simplified definition would achieve this.</p>

Conclusion

Option 3 - Inserting a new definition for vegetation alteration or removal will overall increase clarity for plan users, for a term which is frequently used within the Infrastructure and Vegetation management and biodiversity chapters. The proposed amendment is based on the definition in PC 4 but taking into account submissions from that plan change. Council is now seeking to improve the definition. This is considered to overall be the best solution for the identified problem. The proposed amendments to the AUP are located in Attachment A.10 - Definitions.

Theme 6.4.4 Technical publications

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	Chapter E 11 Land disturbance – regional Chapter E9 Stormwater quality – High contaminant generating car parks and high use roads
Specific provision/s	E.11.6.2 General Standards Note 1 E.11.6.3 Note 1 9.6.1.3, E9.6.1.4, E9.6.2.1 and E9.6.2.2

Status quo and problem statement

Rules and standards in the AUP incorporate technical guidance documents by reference in order to provide clear and specific guidance on what is considered best practice for certain activities. Two guidance documents have been updated and replaced to reflect evolving practice and council expectations. Both Guidance Documents have been through public consultation, and are now finalised.

'Technical Publication 90: Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region' (TP90) was published in 1999, and has been replaced by Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05). Standards for permitted land disturbance activities in E11.6.2(2), E11.6.2(3), E26.5.5.2(4) and E26.6.5.2(7) require that land disturbance is carried out in accordance with best practice, which 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.”

'Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)' (TP10) was approved in 2003 and has been replaced by Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01), as the primary technical guidance in 2017.

Permitted activity standard E9.6.1.3(2) for new or redeveloped high contaminant generating car parks, and E9.6.1.4(1) for new or redeveloped high use roads, as well as controlled activity standards E9.6.2.1(4) and E9.6.2.2(2) require that stormwater management devices can comply with;

“(a) the device or system must be sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003).”

The above standards for permitted activities now refer to outdated practice guides which are no longer considered to be best practice.

Outline the proposal(s)

Option 1 - Status quo.

Do nothing to the AUP.

Option 2 - Replace all references to TP10 and TP90 with corresponding references to GD01 and GD05 respectively.

Evaluating the proposal against its objectives

Table 6.4.4 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 - Status quo.	<p>AUP will not incorporate what Council considers to be industry best practice for stormwater management devices or erosion and sediment management.</p> <p>There is a risk that by not updating the reference, over time consents planners and subject matter experts may try to refer to the new guidance documents while the AUP requires consistency with obsolete documents.</p>	<p>No immediate cost of status quo option, although there are risks of continued reference to outdated standards over time.</p>	None
<p>Option 2 - Replace all references to TP10 and TP90 with corresponding references to GD01 and GD05 respectively.</p> <p><i>(preferred option)</i></p>	<p>The AUP refers to the use of best practicable options for managing effects of erosion and sedimentation.</p> <p>Both documents have been through extensive industry consultation, and are understood by the plan users who will most often be required to comply with them.</p> <p>Replacing the reference ensures that the appropriate performance standards that council expects plan users to meet are clearly available to plan users.</p> <p><i>Land disturbance Objectives E11.2.</i> <i>(1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.</i> <i>(2) Sediment generation from land disturbance is minimised.</i> <i>(3) Land disturbance is controlled to achieve soil conservation.</i></p> <p><i>Land disturbance Policy E11.3.</i> <i>(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</i></p>	<p>Costs as a result of implementing the proposal are not expected.</p> <p>Activities will retain their permitted activity status, and the respective guidelines provide plan users flexibility with the method they use to achieve the environmental outcomes in other activity standards.</p>	<p>While the policy approach remains the same, there are possible environmental benefits as the updated guidance documents are intended to provide plan users better advice in how to manage erosion and sediment, and stormwater treatment.</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p>and scale of the activity;</p> <p>Water quality standard E1.2. (3) Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.</p>		

Conclusion

Option two is the recommended approach. Amending the AUP to incorporate GD01 and GD05 by reference, replacing references to TP10 and TP90 respectively will ensure that the plan is updated with reference to current best practice for erosion and sediment control, and stormwater management devices.

The proposed amendments to the AUP are shown in Attachment A.3 - Natural resources and Attachment A.4 – Natural resources of this report.

Theme 6.4.5 Land disturbance where archaeological site or feature applies

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	Chapter E 12 Land disturbance –district
Specific provision/s	Table E12.4.2 Activity table - overlays (except Outstanding Natural Features), Note 2.

Status quo and problem statement

Some land disturbance activities¹¹ within a Historic heritage overlay are permitted, but have an activity status of restricted discretionary where there is also an archaeological site or feature listed in Schedule 14- Historical Heritage Schedule, Statements and Maps. These two activity statuses are shown as “P²” in activity table E12.4.2 with a note at the bottom of the table which reads;

“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.”

The note at the bottom of the table, and the meaning of the notation “²” is easily overlooked and misunderstood. Additionally this approach is not consistent with similar provisions in another part of the AUP.

¹¹ Activities A17, A25, A26, A27, A28 and A31

There are corresponding provisions for land disturbance in the infrastructure chapter E26 of the AUP. Activity table E26.6.3.1 presents the same activity statuses as E12.4.2 in a different way. The approach in E26.6.3.1 is to include both P and RD within the same row of the table, and to include the note within the table as well. An example from Chapter E26 is shown below.

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

Changes have already been made to activity table E12.4.2 through Plan Change 4. Included in the changes to the AUP was the addition of a new column to the right of the table for activities within the Special Character Areas Overlay – Residential: Isthmus C.

Outline the proposal(s)

Option 1 – Status quo.

Do nothing to the AUP.

Option 2 – Amend activity table E12.4.2 to match E26.6.3.1

Option 3 – Amend activity table E12.4.2 to include a new column for archaeological sites and features listed in Schedule 14.

Evaluating the proposal against its objectives

Table 6.4.5 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 – Status quo.	All options effectively provide for the objectives and policies for scheduled items in the AUP. The existing option is easy to overlook,	No immediate costs, however, there is a risk of adverse effects on heritage	None

Options	Efficiency and effectiveness	Costs	Benefits
	and may result in inconsistent outcomes where archaeological sites and features are present.	values should the current provisions be overlooked (i.e. appropriate measures not required through resource consent).	
Option 2 – Amend activity table E12.4.2 to match E26.6.3.1	All options effectively provide for the objectives and policies for scheduled items in the AUP. The proposed amendments provide for clearer understanding of the existing provisions. <i>Relevant objectives and policies are as follows:</i> <i>D17.2</i> <i>(2) Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.</i> <i>Policies D17.3(3) and (7)¹²</i>	None	This amendment to the plan drafting improves the clarity of the AUP provisions. It may reduce the risk of loss of Historic heritage though inappropriately modifying archaeological features or sites.
Option 3 – Amend activity table E12.4.2 to include a new column for archaeological sites and features listed in Schedule 14. <i>(preferred option)</i>	All options effectively provide for the objectives and policies for scheduled items in the AUP. The proposed amendments provide for clearer understanding of the existing provisions. A plan change to make chapter E12 internally consistent is the most efficient option.	None	This amendment to the plan drafting improves the clarity of the AUP. It may reduce the risk of loss of Historic heritage though inappropriately modifying archaeological features or sites

Conclusion

Option three is the preferred option as clarifying the application of this rule will make the plan easier to use. Although this layout does differ from the layout of similar provisions within

¹² Policies D17.3

(3) Enable the use, development and adaptation of scheduled historic heritage places where: (a) it will not result in adverse effects on the significance of the place; (b) it will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place; Auckland Unitary Plan Operative in part 4 D17 Historic Heritage Overlay (c) it is in accordance with good practice conservation principles and methods; (d) it will not result in cumulative adverse effects on the historic heritage values of the place; (e) it will support the long-term viability, retention or ongoing use of the place; and (f) it will not lead to significant adverse effects on the surrounding area.

(7) Require the assessment of the effects for proposed works to scheduled historic heritage places, including where one or more places are affected, to address all the effects on: (a) the heritage values of the place/s; (b) the significance of the place; and (c) the setting and the relationship between places.

Chapter E26, it will maintain consistency with recent changes made to the table itself, and makes Chapter E12 a clearer standalone option.

The proposed amendments to the AUP are shown in Attachment A.4 – Natural resources of this report.

Theme 6.4.6 Stormwater runoff from impervious areas

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	Chapter E8 Stormwater - Discharge and diversion
Specific provision/s	E8.6.4.1(3)

Status quo and problem statement

Restricted discretionary activity standard E8.6.4.1(3) requires that stormwater runoff from additional impervious areas greater than 5000m² of road discharging into a stream receiving environment meet the hydrology mitigation requirements in Table E10.6.3.1.1 for Stormwater management area control – Flow 1 and Flow 2 (SMAF 1 and SMAF 2).

The background for Stormwater management area – Flow 1 and Flow 2 (E10.1) describes these areas as

The Stormwater management area control – Flow 1 and Flow 2 identifies rivers and streams (and their contributing catchments) that are particularly susceptible to the effects of development or have relatively high values.

Stormwater management area control – Flow 1 are those catchments which discharge to sensitive or high value streams that have relatively low levels of existing impervious area.

Stormwater management area control – Flow 2 areas typically discharge to streams with moderate to high values and sensitivity to stormwater, but generally with higher levels of existing impervious area within the catchment

Table E10.6.3.1.1 has different requirements for mitigation, depending on whether the activity will take place within a SMAF 1 or a SMAF 2 (with a higher standard for SMAF 1). It also provides an exception within certain parameters.

The current wording is as a result of Council rejecting the recommended wording of the IHP, replacing it with the cross reference to chapter E10 in order to provide transport agencies with more flexibility than the recommended standards, through the exception clause at E10.6.3.3.1(2).

The Table does not specify requirements outside of these SMAF areas, but standard E8.6.4.1(3) requires hydrology mitigation in accordance with the Stormwater management area mitigation requirements, outside of these control areas and it is unclear what mitigation requirements should apply where the impervious area is outside both.

Outline the proposal(s)

Option 1 - Do nothing / rely on practice note

Option 2- Specify that only SMAF type 1 to apply

Option 3 - Amend standard E8.6.4.1(3) to include the mitigation requirements for SMAF 1.

Evaluating the proposal against its objectives

Table 6.4.6 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 - Do nothing / rely on practice note.	Can meet the objectives of the AUP, but creates opportunity for error, and variable interpretations of the standards.	None	None.
Option 2 - Specify that only SMAF type 1 to apply. <i>(preferred option)</i>	This option requires minimal intervention to the plan to clarify which is the appropriate hydrological mitigation requirement for this activity. <i>Objective E1.2 (3) Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.</i> <i>(Policies E1.3 (4),(5),(8),(9),(10) are all relevant).</i> <i>E10.2. Objective [rp] (1) High value rivers, streams and aquatic biodiversity in identified urbanised catchments are protected from further adverse effects of stormwater runoff associated with urban development and where possible enhanced.</i> <i>(Policies E10.3(2),(3) are also relevant)</i>	None. The proposed amendment clarifies the application of the existing standard only.	Negligible. The proposed amendment is a technical clarification.
Option 3 -Amend standard E8.6.4.1(3) to include the mitigation requirements for SMAF 1.	This option requires minimal intervention to the plan to clarify which is the appropriate hydrological mitigation requirement for this activity.	None. The proposed amendment clarifies the application of the existing standard only.	Negligible. The proposed amendment is a technical clarification.

Conclusion

Option two is the preferred approach. This resolves the existing ambiguity as to which row of Table E10.6.3.1.1 would apply to road development projects which are in neither SMAF area, while still providing flexibility where space for hydrological mitigation is limited.

Option 3 may also be an appropriate option as this provides all the appropriate standards within a stand-alone chapter, and avoids any confusion about why the standards of Chapter E8 are referring to Chapter E10 for Stormwater Management Areas where the activity is outside them.

The proposed amendments to the AUP are shown in Attachment A.3 - Natural resources of this report.

Theme 6.4.7 Stormwater runoff from lawfully established impervious areas

Chapter of the AUP	E Auckland-wide
Sub-section of the AUP	Chapter E8 Stormwater - Discharge and diversion
Specific provision/s	E8.6.2.1

Status quo and problem statement

E8 Stormwater discharges and diversions

Rule E8.4.1 (A1) of the AUP permits diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that complies with Standard E8.6.2.1.

Standard E8.6.2.1 requires that;

“(1) The impervious area was lawfully established as of the date this rule becomes operative or the diversion does not increase stormwater runoff to the combined sewer network (unless the increase is approved by the combined sewer network operator).”

The meaning of Standard E8.6.2.1 is unclear, and often misinterpreted by applicants who don't realise that diversion from new lawfully established impervious areas may be permitted.

The current version of this rule was introduced to the AUP as an alternative provision to the IHP recommendations, in the AUP Decisions version (Decisions of the Auckland Council on recommendations by the Auckland Unitary Plan Independent Hearings Panel). This was to include a standard on the permitted activity, so that diversions which increased discharges to the combined sewer network would require resource consent. During the hearings process, evidence presented on behalf of Auckland Council (049 Hrg - Auckland Council (Ian Mayhew) - Planning (Stormwater Management) – REBUTTAL, p.24) made it clear that future diversions from lawfully established impervious areas were intended to be permitted by the rule.

Outline the proposal(s)

Option 1 – Status quo. Make no changes to the AUP.

Option 2- Revise Standard E8.6.2.1

Revise standard E8.6.2.1 to separate out the clauses, as follows;

(1) The impervious area ~~was~~is lawfully established ~~as of the date this rule becomes operative~~; or

(2) The diversion does not increase stormwater runoff to the combined sewer network; or

(3) The diversion increases stormwater runoff to the combined sewer network and ~~(unless the increase is approved by the combined sewer network operator).~~

Evaluating the proposal against its objectives

Table 6.4.7 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 – Status quo	The current wording of the standard is consistent with the relevant objectives, however there are ongoing issues with the misinterpretation of this standard.	None	No intervention required to achieve plan objectives.
Option 2- Revise standard E8.6.2.1 to separate out the clauses. <i>(preferred option)</i>	<p>The proposed amendments use similar wording, but separate out the different clauses which may be satisfied by a permitted activity in order to make the plan more legible for users.</p> <p>This approach continues to achieve the relevant objectives for management of water quality, and stormwater networks.</p> <p><i>Objectives E1.2:</i> (1) <i>Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.</i> (2) <i>The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua.</i> (3) <i>Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.</i></p>	None	Technical amendment only, improves efficiency of plan administration.

Conclusion

Option two is the preferred option as it resolves the misinterpretation of this standard and improves the efficiency of the plan interpretation.

Proposed amendments to the AUP are included in Attachment A.3 - Natural resources of this report.

Theme 6.4.8 Natural resource overlays

Chapter of the AUP	D Overlays
Sub-section of the AUP	D1 High-use Aquifer Management Areas Overlay D2 Quality-sensitive Aquifer Management Areas Overlay D3 High-use Stream Management Areas Overlay
Specific provision/s	D2.1, D3.1, D1.1

Status quo and problem statement

The background for the Quality-sensitive Aquifer Management Areas Overlay at Chapter D2.1 states that the rules for this overlay are located in section E7 Taking, using, damming and diversion of water and drilling.

Objective E7.2(1) and policy E7.3(1) of Chapter E7 refer to the objectives and policies in chapters E1, E2, D3 and D8 of the Plan. They do not include a reference to the objectives and policies of overlay D2 Quality-sensitive Aquifer Management Areas Overlay.

Rules specific to the Quality-sensitive Aquifer Management Areas Overlay chapter are found within Chapter E32 Biosolids.

The background to Chapter D3 High-use Stream Management Areas Overlay contains a correct reference to rules found in Chapter E7 of the AUP, however there are also specific rules relating to this chapter within Chapter E32 Biosolids.

The background for chapter D1 High-use Aquifer Management Areas Overlay does not include any cross reference to rules in other chapters, but there are rules within Chapter E7 Taking, using, damming and diversion of water and drilling, and within Chapter E32 Biosolids.

At the time of notification, all three of these overlay chapters included a general reference to the natural resources rules in the Auckland-wide plan chapters, which later became reference to specific chapters in the recommendations version of the Plan. It is considered that this was a cross referencing error which occurred through the renumbering and structuring of the plan.

Outline the proposal(s)

Option 1 – Status quo

Make no change to the AUP.

Option 2 – Amend cross references

Amend D2.1 to replace the cross reference to Chapter E7 of the AUP, with a cross reference to Chapter E38.

Amend D3.1 to add a cross reference to Chapter E7.

Amend D1.1 to add a cross reference to both Chapter E7 and E32 of the AUP.

Evaluating the proposal against its objectives

Table 6.4.8 – Summary of analysis under section 32(2) of the Act

Option(s)	Effectiveness and efficiency	Costs	Benefits
Option 1 – Status quo	Makes no changes to the rules and standards which achieve the objectives of the AUP, which are incorrect. Leaves the plan with erroneous references.	Inaccurate cross references create inefficiencies in plan operation.	None
Option 2 – amend cross references <i>(preferred option)</i>	Making the correction proposed provides clarity to plan users for the location of rules which are specifically related to this overlay, and it applies a consistent approach to cross referencing within the AUP. Amending the plan is the most appropriate way to achieve the objectives. <i>Objective D1.2. (1) Aquifers identified in the High-use Aquifer Management Areas Overlay are managed so they can continue to meet existing and future water take demands and provide base flow for surface streams.</i> <i>Objective D2.2. (1) The quality and quantity of water in quality-sensitive aquifer management areas is protected from contamination.</i> <i>Objectives D3.2. (1) Water continues to be available from high-use streams within limits while safeguarding the life-supporting capacity and amenity values of the stream.</i>	There is no cost arising from the implementation of this proposal	Technical amendment, improves efficiency of plan administration.

Conclusion

Option two is the preferred approach. Neither option would change the provisions which achieve the relevant objectives; however adopting the amending proposal will improve the usability and legibility of the AUP.

The proposed amendments to the AUP can be found in Attachment A.3 - Natural resources of this report.

Theme 6.4.9 Cross references and wording in Chapter E7

Chapter of the AUP	E Auckland-wide
Sub-section of the AUP	Chapter E7 Taking, using, damming and diversion of water and

	drilling
Specific provision/s	E7.8.2(5), E7.6.3.3 (2)(c), E7.6.1.10

Status quo and problem statement

Restricted Discretionary assessment criteria E7.8.2(5) is worded as follows:

“(5) Whether the proposal provides mitigation options where there are significant adverse effects on the matters identified in E7.8.2(4) and (5) above, including the following:”

This creates a circular reference, and is incorrect.

Restricted Discretionary activity standard E7.6.3.3(2)(c) enables replacement resource consents for water takes to exceed specific guidelines if they are in accordance with Policy E2.3(9). The Policy that is cross referenced in activity standard E7.6.3.3(2)(c) is incorrect. The activity standard should refer to Policy E2.3(11) as this is relevant to water takes which exceed guidelines.

Permitted activity standard E7.6.1.10(1) reads as follows:

*“(a) pipes cables or tunnels including associated structures which are drilled or thrust and are less than 1.2m in external diameter;
(b) pipes including associated structures up to 1.5m in external diameter where a closed faced or earth pressure balanced machine is used; ...”*

The wording of ‘less than’ in E7.6.1.10(1)(a) followed by “up to” in E7.6.1.10(1)(b) is ambiguous, and inconsistent with the guidance in general rule C1.11. The wording should be consistent with that in C1.11 of the AUP to remove any perceived ambiguity, and for consistency.

Outline the proposal(s)

Option 1 – Status quo

Make no changes to the AUP.

Option 2 – correct the cross references and standard wording.

Amend the plan so that E7.8.2(5) to cross references the correct assessment criteria.
Amend the plan to correct references to policy criteria within standard E7.6.3.3(2)(c).
Amend the wording of standard E7.6.1.10(1)(a) from “less than” to “up to”. This proposal requires no consequential changes.

Evaluating the proposal against its objectives

Table 6.4.9 – Summary of analysis under section 32(2) of the Act

Option(s)	Effectiveness and efficiency	Costs	Benefits
Option 1 – Status quo	As the current wording of the plan is clearly incorrect, leaving the plan as is with erroneous references does not achieve the objectives.	Inaccurate cross references create inefficiencies in plan operation.	None
Option 2 – correct the cross references and standard wording <i>(preferred option)</i>	Correction provides appropriate direction for plan users to consider adverse effects, and appropriate direction for plan users when considering mitigation for groundwater takes. Plan change easily resolves this issue. Amending the plan is the most appropriate way to achieve the objectives. <i>Objective E1.2 (1)</i> <i>Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.</i> <i>Objective E2.2. (1)</i> <i>Water in surface rivers and groundwater aquifers is available for use provided the natural values of water are maintained and established limits are not exceeded.</i>	There is no cost arising from the implementation of this proposal	Improved usability and legibility of the plan and clearer standards support positive environmental outcomes for freshwater.

Conclusion

Option two is the preferred approach. Adopting the amending proposal will improve the usability and legibility of the AUP.

The proposed amendments to the AUP can be found in Attachment A.3 - Natural resources of this report.

Theme 6.4.10 Cross references in Chapter E2

Chapter of the AUP	E Auckland-wide
Sub-section of the AUP	Chapter E2 Water quantity, allocation and use
Specific provision/s	E2.3(5)

Status quo and problem statement

Policy E2.3(5) exempts water-take activities from meeting minimum flows and aquifer groundwater levels where water allocation exceeds, *or is close to exceeding guidelines*, and refers the plan user to Policy E2.3(11).

This appears to be a typo as Policy E2.3(11) does not address that matter, but addresses water takes that have already exceeded guidelines.

Policy E2.3(10) refers to situations where water allocation *exceeds or is close to exceeding the guidelines*. This policy requires additional mitigation and caution around water allocation where the allocation is still within the limits stated in the plan.

Outline the proposal(s)

Option 1 – Status quo

make no changes to the AUP.

Option 2- Amend the cross reference at Policy E2.3(5) from “refer to Policy E2.3(11)”, to “refer to Policy E2.3(10)”.

Evaluating the proposal against its objectives

Table 6.4.10 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 – Status quo	As the current wording of the plan is clearly incorrect, leaving the plan as is with erroneous references does not achieve the objectives.	Inaccurate cross references create inefficiencies in plan operation.	None
Option 2- Amend the cross reference at Policy E2.3(5) <i>(preferred option)</i>	The proposed amendment is the only effective option to resolve the issue described. By amending the existing cross reference, the ambiguity in the relationship between the policies is resolved to give greater effect to the relevant objectives. <i>Objectives E2.2:</i> <i>(1) Water in surface rivers and groundwater aquifers is available for use provided the natural values of water are maintained and established limits are not exceeded.</i> <i>(2) Water resources are managed within limits to meet current and future water needs for social, cultural and economic purposes.</i>	None	Technical correction to aid plan legibility only.

Conclusion

Option two is the preferred approach. This change will clarify the existing intent of the provisions, and remove the ambiguity in the AUP with the current wording.

The proposed amendments to the AUP can be found in Attachment A.3 - Natural resources of this report.

Theme 6.4.11 River and stream minimum flow and availability

Chapter of the AUP	M Appendices
Sub-section of the AUP	Appendix 2 River and stream minimum flow and availability
Specific provision/s	Mahurangi, Hōteao

Status quo and problem statement

Appendix 2 is a table providing river and stream minimum flow and availability for rivers and streams throughout Auckland. This minimum flow must be maintained where water is being taken from the river or stream, and the appendix also provides the location where the minimum flow is to be maintained. In some instances, the location where the flow is to be measured is at some distance from the location where the minimum flow rate is to be maintained. The location of the minimum flow sites corresponds to the research/modelling which was carried out to set the minimum levels.

The river or stream location for two sites; Mahurangi and Hōteao does not make it clear that the minimum flow can be measured at a different location to where the minimum flow is to be maintained (i.e. where the water is being abstracted from). The flow location for Mahurangi is listed as "(at 6 Brown Rd site)", and the location for the Hōteao site is "(at 47 Wilson Rd site)".

Outline the proposal(s)

Option 1. Status quo

Do nothing

Option 2 – Add a note to the appendix

Include a note at the bottom of the table in Appendix 2 River and stream minimum flow and availability to clarify the relationship between the *measurement* location and the location where the minimum flow is to be maintained.

Evaluating the proposal against its objectives

Table 6.4.11 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 2 – Status quo	Retaining the wording of the plan should have no appreciable impact on the water outcomes for these two water bodies.	None	None.

Options	Efficiency and effectiveness	Costs	Benefits
	Plan users would have to rely on consent conditions to clarify the relationship between the location of the min flow, and the location of the water take / where the flow is measured.		
Option 2 – Add a note to the appendix <i>(preferred option)</i>	Adding a clarifying note should have no appreciable impact on the water outcomes for these two water bodies. The clarification is to make the plan easier to interpret and administer. <i>Objective E2.2.(1) Water in surface rivers and groundwater aquifers is available for use provided the natural values of water are maintained and established limits are not exceeded.</i>	None	This is a simple clarification only. Compliance with plan standard is clearer for plan users.

Conclusion

Option two is the preferred approach. The small amendment to the AUP will clarify its application for users, and make compliance with the AUP standards simpler.

The proposed amendments to the AUP can be found in Attachment A.11 - Appendices of this report.

Theme 6.4.12 Regional and district land disturbance objectives and policies

Chapter of the AUP	E Auckland-wide
Sub-section of the AUP	Chapter E11 Land disturbance - Regional and Chapter E12 Land disturbance - District
Specific provision/s	E11.2(1), E11.3(2)(c), E12.2(1), E12.3(2)(b)

Status quo and problem statement

Objectives E11.2(1) and E12.2(1) and policies E11.3(2)(c) and E12.3.2(c) in the AUP direct plan users to "avoid, remedy and mitigate" adverse effects.

“Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.”

“avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material;”

It is impossible to avoid, remedy *and* mitigate effects. Therefore minor rewording is required.

The wording now in the AUP came about in the changes that were recommended by the IHP – which among other changes – incorporated the accidental discovery protocol into the Land disturbance provisions at both the regional and district level. Similarly, the changes to the wording of the objective which now includes the word “remedy and mitigate” were introduced through the IHP recommendations.

The specific wording and reasons for this are not set out in the IHP hearing report (topic 041).

All other instances of avoid, remedy or mitigate in the relevant objectives and policies set these out as alternatives, or recommended a hierarchy which should apply. For example AUP policies for the Sites and Places of Significance to Mana Whenua Overlay specify when avoidance is required (D21.3(1),(2)), and otherwise set out appropriate measures where adverse effects on sites and places of significance cannot practicably be avoided, “*to remedy or mitigate those adverse effects*”.

Policy D17.3(8) for the Historic Heritage Overlay provides guidance for the maintenance or enhancement of historic heritage values; by ensuring that modifications and restorations;

“(e) avoid significant adverse effects, including from loss, destruction or subdivision that would reduce or destroy the heritage values of the place; and

(f) avoid, remedy or mitigate adverse effects on the heritage values of the place.”

The accidental discovery protocol which applies in the instance that ‘sensitive material’ (described in E12.6.1(2)) sets out specific processes, and notification steps, but does not require that land disturbance activities are managed to “*avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material;*”.

Outline the proposal(s)

Option 1 – Status quo

Make no changes to the AUP wording. Status quo is not a suitable option as it does not give effect to the relevant objectives, and is not assessed further in Table 6.4.12 below.

Option 2 – Amend the objectives and policies.

Replace the words *remedy and mitigate*” with *remedy or mitigate* in objectives E11.2(1) and E12.2(1) and policies E11.3(2)(c) and E12.3.2(c).

Evaluating the proposal against its objectives

Table 6.4.12 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 2 – Amend the	The proposed amendment is the only effective option to resolve the issue described.	None	Amendment resolves a

Options	Efficiency and effectiveness	Costs	Benefits
objectives and policies (preferred option)	<p>Amending the objectives and policies of the AUP supports the more specific provisions for Land disturbance which set out when it is appropriate to avoid, remedy or mitigate adverse effects.</p> <p>To clarify the intent of the land disturbance objectives, the objectives and policies of the RPS are also considered.¹³</p> <p><i>Objective E11.2.</i> <i>(1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and/or mitigates adverse effects on the environment.</i> <i>(2) Sediment generation from land disturbance is minimised.</i> <i>(3) Land disturbance is controlled to achieve soil conservation.</i></p> <p><i>Objective E12.2.</i> <i>(1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and/or mitigates adverse effects on the environment.</i></p>		wording anomaly in the provisions.

Conclusion

Option two is the preferred approach. Adopting the amending proposal will improve the legibility of the AUP.

The proposed amendments to the AUP can be found in Attachment A.4 – Natural resources of this report.

¹³ RPS Objective B7.3.1 (3) *The adverse effects of changes in land use on freshwater are avoided, remedied or mitigated.*

RPS policy B7.3.2 (1) *Integrate the management of subdivision, use and development and freshwater systems by undertaking all of the following: ... (c) controlling the use of land and discharges to minimise the adverse effects of runoff on freshwater systems and progressively reduce existing adverse effects where those systems or water are degraded; and (d) avoiding development where it will significantly increase adverse effects on freshwater systems, unless these adverse effects can be adequately mitigated.*

RPS objective B6.5.1(1) *The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.*

RPS policy B6.5.2(6) *Protect Mana Whenua cultural heritage that is uncovered during subdivision, use and development by all of the following: (a) requiring a protocol to be followed in the event of accidental discovery of kōiwi, archaeology or artefacts of Māori origin; (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and (c) requiring appropriate measures to avoid, remedy or mitigate further adverse effects.*

RPS policy 5.2.2(7) *Avoid where practicable significant adverse effects on significant historic heritage places. Where significant adverse effects cannot be avoided, they should be remedied or mitigated so that they no longer constitute a significant adverse effect.*

RPS objective B4.2.1 (3) *The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced.*

6.5 Natural resources – air quality

Theme 6.5.1 Thermal metal spraying

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	Table E14.4.1

Status quo and problem statement

There are permitted activity standards for thermal metal spraying but no permitted activity in Table E14.4.1 to link them to.

The permitted activity rule for thermal metal spraying was removed in the IHP Recommendation version (22 July 2016) of the plan without mention or explanation for its removal. Also, there had been no submissions on this rule. Therefore, its removal was likely to be an error and the activity should be reinstated.

Chapter H.4.1.1 - Chemical and metallurgical processes (AUP Notification Version) had:

Thermal metal spraying of any metal or metal alloy where discharges to air are through particulate control equipment [P in all zones; Standards in E14.6.1.3]

It is recommended to reinstate a permitted activity for thermal metal spraying of any metal or metal alloy, because it is clear that the rule was unintentionally removed from the IHP decisions version. Permitted Activity Standards are provided in E14.6.1.3 for this activity, leading to a question of the plan's integrity without a clear link to an associated Permitted Activity Rule.

Low to medium scale and significance given that the activity was removed without mention or explanation, however the more general 'melting' rule has generic wording that is able to be applied to the activity of thermal metal spraying.

Medium risk of not acting given the permitted activity was removed from the IHP recommendation with no explanation and no submissions, and given the permitted activity controls have been retained, suggests that this is an error which needs to be corrected. Low risk of uncertain information.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not reinstate the permitted activity for thermal metal spraying in Table E14.4.1

Option 2 – Reinstate a permitted activity for thermal metal spraying:

(A38A) Thermal metal spraying of any metal or metal alloy where discharges to air are through particulate control equipment [P in all zones; Standards in E14.6.1.3]

Evaluating the proposal against its objectives

Table 6.5.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: do nothing – status quo	It is not effective or efficient to have permitted activity standards for thermal metal spraying (E14.6.1.3) with no permitted activity rule in the activity table to link the standards to.	The misalignment between the permitted activity standards for thermal metal spraying and the lack of a permitted activity rule for thermal metal spraying in the activity table to link the standards to is causing confusion and therefore should be amended.	No change to the plan required.
Option 2 <i>(preferred option)</i> : Reinstate a permitted activity for thermal metal spraying	Effectively achieves the following objective: <i>(2) Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.</i> More efficient as the proposal reduces the level of interpretation and uncertainty as a result of a missing permitted activity. More effective than the status quo in meeting the objective of the Plan Change as it reintroduces a provision to correct a current gap in the AUP.	The proposal to reinstate the permitted activity for thermal metal spraying has no additional costs compared with the status quo given it does not propose to change the status of an activity. There will be no additional costs given it is a permitted activity.	Greater economic benefits arising from consent process efficiencies due to the reinstatement if a permitted activity to link to existing permitted activity controls specified in the AUP (OP).

Conclusion

Option 2: the proposal to amend Table E14.4.1 is considered the most appropriate option given its improved effectiveness, efficiency and economic benefits anticipated with the reinstatement of the thermal metal spraying permitted activity which links directly to existing permitted activity standards.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources.

Theme 6.5.2 Discharges to air from motor vehicles

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality

Specific provision/s	Table E14.4.1 (A114)
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Status quo and problem statement

Discharges to air from motor vehicles are a permitted activity. However, there is currently a gap in the permitted activity as other nuisance effects from mobile sources such as dust generated from vehicle movements on unsealed surfaces or tyre smoke from burn-out competitions also fall into this permitted activity.

The addition of "engines" to the rule makes the intent clear and allows other nuisance effects from mobile sources to be controlled.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not include reference to 'engines' in activity (A114).

Option 2 - Add reference to 'engines' to E14.4.1(A114) to read:

(A114) Discharges to air from the engines of motor vehicles, aircraft, trains, vessels (including boats) and mobile sources not otherwise specified (such as lawnmowers), including those on industrial or trade premises (excluding tunnels) (permitted standards do not apply) [P in all zones].

Evaluating the proposal against its objectives

Table 6.5.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No change – status quo	Inefficient because there is currently a loophole in the rule, permitting nuisance effects from mobile sources such as dust generated from vehicle movements on unsealed surfaces or tyre smoke from burn-out competitions.	Slightly greater economic costs compared with Option 1 arising from a more uncertain resource consent process where this activity is open to interpretation.	Continue to apply the permitted activity rule for discharge of contaminants into air from mobile sources as it is currently being applied.
Option 2 (<i>preferred option</i>): Introduce reference to 'engines' to	More effective in meeting the objectives of the AUP relating to human health, property and the environment being protected from the adverse effects from the discharge of contaminants	Greater economic cost for potential resource consent applicants, as activities which used to slip through as permitted will now	This will make the intent of the rule clear and allows other nuisance effects from mobile sources to be controlled such as dust

Options	Efficiency and effectiveness	Costs	Benefits
E14.4.1(A114)	<p>to air.</p> <p>More effective in meeting the purpose of the Plan Change as the amendment clarifies a provision to better align with the AUP policy direction.</p> <p>Effective in achieving objective (2) <i>(2) Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.</i></p> <p>More efficient as Auckland Councils Enforcement officers will be able to issue abatement notices under the RMA, which they currently cannot do for activities that are generating nuisance effects that are not caused by the engines of mobile sources.</p>	<p>require a consent.</p> <p>Greater time costs on Council consent staff, as they will be required to consent and monitor more activities.</p>	<p>generated from vehicle movements on unsealed surfaces or tyre smoke from burn-out competitions.</p> <p>This will enable compliance to take action, as currently there are permitted activity standards, however these do not apply to mobile sources. Enforcement officers can use the Health Act 1956, however it would be easier if Council can issue abatement notices under the RMA</p>

Conclusion

Option 2: The proposal to amend E14.4.1(A114) is considered the most appropriate option, due to enhanced effectiveness in meeting AUP objectives, greater efficiency for Auckland Councils Enforcement officers and greater environmental and social benefits.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources.

Theme 6.5.3 Adverse effects on air quality from discharges

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	E14.3(8)

Status quo and problem statement

Currently, Policy E14.3.8 states that either the best practicable option (BPO) or a precautionary approach can be taken when avoiding, remedying or mitigating the adverse effects on air quality from discharges of contaminants into air. In the PAUP and the Auckland Council Regional Plan: Air, Land and Water, the best practicable option and the precautionary approach stood alone as individual policies, both as relevant as each other. There is no evidence to suggest that the addition of the word 'or' was intentional.

Making both these policies equally relevant (removing the 'or') is important to adequately avoid adverse effects by ensuring that BPO is used and a precautionary approach is taken.

Example: Placing a childcare centre in the middle of a Heavy Industry area, if a precautionary approach is required the childcare centre would not be developed in the middle of heavy industry, however with the word 'or' it could be placed within heavy industry, given the location chosen is the best practicable option. Also taking a precautionary approach would ensure that a childcare centre did not end up in the middle of an area of heavy industry.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 - Status quo – no change

Do not make any change to the wording of Policy E14.3.8

Option 2 - Replace the 'or' in between policy E14.3(8)(a) and (b) with 'and':

(8) Avoid, remedy or mitigate the adverse effects on air quality from discharges of contaminants into air by:

(a) using the best practicable option for emission control and management practices that are appropriate to the scale of the discharge and potential adverse effects; ~~or~~ and

(b) adopting a precautionary approach, where there is uncertainty and a risk of significant adverse effects or irreversible harm to the environment from air discharges.

Evaluating the proposal against its objectives

Table 6.5.3 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: do nothing – status quo	Retains a level of uncertainty and therefore is not as effective in meeting the objective of the Plan Change.	Marginally greater consent costs due to increased uncertainty of the application of provisions through the consent process.	No change to the plan required.
Option 2 (preferred option): Replace 'or' with 'and'	More effective in meeting the objectives of the AUP relating to incompatible uses and development being separated and avoiding and mitigating reverse sensitivity effects. Effectively achieves the following objectives: <i>(2) Human health, property and the environment are protected</i>	Greater economic cost for resource consent applicants, as they will be required to apply both the best practicable option and take a precautionary approach.	Greater environmental benefits arising from ensuring that both the BPO and a precautionary approach are taken, not just one approach. Greater social benefits as requiring both a BPO and precautionary

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>from significant adverse effects from the discharge of contaminants to air.</i></p> <p><i>(3) Incompatible uses and development are separated to manage adverse effects on air quality from discharges of contaminants into air and avoid or mitigate reverse sensitivity effects.</i></p> <p>Option 1 is more effective in meeting the objective of the Plan Change as adding the word 'and' reduces uncertainty.</p> <p>The current wording could lead to incompatible uses (a childcare centre being developed in the middle of heavy industry) resulting in reverse sensitivity effects due to a loophole.</p>		<p>approach will ensure that activities are in an appropriate location, and will not put society at risk.</p>

Conclusion

Adopting Option 2 is considered to be the most appropriate, as it clearly states that both the BPO and the precautionary approach must be taken, removing any ambiguity or loophole. It is considered appropriate to take the same approach that was in The Auckland Council Regional Plan: Air, Land and Water, given that the purpose of each of the policies has remained the same. There will be enhanced environmental and social benefits as a result of both the BPO and a precautionary approach being required.

The proposed change is the most appropriate way to achieve the objectives of E14, and the objectives of the plan.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources.

Theme 6.5.4 Coffee roasting

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	E14.4.1(A102) and E14.4.1(A103)

Status quo and problem statement

There are currently loopholes in both the Permitted activity (P) and Discretionary activity (D) coffee roasting rules.

There are a number of medium and large coffee roasters in the region which are not properly captured by the Permitted and Discretionary rules. This is resulting in the standards requiring emission controls not applying. These roasters are causing significant odour issues as they continuously operate at 240 kg/hr.

Introducing a weekly threshold for both the P and D coffee roasting rules would provide better controls for medium to large roasters which are currently causing odorous effects and would require monitoring and maintenance of the emission controls.

The current wording of coffee roasting rules (A102) and (A103) does not currently include weekly thresholds:

(A101)	Coffee roasting at a loading rate of green coffee beans up to 50kg/hour and not exceeding a total weekly production of 100kg	P	P	P	P	P
(A102)	Coffee roasting at a loading rate of green coffee beans greater than 50kg/hour and not exceeding 250kg/hour	P	P	P	P	P
(A103)	Coffee roasting at a loading rate of green coffee beans of more than 250kg/hour, or less than 250kg/hour and not meeting the permitted activity standards	D	D	D	D	D

If a small roaster (<50 kg/hr) roasts frequently (>100 kg/week), it is not P under (A101), but does not require an emission control system under (A102), even though it is likely to cause significant odour if it does not comply with this requirement.

These are current gaps in the plan which need to be closed.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 - Status quo – no change

Do not make any change to the wording of or introduce a total weekly production threshold to Activity (A102) and Activity (A103)

Option 2 – Introduce a weekly production threshold into Activity (A102) and Activity (A103) this will ensure that large volume roasters require emission controls and the emission controls will require monitoring and maintenance in the case of large roasters.

E14.4.1(A102) Coffee roasting at a loading rate of green coffee beans between 50kg/hour and 250kg/hr or with a total weekly production between 100kg and 500kg [P in all zones, PA Standards E14.6.1.16 apply]

E14.4.1(A103): Coffee roasting at a loading rate of green coffee beans of more than 250kg/hour or with a total weekly production of more than 500kg, or which does not meet the permitted activity standards [D in all zones]

Evaluating the proposal against its objectives

Table 6.5.4 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing – status quo	Less effective in meeting the objective of the Plan Change, as the Permitted and Discretionary coffee roasting activities would remain somewhat uncertain, potentially leading to outcomes that do not align with the AUP policy direction.	Slightly greater economic costs compared with Option 1 arising from a more uncertain resource consent process. Social costs for occupants adjacent to coffee roasters which could potentially operate at 249kg/hour and could cause significant odour issues as they are not required to comply with specific emission controls.	Fewer economic and social benefits related to the lack of a weekly threshold for coffee roasting. No changes required to the rules.
Option 2 (preferred option): Introduce weekly thresholds to Permitted and Discretionary coffee roasting rules to manage large volume coffee roasters	<p>Effective in achieving the following objective: <i>(2) Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.</i></p> <p>More effective than the status quo in aligning with AUP objectives as provides more certainty and control around odorous activities and the effects they have on the surrounding environment.</p> <p>More effective than the status quo in meeting the objective of the Plan Change as it clarifies a provision to better align with the AUP policy direction.</p> <p>More efficient as the proposal reduces the level of interpretation and uncertainty in the standard.</p>	Increased economic costs for large volume coffee roasters as costs associated with consent applications will now apply. Medium volume coffee roaster will no longer be able to operate as a permitted activity without requiring emission controls through the addition of a weekly threshold and monitoring and maintenance of emission controls will now be required for large volume roaster which trigger the Discretionary activity weekly threshold, resulting in additional economic costs.	Greater social benefits arising from medium-large volume coffee roasters required to comply with more emission controls and monitoring.

Conclusion

Option 2: The proposal to introduce weekly thresholds for Permitted and Discretionary coffee roasting rules is considered the most appropriate option given its effectiveness, and the social benefits anticipated with the introduction of better controls for large coffee roasters emitting strong odours.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources to this report.

Theme 6.5.5 Outdoor cooking or heating

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	E14.3.7(c), E14.4.1(A124) and E14.6.1.21

Status quo and problem statement

There is an alignment issue throughout E14 when referring to outdoor cooking or heating.

E14.3.7 states that air discharges from outdoor burning shall be avoided in urban areas (a), and therefore, at a policy level, outdoor burning in urban areas can only be allowed by point (c), which needs to specify both heating and cooking, as per the Permitted activity (P) rule. Otherwise, P rule E14.4.1(A124) contravenes Policy E14.3.7.

The original intent in the Auckland Regional Air, Land and Water Plan was to provide for both cooking as well as heating. Policy E14.3.7(c) needs to be updated to refer to both cooking as well as heating, as amending the policy will give better effect to Objectives E14.2(2) and E14.2(3) by managing effects on air quality and protecting human health, property and the environment from the discharge of contaminants to air.

There is also an and/or error throughout E14 when referring to outdoor cooking as well as heating. Outdoor fires for the purpose of cooking or heating are a permitted activity. A fire does not have to meet both purposes to be a permitted activity. This is an issue for both E14.4.1(A124) and E14.6.1.21.

Specifying both heating and cooking throughout is correct.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – No change - status quo

No change to the wording of the plan.

Option 2 – Amend E14.3.7(c), E14.4.1(A124) and E14.6.1.21 to read:

E14.3.7

...

(c) minimised where it is for community or public event purposes or for cooking or heating.

E14.4.1(A124) Cooking ~~and~~ or heating outdoors using fuels (including natural gas, liquid fossil fuels, solid fuels, or untreated dry wood containing less than 25 per cent moisture) that contain less than 0.5 per cent sulphur by weight providing it does not cause offensive or objectionable smoke beyond the site boundary (includes braziers, firepits, barbecues, umus, hangis, domestic smokehouses and other ethnic cooking fires)

...

E14.6.1.21. Other outdoor burning and burning within a backyard or single chamber incinerator but excluding outdoor cooking ~~and~~ or heating

Evaluating the proposal against its objectives

Table 6.5.5 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: do nothing – status quo	Inefficient as users of the plan waste time trying to interpret provisions.	The wording of the rule and standard does not align with the policy and the rest of E14, costs involved with the confusion this misalignment causes.	No change to the plan required.
Option 2 (<i>preferred option</i>): Amend E14.3.7(c), rule (A124) and E14.6.1.21 to ensure the provisions about outdoor cooking or heating are clear.	Slightly more effective than the status quo as the amending proposals provide alignment with (A124) and E14.3.7(c) and provide greater clarity and certainty. The amending proposals are more effective than the status quo as greater clarity is ensured on what fires are permitted, and the proposal clarify a provisions to better align with the AUP policy direction. The improved alignment between policies, activities and standards achieves the objectives of the Plan Change, and hence is more effective. More efficient as the proposal	The amending proposal has very minimal, to no, additional costs compared with the status quo. There are no additional consenting costs involved with the amending proposal.	Social and economic benefits arising from more consistent wording and reference to cooking as well as heating. The amending proposal aligning Chapter E14 vertically will reduce uncertainty for organisations wishing to organise an event for community or public purposes which may involve cooking or heating. Enhanced clarity of the permitted activity and standard, as cooking or

Options	Efficiency and effectiveness	Costs	Benefits
	reduces the level of interpretation and uncertainty in the standard.		heating fires are permitted, no longer requiring the fire to meet both purposes to be permitted.

Conclusion

Option 2: The proposal to amend E14.3.7(c), E14.4.1(A124) and E14.6.1.21 to refer to cooking or heating is the most appropriate option given the enhanced effectiveness, efficiency and benefits.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources.

Theme 6.5.6 Cement storage

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	E14.4.1(A77) and E14.6.1.12

Status quo and problem statement

Rule (A77) in Table E14.4.1 requires cement storage to be undertaken in silos which meet specific standards. However, cement is also stored in smaller quantities in bags, without issue. Without specifying that this rule is only concerned with bulk cement storage (within silos), many simple construction and commercial activities technically become Discretionary activities for air discharges without benefit.

There is no issue from bulk cement storage at any location if the Permitted activity standards are adhered to (these require filters, etc). Therefore, making this Permitted in all zones. Rule (A78) ensures that if the Permitted activity standards are not met, air discharges will be Discretionary in high amenity areas.

E14.6.1.12 also needs to be updated to refer to bulk cement storage so that it aligns with Permitted activity rule (A77) in Table E14.4.1.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Do nothing – status quo

Make no change to the wording of Rule (A77) and permitted activity standard E14.6.1.12.

Option 2 – Specify that rule (A77) and the permitted activity standards associated specify bulk cement storage, as follows:

E14.4.1(A77) Bulk cement storage, handling, redistribution, or packaging [P in all zones]

...

E14.6.1.12. Bulk cement storage, handling, redistribution, or packaging

Evaluating the proposal against its objectives

Table 6.5.6 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: do nothing – status quo	Inefficient as time is wasted determining how to interpret the rule and standard for cement storage.	Slightly greater economic costs compared with Option 1 arising from a more uncertain resource consent process where rule (A77) and the standards are open to interpretation.	Relies on the current practice of interpreting and implementing the rule and standard on cement storage without the need for change.
Option 2 <i>(preferred option)</i> : Specify that rule (A77) and permitted activity standards apply to bulk cement storage	Helps to effectively implement the following objective: <i>(1) Air quality is maintained in those parts of Auckland that have high air quality, and air quality is improved in those parts of Auckland that have low to medium air quality.</i> More effective in meeting the objective of the Plan Change as the addition of the word 'bulk' reduces uncertainty. The amending proposal is more efficient than the status quo as the proposal reduces the level of interpretation and uncertainty in the standard.	Fewer economic costs associated with consenting, as only the activities that the rule is intended to apply to will be getting consent with the addition of the word 'bulk'.	Greater economic benefits arising from consent process efficiencies due to more clarity in the activity and the standard. Greater social benefits for users of cement on a small scale, as there is greater clarity that they do not become a Discretionary activity, and therefore are not required to undertake a resource consent process.

Conclusion

Option 2: The proposal to amend the wording of E14.4.1(A77) and E14.6.1.12 to specify bulk cement storage is more appropriate than retaining the status quo given it is slightly more

effective and efficient, incurs fewer economic costs whilst achieving greater economic and social benefits and because the proposed wording provides the greatest clarity.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources.

Theme 6.5.7 Adverse effects of discharges to air

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	E14.6.1.1(1)

Status quo and problem statement

The existing wording of the General Permitted activity standard E14.6.1.1(1) is prohibitive and does not accurately state the purpose of the standard. The standard currently focuses on the presence of a contaminant rather than the effects of contaminants. The provision needs to be amended to focus on the effects of contaminants.

Most discharges to air contain contaminants that can cause adverse effects, however, there are a number of factors, together with the contaminants emitted, that determine whether a discharge is likely to have a significant effect. Therefore, a focus on the discharge as a whole is needed rather than the specific contaminants. This is a practical issue.

Example: a generator discharges PM_{2.5}, a pollutant which is carcinogenic and which has no safe threshold. A literal reading of this standard means that the discharge cannot comply, as it contains PM_{2.5}. However, if the rate of PM_{2.5} discharge is limited so that significant off-site exposure does not occur (i.e. so that the health-based ambient air quality targets are not exceeded), the standard needs to permit the discharge, even though it technically contains PM_{2.5}.

Also, by using the word 'environment', this technically requires that any adverse effect is avoided, even those relating to minor amenity effects like odour and dust. Environment is defined by s2 of the RMA as being very broad. It would be better to retain the specific wording of The Auckland Council Regional Plan: Air, Land and Water Rule 4.5.1(c) (which this standard seeks to replace) and refer to effects on 'ecosystems'.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – do nothing – status quo

Leave standard E14.6.1.1(1) wording as is.

Option 2 - Amend the wording of standard E14.6.1.1(1) to read:

E14.6.1.1(1) The discharge must not ~~contain contaminants that cause, or are likely to cause,~~ cause, or be likely to cause, adverse effects on human health, property or the ~~environment~~ ecosystems beyond the boundary of the premises where the activity takes place.

Evaluating the proposal against its objectives

Table 6.5.7 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing – status quo	Less effective as retains uncertainty and lack of clarity on the purpose of the standard.	Slightly greater economic costs compared with Option 1 arising from a more prohibitive standard. This will result in greater uncertainty through the consent process.	Relies on the current practice of interpreting and implementing the standard without the need for change.
Option 2 (<i>preferred option</i>): Amend standard E14.6.1.1(1) to focus on the effects of contaminants.	<p>The proposal to amend E14.6.1.1(1) is more effective in giving effect to the AUP Objective E14.2(2): <i>(2) Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.</i></p> <p>The amendment clarifies that the discharge must not cause, or be likely to cause adverse effects on human health, property or ecosystems, which is more accurately stating the purpose of the standard.</p> <p>More effective in meeting the purpose of the Plan Change as it clarifies an unclear, and unnecessarily prohibitive provision to better align with the AUP policy direction.</p> <p>The amending proposal is more efficient than the status quo as the General Permitted Activity Standard will be amended to be less prohibitive and more accurately state the purpose of the standard.</p>	The proposal to amend the wording of E14.6.1.1(1) has no additional costs compared with the status quo.	<p>There are marginally greater social and economic benefits arising from enhanced clarity of the General Permitted Activity Standard.</p> <p>The proposal to amend E14.6.1.1(1) better reflects the intent and purpose of the standard.</p>

Conclusion

Option 2: The proposal to amend standard E14.6.1.1(1) is considered to be the most appropriate given the increased effectiveness, efficiency, and social and economic benefits.

The amendment will ensure consistency with best practise, in particular the Auckland Ambient Air Quality Standards of the AUP and international guidelines as per the hierarchy recommended by the Good Practice Guide for Assessing Air Discharges from Industry (Ministry for the Environment, 2016).

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources.

Theme 6.5.8 Offensive or objectionable odours/effects

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	E14.3.2(a) and E14.6.3.5(1)

Status quo and problem statement

There is an alignment issue throughout Chapter E14 Air Quality, where the wording of a Policy and a Controlled Activity standard do not align with the wording of the General Permitted Standards and activity (A124). An odour/effect can be offensive or objectionable, it is not required to be both offensive and objectionable to warrant being avoided.

There is an alignment issue throughout the chapter, and Policy E14.3.2(a) and Controlled Activity standard E14.6.3.5(1) currently refer to 'offensive and objectionable' odours and effects. These provisions need to be amended to ensure that there is consistency of the wording throughout chapter E14 Air Quality, where referring to odours and effects.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – No change - status quo

No change to the wording of the plan.

Option 2 – Amend E14.3.2(a) and E14.6.3.5(1) to read:

E14.3.2(a) avoid offensive ~~and~~ or objectionable effects from dust and odour discharges and remedy or mitigate all other adverse effects of dust and odour discharges; or

...

E14.6.3.5(1) The premises, measured from the exhaust vents closest to the neighbouring site, must be located a minimum of 400m from the property boundary or notional property boundary. Notional property boundaries must be established through an instrument registered against the land title or any neighbouring property within the buffer area. Such registered instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive ~~and~~ or objectionable odours or dust within the buffer area generated by the intensive livestock chicken farm.

Evaluating the proposal against its objectives

Table 6.5.8 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: do nothing – status quo	Inefficient as users of the plan waste time trying to interpret provisions which are inconsistent with the rest of the plan.	Cost of time spent interpreting the Plan.	No change to the plan required.
Option 2 (<i>preferred option</i>): Amendment to use consistent language	More effective than the status quo in meeting the objective of the Plan Change, as it enhances the consistency throughout the chapter and hence enhances the clarity of the plan. Same efficiency as status quo as no additional regulation is proposed. The amending proposal is simply ensuring consistency and clarifying an and/or error in two locations of Chapter E14.	A change to the Plan and therefore possibly results in a change to the current implementation.	Marginally greater economic benefits arising from enhanced clarity and consistency throughout the chapter.

Conclusion

Option 2: The proposal to amend Policy E14.3.2(a) and Restricted discretionary activities standard E14.6.3.5(1) to refer to ‘offensive or objectionable’ effects is more appropriate than the status quo given enhanced effectiveness and benefits. The proposal to amend the plan is considered to be the most appropriate option, given it is more effective in meeting the purpose of both the Plan Change and AUP.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources to this report.

Theme 6.5.9 Total rated thermal input

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions

Specific provision/s	Total rated thermal input
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Status quo and problem statement

Rules for combustion activities (E14.4.1 (A48 to A52)) refer to 'total gross heat release' up to certain generating thresholds. The term 'total gross heat release' is not defined in the AUP (OP), but 'total rated thermal input' is.

For rules (A48) to (A52) in activity table E14.4.1, it needs to be clear that the thresholds apply to the combination of all heating sources on site.

A definition of the term 'total gross heat release' is necessary as this is not an easily interpreted and understood term. The definition of 'total rated thermal input' needs to be removed from the AUP as this term is not referred to anywhere else in the plan, and therefore it is not necessary that the term be defined.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not change the words that the current Total rated thermal input definition defines in Chapter J.

Option 2 - Retain the existing definition of 'total rated thermal input' as it is the intended definition of the term 'total gross heat release' referred to in activities E14.4.1(A48 to A52), however change the words that it defines so that the AUP reads:

Total gross heat release ~~Total rated thermal input~~

Total units of energy in megawatts (MW) required to operate all combustion appliances on a site.

Evaluating the proposal against its objectives

Table 6.5.9 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Results in inefficiencies because the lack of clarity and certainty means that users of the Plan have to question what the term 'Total gross heat release' is referring to in rules in E14.	Slightly greater economic costs compared with Option 1 arising from a more uncertain resource consent process where the term currently referred to in (A48) to (A52) is not defined	No changes required to the definitions.

Options	Efficiency and effectiveness	Costs	Benefits
		and therefore, is open to interpretation.	
Option 2 (<i>preferred option</i>): Change the words that the current 'Total rated thermal input' definition defines to 'Total gross heat release'.	<p>The proposal to amend the Total rated thermal input definition is similar to the status quo in terms of giving effect to the objectives and policies of Chapter E14.</p> <p>More effective than the status quo in meeting the objective of the Plan Change as it defines a technical term referred to, improving the certainty, and overall usability of the plan.</p>	Fewer economic costs by defining the term 'total gross heat release' and therefore removing uncertainty during the consent process.	Economic benefits for consent applicants arising from more certainty around the term 'total gross heat release'. Greater certainty will streamline the consent process and improve the overall usability of the plan.

Conclusion

Option 2: The proposal to amend the words that the existing definition for 'Total rated thermal input' defines to 'Total gross heat release' so that the term used throughout E14 is clearly defined is the most appropriate option given the enhanced effectiveness and benefits.

The proposed amendments to the AUP are located in Attachment A.10 - Definitions to this report.

Theme 6.5.10 Rural fires

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E14 Air Quality
Specific provision/s	E14.6.1.15(2) and E14.6.1.20(2)

Status quo and problem statement

The Auckland Council Principal Rural Fire Officer and the Pollution Response Team referred to in standards E14.6.1.15(2) and E14.6.1.20(2) have been disestablished and no longer exist.

Therefore, these standards need to be updated to reflect the current council organisation structure. The correct team within council to be notified of burning for emergency service training and outdoor burning of any material required by Ministry for Primary Industries or designated authorities under the Health Act 1965 or Biosecurity Act 1993 (excluding rural and quarry zones) needs to be specified in the standards.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – no change - status quo

No change to the wording of standards E14.6.1.15(2) and E14.6.1.20(2).

Option 2 - Remove the reference to the Auckland Council Principal Rural Fire Officer and the Pollution Response Team in E14 and replace with 'The Auckland Council Compliance Team' which is the correct team to be notified, as follows:

E14.6.1.15(2) The Auckland Council ~~Principal Rural Fire Officer~~ Compliance Team must be advised at least seven working days in writing in advance of the location and duration of the fire and the contact details of the person overseeing the fire.

E14.6.1.20(2) The Auckland Council ~~Principal Rural Fire Officer and Auckland Council Pollution Response Team~~ Compliance Team must be advised in writing at least 48 hours in advance of the location and duration of the fire and the contact details of the person overseeing the fire.

Evaluating the proposal against its objectives

Table 6.5.10 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Inefficient because the standards do not reference the correct teams to be contacted which creates uncertainty.	The misalignment between the council team referenced in the wording of the standard and the correct team which should be contacted is causing confusion and therefore should be amended.	The standards continue to be applied/implemented as they currently are.
Option 2 (preferred option): Amend the standards to reflect the current council organisation structure.	Effective in achieving objective 2: <i>(2) Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.</i> Greater effectiveness, as the requirement to advise a team/role that no longer exists within Councils organisation structure of an activity will be replaced with the most appropriate team within Council to be advised of the particular	No additional costs compared with the status quo other than the cost of changing the Plan.	Greater social and economic benefits for organisations and the public who need to contact Auckland Council about upcoming fires as this option provides greater certainty and clarity around who to contact within council.

Options	Efficiency and effectiveness	Costs	Benefits
	activity. Greater efficiency achieved by clarifying the correct team to be advised of the activity within Council.		

Conclusion

Amending the standards as shown in Option 2 is the most appropriate option, improving the usability and legibility of the AUP. The proposed amendments will also ensure that the Plan is both easily interpreted and implemented.

The proposed amendments to the AUP are located in Attachment A.4 – Natural resources to this report.

Theme 6.5.11 Fire and Emergency

Contains cross-reference to D14 Volcanic Viewshafts and Height Sensitive Areas overlay and J1 Definitions.

Chapter of the AUP	Chapter D Overlays Chapter E Auckland-wide Chapter J Definitions
Sub-section of the AUP	D14 Volcanic Viewshafts and Height Sensitive Areas overlay E14 Air Quality J1 Definitions
Specific provision/s	D14.4.1(A5) and D14.4.1(A10) E14.4.1(A96), E14.6.1.15(3) and E14.6.1.20(3) Definition – Temporary Activity

Status quo and problem statement

At the time of drafting the Proposed Auckland Unitary Plan there were a number of references to the New Zealand Fire Service included within the Plan. The New Zealand Fire Service ceased to exist on 1 July 2017 and was replaced by Fire and Emergency New Zealand which was established as an amalgamation of the New Zealand Fire Service Commission, the New Zealand Fire Service, the National Rural Fire Authority, and 38 other Rural Fire Authorities.

The AUP now needs to be updated to delete all references to “the New Zealand Fire Service” and replace this with reference to “Fire and Emergency New Zealand”.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – no change - status quo

No change to the wording of provisions that contain reference to ‘the New Zealand Fire Service’

Option 2 - Remove reference to “the New Zealand Fire Service” and replace this with reference to “Fire and Emergency New Zealand”, in the following: D14.4.1(A5), D14.4.1(A10), E14.4.1(A96), E14.6.1.15(3), E14.6.1.20(3), F2.19.7(A64), F2.21.8.1, Definition – Temporary Activity in the AUP.

Evaluating the proposal against its objectives

Table 6.5.11 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	This option is inefficient because the provisions do not reference the correct organisation.	The incorrect reference to ‘the New Zealand Fire Service’ throughout the AUP is causing confusion and therefore should be amended.	The provisions continue to be applied/implemented as they currently are.
Option 2 (<i>preferred option</i>): Amend the provisions to remove reference to ‘The New Zealand Fire Service’ and replace with reference to ‘Fire and Emergency New Zealand’	Greater efficiency and effectiveness achieved by replacing reference to an outdated organisation name, with reference to the correct name ‘Fire and Emergency New Zealand’.	There are no additional costs compared with the status quo other than the cost of changing the Plan.	Greater social and economic benefits for organisations and the public as this option provides greater certainty and clarity with the updated correct reference to ‘Fire and Emergency New Zealand’..

Conclusion

Implementing Option 2 to make the proposed amendments, replacing incorrect reference to ‘the New Zealand Fire Service’ with the correct reference to ‘Fire and Emergency New Zealand’ is the most appropriate method to achieve the objectives of the plan change because the amendments:

1. Improve usability and legibility of the AUP (OP); and
2. Ensures the correct organisation name is referred to consistently throughout the AUP.

The proposed amendments to the AUP are located in: Attachment A.1 - Natural heritage, Attachment 4 – Natural resources and Attachment 10 – Definitions.

6.6 Infrastructure

Theme 6.6.1 Dipole antennas

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	Table E26.2.3.1 (A36)

Status quo and problem statement

Table E26.2.3.1 (A36) provides the activity status for omni directional antennas of certain sizes. An omni directional antenna is one that transmits in all directions. They take two forms:

- a 'whip' antenna which has the shape of an older style car aerial, as in the picture to the right;
and
- a 'dipole' antenna, which is also made of a long skinny tube but generally has two parallel parts joined by a curved tube, as in the picture to the right.



(A36) provides for 'whip' antennas but not for 'dipole' antennas. Dipole antennas are commonly used in Auckland but were not discussed in Unitary Plan evidence and consequently the IHP did not provide for them.

The visual effects of a dipole antenna are similar to a whip antenna, albeit slightly greater. They are tubelike but dipole antennas have two vertical elements as well as a horizontal span.

Whip antennas are subject to an existing height limit of 650mm from the height at the point of attachment to a building.

The visual effects of small dipole antennas are relatively small and could be provided for as permitted activities in the plan.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Option 2 – Amend Table E26.2.3.1(A36) so that it provides for small dipole antennas as permitted activities.

This would enable dipole antennas to a height of 650mm above the point of attachment to a building. The Unitary Plan also enables whip antennas to this height.

Evaluating the proposal against its objectives

Table 6.6.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Not effective as does not provide for dipole antennas.</p> <p>Less efficient as more resource consents are required.</p>	Does not enable antennas that have broadly similar visual effects as existing whip antennas, which are already provided for.	<p>No plan change costs.</p> <p>Additional visual effects may be unacceptable to some people.</p>
<p>Option 2: Amend Table E26.2.3.1(A36) so that it provides for small dipole antennas as permitted activities</p> <p><i>(Preferred option)</i></p>	<p>Achieves objective of enabling network utilities while minimising adverse effects.</p> <p>Will result in fewer resource consents, which are potentially unnecessary.</p> <p>Achieves the following infrastructure objectives:</p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>	<p>May result in greater visual effects without being subject to a resource consent process.</p> <p>Plan change costs.</p>	<p>Treats similar structures consistently.</p> <p>Additional adverse visual effects are likely to be minor.</p>

Conclusion

Option 2 is preferred. It enables dipole antennas which have broadly similar adverse effects as whip antennas, which the plan already enables. This recognises dipole antennas’ minor visual effects and avoids unnecessary resource consent costs.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.2 Height of whip antennas in the road reserve

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.2.5.1(3)(b)

Status quo and problem statement

Whip antennas are shown in the picture above and are essentially a long skinny tube. Whip antennas are subject to an existing height limit of 650mm from the height at the point of attachment to a building.

In the road reserve, structures such as electricity and telecommunication lines, and telecommunication equipment and devices have a height limit of 25m (E26.2.5.1(3)(b)). This height limit excludes lightning rods and GPS antennas which are attached to these structures.

Whip antennas are not excluded from height in this way. Whip antennas could be excluded from the height limit in the same way as lightning rods and GPS antennas because from an effects perspective these structures are quite similar. The additional visual effects of a whip antenna on top of electricity and telecommunication lines and telecommunication equipment and devices are likely to be minimal.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Option 2 – Exclude whip antennas from height limits when attached to electricity and telecommunication lines and telecommunication equipment and devices in the road reserve.

Amend E26.2.5.1(3)(b) to add whip antennas to the list of exclusions from the measurement of height, which already includes lightning rods and GPS antennas.

Evaluating the proposal against its objectives

Table 6.6.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Effective as whip antennas are still provided for, but are subject to normal height limits.	Does not enable whip antennas that have broadly similar visual effects as other structures which are	No plan change costs. Whip antennas on top of electricity and telecommunication

Options	Efficiency and effectiveness	Costs	Benefits
	Less efficient as more resource consents are required.	excluded from height, such as lightning rods and GPS antennas.	lines and telecommunication equipment and devices in the road reserve are provided for, subject to a resource consent process that will assess potential adverse effects.
Option 2: Exclude whip antennas from height limits when attached to electricity and telecommunication lines and telecommunication equipment and devices in the road reserve <i>(Preferred option)</i>	<p>Achieves objective of enabling network utilities while minimising adverse effects.</p> <p>Will result in fewer resource consents, which are potentially unnecessary.</p> <p>Achieves the following infrastructure objectives:</p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>	<p>May result in greater visual effects without being subject to a resource consent process.</p> <p>May result in greater visual effects if more than one whip antenna is affixed to each structure.</p> <p>Additional visual effects may be unacceptable to some people.</p> <p>Plan change costs.</p>	<p>Treats similar structures consistently.</p> <p>Additional adverse visual effects are likely to be minor.</p>

Conclusion

Option 2 is preferred. It enables whip antennas to be excluded from height on electricity and telecommunication lines and telecommunication equipment and devices in the road reserve. This is consistent with structures which are already excluded from height, including lightning rods and GPS antennas. The whip antennas will have broadly similar adverse effects as these structures. The option recognises whip antennas' minor visual effects and avoids unnecessary resource consent costs.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.3 Pole mounted transformers

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	Table E26.2.3.1 Activity table (A23)

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Status quo and problem statement

(A23) in the activity table sets the activity status for pole mounted transformers. In most areas of the residential zones, Special Purpose – Maori and Special Purpose School zones, pole mounted transformers are restricted discretionary activities. However they are permitted activities in ‘rural and coastal towns’ and ‘serviced and unserviced villages’.

It is unclear what ‘rural and coastal towns’ and ‘serviced and unserviced villages’ mean. These terms were used in the notified Unitary Plan but were not defined. ‘Rural and coastal towns’ is used 24 times in the operative Unitary Plan, predominantly in the Chapter B Regional Policy Statement. ‘Serviced and unserviced villages’ is not used in any other location in the operative plan.

A rule trigger needs to be clear to enable people using the plan to easily understand what the rule applies to. The rule needs to be revised to make it clear where pole mounted transformer activities are permitted activities.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Option 2 – Add new standard that lists all areas where the permitted activity for pole mounted transformers apply

Add new standard that lists all the rural and coastal towns and villages, to make it clear where the permitted activity applies.

Apply standard to the Rural and Coastal Settlement Zone, which covers a lot of unserviced rural and coastal villages. This avoids listing a number of additional villages.

Amend (A23) to directly refer to this new standard.

Option 3 – Amend (A23) so that the permitted activity applies to all residential, Special Purpose Maori and Special Purpose School zones that are located outside the RUB

Evaluating the proposal against its objectives

Table 6.6.3 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Not effective as implementation of the plan’s objectives remain	Uncertainty remains.	No plan change costs.

Options	Efficiency and effectiveness	Costs	Benefits
	<p>unclear.</p> <p>Not efficient as uncertainty and additional costs remain for the consenting process.</p>		
<p>Option 2: Add new standard that lists all areas where the permitted activity for pole mounted transformers apply</p>	<p>Effective as resolves the lack of plan clarity in the short term.</p> <p>Efficient as reduces costs associated with lack of plan clarity.</p>	<p>Introduces a long list of locations in an additional standard for a relatively unimportant rule.</p> <p>Fails to automatically update the activity status of pole mounted transformers in new residential zones in new locations outside the RUB, and when the Rural and Coastal Settlement zone changes to another residential zone.</p> <p>Treats some areas that are now within the RUB the same as rural and coastal towns and villages, when they do not have this character.</p>	<p>Makes it clear where pole mounted transformers are a permitted activity.</p> <p>Faithful to what may have been intended at notification and during evidence.</p> <p>Increases plan clarity.</p> <p>Reduces consenting costs.</p>
<p>Option 3: Amend (A23) so that the permitted activity applies to all residential, Special Purpose Maori and Special Purpose School zones that are located outside the RUB</p> <p><i>(Preferred option)</i></p>	<p>Effective as resolves the lack of plan clarity in the short and long term.</p> <p>Efficient as reduces costs associated with lack of plan clarity.</p> <p>Achieves the following infrastructure objectives:</p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>	<p>Slightly changes what may have been intended at notification and during evidence. The rule would not apply in some locations that are rural and coastal towns and villages in the Auckland Plan, as they are within the RUB (Kumeu-Huapai, Riverhead and Laingholm).</p>	<p>Uses the simple organising principle of whether a zone is inside or outside the RUB to determine where a pole mounted transformer is a permitted activity.</p> <p>Retains the activity status of pole mounted transformers as permitted in all zones outside the RUB, regardless of future zone changes.</p> <p>Appropriate that pole mounted transformers should not be permitted within the RUB, as these areas will not have the character of rural and coastal towns and</p>

Options	Efficiency and effectiveness	Costs	Benefits
			villages. Simple addition to the activity table. Increases plan clarity. Reduces consenting costs.

Conclusion

Option 3 is preferred.

Option 2 is less appropriate as the rule will fail to automatically apply to some future zone changes in areas outside the RUB. Option 1 is also less appropriate as it fails to make the rule clear in its application. Option 3 is more appropriate as it uses the simple organising principle of whether a zone is inside or outside the RUB to determine where pole mounted transformers are a permitted activity. The rule will also apply regardless of future zone changes outside the RUB, so there is no need for ongoing plan maintenance to confirm where pole mounted transformers should be permitted activities.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.4 Electricity storage facilities – bulk

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.2.5.2.(3)(a)(iii)

Status quo and problem statement

Electricity storage facilities are structures that contain batteries, which are increasingly being used to address electricity supply resilience issues.

Since the AUP hearings, the understanding of how new battery technology can be used within the existing electricity network has increased. Vector is now actively planning for the installation of batteries in those parts of the electricity network where there are on-going resilience issues or risks. This includes rural zones.

As these structures are not specifically mentioned in the plan, the standard height of 2.5m in rural zones would apply. The height of these structures can be up to 3m and a specific reference in the plan is sought to address this.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change. The permitted height limit of 2.5m within rural zones would continue to apply to electricity storage facilities.

Option 2 – Add a reference to ‘electricity storage facilities’ in E26.2.5.2.(3)(a)(iii), to enable a permitted activity zone height limit of 3m for these structures in rural zones. This is consistent with telecommunication shelters in rural zones.

Evaluating the proposal against its objectives

Table 6.6.4 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Does not provide for electricity storage facilities except through a resource consent process. This is arguably unnecessary. Not efficient as a resource consent process would be required.	New electricity storage facilities are between 2.5m and 3m high. Each new structure would require a resource consent.	Resource consent process may lead to improved visual and amenity outcomes. No plan change costs.
Option 2: Add a reference to ‘electricity storage facilities’ in E26.2.5.2.(3)(a)(iii), to enable a permitted activity zone height limit of 3m for these structures in rural zones. <i>(Preferred option)</i>	Effective as enables network utilities required in some rural areas, at a scale that the plan already anticipates for other structures. Efficient as reduces resource consent costs for structures required in rural areas where there are on-going resilience issues or risks. Achieves the following infrastructure objectives: <i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i> <i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or</i>	Additional network utility structures likely to be located in rural zones, without a resource consent process.	Enables electrical storage facilities up to 3m in height as a permitted activity in rural zones. The height limit of 3m is consistent with other structures in rural zones (telecommunication shelters). Rural zones are less sensitive than other zones and requiring a resource consent for these structures may be unnecessary. Reduces consenting costs. Increases electricity resilience in rural areas.

Options	Efficiency and effectiveness	Costs	Benefits
	<i>mitigated.</i>		

Conclusion

Option 2 is preferred. It provides an appropriate network utility standard for structures that are required to address electricity resilience issues in rural areas.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.5 Distribution substation noise

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	Standard E26.2.5.3(4)

Status quo and problem statement

Standard E26.2.5.3(4) addresses noise from distribution substations and reads:

Noise from distribution substations within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB LAeq at 6m from the distribution substation or at the nearest residential boundary or rural notional boundary, whichever is the furthest.

This is poorly drafted. It can be interpreted so that the noise limit only needs to apply at whichever point is furthest from the distribution substation – 6m, the nearest residential zone or the nearest rural notional boundary.

The noise limit is intended to apply at either of the two distances that is furthest from the distribution substation:

- 6m; or
- the nearest boundary that is residential or rural.

The standard needs to be corrected to improve clarity.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend Standard E26.2.5.3(4) to make it clear that the noise limit applies at either of the two distances that is furthest from the distribution substation - 6m or the nearest boundary that is residential or rural.

Evaluating the proposal against its objectives

Table 6.6.5 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less effective and efficient than Option 2 as the current wording of the provision is unclear.	Plan provisions remain slightly unclear.	No plan change costs.
Option 2: Amend Standard E26.2.5.3(4) to make it clear that the noise limit applies at either of the two distances that is furthest from the distribution substation - 6m or the nearest boundary that is residential or rural. (Preferred option)	<p>Effective as the change will resolve the lack of plan clarity.</p> <p>Efficient as reduces costs associated with lack of plan clarity.</p> <p>Achieves the following infrastructure objectives:</p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>	Plan change costs.	<p>Simple change.</p> <p>Increases plan clarity.</p> <p>Reduces consenting costs.</p>

Conclusion

Option 2 is preferred. The proposed change is more appropriate than the status quo as it improves plan clarity.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.6 Electricity storage facilities - noise

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	Standard E26.2.5.3(2A) Standard E26.2.5.3(3) Standard E26.2.5.3(4)

Status quo and problem statement

Electricity storage facilities are structures that contain batteries, which are increasingly being used to address electricity supply resilience issues.

Since the AUP hearings, the understanding of how new battery technology can be used within the existing electricity network has increased. Vector is now actively planning for the installation of batteries where there are on-going resilience issues.

There are currently no noise standards that specifically apply to these structures. Practically, the noise limits that have been applied during resource consents have been the noise standards that apply to substations. Including appropriate noise standards in the plan would add certainty to the consenting process and ensure that neighbouring sites are not adversely affected by the structures' noise.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Add a reference to 'electricity storage facilities' in E26.2.5.3(2) - (4), so that the noise limits that apply are the same as those that apply to substations.

Option 3 – Apply the same noise limits to electricity storage facilities as applies to substations, except for where the electricity structure facility is not co-located with a substation and is located proximate to residential and rural zones

Apply noise limits to electricity storage facilities so that where the electricity storage facility is:

- located in the road reserve, the noise limit is the same as distribution substations (E26.2.5.3(4), which provides for a noise limit of 40 dB L_{Aeq});
- co-located with a substation, the noise limit is the same as substations and noise levels are assessed cumulatively (E26.2.5.3(2A)(a), which provides for a 45 dB L_{Aeq} /75 dB L_{Amax} for night time hours);
- located proximate to residential and rural zones, the noise limit is 5 dB lower than applies to substations (E26.2.5.3(2A)(b)). This recognises that the noise emissions from electricity storage facilities are likely to emit a more constant noise than substations. This has potential to have greater adverse effects on receivers;
- located proximate to other zones, the noise limit is the same as substations (E26.2.5.3(3), which is the noise limit provided for in the zone).

During the Unitary Plan hearings council sought to apply a lower noise limit to substations than the IHP eventually preferred and is now in the Unitary Plan. The changes proposed above apply the same noise limits to electricity storage facilities as in the Unitary Plan, except for electricity storage facilities that are not co-located with substations and are proximate to residential and rural zones. The lower noise limit proposed recognises the

nature of the noise emitted by electricity storage facilities, in comparison to substations. An electricity storage facility is likely to emit noise more consistently as the fans will have to work constantly to keep the batteries cool. The proposed standard recognises that electricity storage facilities emit noise of a constant nature and is likely to have greater effects on sensitive receivers.

Evaluating the proposal against its objectives

Table 6.6.6 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less effective and efficient than both Options 2 and 3 as no clear noise limit applies to the structures.	Plan provisions remain unclear.	No plan change costs.
Option 2: Add a reference to 'electricity storage facilities' in E26.2.5.3(2) - (4), so that the noise limits that apply are the same as those that apply to substations.	Effective as provides certainty regarding the noise limit for electricity storage facilities. Efficient as allows noise to a certain level as a permitted activity, with an application to exceed the proposed limit available via resource consent.	Plan change costs. Resource consent required if noise limits likely to be exceeded. Potential for increase in noise complaints if the electricity storage facility emits noise approaching 45dB at a constant level, in locations adjacent to dwellings in residential zones or rural zones.	Applies noise limits to electricity storage facilities, which do not currently have clear noise limits in the Unitary Plan.
Option 3: Apply the same noise limits to electricity storage facilities as applies to substations, except for where the electricity structure facility is not co-located with a substation and is located proximate to residential and rural zones <i>(preferred option)</i>	Effective as provides certainty regarding the noise limit for electricity storage facilities and recognises that the noise produced by these facilities is likely to have greater effects than noise emitted by substations. Efficient as allows noise to a certain level as a permitted activity, with an application to exceed the proposed limit available via resource consent. Achieves the following objectives:	Resource consent required if noise limits likely to be exceeded.	Applies noise limits to electricity storage facilities, which do not currently have clear noise limits in the Unitary Plan. Applies the same permitted noise limit as applies to distribution substations in the road (E26.2.5.3(4)), substations proximate to zones other than residential or rural (E26.2.5.3(3)) and where the electricity storage facility is co-located with a substation (E26.2.5.3(2A)(a)).

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>		<p>Applies a lower permitted noise limit than the noise limit for substations where the electricity storage facility is not co-located with a substation and is located proximate to a residential or rural zone. This recognises that substations are likely to approach the maximum noise limit on hot days and when under heavy load. An electricity storage facility is likely to emit noise more consistently as the fans will have to work constantly to keep the batteries cool. The proposed standard recognises that electricity storage facilities emits noise of a constant nature and is likely to have greater effects on sensitive receivers.</p>

Conclusion

Option 3 is preferred. It is appropriate to provide a noise standard that is the same as applies to distribution substations in the road, substations proximate to zones other than residential or rural, and where the electricity storage facility is co-located with a substation. Where the electricity storage facility is not co-located with a substation and is proximate to a residential or rural zone, it is appropriate to apply a lower noise limit. This recognises that electricity storage facilities emit noise of a constant nature and are likely to have greater effects on sensitive receivers.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.7 Above ground electricity lines

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.2.5.3(1)(b)(ii) and (v)

Status quo and problem statement

New above ground telecommunication or electricity lines require a discretionary activity consent in most zones.

Minor infrastructure upgrading of existing above ground lines limits additional or replacement lines to not more than 30mm in diameter (E26.2.5.3(1)(b)(v)). Up to 8 lines are permitted, with 4 of these being low voltage electricity lines (E26.2.5.3(1)(b)(ii)).

A new technology has emerged where the four electricity lines are bundled together rather than strung individually. This increases the robustness of the lines, can avoid the need for tree trimming as the line is strong enough to be threaded through trees, and in some situations can avoid the need for cross arms on the top of poles.

The size of these bundled lines is up to 44mm in diameter, but as explained above, the minor upgrading of above ground lines limits the lines to a maximum of 30mm in diameter.

The plan's failure to provide for this new technology may result in unnecessary resource consents.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend E26.2.5.3(1)(b)(ii) and (v) so that the four electricity lines can be bundled into one line that is not greater than 44mm in diameter, provided that no further electricity lines are present.

Evaluating the proposal against its objectives

Table 6.6.7 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Effective as the status quo does provide for larger single lines to occur, subject to a resource consent process.</p> <p>Not efficient as resource consent required to transfer to a single larger line when adverse effects are likely to be minor or potentially positive.</p>	Does not enable alternative outcomes which will likely have minor adverse effects or potentially positive effects.	<p>No plan change costs.</p> <p>Settled approach will continue and resource consents can be applied for.</p>
Option 2: Amend E26.2.5.3(1)(b)(ii) and (v) so that the four electricity lines can be	Recognises new technology that makes above ground electricity lines more resilient, with minor additional effects.	A thicker line may be more visually intrusive if it is in the direct line of sight from a window in a	Thicker lines are more robust and can negate the need for tree trimming and could potentially remove the

Options	Efficiency and effectiveness	Costs	Benefits
<p>bundled into one line that is not greater than 44mm in diameter, provided that no further electricity lines are present.</p> <p><i>(preferred option)</i></p>	<p>Avoids resource consent costs in situations where additional adverse effects are unlikely to be more than minor.</p> <p>Achieves the following infrastructure objectives:</p> <p><i>E26.2.1(3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.</i></p> <p><i>E26.2.1(5) The resilience of infrastructure is improved and continuity of service is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>	<p>visually sensitive location.</p> <p>Plan change costs.</p> <p>Applies in more sensitive visual areas where adverse effects may be greater. This includes the following: historic heritage; special character; sites of significance to mana whenua; volcanic viewshafts and height sensitive areas; other viewshafts; outstanding natural landscapes, character, features and high natural character.</p>	<p>need for cross arms.</p> <p>Numbers of electricity lines are reduced from four to one.</p> <p>One thicker line can be less visually intrusive than four separate thinner lines.</p> <p>Avoids need for resource consent when the additional adverse effects are likely to be minor and potentially positive.</p>

Conclusion

Option 2 is preferred. The thicker lines increase the functionality of the electricity system and provide more resilience, while minimising adverse effects by reducing the number of permitted electricity lines. Positive effects can also be generated by reducing the need for tree trimming or cross arms.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.8 Volcanic viewshafts and height sensitive areas

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure D14 Volcanic Viewshafts and Height Sensitive Areas Overlay
Specific provision/s	Activity table E26.11.3 Standards E26.11.5 E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities

Status quo and problem statement

Upgrades to utility structures in regional volcanic viewshafts and in the height sensitive area that fall outside the limits of minor upgrading are non-complying activities with compulsory public notification.

New structures that do not comply with standards, or are not specifically mentioned in the activity table, are also subject to this consent path.

For example, all of the following examples will require a non-complying activity consent with compulsory public notification:

- a new roadside cabinet for electricity or telecommunication purposes that is bigger than 0.9m in height or 0.5m²;
- a traffic light that for operational reasons is required to be more than 5.3m in height;
- older telephone or power poles that need to be replaced. The replacement poles are generally wider than older poles, and often need to be slightly higher for clearance reasons. These changes often infringe the 'minor upgrading' standards; and
- when the size of existing roadside cabinets need to be increased due to an increase in demand for electricity or telecommunication services.

In the case of the replacement telephone pole, if that pole is deemed unsafe electricity regulations require it to be replaced within 3 months of being 'red flagged'. It is impossible to obtain consent to replace the structure within three months if the replacement pole consent has to be publically notified.

In contrast, Chapter D14 enables other buildings (eg dwellings) as restricted discretionary or permitted activities if they are less than 9m in regional volcanic viewshafts or the height sensitive area. It is incongruous that many utility structures are a lower height than this but have a comparatively difficult and expensive consent path.

Council's closing provisions contained within its evidence to the IHP enabled network utilities to have a consent path similar to the provisions in D14. The closing provisions addressed buildings and network utilities as one set of provisions. The Panel then split up the provisions so that network utilities are addressed in E26. The Panel did not identify that the infrastructure provisions should be amended from council's closing statement. It appears that in transferring the provisions the Panel made an oversight in regards to the activity status and consent path for these network utilities.

In addition:

- D14 has an exclusion for structures that are within the volcanic viewshafts but are not visible from the origin point due to the presence of landform. E26.11 has no such exclusion; and
- There is an incorrect reference to 'E26.5.1' in E26.11.4(2). There is no such provision as 'E26.5.1' and it is intended to refer to the non-complying activities in E26.11.4(1).

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend the provisions so that some network utilities have a restricted discretionary activity consent path, that is similar to the D14 consent path for buildings in regional volcanic viewshafts and height sensitive areas.

This approach would make:

- the upgrading of existing network utilities that do not comply with standards; and
- new network utilities that do not comply with standards and are less than 9m in height, or that are not specifically listed in the table and are less than 9m in height; restricted discretionary activities rather than non-complying activities. This would also remove the compulsory public notification requirement.

Option 3 – Amend the provisions so that some network utilities have a discretionary activity consent path rather than the current non-complying activity and compulsory public notification that applies to many utilities in regional volcanic viewshafts and height sensitive areas.

This approach would make:

- the upgrading of existing network utilities that do not comply with standards; and
- new network utilities that do not comply with standards and are less than 9m in height, or that are not specifically listed in the table and are less than 9m in height; discretionary activities rather than non-complying activities. This removes the compulsory public notification requirement.

The following changes to the provisions are proposed:

- Add new rules (A154A and A155A) so that the upgrading of existing network utilities that do not comply with standards are discretionary activities rather than non-complying activities. This removes the compulsory public notification requirement;
- Amend rule (A164) and add new rule (A164A) so that new network utilities that do not comply with some standards, or that are not specifically listed in the table, are discretionary activities provided the height is less than 9m. This removes the non-complying activity status with compulsory public notification;
- Add new rules (A158A and A160A) to differentiate antennas, aerials, and road lighting from the 'catch-all' rule in (A164). It is proposed that (A164) should only apply to structures not exceeding 9m. Antennas and road lighting will often be higher than 9m – in fact standard 7(a) allows road lighting up to 25m. As these structures are anticipated to be more than 9m there is little point in making them a non-complying activity if they do not comply with (A164); and

- Amend the restricted discretionary activity matters of discretion and assessment criteria to make them consistent with D14 (E26.11.7.1(1)(d) and E26.11.7.2(1)(a)).

This is consistent with the policy approach which seeks to enable the functional and operational requirements of network utilities, and to allow development within regional volcanic viewshafts and height sensitive areas up to defined height limits.

In terms of scope, this will amend the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions.

In addition, the changes propose to:

- Introduce a standard similar to standard D14.6.2, so that consent is not required when a network utility in a volcanic viewshaft is not visible from the point of origin due to the presence of landform (E26.11.5.1(1A)); and
- Amend (A152) to correspond with this new standard; and
- Amend the incorrect reference to 'E26.5(1)' in E26.11.4(2).

Evaluating the proposal against its objectives

Table 6.6.8 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Not effective as discourages ongoing upgrading and maintenance required for network utilities in these areas. Also discourages the provision of new network utilities that may be required as electricity, telecommunications and water demand change.</p> <p>Not efficient as the consent path is unnecessarily restrictive for structures that are required for network utility networks to function efficiently.</p>	<p>Costly and unnecessary consent path remains in these areas for new network utilities that are less than 9m in height.</p> <p>A costly and unnecessary consent path also remains for those existing network utilities that need upgrading but infringe the 'minor upgrading' standards.</p> <p>Utility companies will be less inclined to maintain and upgrade existing utilities and install new utilities as demand and/or engineering requires, due to resource consent compliance costs. May lead to infrastructure that is inadequate or unsafe.</p>	<p>No plan change costs.</p> <p>Existing approach will continue, resource consents can be applied for and all effects can be considered.</p>

Options	Efficiency and effectiveness	Costs	Benefits
		Clash between different regulatory requirements continues (regarding the requirement to replace electricity poles within 3 months of being 'red flagged').	
Option 2: Amend the provisions so that some network utilities have a restricted discretionary activity consent path, that is similar to the D14 consent path for buildings in regional volcanic viewshafts and height sensitive areas	<p>Effective as provides for a reasonable scale of development, whilst protecting views of maunga. However some effects may not be able to be considered under the restricted discretionary criteria and for some activities the activity status is less restrictive than in 'normal' areas.</p> <p>Efficient as enables a streamlined consent path and reduced cost for upgrading of existing utilities and new network utility structures that are less than 9m in height.</p>	<p>It is likely that there will be less public participation regarding the location and form of network utility upgrading and new structures in regional volcanic viewshafts and height sensitive areas – however public notification will be arguably unnecessary in many cases.</p> <p>In some instances, a restricted discretionary consent path will be less restrictive than a similar consent path in 'normal' areas. For example, in a volcanic viewshaft, new above ground telecommunication and electricity lines less than 9m in height would be a restricted discretionary activity, rather than a discretionary activity in some 'normal' locations (Table E26.2.3.1 (A24), (A25), (A41)).</p> <p>Without cross references to appropriate assessment criteria that applies to 'normal' areas, the restricted discretionary assessment criteria</p>	<p>New network utility structures and proposed changes to existing structures that do not comply with minor upgrading standards, are enabled to a similar height (9 m) to which normal buildings are enabled in Chapter D14. Improves horizontal alignment with related D14 provisions.</p> <p>Costly and inconsistent consent path amended.</p> <p>The approach is consistent with council's case team evidence to the IHP.</p> <p>Utility companies more likely to invest in infrastructure in volcanic viewshafts and height sensitive areas. The increased costs associated with the current consent process will not be passed on to consumers.</p> <p>The change is low risk. Activities that are not permitted will be restricted discretionary (or non-complying as they are now). The effects on the surrounding environment are still subject to the notification standards in the RMA and will be assessed against appropriate restricted discretionary activity criteria. This includes</p>

Options	Efficiency and effectiveness	Costs	Benefits
		<p>would arguably not cover all potential effects of the utility structures (eg E26.2.7.1(1) Matters of discretion (d) noise and vibration (e) odour, (f) shadow flicker)).</p>	<p>the policies in D14 which specifically seek to avoid new buildings that exceed two storeys in the regional volcanic viewshafts and height sensitive areas.</p>
<p>Option 3: Amend the provisions so that some network utilities have a discretionary activity consent path rather than the current non-complying activity and compulsory public notification that applies to many utilities in regional volcanic viewshafts and height sensitive areas.</p> <p>(preferred option)</p>	<p>Effective as provides for a reasonable scale of development, whilst protecting views of maunga.</p> <p>Efficient as enables a streamlined consent path and reduced cost for upgrading of existing utilities and new network utility structures that are less than 9m in height.</p> <p>Achieves the following objectives:</p> <p>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</p> <p>E26.2.1(5) The resilience of infrastructure is improved and continuity of service is enabled.</p> <p>D14.2(1) The regionally significant views to and between Auckland's maunga are protected.</p> <p>Achieves the following policies:</p> <p>D14.3(4) Avoid new buildings or structures that intrude into volcanic viewshafts scheduled in Schedule 9 Volcanic Viewshafts Schedule, except:...</p> <p>(b) to allow development up to a two storey height to intrude into a volcanic</p>	<p>It is likely that there will be less public participation regarding the location and form of network utility upgrading and new structures in regional volcanic viewshafts and height sensitive areas – however public notification will be arguably unnecessary in many cases.</p> <p>The proposed discretionary activity status is a more restrictive activity status than exists in D14, which enables buildings up to 9m and fences up to 2.5m as restricted discretionary activities.</p> <p>For many new utilities, a discretionary activity will be a more restrictive activity status than exists in normal areas, which are often restricted discretionary activities. However this is considered appropriate in volcanic viewshafts and height sensitive areas which are 'higher value areas'.</p>	<p>New network utility structures and proposed changes to existing structures that do not comply with minor upgrading standards, are enabled to a similar height (9 m) to which normal buildings are enabled in Chapter D14. Improves horizontal alignment with related D14 provisions.</p> <p>Costly and inconsistent consent path amended.</p> <p>Utility companies more likely to invest in infrastructure in volcanic viewshafts and height sensitive areas. The increased costs associated with the current consent process will not be passed on to consumers.</p> <p>The change is low risk. Activities that are not permitted will be a discretionary activity (or non-complying as they are now). The effects on the surrounding environment are still subject to the notification standards in the RMA and will be assessed against appropriate objectives and policies and all effects will be considered. This includes the policies in D14 which specifically seek to avoid new buildings that exceed two storeys in the regional</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p>viewshaft, where any adverse effect of development is avoided or mitigated; or...</p> <p>(d) to allow the provision of infrastructure where there are particular functional or operational needs that necessitate a structure that penetrates the floor of a volcanic viewshaft, there is no reasonably practicable alternative and adverse effects of development are avoided or mitigated.</p> <p>D14.3(5) Avoid new buildings or structures that exceed two storeys in height in a height sensitive area, except where they would have no adverse effect on the visual integrity of any volcanic maunga to which that height sensitive area relates, as seen from any public place.</p>		<p>volcanic viewshafts and height sensitive areas.</p> <p>The proposed discretionary activity status is consistent with those existing activities that do not comply with upgrading standards in 'normal' areas and are discretionary activities (eg E26.2.5.3(1)(k) and masts and attached antennas Table E26.2.3.1 (A34)), or are new activities and are discretionary activities (eg above ground electricity and telcommunication lines Table E26.2.3.1 (A24), (A25), (A41)).</p> <p>Simple approach that provides for a consistent discretionary activity status for a range of different utilities that are not permitted or non-complying.</p>

Conclusion

Option 3 is preferred. The less restrictive consent regime enables utility providers to serve the community at a lower cost, is more consistent with the approach taken to buildings and structures in D14 and will still protect views of maunga.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.9 Vegetation management, coastal and riparian areas

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.3.3 Activity table E26.3.5.2 standards E26.3.7.1(1) matters of discretion E26.3.7.2(1) assessment criteria

Status quo and problem statement

The network utilities and electricity generation vegetation management rules in E26.3 have district plan and regional plan elements. The district plan elements include vegetation management rules in areas with outstanding natural features, high natural character, outstanding natural landscapes and outstanding natural character.

The regional plan elements include vegetation management rules in rural zones, 'coastal areas' and 'riparian margins', as well as significant ecological areas.

In E26.3, it is unclear what 'coastal areas' and 'riparian margins' mean.

Coastal areas

The term 'coastal areas' is used six times in E26.3 Vegetation management. These references are in the activity table, standards and assessment criteria.

E26 does not define 'coastal areas'. The first bullet point in E26.3.3 Activity table advises that the meaning is located in E15 Vegetation management and biodiversity.

E15 does not define this term either. Instead, (A20)-(A22) in Table E15.4.1 demonstrate what are considered to be 'coastal areas':

- (A20) - within 50m of mean high water springs in the Rural –Rural Production Zone, Rural – Mixed Rural Zone, Rural –Rural Coastal Zone, Rural –Rural Conservation Zone, Rural – Waitakere Ranges Zone and Rural – Countryside Living Zone or Future Urban Zone
- (A21) - within 20m of mean high water springs in all zones other than in a Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Waitakere Ranges Zone and Rural –Countryside Living Zone or Future Urban Zone
- (A22) - within: (a) a horizontal distance of 20m from the top of any cliff with; (b) a slope angle steeper than 1 in 3 (18 degrees); and (c) within 150m of mean high water springs.

In the Unitary Plan (Operative in Part) it was unclear which rules refer to 'coastal areas', as these areas are not specifically identified in Table E15.4.1 Activity table. However Plan Change 4 has made it clearer what 'coastal areas' means in E15 by adding a new '*Coastal areas (as described below)*' heading before activity table lines (A20)-(A22). However it is not immediately evident to E26 users that the E15 activity table is the place where the 'coastal area' meaning is located.

For ease and clarity of interpretation, how to find the meaning of 'coastal area' should be made clearer in E26. This also applies to the use of 'riparian margins'.

Riparian margins

There is also an issue with the use of ‘riparian margins’ in E26.3. ‘Riparian margins’ is defined in Chapter J Definitions as ‘*An area of land immediately adjacent to a permanent or intermittent river or stream*’.

However E15 refers to ‘riparian areas’, and the E26.3 vegetation management rules are based on E15. ‘Riparian areas’ are used in E15 because it includes areas near lakes and wetlands as well as streams.

It appears that E26.3 uses the term ‘riparian margins’ when it should refer to ‘riparian areas’.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend E26.3.3 Activity table to make the meaning of ‘coastal areas’ and ‘riparian margins’ clearer, and change the term ‘riparian margins’ to ‘riparian areas’

Amend wording in E26.3.3 Activity table, first bullet point, to make it clear that the geographical areas referred to as ‘coastal areas’ and ‘riparian areas’ can be understood by referring to E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules.

Amend the reference in E26.3.3 first bullet point from ‘riparian margins’ to ‘riparian areas’, to make the two chapters consistent. Amend four further references in Table E26.3.3.1 Activity table, E26.3.5 Standards and E26.3.7.1(1) matters of discretion and E26.3.7.2(1) assessment criteria.

Evaluating the proposal against its objectives

Table 6.6.8 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Not effective as E26.3 uses the wrong term and is difficult to understand. Not efficient as the plan lacks clarity.	Plan provisions remain unclear and do not achieve the plan’s objectives to control vegetation management in riparian areas.	No plan change costs.
Option 2: Amend E26.3.3 Activity table to make the meaning of ‘coastal areas’ and ‘riparian margins’ clearer, and change the	Effective in increasing the plan’s horizontal integration and clarity. Achieves the plan’s objectives to manage vegetation management in riparian areas.	Plan change costs. Cross reference to E15 is still required, which is time consuming.	Increases plan clarity - E26 users can more quickly find and understand the meaning of ‘coastal area’ and riparian area’.

Options	Efficiency and effectiveness	Costs	Benefits
term 'riparian margins' to 'riparian areas' <i>(preferred option)</i>	Efficient as easier for reader to understand the scope of the provisions. Achieves the following objectives: <i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i> <i>E15.2(1) Ecosystem services and indigenous biological diversity values, particularly in sensitive environments, and areas of contiguous indigenous vegetation cover, are maintained or enhanced while providing for appropriate subdivision, use and development.</i>		A cross reference is simpler than repeating the meaning of 'coastal areas' and riparian areas', as they apply in many different locations. Confusion between 'riparian margins' and 'riparian areas' is clarified.

Conclusion

Option 2 is preferred. It clarifies the terms and directs the reader to the correct meaning of the terms, without having to repeat the various meanings of 'coastal areas' and riparian areas' in E26. It also ensures that E26 applies to the same riparian areas as the E15 provisions do.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.10 Vegetation clearance for signs and traffic signals

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure E17 Trees in Roads
Specific provision/s	E26.4.5.1(2)(b)(i) E26.3.5.2(8)(a) E26.3.5.4(5)(a) E17.6.1(6)(b)(i)

Status quo and problem statement

Tree trimming or alteration in roads and open space zones are generally subject to standards. This limits the branch diameter and the percentage of live vegetation that can be removed, and protects the natural shape, form and branch habit of the vegetation (E26.4.5.1(1)). Standards also restrict vegetation alteration or removal in rural zones,

coastal areas, riparian margins, significant ecological areas and several overlays (E26.3.5.2, E26.3.5.4).

Auckland Transport is responsible for ensuring that trees and other vegetation located within and adjacent to the road reserve are trimmed to maintain sightlines for traffic safety.

The Council, Auckland Transport and their agents are not subject to the standards outlined above when vegetation alteration or removal or tree trimming is done to maintain the visibility of road safety signage, maintain vehicle sightlines and maintain legal clearance height and width in the road carriage way. In these circumstances different standards apply (E26.4.5.1(2)), E26.3.5.2(8), E26.3.5.4(5) and E17.6.1(6)).

Trimming up to 5.3m above the carriageway can be carried out:

- to maintain a clearance for road safety and directional signage located above the road carriageway (trees in roads and open space zones - E26.4.5.1(2)(b)(i) and trees in roads - E17.6.1(6)(b)(i)); or
- where there is an overhead road signage above the road carriageway (trees in rural zones, coastal areas, riparian margins and significant ecological areas - E26.3.5.2(8)(a) and trees in specific overlay areas - E26.3.5.4(5)(a)).

There are three problems with this approach:

1. For clearance reasons, signs located above the carriageway are likely to be higher than 5.3m. On safety grounds, it is unlikely that resource consent to clear vegetation from road safety and directional signage located above the carriageway will be refused. A limit for removal that is targeted to the sign height may be more efficient and effective;
2. The signs around which vegetation can be cleared are not consistent. Two standards enable clearance around 'road safety and directional signage', and two standards enable clearance around 'overhead road signage'. It is sensible to have the same references;
3. There is no permitted ability to trim vegetation around traffic signals. These are critical to a safe and efficient transport system and it is unlikely that resource consent for vegetation clearance to maintain the visibility of traffic signals would be refused.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Enable permitted trimming up to 0.5m above road safety and directional signage and traffic signals located above the road carriageway

- Amend the inconsistent references concerning vegetation management around signs above the carriageway. Provide for vegetation management around 'road safety and directional signage';

- Amend the permitted vegetation clearance from 5.3m in height to up to 0.5m above road safety and directional signage located above the road carriageway;
- Enable vegetation trimming up to 0.5m above traffic signals located above the road carriageway.

Evaluating the proposal against its objectives

Table 6.6.9 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Effective as maintains sufficient clearance between vegetation and signage and traffic signals so as to preserve their visibility.</p> <p>Less efficient as vegetation trimming around larger signs will require resource consent.</p>	Resource consent will be required to trim vegetation for signs and traffic signals located more than 5.3m above the carriageway. For safety reasons, these consents are unlikely to be refused.	<p>No plan change costs.</p> <p>Proposals to trim trees above 5.3m can be assessed according to a resource consent process. This could achieve better outcomes for vegetation management.</p>
<p>Option 2: Enable permitted trimming up to 0.5m above road safety and directional signage and traffic signals located above the road carriageway</p> <p><i>(preferred option)</i></p>	<p>Effective as maintains sufficient clearance between vegetation and signage and traffic signals above the carriageway, so as to preserve their visibility.</p> <p>Also efficient as vegetation trimming around larger signs will not require resource consent.</p> <p>Achieves the following objectives:</p> <p><i>E26.2.1(3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p> <p><i>E17.2(3) The safe and efficient development, maintenance, operation</i></p>	Proposals to trim trees above 5.3m can be assessed according to a resource consent process. This could achieve better outcomes for vegetation management.	<p>For safety reasons, resource consents to clear vegetation surrounding road safety and directional signs and traffic signals located above the carriageway to maintain visibility are unlikely to be refused.</p> <p>Vegetation removal that is targeted to sign height could have positive benefits for vegetation around lower signs.</p> <p>Notable trees are not subject to this standard (see E26.4.5.3).</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<i>and upgrading of the transport system and utilities is enabled while ensuring that the overall ecological and amenity values provided by trees in roads are maintained.</i>		

Conclusion

Option 2 is preferred. It maintains a vegetation clearance of 0.5m above signs and traffic signals above the carriageway, at a lower cost.

The proposed amendments can be found in this report at:

- Attachment A.5 – Infrastructure: and
- Attachment A.4 – Natural resources.

Theme 6.6.11 Traffic signal height in volcanic viewshafts & height sensitive areas

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.11.3.1 Activity table (A162) E26.11.5.1(7)(b)

Status quo and problem statement

The Unitary Plan limits traffic signals to 5.3m height in the Auckland War Memorial Museum Viewshaft overlay, Local Public Views overlay, and the Ridgeline overlay (E26.12.5.1(9)(b)).

In the matching provision in the volcanic viewshafts overlays and the height sensitive area overlay, the following structures are limited to a height of 5.3m (E26.11.5.1(7)(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’

Unlike the Auckland War Memorial Museum Viewshaft overlay and the other overlays, there is no specific mention of traffic signals in this list. It could come under ‘traffic safety and operational signals’ but this is not as clear as it could be.

Adding a specific reference to E26.11.5.1(7)(b) and E26.11.3.1 Activity table (A162) to include ‘traffic signals’ would make it clear that these structures are permitted activities up to 5.3m in the volcanic viewshafts overlays and the height sensitive area overlay.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Add references to ‘traffic signals’ in E26.11 (the volcanic viewshafts and height sensitive area section) to make it clear that these structures are permitted activities up to 5.3m

Evaluating the proposal against its objectives

Table 6.6.10 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Potential to be less effective if it is disputed that the provision applies to traffic signals.</p> <p>Less efficient as potential resource consents are required and plan not as clear as it could be.</p>	<p>Potentially unnecessary resource consents for traffic signals.</p> <p>Costs may discourage traffic signal installation and hinder a safe and efficient transport system.</p>	<p>May encourage more structures in visually sensitive areas.</p>
<p>Option 2: Add references to ‘traffic signals’ in E26.11 (the volcanic viewshafts overlays and the height sensitive area section) to make it clear that these structures are permitted activities up to 5.3m (preferred option)</p>	<p>Effective as provides for a safe and efficient transport system, whilst protecting values in these sensitive overlays.</p> <p>Efficient as enables traffic signals up to 5.3m as required, without a resource consent process.</p> <p>Achieves the following objectives:</p> <p><i>E26.2.1(3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.</i></p> <p><i>D14.3(4) Avoid new buildings or structures that intrude into volcanic viewshafts scheduled in Schedule 9 Volcanic Viewshafts Schedule, except...</i> <i>(d) to allow the provision of infrastructure where there are</i></p>	<p>May encourage more structures in visually sensitive areas – but the change is just making the current provisions clearer.</p>	<p>Makes it clear that traffic signals are permitted up to 5.3m in the volcanic viewshafts and height sensitive areas overlay.</p> <p>Enables traffic signals to be constructed where necessary for a safe and efficient transport system.</p> <p>Potential resource consent costs avoided.</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>particular functional or operational needs that necessitate a structure that penetrates the floor of a volcanic viewshaft, there is no reasonably practicable alternative and adverse effects of development are avoided or mitigated.</i></p> <p><i>E27.2(2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.</i></p>		

Conclusion

Option 2 is preferred. It makes it clear that traffic signals up to 5.3m in volcanic viewshafts and height sensitive areas are enabled.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.12 Auckland War Memorial Museum Viewshaft Overlay

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure D19 Auckland War Memorial Museum Viewshaft Overlay
Specific provision/s	E26.12.3 Activity table D19.4 Activity Table

Status quo and problem statement

The Auckland War Memorial Museum Viewshaft overlay protects significant views to and from the Auckland War Memorial Museum. Structures which infringe the viewshaft floor are a non-complying activity in D19.4.1 Activity table.

The relationship between network utilities and the viewshaft are addressed in E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays. Although the provisions do not apply to structures that do not infringe the viewshaft floor, in E26.12 there is no clear statement of this nature. The provision’s scope is confused by standards E26.12.5.1(6) and (7) which purport to allow minor utility structures and antennas and aerials in the viewshaft, but also state as part of the standard that those structures must not infringe the viewshaft floor. This could indicate that the rest of the provisions do apply to structures that do not infringe the viewshaft floor.

To avoid confusion, it should be clearer that the Auckland War Memorial Museum Viewshaft does not apply to structures that do not infringe the viewshaft floor.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Add statements to D19.4 and E26.12 to make it clear that the Auckland War Memorial Museum Viewshaft do not apply to structures that do not infringe the viewshaft floor

Add bullet points to E26.12.3 Activity table and to D19.4 Activity table to make it clear that the Auckland War Memorial Museum Viewshaft only applies to structures that penetrate 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.

Evaluating the proposal against its objectives

Table 6.6.11 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Effective as the policy approach supports an interpretation that the museum viewshaft provisions do not apply to structures unless they infringe the viewshaft floor.</p> <p>Less efficient as it may take plan users time to resolve any uncertainty about structures to which the viewshaft applies.</p>	Plan interpretation may be required to resolve any uncertainty about structures to which the viewshaft applies.	No plan change costs.
<p>Option 2: Add statements to D19.4 and E26.12 to make it clear that the Auckland War Memorial Museum Viewshaft do not apply to structures that do not infringe the viewshaft floor</p> <p><i>(preferred option)</i></p>	<p>Effective as makes it clear that the museum viewshaft provisions do not apply to structures unless they infringe the viewshaft floor.</p> <p>Efficient as it will reduce costs that may arise from confusion about the provisions' application.</p> <p>Achieves the following</p>	Standards E26.12.5.1(6) and (7) are repetitive in that they repeat the proposed addition to E26.12.3 Activity table.	Makes it clear that the provisions do not seek to control structures below the viewshaft floor.

Options	Efficiency and effectiveness	Costs	Benefits
	<p>infrastructure objectives:</p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p> <p><i>D19.2(1) Significant views to and from the Auckland War Memorial Museum are protected.</i></p>		

Conclusion

Option 2 is preferred. The proposed changes make it clear that the viewshaft only applies to structures that penetrate 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.

The proposed amendments can be found in this report at:

- Attachment A.5 – Infrastructure: and
- Attachment A.2 - Historic heritage .

Theme 6.6.13 Depth of earthworks

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	<p>E26.6.5.2(3)</p> <p>E26.6.5.2(16)</p> <p>E26.6.5.2(17)(c)</p> <p>E26.7.5.2(3)</p>

Status quo and problem statement

In several overlays, earthworks for the minor upgrading of road network activities have standards limiting earthworks excavation depth:

- in the Significant Ecological Areas overlay and Water Supply Management overlay (E26.6.5.2(3));
- in the Outstanding Natural Features overlay (E26.7.5.2(3));
- in other overlays (E26.6.5.2(16)).

The drafting of these provisions states that: *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.

This provision is poorly drafted. The exclusion ‘*where the excavation is less than 10m² and 5m³ in volume*’ is placed after the two limitations on earthwork depth (0.6m or depth previously disturbed). Consequently, it is unclear whether the exclusion is supposed to apply to both of the limitations on earthworks depth or just the latter limitation about depth previously disturbed.

The wording is intended to apply to both limitations, so that the standard does not have a depth limit when the excavation does not exceed 10m² or 5m³.

This is consistent with the absence of a depth limit for other network utilities in these overlay areas, where the earthworks is less than 10m² and 5m³ (eg E26.6.5.2(2)).

In addition, earthworks within the Historic Heritage overlay are limited to 0.6m in standards E26.6.5.2(16) and E26.6.5.2(17)(c). The only aspect of historic heritage that needs to be protected against earthworks deeper than 0.6m is archaeological heritage. Where the earthworks will take place in an area where archaeological controls apply, Activity table E26.6.3.1 requires a restricted discretionary consent. The blanket 0.6m depth limitation in the Historic Heritage Overlay is unnecessary.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend provisions:

- to make it clear that no depth limit applies to the minor upgrading of road network activities where the excavation does not exceed 10m² and 5m³;
 - in the Significant Ecological Areas overlay and Water Supply Management overlay (E26.6.5.2(3));
 - in the Outstanding Natural Features overlay (E26.7.5.2(3));
 - in other overlays (E26.6.5.2(16)); and
- to remove the 0.6m excavation depth limit for earthworks within the Historic Heritage Overlay (E26.6.5.2(16) and (17)(c)).

Evaluating the proposal against its objectives

Table 6.6.12 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Effective as enables small earthwork areas for	Unnecessary resource consent costs.	No plan change costs.

Options	Efficiency and effectiveness	Costs	Benefits
	<p>minor upgrading of road network activities in areas that are likely to have already been disturbed, albeit through a resource consent process.</p> <p>Less efficient as small earthworks in the road reserve that are deeper than 0.6m or the depth already disturbed, or earthworks in the Historic Heritage Overlay that do not have archaeological features, will require a resource consent.</p>	<p>Unnecessary duplication of regulatory provisions.</p>	
<p>Option 2: Amend provisions to make it clear that no depth limit applies to the minor upgrading of road network activities where the excavation does not exceed 10m² and 5m³, and remove the 0.6m depth limit for earthworks within the Historic Heritage Overlay</p> <p><i>(preferred option)</i></p>	<p>Effective as enables small earthwork areas for minor upgrading of road network activities, in areas which are likely to already have been disturbed.</p> <p>The removal of the excavation depth limit of 0.6m is also effective as heritage places are subject to additional archaeological controls (schedule 14.1) and still require a restricted discretionary activity resource consent for any excavation.</p> <p>Efficient as enables small earthwork areas in the road reserve to proceed without unnecessary resource consents.</p> <p>The removal of the excavation depth limit of 0.6m in the Historic Heritage Overlay is also efficient as unnecessary resource consents are avoided.</p> <p>Achieves the following objectives:</p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and</i></p>	<p>Plan change costs.</p>	<p>Small earthwork areas in the road reserve are unlikely to adversely affect the values protected by each overlay. The area is likely to have already been disturbed. Consequently, a depth limit is not required in these small areas.</p> <p>Consistent with approach taken to small excavations for other network utilities in the road (less than 10m² or 5m³ eg in E26.6.5.2(2)).</p> <p>Accidental discovery protocols cover archaeological finds, where a restricted discretionary consent would be required. In addition, in the historic heritage overlay earthworks are a restricted discretionary activity where archaeological heritage applies.</p> <p>Removes unnecessary duplication of Historic Heritage provisions.</p> <p>Allows installation of lighting poles and sign</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p> <p><i>D17.2(3) Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is enabled.</i></p>		<p>posts, many of which would require holes deeper than 0.6m.</p> <p>Clarifies plan provisions.</p>

Conclusion

Option 2 is preferred. Small earthwork areas in the road reserve that include depths greater than 0.6m or the depth already disturbed are unlikely to adversely affect the values protected by each overlay. Earthworks within archaeological areas within the Historic Heritage overlay are already protected by the requirement for a restricted discretionary activity. In addition, the proposed amendment ensures consistent treatment of all network utilities in the road reserve for small earthwork areas.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.14 Earthworks within the historic heritage overlay

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.6.5.2(17)(a)

Status quo and problem statement

Standard E26.6.5.2(17)(a) states that earthworks for network utilities within the Historic Heritage Overlay must not take place within 20m of a building or structure within a scheduled historic heritage place, except for renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels.

The wording of E26.6.5.2(17)(a) is incorrect. The standard seeks to enable earthworks for the minor upgrading of road network activities that have minor effects. However the wording means that earthworks for the minor upgrading of bridges, retaining walls and tunnels are permitted within 20m of a building or structure within a scheduled historic heritage place, but earthworks for footpaths are not permitted. This is clearly incorrect as earthworks for the

renewal or minor upgrading of bridges, retaining walls and tunnels will have greater effects than footpaths.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend E26.6.5.2(17)(a) so that earthworks for network utilities within the Historic Heritage overlay must not take place within 20m of any building or structure within a scheduled historic heritage place, except for road maintenance, repair, renewal and minor upgrading of road network activities. Make it clear that this exclusion does not apply to repair, renewal and minor upgrading of bridges, retaining walls and tunnels.

Evaluating the proposal against its objectives

Table 6.6.13 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Not effective as footpath resealing would require consent in the Historic Heritage overlay within 20m of a scheduled building or structure, but bridges, retaining walls and tunnels would not. Not efficient as the approach would cause confusion, require unnecessary consents for some things and undermine confidence in the plan.	The adverse effects of earthworks for road maintenance, repair, renewal and minor upgrading of road network activities within the Historic Heritage overlay are not sensibly regulated.	No plan change costs.
Option 2: Allow earthworks in the Historic Heritage overlay for minor upgrading of road network activities within 20m of any building or structure within a scheduled historic heritage place. Do not allow	Effective as the proposed change enables earthworks for minor upgrading of road network activities from resource consents when within the historic heritage overlay, except for the road network activities that have the greatest potential adverse effects – bridges, retaining walls and tunnels. Enabling earthworks for the upgrading of road network activities is efficient as road network activities are the most common works that take place within the road. Achieves the following	Other utility providers are still subject to a resource consent process when proposing earthworks in the historic heritage overlay.	Road network activities are the most common works within the road, but earthworks for road maintenance, repair, renewal and minor upgrading of road network activities are unlikely to have adverse effects on historic heritage values. Minor upgrading of road pavement in the Historic Heritage overlay is subject to a vibration management plan standard, which help will avoid damage to historic heritage buildings and structures.

Options	Efficiency and effectiveness	Costs	Benefits
earthworks for repair, renewal or minor upgrading of bridges, retaining walls or tunnels. (preferred option)	objectives: <i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i> <i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i>		Bridges, retaining walls and tunnels will have greater effects than, for example, footpath or pavement resealing and consent for the former structures is appropriately required. The proposed amendment corrects the perverse outcome in the plan, whereby the greater potential effects of earthworks for upgrading of bridges, retaining walls and tunnels do not require consent and earthworks for minor upgrading of footpath and pavement resealing do require consent.

Conclusion

Option 2 is preferred. It corrects the perverse outcome currently in the plan and enables earthworks for commonly undertaken road network activities in the Historic Heritage overlay, except for those road network activities that have the greatest potential effects.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.15 Works near the Historic Heritage Overlay

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.2.5.4(4)

Status quo and problem statement

The renewal or minor upgrading of road pavement, bridges, retaining walls and tunnels within the Historic Heritage Overlay are required to prepare a vibration management plan (**VMP**) to ensure that vibration effects on buildings or structures will be appropriate (E26.8.5.1(5)). The VMP must meet the special information requirements contained in E26.8.8. As the standard is currently written, the proposed works must be within the Historic Heritage Overlay to trigger the preparation of the VMP.

Road network activities within the road reserve can take place directly adjacent or in close proximity to buildings within a scheduled historic heritage place, despite not being within an area covered by the Historic Heritage Overlay. In the past it has sometimes been difficult to ensure that proposed works consider potential vibration effects on scheduled historic buildings. Establishing a clear link between potential vibration effects and road network activities that create vibration and are proximate to scheduled historic heritage buildings would help to ensure that the methodology for proposed works considers and minimises adverse vibration effects.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Add new standard to require road network activities involving the construction, renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels located within 20m of the primary feature of a scheduled historic heritage place to prepare a VMP (E26.2.5.4(4)).

The VMP will need to be prepared according to E26.8.8 Special information requirements and will need to demonstrate that the effects of vibration on scheduled heritage buildings comply with E25.6.30 (1)(a) German Industrial Standard DIN 4150-3(1999):Structural vibration – Part 3 Effects of vibration on structures.

Evaluating the proposal against its objectives

Table 6.6.14 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less effective as the general vibration rule may not be sufficiently addressed in all applications. Potentially less efficient if vibration is not considered and damage to heritage buildings ensues.	The proposed change may be unnecessary as it is likely that the vibration effects for the majority of road network activities on scheduled historic heritage will be considered as part of the E30 general vibration standard.	Does not duplicate standards. No plan change costs.
Option 2: Add new standard to require vibration creating road network activities located within	Effective as ensures that vibration effects of road network activities on the primary feature within a scheduled historic heritage place are considered when proposing works. Will ensure that inappropriate adverse vibration effects are	There is no VMP requirement for other network utilities located within 20m of a scheduled building and structure, some of which will be permitted activities. Road	Road network activities are the majority of the works in the road reserve, so this captures the majority of potential vibration effects on scheduled heritage buildings.

Options	Efficiency and effectiveness	Costs	Benefits
<p>20m of the primary feature of a scheduled historic heritage place to prepare a VMP (E26.2.5.4(4))</p> <p><i>(preferred option)</i></p>	<p>avoided.</p> <p>Could be less efficient as could increase development costs - a VMP demonstrating compliance with E25.6.30 will be required to avoid the need for a restricted discretionary activity resource consent. However vibration needs to be controlled according to E25.6.30 regardless and the plan detail can be tailored to ensure proportionality with the scale of the works. The input of a vibration expert will not always be required.</p> <p>Achieves the following objectives:</p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>	<p>network utilities are arguably being inconsistently targeted.</p> <p>E25.6.30 applies regardless of whether the new provision applies, so vibration effects should be considered regardless. However there is value in explicitly requiring consideration of vibration on scheduled historic buildings.</p> <p>Not all primary features of Category B historic heritage places have been identified. Until such time as the primary feature of a Category B place has been identified, all features within the extent of place will be considered a primary feature. This could add unnecessary costs to some road network activities, although if the building or structure is not important the detail of the VMP will reflect this.</p>	<p>The special information requirements in E26.8.8 do not require a vibration expert if the works are small scale and the contractor is familiar with their equipment specifications. The VMP can be tailored to the scale of the proposed works and potential effects.</p>

Conclusion

Option 2 is preferred. This codifies a process which needs to be addressed as part of planning road network activities. Although it will lead to more preparation work for road network activities, this is considered appropriate to ensure that vibration effects on primary features of scheduled historic heritage places are considered and that relevant standards are met.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.16 Pumping stations

Chapter of the AUP	Chapter E Auckland-wide
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Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.2.3.1 Activity table (A51A) E26.2.5.5(2) controlled activity standards E26.2.6 controlled activity assessment criteria E26.2.7 restricted discretionary activity assessment criteria

Status quo and problem statement

Water, wastewater and stormwater pumping stations are a permitted activity. However the standards restrict the size of the pumping stations to 20m² in residential zones and 30m² in other zones, and a height of 2.5m (E26.2.5.2(2) and (3)).

Most Watercare pumping stations will exceed this footprint, so a restricted discretionary activity will be required.

Substations are also subject to these size limits. There is a separate rule however that provides for larger substations that are located within new buildings. If these structures comply with the development controls of the relevant zone, they are ((A18) and E26.2.5.2(2)):

- a permitted activity in some zones;
- a controlled activity in residential zones; and
- a restricted discretionary activity in most business and open space zones.

Controlled and restricted discretionary assessment criteria for substations within new buildings include reference to building design and architectural features.

Watercare pumping stations that exceed a footprint of 20m² or 30m² will require a restricted discretionary activity resource consent. Given the similar effects that will arise from the two different structures, a similar consent path for pumping stations as applies to substations within new buildings may be appropriate.

Note – pumping stations within the road reserve are subject to different standards with smaller size limits.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Provide for pumping stations in zones that exceed permitted activity standards to have a similar consent path to substations within buildings

Implement Option 2 by amending the following provisions:

- Add new rule to specifically provide for pumping stations that exceed the permitted activity footprint or height (A51A);

- Add new controlled activity standards for pumping stations in residential zones (E26.2.5.5(2));
- Add new controlled activity matters of discretion and assessment criteria for pumping stations in residential zones, including design and assessment criteria (E26.2.6); and
- Add new restricted discretionary activity matters of discretion and assessment criteria for pumping stations in centre and open space zones, including design and assessment criteria (E26.2.7).

Evaluating the proposal against its objectives

Table 6.6.15 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Effective as the status quo does provide for larger pumping stations to occur, subject to resource consent.</p> <p>Less efficient as a restricted discretionary activity resource consent in residential zones is required for pumping stations that infringe the current size limits.</p>	The status quo does not enable larger pumping stations in residential zones.	<p>No plan change costs.</p> <p>Retains a similar consent path to other network utility structures.</p>
<p>Option 2: Provide for pumping stations in zones that exceed permitted activity standards to have a similar consent path to substations within buildings</p> <p><i>(preferred option)</i></p>	<p>Utility objectives seek to enable functionality of infrastructure, whilst managing adverse effects. The change is effective as it enables pumping stations in a similar way to substations within buildings, but ensures that the design features of the pumping station will be taken into account.</p> <p>Avoids the need for resource consents in zones where design is less important, and provides a bespoke consenting path for those zones where design is more important.</p> <p>Achieves the following infrastructure objectives:</p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse</i></p>	<p>The activity of a substation within a building will arguably be more able than a pumping station to meet design expectations in sensitive zones.</p> <p>Other network utilities may seek similarly permissive rules.</p> <p>In terms of enabling pumping stations, the proposed change is useful only for larger pumping stations in residential zones. These would be a controlled activity rather than a restricted discretionary activity for a pumping station that exceeds permitted standards. This is not a significantly different consent path given</p>	<p>Easier and bespoke resource consenting process for a relatively common structure.</p> <p>Similar structures are treated using a similar consent path.</p> <p>Consent for larger pumping stations not required in zones where design expectations are lower.</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<i>effects of infrastructure are avoided, remedied or mitigated.</i>	the plan change costs involved.	

Conclusion

Option 2 is preferred. This achieves an appropriate balance between enabling utility infrastructure, whilst avoiding or mitigating adverse effects of pumping stations in more sensitive zones (residential, open space and many business zones).

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.17 Activity table and height sensitive areas

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.11.3.1 Activity table

Status quo and problem statement

E26.11.3.1 Activity table sets the activity status for network utilities in volcanic viewshafts and height sensitive areas. The third line of the activity table states that the table applies to volcanic view shafts. It does not explicitly say that the table also applies to height sensitive areas, despite height sensitive areas clearly being a subject of the table.

Due to this omission, it has been argued that the table should not apply to height sensitive areas, despite the activity table's clear intention.

This has created uncertainty during consent processes.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend the third line of Activity table E26.11.3.1 to make it clear that the table applies to height sensitive areas as well as volcanic viewshafts

Evaluating the proposal against its objectives

Table 6.6.16 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Not effective or efficient as the activity table’s scope remains unclear.	Plan provisions remain slightly unclear.	No plan change costs
Option 2: Amend the third line of Activity table E26.11.3.1 to make it clear that the table applies to height sensitive areas as well as volcanic viewshafts <i>(preferred option)</i>	Effective as reinforces activity table’s clear intention. Efficient as increases clarity of provisions. The proposal appropriately clarifies the provisions so as to achieve objective E26.2.1(8): <i>Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i>	Plan change costs.	Increases plan clarity. Decreases potential costs of confusion during resource consent process.

Conclusion

Option 2 is preferred. It makes it clear that Activity table E26.11.3.1 applies to height sensitive areas, as well as volcanic viewshafts.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.18 Infrastructure regional and district rules

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.2.3 Activity table

Status quo and problem statement

The first paragraph of E26.2.3.1 Activity table states that the 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 RMA.

The reference to s9(2) means that Table E26.2.3.1 contains regional rules, as well as the district rules established by the reference to s9(3). Other tables in E26 that have both regional and district plan rules specifically identify in the table which rules have regional functions. Table E26.2.3.1 doesn’t do this.

In addition, it is not apparent that there are any regional rules in Table E26.2.3.1. Nor do the standards that apply to the table appear to have any regional elements to them.

This could technically require regional consents for applications when such consents are not anticipated.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Delete reference to s9(2) in the first paragraph of E26.2.3 Activity table.

This clarifies that Table E26.2.3.1 only contains district rules.

Evaluating the proposal against its objectives

Table 6.6.17 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less effective and efficient than Option 2.	Confusion about whether regional consents are required will remain.	No plan change costs.
Option 2: Delete reference to s9(2) in the first paragraph of E26.2.3.1 Activity table. <i>(preferred option)</i>	Effective as the table only contains district rules. Efficient as increases clarity of provisions. Achieves Objective E26.2.1(4): <i>Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i>	Plan change costs.	Increases plan clarity. No confusion between regional and district consent requirements - this clarifies that Table E26.2.3.1 only contains district rules. Corrects apparent error.

Conclusion

Option 2 is preferred. It appropriately clarifies that regional consents are not required for rules in Activity table E26.2.3.1.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.19 National Grid Corridor Overlay

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	D26 National Grid Corridor Overlay
Specific provision/s	D26.1 Overlay description D26.4 Activity table

Status quo and problem statement

The National Grid Corridor overlay applies to areas surrounding the National Grid. This includes areas around high voltage transmission lines and substations that are owned by Transpower.

On occasion transmission lines are undergrounded or moved, or substations are removed or altered in size. This often results in the National Grid Corridor overlay applying to an area where it is no longer required. The overlay area would then be unnecessarily restricting landowners' property rights. Removing the overlay when it is no longer applicable is positive for landowners.

A plan change is currently required to remove this overlay area. It would be preferable if this could be done automatically, in a similar way as when land is vested or dedicated as a road (E26.2.3(3)), or when a road is stopped (E26.2.3(4)). A plan change process is slower and is likely to only happen occasionally.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend D26.1 and D26.4 so that the corridor overlay can automatically be removed in certain circumstances

Amend D26.1 and D26.4 so that the corridor overlay can automatically be removed from land when a transmission line or substation is moved or altered, and the corridor overlay is no longer required to apply to a particular location.

The proposal requires that Transpower's written consent to remove the change is required for the automatic update to proceed.

This process will not be used if the corridor overlay needs to be applied to new areas because of the move or alteration. A plan change will still be required in this situation, because applying the overlay to land will restrict property owners' rights.

Evaluating the proposal against its objectives

Table 6.6.18 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less effective and efficient than Option 2.	The National Grid Corridor Overlay will restrict property owners' rights for	No plan change costs.

Options	Efficiency and effectiveness	Costs	Benefits
		longer than is necessary.	
Option 2: Amend D26.1 and D26.4 so that the corridor overlay can automatically be removed in certain circumstances <i>(preferred option)</i>	<p>Achieves outcome of removing planning restrictions if they are no longer required.</p> <p>Efficient way to achieve the outcome as does not have to go through the normal Schedule 1 plan change process.</p> <p>Achieves Objective D26.2(1) as the land from which the overlay is removed will not compromise the National Grid: <i>The efficient development, operation, maintenance and upgrading of the National Grid is not compromised by subdivision, use and development.</i></p> <p>It also achieves Objective E26.2.1(7): <i>The national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance, repairs, upgrading and removal is enabled.</i></p>	Plan change costs.	<p>The corridor overlay restricts property rights and can automatically be removed in appropriate circumstances.</p> <p>Transpower's written consent will be required for the automatic update, so the risk of removing overlay areas that are still required is low.</p> <p>Where new areas are not required, an automatic update is the most efficient method to change the plan.</p> <p>Sometimes the corridor overlay needs to apply to new areas. This addition and the removal of the existing areas could be done at the same time. However this is done on an intermittent basis and an automatic change is preferable to immediately remove the existing corridor area.</p>

Conclusion

Option 2 is preferred. It achieves the same anticipated outcome as a plan change process, but in a more timely and efficient way.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.20 Vegetation management – regional and district functions

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure E15 Vegetation management and biodiversity
Specific provision/s	E26.3.7.1 Matters of discretion

Status quo and problem statement

E26.3 addresses network utilities and vegetation management. Both regional and district rules apply to vegetation management. The regional rules include vegetation management in rural zones, coastal areas, riparian margins and the Significant Ecological Areas Overlay. The district rules include vegetation management in overlays relating to outstanding natural features, outstanding natural landscapes, high natural character and outstanding natural character.

The assessment criteria for both the regional rules and district rules are adapted from E15 Vegetation management and biodiversity.

The assessment matters in E15 are not split into criteria for regional and district rules. They have been in E26. Some assessment matters apply to both regional plan and district plan matters. The assessment matters for ecological values, and sediment, water quality and hydrology have been applied only to the regional rules. This makes sense as they are regional plan matters under the Unitary Plan.

There are also some assessment matters that are only applied to the district rules. These are hazard mitigation, landscape, natural features and natural character values, and amenity values.

Hazard mitigation is both a regional function under S30(1)(c)(iv) and a district function under S31(1)(b)(i). There should be a reference to hazard mitigation in the matters of discretion and assessment criteria relating to regional rules (vegetation removal in rural zones, coastal areas, riparian margins and the Significant Ecological Areas overlay).

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend the matters of discretion and assessment criteria to include hazard mitigation in the regional matters of discretion and assessment criteria for regional rules

Amend E26.3.7.1 and 2 to copy the hazard mitigation matter of discretion and assessment criterion from the district plan assessment matters and place them in the regional plan assessment matters as well (new E26.3.7.1(1)(aa) and E26.3.7.2(1)(aa)).

Evaluating the proposal against its objectives***Table 6.6.19 – Summary of analysis under section 32(2) of the Act***

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less effective than Option 2 as all relevant assessment matters for regional plan vegetation alteration and removal applications cannot be considered.	The gap regarding assessment of hazard mitigation in regional plan vegetation alteration and removal applications will remain.	No plan change costs
Option 2: Amend the matters of discretion and assessment criteria to include hazard mitigation in the regional matters of discretion and assessment criteria for regional rules <i>(preferred option)</i>	<p>Ensures that regional plan applications for vegetation alteration or removal are assessed against all relevant assessment criteria matters.</p> <p>Will cost more for applicants to address these effects but it will be part of an existing resource consent process. Additional cost will be commensurate with the positive effects that are being managed.</p> <p>The proposal appropriately clarifies the provisions so as to achieve objectives:</p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p> <p><i>E15.3(7) Manage any adverse effects from the use, maintenance, upgrading and development of infrastructure in accordance with the policies in E15.3, recognising that it is not always practicable to locate or design infrastructure to avoid areas with indigenous biodiversity values.</i></p>	<p>Additional costs in resource consent process.</p> <p>Additional matters for vegetation alteration and removal in some areas limits to vegetation alteration or removal in some areas (eg significant ecological areas, coastal areas, riparian areas and rural areas).</p> <p>Plan change costs.</p>	<p>Gaps in current assessment matters are resolved – hazard mitigation can be appropriately assessed.</p> <p>All relevant matters can be assessed as part of a regional plan application for vegetation alteration or removal.</p>

Conclusion

Option 2 is preferred. It is a simple change that resolves the inability to consider hazard mitigation as part of a regional consent application for vegetation alteration or removal.

The proposed amendment can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.21 Infrastructure – Policy alignment

Chapter of the AUP	E Auckland-wide
Sub-section of the AUP	Chapter E26 Infrastructure
Specific provision/s	Policy E26.2.2(7)

Status quo and problem statement

Regional Policy Statement objective B3.2.1(3) is as follows:

‘Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:

(a) the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;...(emphasis added).**

The regional policy that implements this objective is policy B3.2.2(6). The policy enables the development, operation, maintenance and upgrading of infrastructure in certain ‘high value areas’ including natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character. These are the same ‘high value areas’ as in objective B3.2.1(3). The policy also seeks to avoid adverse effects on these areas, where practicable.

This regional objective and this regional policy is in part given effect to in the regional and district plans by objectives and policies in E26 Infrastructure. In particular, how adverse effects of infrastructure are addressed in the ‘high value areas’ are dealt with in policies E26.2.2(6) and (7).

E26.2.2(6) requires new infrastructure to consider a number of matters when it is proposed in the same high value areas as identified in the regional objective and policy.

E26.2.2(7) enables the operation and repair of existing infrastructure in the following high value areas: natural heritage, historic heritage, historic character and Mana Whenua cultural heritage overlays. The high value areas outlined in this policy are not consistent with those in the regional objective and policy. E26.2.2(7) doesn’t include reference to natural resources or the coastal environment. In addition, the policy refers to ‘historic character’ rather than ‘special character’ and to ‘Mana Whenua cultural heritage overlays’ rather than just ‘Mana Whenua’.

It is unclear why this policy does not consider the same ‘high value areas’ as the matching regional objective and policy and the matching regional plan and district plan policy for new infrastructure (E26.2.2(6)). S67 and S75 of the RMA state that regional and district plans must ‘give effect to’ a regional policy statement. This is a strong directive. E26.2.2(7) does not give effect to the regional policy statement because it does not guide the operation and repair of existing infrastructure in natural resources or coastal environment areas. In addition, the policy creates confusion because it incorrectly references ‘historic character’ (instead of special character) and uses ‘Mana Whenua cultural heritage overlays’ instead of ‘Mana Whenua’.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option One – Status quo – no change.

Option Two – Amend policy E26.2.2(7) to match the references to ‘natural resources’, ‘coastal environment’ and special character to the corresponding regional policy statement objective B3.2.1(3) and policy B3.2.2(6) and regional plan and district plan policy E26.2.2(6)

Add the following ‘high value areas’ to policy E26.2.2(7):

- Natural resources; and
- Coastal environment.

Amend the following references:

- Change ‘historic character’ to ‘special character’.

Do not change ‘Mana Whenua cultural heritage overlays’ to ‘Mana Whenua’ as the reference to ‘Mana Whenua’ is potentially less appropriate than the reference to ‘Mana Whenua cultural heritage overlays’ or a similar term. Amending the reference is potentially outside the scope of this plan change if it would be more appropriate to amend the use of ‘Mana Whenua’ in the RPS objectives and policies. The appropriateness of the policy E26.2.2(7) reference to ‘Mana Whenua cultural heritage overlays’ or the ‘Mana Whenua’ reference in the RPS and regional and district plan policies will have to be evaluated in a future plan change.

Evaluating the proposal against its objectives

Table 6.6.20 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option One: Status quo – no change	Less effective and efficient than Option Two.	The regional plan and district plan policies do not give effect to the regional policy statement in regards to adverse effects of the operation and maintenance of infrastructure. The vertical alignment between the documents is poor. The plan does not provide guidance about adverse effects of the operation and maintenance of infrastructure in natural resources and coastal	No plan change costs.

Options	Efficiency and effectiveness	Costs	Benefits
		<p>environment areas. This may create confusion for some resource consent applications.</p> <p>The plan incorrectly refers to 'historic character', when the correct term is 'special character'.</p>	
<p>Option Two: Amend policy E26.2.2(7) to match the references to 'natural resources', 'coastal environment' and special character to the corresponding regional policy statement objective B3.2.1(3) and policy B3.2.2(6) and regional plan and district plan policy E26.2.2(6)</p> <p>(preferred option)</p>	<p>Efficient as increases clarity and vertical alignment of provisions through a simple change.</p> <p>Effective as ensures that the regional and district policies vertically align and give effect to the regional policy statement objectives and policies to a greater degree.</p> <p>The proposal appropriately clarifies policy E26.2.2(7) so as to achieve objectives:</p> <p><i>B3.2.1(3) Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:</i> <i>(a) the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;...</i></p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p>	<p>Plan change costs.</p> <p>Does not address the discrepancy between the use of 'Mana Whenua' and 'Mana Whenua cultural heritage overlays' (due to plan change scope issues)</p>	<p>There is greater vertical alignment between the regional plan and the regional policy statement in regards to the adverse effects of the operation and maintenance of infrastructure.</p> <p>The plan provides regional plan and district plan guidance about the adverse effects of the operation and maintenance of infrastructure in natural resources and coastal environment areas.</p> <p>Corrects an error in the way that the policy refers to special character.</p>

Conclusion

Option Two is preferred. It is a simple change that increases vertical alignment between the regional and district plan provisions and the corresponding regional objectives and policies.

The proposed amendments to the AUP can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.22 Vegetation management – existing infrastructure in significant ecological areas

Chapter of the AUP	E Auckland-wide
Sub-section of the AUP	Chapter E26 Infrastructure
Specific provision/s	Vegetation alteration or removal standards E26.3.5.2(2), E26.3.5.2(7)

Status quo and problem statement

Many network utilities traverse SEAs. For example, Watercare has approximately 301km of pipes in SEAs. Table E26.3.3.1 (A76) allows vegetation alteration and removal within SEAs as a permitted activity, for the purposes of both existing and new infrastructure. The standards that apply are in E26.3.5.2 Vegetation alteration and removal. E26.3.5.2(2) allows the removal of up to 20m² of vegetation in an SEA for network utility purposes, but E26.3.5.2(7) only allows this in certain locations and for the purpose of maintaining the safety of the network utility. This indicates that permitted vegetation alteration and removal in SEAs only applies to the operation and maintenance existing utilities for safety purposes. It is unclear what the ‘safety’ of the network utility means.

It is arguably inefficient for utility providers that need to maintain their assets to have to obtain consent to trim or remove vegetation within SEAs, if the vegetation area is immediately adjacent to those assets or will be less than 20m². The effects of vegetation alteration and removal within SEAs will have been considered at the time the utility was consented or the location of those assets will predate the SEA classification.

Policy approach

Regional policy statement policy B7.2.2(5) seeks to avoid adverse effects on SEAs. Regional policy statement policy B3.2.2(6) enables the development, operation, maintenance and upgrading of infrastructure in SEAs, while ensuring that adverse effects are avoided where practicable or otherwise remedied or mitigated.

In regards to SEA regional plan and district plan policies, policy D9.3(5) enables vegetation management activities in SEAs, to provide for the reasonable use and management of land. This would include existing infrastructure:

‘Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land: ...

(d) vegetation removal required to maintain lawfully established activities, structures and buildings...’

In regards to infrastructure within SEAs, policy E26.2.2(7) enables the use and operation of existing infrastructure. It is noted however that at this point in time E26.2.2(7) doesn’t specifically apply to ‘natural resources’, of which SEAs are a part. The corresponding RPS policy B3.2.2(6) does however apply to natural resources including SEAs.

Given the policy approach largely seeks to enable operation and maintenance of existing structures within SEAs, it is questionable whether the vertical alignment between policies, rules and standards is correct when the plan does not adequately enable vegetation alteration and removal within an SEA to operate and maintain existing infrastructure.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option One – Status quo – no change.

Option Two – Amend standard E26.3.5.2 (2) and (7) so that limited vegetation alteration and removal within SEAs is a permitted activity for the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading

- For the purposes of operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading, permit vegetation alteration and removal:
 - up to 20m² within an SEA; or
 - for unlimited clearance within an SEA within roads, within 1m of the network utility or access track, or in accordance with the Electricity (Hazards from Trees) Regulations 2003; and
- For unlimited clearance within state highway designations and railway designations, for the purposes of maintaining the safety of the network utility;

The proposed vegetation alteration and removal would not enable the removal of trees over 6m in height or 600mm in girth.

Evaluating the proposal against its objectives

Table 6.6.21 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option One: Status quo – no change	Less efficient than Option Two as unnecessary resource consents are required. Does not effectively achieve objectives to enable operation and maintenance of infrastructure. Effectively protects SEA vegetation and habitats, but may be less effective in encouraging maintenance of network utilities due to costs of compliance.	There is a lack of vertical alignment between the objectives and policies and rules and standards. Utility providers will have to obtain resource consents to trim vegetation in SEAs, unless it is for 'safety' purposes and it is less than 20m ² . This is problematic for linear assets that traverse SEAs. Some	No plan change costs. A resource consent process could more effectively protect vegetation habitat.

Options	Efficiency and effectiveness	Costs	Benefits
		<p>vegetation clearance will inevitably be required for maintenance purposes.</p> <p>Resource consents to clear vegetation for the purposes of operation and maintenance of utilities will rarely be declined.</p> <p>The provisions lack clarity as it is unclear what 'maintaining the safety' of network utilities means for many network utilities.</p>	
<p>Option Two: Amend standard E26.3.5.2 (2) and (7) so that limited vegetation alteration and removal within SEAs is a permitted activity for the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading (preferred option)</p>	<p>Efficient as unnecessary resource consents are not required. The effects of vegetation alteration or removal would have been assessed at the time the infrastructure was constructed or the utility may have been constructed prior to the SEA being identified or scheduled.</p> <p>Effective as vegetation alteration and removal for the purposes of maintenance, operation, repair and upgrading of existing network utilities in SEAs is enabled. This is consistent with the objective and policy approach.</p> <p>The proposal appropriately clarifies the provisions so as to achieve objectives:</p> <p><i>B3.2.1(3) Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:</i></p> <p><i>(a) the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;...</i></p> <p><i>D9.2(1) Areas of significant</i></p>	<p>Plan change costs.</p> <p>There is no opportunity to assess some aspects of vegetation alteration and removal in an SEA, when it is for the purposes of operation, repair and maintenance.</p>	<p>The objectives and policies and rules and standards vertically align.</p> <p>The effects of vegetation alteration or removal would have been assessed at the time the infrastructure was constructed. Some vegetation clearance will inevitably be required for maintenance purposes. Resource consents to clear vegetation for the purposes of operation and maintenance would rarely, if ever, be declined.</p> <p>Limits the consideration of 'safety' to state highway designations and railway designations, as it was in the agreed evidence between council and the Auckland Utility Operators Group. The 'safety' concept is clearer in regards to these utilities.</p> <p>Removes conflict in the provisions whereby a utility provider could potentially have to get consent to remove</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.</i></p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p> <p>Achieves the following policies:</p> <p><i>B3.2.2(6) Enable the development, operation, maintenance and upgrading of infrastructure in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character while ensuring that the adverse effects on the values of such areas are avoided where practicable or otherwise remedied or mitigated.</i></p> <p><i>D9.3(5) Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land:...</i> <i>(d) vegetation removal required to maintain lawfully established activities, structures and buildings;...</i></p>		<p>more than 20m² of vegetation in an SEA, for safety purposes, to comply with the Electricity (Hazards from Trees) Regulations 2003, when those regulations do not prescribe such limits.</p> <p>Larger trees in SEAs are protected, as trees greater than 6m or 600mm in girth are excluded from the permitted activity standard.</p>

Conclusion

Option Two is preferred. It recognises that the effects of vegetation alteration or removal in SEAs would have been assessed at the time the infrastructure was constructed or predated SEA classification, and that further resource consents for limited clearance to operate, maintain or upgrade that infrastructure is generally unnecessary.

The proposed amendments to the AUP can be found in Attachment A.5 – Infrastructure of this report.

Theme 6.6.23 Vegetation management – new service connections in significant ecological areas

Chapter of the AUP	E Auckland-wide
Sub-section of the AUP	Chapter E26 Infrastructure
Specific provision/s	Vegetation alteration or removal standards E26.3.5.2(2), E26.3.5.2(7)(d)

Status quo and problem statement

Table E26.3.3.1 (A76) allows vegetation alteration and removal within SEAs as a permitted activity, for the purposes of both existing and new infrastructure. The standards that apply are in E26.3.5.2 Vegetation alteration and removal. E26.3.5.2(2) allows the removal of up to 20m² of vegetation in an SEA for network utility purposes, but E26.3.5.2(7) only allows this in certain locations and for the purpose of maintaining the safety of the network utility. This indicates that permitted vegetation alteration and removal in SEAs only applies to operation and maintenance of existing utilities for safety purposes.

New infrastructure that may be required to traverse SEAs includes service connections. These are the linear connections that run from the infrastructure providers' distribution pipes or lines to individual dwellings or users on private land. This includes water, wastewater, stormwater, electricity, telecoms and gas. It is defined in the plan as:

Part or all of any structure, pipe, equipment or cable that relates to:

- *radio communication or telecommunication lines; or*
- *wastewater or stormwater treatment or disposal; or*
- *water, gas or electricity;*

and which serves a dwelling or other building or the occupants of that dwelling or building.

Vegetation removal for new service connections are currently a restricted discretionary activity. During the Unitary Plan hearings, council and the Auckland Utility Operators Group agreed that vegetation alteration or removal for service connections should be a permitted activity, provided that it did not include removal of trees over 6m in height or 600mm in girth.

The policy approach in Chapter D Significant Ecological Areas Overlay seeks to enable vegetation management activities in SEAs, to provide for the reasonable use and management of land (D9.3(5)). To enable a dwelling to function it will require service connections to connect to essential services. In addition, earthworks standard E26.6.5.2(4) enables earthworks in SEAs for service connections as a permitted activity up to 10m² or 5m³. It is questionable whether requiring a restricted discretionary resource consent for vegetation removal for service connections that have a functional requirement to traverse SEAs enables a reasonable use and management of land or is consistent with similar provisions in the earthworks standards.

Policy approach

Regional policy statement policy B7.2.2(5) seeks to avoid adverse effects on SEAs. Regional policy statement policy B3.2.2(6) enables the development, operation, maintenance and upgrading of infrastructure in SEAs, while ensuring that adverse effects are avoided where practicable or otherwise remedied or mitigated.

In regards to SEA regional plan and district plan policies, policy D9.3(5) enables vegetation management activities in SEAs, to provide for the reasonable use and management of land. This includes new dwellings:

‘Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land: ...

(e) vegetation removal necessary to provide for a dwelling on a site;’

In addition, policy D9.3(6) also seeks to avoid as far as practicable the removal of vegetation and loss of biodiversity in SEAs from the construction of infrastructure. However this should be read in tandem with policy D9.3(5) and its provision for the reasonable use and management of land.

Specifically in regards to infrastructure, policy D9.3(8) also requires the effects of infrastructure in SEAs to be managed, whilst recognising that it is not always practicable to locate and design infrastructure to avoid SEAs.

In addition, policy E26.2.2(6) states that new infrastructure must consider matters including functional or operational need, extent of adverse effects and the need for utility connections to enable an efficient network.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option One – Status quo – no change.

Option Two – Amend standard E26.3.5.2(7) so that vegetation alteration and removal within SEAs is a permitted activity for the purposes of installing new service connections, up to 10m²

Evaluating the proposal against its objectives

Table 6.6.22 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option One: Status quo – no change	Less efficient than Option Two as resource consent is required to install service connections that traverse SEAs. Less effective than Option Two as does not meet plan objectives, which are to enable reasonable use and	Option One: Status quo – no change	Less efficient than Option Two as resource consent is required to install service connections that traverse SEAs. Less effective than Option Two as does not meet plan objectives, which are to

Options	Efficiency and effectiveness	Costs	Benefits
	management of land. However it may be more effective in avoiding adverse effects on SEAs.		enable reasonable use and management of land. However it may be more effective in avoiding adverse effects on SEAs.
<p>Option Two: Amend standard E26.3.5.2(7) so that vegetation alteration and removal within SEAs is a permitted activity for the purposes of installing new service connections, up to 10m2 (preferred option)</p>	<p>Efficient as enables service connections that traverse SEAs, where vegetation alteration and removal is less than 10m2.</p> <p>Effective as achieves plan objectives of enabling functional and operational requirements of infrastructure and reasonable use and management of land. The small permitted area also helps to avoid adverse effects on habitat and biodiversity.</p> <p>The proposal appropriately clarifies the provisions so as to achieve objectives:</p> <p><i>B3.2.1(3) Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:</i> <i>(a) the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;...</i></p> <p><i>D9.2(1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.</i></p> <p><i>E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</i></p> <p><i>E26.2.1(9) The adverse effects of infrastructure are avoided, remedied or mitigated.</i></p> <p>Achieves the following policies:</p>	<p>Plan change costs.</p> <p>There is no opportunity to assess the effects of the proposed vegetation alteration and removal in an SEA, when it is for the purposes of installing service connections.</p>	<p>The objectives and policies and rules and standards vertically align.</p> <p>Consistent with earthworks standard E26.6.5.2(4) which enables earthworks in SEAs for service connections as a permitted activity up to 10m2 or 5m3. Ensures horizontal plan integration and consistency.</p> <p>Enables reasonable use and management of land and provides for the functional requirements of infrastructure to serve new dwellings.</p> <p>Larger trees in SEAs are protected, as trees greater than 6m or 600mm in girth are excluded from the permitted activity standard.</p> <p>The small permitted area also helps to avoid adverse effects on habitat and biodiversity.</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>B3.2.2(6) Enable the development, operation, maintenance and upgrading of infrastructure in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character while ensuring that the adverse effects on the values of such areas are avoided where practicable or otherwise remedied or mitigated.</i></p> <p><i>D9.3(5) Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land:...</i> <i>(e) vegetation removal necessary to provide for a dwelling on a site; ...</i></p>		

Conclusion

Option Two is preferred. Dwellings need to connect to infrastructure networks and the proposed change enables them to efficiently complete these functional requirements. The proposed change is consistent with the policy framework for infrastructure that recognises its functional requirements, as well as earthworks standard E26.6.5.2(4). Adverse effects on biodiversity and habitat within SEAs is likely to be minor due to the 10m² limit.

The proposed amendments to the AUP can be found in Attachment A.5 – Infrastructure of this report.

6.7 Transport

Theme 6.7.1 Pedestrian access in residential zones

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4.3.2(T151)

Status quo and problem statement

Table E27.6.4.3.2 requires access serving sites in the business zones to contain pedestrian footpaths, but there is no equivalent footpath standard in the residential zones. This is inconsistent with the subdivision standards E38.8.1.2(3) – (4) which requires separate pedestrian access to be provided along accessways serving six or more rear sites in residential zones.

Council's internal practice note on residential subdivision infill outlines that concurrent or subsequent applications for subdivision in accordance with an approved land use consent under E38.4.2(A14) are not required to comply with the general standards for subdivision, including Standards E38.8.1(3 – 4) requiring pedestrian access.

The inconsistency between chapters E27 and E38 enables applicants to provide shared driveways to residential developments through land-use led proposals (joint land-use and subdivision applications), without providing dedicated pedestrian access. This is creating issues where private accessways serving multiple dwellings are proposed without an appropriate level of pedestrian amenity and safety. Council's resource consents department and Auckland Design Office (ADO) have advised that the provisions of the AUP do not provide sufficient scope to undertake an assessment of these matters during applications for land-use led proposals.

There is a technical issue arising from a gap in the provisions that may lead to outcomes that do not align with the AUP policy direction.

Outline the proposal(s)

Option 1: (Status quo)

Retain current approach

Option 2:

Introduce a standard in E27.6.4.3.2(T151) requiring a 1m pedestrian access be provided for access serving 10 or more car parking spaces. This would be consistent with the urban subdivision standards contained in Chapter E38, and would read as follows:

1.0m pedestrian access for rear sites which may be located within the formed driveway

Option 3:

Amend the residential zone policies and assessment criteria to provide additional scope to consider pedestrian safety and amenity along accessways as part of applications for residential developments. These amendments would broaden the scope of the provisions to achieve safe and attractive access through sites, in addition to streets and public open spaces. These changes are:

- Amend Policy (3) in the Terrace Housing and Apartment Buildings, Mixed Housing Urban and Mixed Housing Suburban Zones which relates to safe and attractive streets and open spaces, to broaden the application of the policy to 'access' within or through a site.

- Amend the assessment criteria H4.8.2(2)(d) to refer to ‘access’ in additions to streets and public open spaces.

Evaluating the proposal against its objectives

Table 6.7.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	The current standard does not give effect to E27.2(4) in that the plan does not require safe access for pedestrians to medium – large scale residential developments.	Unsafe and low amenity pedestrian access to medium – large scale residential developments served by a single right-of-way.	No action required.
Option 2: Introduce standard (preferred option)	Effective in providing for E27.2(4) as a 1m footpath standard provides for safe and efficient access to dwellings and other residential uses for pedestrians. More efficient than the status quo as the benefits to pedestrians outweigh the potential increased compliance costs.	Increases the likelihood that resource consent is required for residential proposals, though medium to larger scale developments are likely to require consent for other reasons. Given the proposal allows for the footpath to be accommodated within the formed access, no effects on site design efficiency or flexibility are anticipated.	Safer and higher amenity pedestrian access to dwellings served by rights-of-way. The primary benefits relate to social wellbeing of pedestrians using private driveways arising from enhanced amenity and safety. Long term economic benefits for landowners served by private driveways may also arise from enhanced pedestrian amenity and safety.
Option 3: Amend policies and assessment criteria	Helps to achieve Objective E27.2(4) as it provides scope for Council and applications to negotiate footpath requirements. However it provides less certainty that pedestrian access will be provided, when compared with a rule-based approach. Not effective in meeting the objectives of this Plan Change as amendments to the policies would likely be a policy shift which sits outside the scope of the Plan Change. More efficient than the status quo, but not as efficient as Option 2 as it reduces certainty for applicants as to what an appropriately sized pedestrian access is.	Less certainty that a adequate pedestrian access will be provided, compared with Option 2. Extended or more complex consent processes as there is no agreed appropriate access width.	More flexibility compared with Option 2, in terms of negotiating pedestrian access through a resource consent process.

Conclusion

Option 2 is considered to be the most appropriate way to achieve Objective E27.2(4), and is the most efficient given the benefits for safe and efficient pedestrian access, compared with the compliance costs, and loss of site design efficiency.

The proposed amendments to the AUP are located in Attachment A.6 – Transport of this report.

Theme 6.7.2 Vehicle access width

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4.3.2(T151)

Status quo and problem statement

Standard E27.6.4.3.2(T151) requires a vehicle crossing and vehicle access serving 10 or more car parking spaces in the residential zones to be a minimum of 5.5m in width. However, the standard allows the vehicle crossing width to be reduced to 2.75m, provided that there are clear sight lines along the entire access and passing bays at 50m intervals can be provided.

The combination of these rules provides for a wider two-way formed accessway through the body of a site, but narrowing to 2.75m at the vehicle crossing. The application of this rule allows for vehicle crossings of width inadequate to accommodate the number of vehicle movements anticipated to enter and exit sites. This may result in queuing on the adjacent road network when vehicles are entering and exiting sites.

In addition, the wording of the provision uses uncertain language, including that the formed width 'may' be narrowed, and that passing bays at 50m intervals 'can be provided'. The reference to 'may' signals that whether a vehicle crossing can be reduced is subject to Council's discretion. The wording of passing bays 'can be provided' suggests that a proposal must be capable of accommodating passing bays, without actually having to provide and construct those passing bays.

Outline the proposal(s)

Option 1 (Status quo):

Retain the allowance for a 2.75m wide vehicle crossing

Option 2:

Allow the formed access width, rather than vehicle crossing width at the site boundary, to be reduced to 2.75m provided that passing bays and clear sightlines are provided, by deleting the standard from the *minimum width of crossing at site boundary* column under E27.6.4.3.2(T151), and introducing the following wording under the minimum formed access width column:

The formed width is permitted to be narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals are provided.

Option 3:

Delete the allowance for a reduced width vehicle crossing and assess all applications through resource consent

Evaluating the proposal against its objectives

Table 6.7.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 (Status quo):	The current approach is somewhat efficient. It is clear how it applies, but there is some uncertainty as the qualifiers related to passing bays and sightlines appears to relate more to access through a site, rather than the crossing at the site boundary. However it is not achieving Objective E27.2(1)(a) which seeks that the adverse effects of traffic generation on the transport network are managed. The standards allow for smaller vehicle crossings and queuing on the road, without an assessment through resource consent.	Delays and unsafe outcomes for the transport network arising from vehicles queuing on the road.	Benefits for pedestrians as less footpath area is likely to be lost as reduced vehicle crossing widths are encouraged.
Option 2: Allow formed access width to be reduced (preferred option)	High efficiency as the proposal allows for a narrower vehicle accessway as a permitted activity. More effective in achieving Objective E27.2(1)(ab) relating to managing adverse effects of traffic generation on the transport network, by reducing likelihood of vehicles waiting on the road to enter driveways.	Potentially affects safety and convenience of access through sites by allowing for reduced lane widths, though this is minimised by passing bay and sightline qualifiers.	Benefits for the local and wider transport network as it reduces the likelihood and frequency of vehicles queuing to turn into reduced width vehicle crossings. Greater site design efficiency and flexibility for development as less space is required for vehicle access through the site.
Option 3: Delete	Less efficient as it imposes additional reasons for consent.	Greater compliance costs as more	Reduced width access and crossings can be

Options	Efficiency and effectiveness	Costs	Benefits
allowance for reduced crossing width and assess all proposals through resource consent	<p>However, consent applications for reduced crossings or access widths are unlikely to be the only reason for consent.</p> <p>Effective in meeting the Objective E27.2(4), as the safety and efficiency of any access or vehicle crossings proposed to be reduced in width can be assessed through resource consent.</p>	proposals would require resource consent, and there may be some uncertainty as to what an appropriate access width is.	assessed on a case-by-case basis.

Conclusion

Option 2 is the most appropriate given it enables greater site design efficiencies by providing for a reduction in driveway width, and addresses vehicles queuing to enter and exit sites. The potential effects on safe and efficient access through the site will be addressed by requirements for clear sightlines and passing bays.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.3 Vehicle access corridor width

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4.3.2(T151)

Status quo and problem statement

Standard E27.6.4.3.2(T151) requires access serving 10 or more car parking spaces to be a minimum of 5.5m in formed width. However, unlike the standards for vehicle access serving fewer car parking spaces or dwellings in rows E27.6.4.3.2 (T149) and (T150), there is no requirement for the access to be contained within a wider corridor clear of buildings. These standards for access serving fewer car parks also align with the standards in Chapter E38 for accessways created through vacant site subdivision.

The inconsistency between Chapter E27 and E38 allows land-use proposals in residential zones to avoid providing formed access within a wider corridor clear of buildings. This corridor typically accommodates a service strip, where network utilise and other services can be accessed for ongoing repair and maintenance. Such a corridor also provides an opportunity for pedestrian access or landscaping elements to be accommodated alongside a formed accessway. Therefore, there is a risk that land-use led proposals in residential

zones are served by services and network infrastructure that is not readily accessible for repair and maintenance.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

For access serving 10 or more car parking spaces, require that the formed width be contained within a corridor clear of buildings measuring at least 6.5m in width, by amending the minimum formed access width under E27.6.4.3.2(151):

5.5m (providing for two-way movements), provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 6.5m

Evaluating the proposal against its objectives

Table 6.7.3 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Not as efficient given the lack of plan integration, and that it doesn't enable council to assess effects of the location of services and utilities along shared driveways. Not as effective in achieving policy direction under E27.2(4)	Potentially network utilities and services along shared driveways that are difficult or costly to maintain or repair. Lost opportunities for pedestrian access and landscaping along shared driveways.	Greater site design efficiency and flexibility. Greater compliance costs, but this is not considered substantial as infringements will likely not be the only reason for resource consent.
Option 2: Introduce requirement for a 6.5m corridor (preferred option)	Greater alignment with the standards in Chapter E38, and therefore greater plan integration efficiency. Also efficient in that resource consent to infringe the standard is unlikely to be the only reason for consent. Assessment of the effect of the infringement will likely be undertaken alongside consideration of other matters. More effective in achieving E27.2(4) as it enables space for design elements to enhance safety and amenity on private ways.	Lost site design efficiencies and flexibility arising from the need for an additional 1m corridor. Alternatively, poorer outcomes where other site elements such as outdoor living space are compromised to accommodate a wider corridor. Greater compliance costs, particularly where the infringement to this standard is the sole reason for consent.	Network utilities and services can be more readily accessed for repair and maintenance, and alternative solutions, where a service strip is not provided, can be assessed through resource consent. Opportunities for pedestrian access to be located alongside formed vehicle access, enhancing safe and efficient access for pedestrians. Opportunity for landscaping or other design elements to be provided alongside the

Options	Efficiency and effectiveness	Costs	Benefits
			formed access. Reduced risk of collisions between vehicles, particularly heavy vehicles, and buildings adjacent to the formed access.

Conclusion

Option two is the most appropriate given it is more effective and efficient, and enables greater benefits, when compared with the status quo.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.4 Vehicle crossings in industrial zones

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4.3.2(T155)

Status quo and problem statement

Table E27.6.4.3.2(T156) applies a maximum vehicle crossing width of 6.0m in the Rural zones, but contains an exception to allow for a 9.0m vehicle crossing width where the crossing needs to accommodate the tracking path of large heavy vehicles. This allowance for a wider vehicle crossing was introduced through the AUP Independent Hearings Panel process, and was intended to also apply to the General Business, Business Park and industrial zones in addition to the rural zones¹⁴. However, this was not carried through into the AUP. As a result, wider vehicle crossings can only be considered through resource consent applications, which is an inefficient approach.

Outline the proposal(s)

Option 1: (Status quo)

¹⁴ This amendment is recorded in the following documents for Topics 043 & 044 Transport Objectives and Policies and Transport Rules and Other

- 043&044 - Mediation Joint Statement – Sessions 4, 5, 6, 6 and 8 (14, 15, 20, 21, and 22 May 2015)
- 043&044 - Hrg - Auckland Council - ADDITIONAL CLOSING STATEMENT - 4 September 2015 _ Revised Markedup version- H1 2 Rules _ Corrected

Retain current wording

Option 2:

Allow the width of vehicle crossings under E27.6.4.3.2 (T55) to be increased from 7.0m to 9.0m where heavy vehicle movements are anticipated, by broadening the application of this existing note below Table E27.6.4.3.2 to the General Business, Business Park and industrial zones:

** Provided that a maximum width of 9.0m is permitted where the crossing needs to accommodate the tracking path of large heavy vehicles*

Evaluating the proposal against its objectives

Table 6.7.4 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Less effective in achieving E27.2(4) where the rule prevents safe and efficient access for heavy vehicles.	Greater compliance costs.	Greater retention of public footpath space. No action required.
Option 2: Apply exception to industrial zones (preferred option)	More effective in achieving Objectives E27.2(4) relating to safe and efficient access, by allowing wider vehicle crossings to accommodate heavy vehicles Not as effective as the status quo in achieving E27.2(5) which seeks to prioritise pedestrian safety and amenity along footpaths. More efficient than status quo as the exception to the maximum crossings widths results in a less restrictive standard, and better meets objectives relating to safe and efficient access.	Loss of pedestrian footpath extent in the industrial zones, General Business and Business Park zones. However these zones do not anticipate high pedestrian traffic.	Fewer compliance costs where wider vehicle crossings are sought in industrial zones.

Conclusion

Option two is the most appropriate given it is more effective and efficient, and enables greater benefits, when compared with the status quo.

The proposed amendments to the AUP are located in Attachment 6 of this report.

Theme 6.7.5 Triggers for vehicle access standards

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4.3.2(152) – (T156)

Status quo and problem statement

Through Plan Change 4 to the AUP, the triggers for vehicle access widths were amended so that access and crossing widths are determined solely by the number of car parking spaces served. Previously, both car parking spaces and dwellings were used to determine the width of vehicle access and crossings required.

The underlying reason for this amendment was to remove uncertainty created by dual standards relating to both parking spaces and dwellings. Situations could arise where an activity could fall into separate access width rows, and as a result applicants could choose to apply the less restrictive standard and provide a narrower driveway or vehicle crossing.

However, Plan Change 4 did not address rows (T152) to (T156) which relate to access and crossing widths in the business and rural zones. There is still a level of uncertainty in these provisions, as they contain dual triggers based on the number of parking spaces, and the number of loading spaces. Therefore, there is a need to amend the provisions to both enhance clarity of the provisions, and enhance the alignment of approach with the equivalent standards for access in the residential zones.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Delete references to loading spaces and rely on car parking spaces to determine vehicle access and crossing widths.

Evaluating the proposal against its objectives

Table 6.7.5 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Does not meet the objectives of the Plan Change, and less efficient, due to the uncertainty in the provisions.	Less safe and convenient access where the uncertainty allows for narrower vehicle access or crossings to be provided.	No action required.
Option 2: Amend wording to	More effective in meeting the objective of the Plan Change	Similar costs to the status quo.	More convenient and safe access due to

Options	Efficiency and effectiveness	Costs	Benefits
increase clarity (preferred option)	as a single trigger is clearer and reduces uncertainty. Efficient as it results in less confusion as to how the standards are to be interpreted.	Except where the uncertainty between the use of triggers provided the opportunity to provide a narrower access and crossing.	consistent application of standards.

Conclusion

Option two is the most appropriate given it is more effective and efficient, and enables greater benefits, when compared with the status quo.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.6 Vehicle crossings and activities in the road reserve

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E38 Subdivision - Urban
Specific provision/s	E38.12.1(7) and E38.12.2(7)

Status quo and problem statement

Within Chapter E38 Subdivision – Urban, Policy E38.3(15) encourages shared vehicle access to manage effects on on-street car parking or areas for bus stops, provide for street trees and address adverse effects on the safety of the road and footpath.

However, there are no assessment criteria which directly address the potential conflicts between vehicle crossings or driveways and the other activities and elements in the road reserve. This is creating issues where new vehicle crossings are affecting the provision of on-street car parking, bus stops, network utilities and services, and street trees. This is particularly an issue in greenfield subdivisions, where there are conflicts between new vehicle crossings and existing or planned elements in the road corridor.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend the matters of discretion and assessment criteria to address the effects of the design and layout of sites on transport infrastructure and facilities within roads, as follows:

- Introduce a new matter of discretion for all restricted discretionary activities:
(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.
- Introduce new assessment criteria:
(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads
(i) refer to Policy E38.3(15); and
(ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.

Evaluating the proposal against its objectives

Table 6.7.6 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Does not give effect to E38.2(15) in that shared vehicle access to manage effects on the road reserve is not a matter for assessment in subdivision resource consents.	Lost opportunities for elements within the road corridor, including on-street car parking, bus stops and street trees. Greater chance that of conflict between vehicle access and infrastructure in road reserve.	Greater site design flexibility for new developments in relation to vehicle access location.
Option 2: Introduce matters of discretion and criteria (preferred option)	Directly gives effect to Policy E38.3(15), and better achieves objectives E38.2(1) (subdivision achieves the purpose of the zone), and E38.2(15) (infrastructure is protected from effects of subdivision. Slightly more efficient than the status quo as the proposal is comfortably more effective than the status quo, and involves only marginally more regulation in the form of additional assessment matters and criteria. Economic costs for developers due to reduced	Reduced site design flexibility for new developments in relation to vehicle crossing and access location.	Benefits for users of the street, including greater retention of on-street parking, street trees and other elements. As a result, safer and more efficient transport network.

Options	Efficiency and effectiveness	Costs	Benefits
	vehicle crossing and access location flexibility.		

Conclusion

Option two is considered the most appropriate given it is the most effective in achieving the objectives of Chapter E38. The proposal is the most efficient given the local benefits to the transport network, which are considered to outweigh development costs associated with lost site design efficiency.

The proposed amendments to the AUP are located in Attachment A.9 - Subdivision of this report.

Theme 6.7.7 Combined vehicle crossings

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4.2.1(T144) and (T146)

Status quo and problem statement

Standards E27.6.4.2.1(T144) and (T146) require a minimum separation distance of 2m between vehicle crossings. There is an exception to the minimum separation distance, where two vehicle crossings can be combined if the total combined crossing width does not exceed 6m. However, the wording of the standards does not make it clear that two combined crossings are not required to comply with the minimum separation distance of 2m.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.6.4.2.1(T44) and (T146) as below:

Where 2m provided that two crossings on adjacent sites can be combined and where the combined crossings they do not exceed a total width of 6m at the property boundary, no minimum separation distance will apply

Evaluating the proposal against its objectives

Table 6.7.7 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Inefficient as the wording of the standard is uncertain.	Compliance costs and costs to plan efficiency due to an uncertain standard.	No action required.
Option 2: Amend wording to increase clarity (preferred option)	Slightly more effective than status quo in achieving Objective E27.2(5) related to prioritising pedestrian safety and amenity along public footpaths. Achieves the purpose of the Plan Change by amending an unclear plan provision. Enhanced clarity also makes the amending proposal more efficient than the status quo.	No additional costs compared with the status quo.	More consistent application of the standard, which may encourage combined crossings and preserve pedestrian refuge

Conclusion

Option two is more efficient and will result in a more consistent application of the combined vehicle crossings standard. No additional costs are anticipated. Therefore the amending proposal is considered to be the most appropriate option.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.8 Auckland Transport approval for vehicle crossings

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4.2

Status quo and problem statement

The plan does not signal that new vehicle crossings, or alterations to existing crossings, require approval from Auckland Transport as the road controlling authority.

The standards contained in E27.6.4.2 relate to the width and number of vehicle crossings. These standards do not reflect the adverse effects that poorly designed and located vehicle crossings can have on the function of the road reserve, and the on-going operation of the road network. In addition to the formed road, the road reserve is required to accommodate a range of transport related infrastructure (e.g. street lights, power poles and cesspits) and is

often the default location for the reticulation of other network utilities required to support land use development.

The on-going operation of the road network can be compromised through inadequacies in the design and location of vehicle crossings associated with new developments or alterations to existing activities. These matters typically form part of an assessment by Auckland Transport (AT) as the road controlling authority, as part of a vehicle crossing approval. This is separate to a resource consent process.

There is however a need to more clearly signal a consideration of these matters at the resource consent stage to avoid redesigns of proposal and resultant section 127 applications to vary conditions of consent.

Outline the proposal(s)

Option 1: (Status quo)

Do nothing.

Option 2:

Introduce a new note below Standard E27.6.4.2(5) to clarify that new vehicle crossings or alterations to existing require approval from Auckland Transport.

Note 1 – Any new vehicle crossing or alteration of an existing vehicle crossing (e.g. repair, replacement, widening or relocation) will require vehicle crossing approval from Auckland Transport as road controlling authority. As part of the approval considerations it is expected that the vehicle crossing is located at least 1m from services including cesspits, street lights, and power poles.

Evaluating the proposal against its objectives

Table 6.7.8 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Less efficient compared with amending proposal arising from more efficient resource consent processes.	Greater compliance costs as a result of proposals being redesigned (and variations to consents being required) in order to obtain AT approval.	No action required.
Option 2: Introduce practice note (preferred option)	Similar effectiveness to status quo in terms of achieving the AUP objectives. More efficient as the enhanced awareness of AT's process will lead to fewer situations where a vehicle crossing and associated accessway must be	No additional costs compared with the status quo given the amending proposal does not change any standards but reinforces existing practices.	Benefits for applicants and Council through better understanding of the AT approval process, leading to fewer situations where proposals must be redesigned to obtain such approvals.

Options	Efficiency and effectiveness	Costs	Benefits
	redesigned to obtain AT's approval.		

Conclusion

Option two is considered to be more appropriate due to increased plan efficiency and reduced compliance costs.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.9 Manoeuvring and parking dimensions

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.3.3, E27.8.2(8)(c)

Status quo and problem statement

There is a mismatch between parking space dimensions and manoeuvring standards in the plan. The standards relating to access and manoeuvring require that every parking space must be served by access and manoeuvring areas that accommodate the 85th percentile car tracking curves. This is required in Standard E27.6.3.3(1) and depicted in Figure E27.6.3.3.1.

However, based on the 85th percentile car tracking curve, it can be difficult to manoeuvre a car into parking spaces based on the regular user dimensions specified in Table E27.6.3.1.1. This is particularly the case for end parking spaces, where it is difficult to accommodate a wider tracking curve. Therefore, there is a technical issue arising from a gap in provisions.

Outline the proposal(s)

Option 1: (Status quo)

Do nothing.

Option 2:

Introduce a note allowing for multiple manoeuvres to enter and exit regular parking spaces, located after note 5 after Table E27.6.3.1.1:

5A Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking.

Option 3:

Amend the assessment criteria in E27.8.2(8)(c) for activities that infringe the standards for design of parking and loading or access, to clarify that multiple manoeuvres may be acceptable to access parking spaces for regular users. The following amendments are proposed:

- the extent to which reduced manoeuvring and parking space dimensions can be accommodated because the parking will be used by regular users familiar with the layout, rather than by casual users, including the number of manoeuvres required to enter and exit parking spaces;
- Note: Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking.

Evaluating the proposal against its objectives

Table 6.7.9 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Less plan efficiency due to uncertainty in the provisions.	Mismatch leads to resource consents where the assessment criteria does not provide guidance on manoeuvring.	
Option 2: Introduce note allowing for multiple manoeuvres	Does not meet the objective of the Plan Change as it retains uncertainty around how many manoeuvres are permitted. Lack of alignment with Objective E27.2(4) seeking safe and efficient parking, loading and access. Proposed parking designs requiring a lot of manoeuvres could be contemplated. Potentially greater plan administration efficiency as it allows proposals greater flexibility in complying with the standards, without triggering a resource consent.	Lack of explicit thresholds on manoeuvres may lead to inconsistent interpretation of the standard. Less efficient access to and from car parks if multiple manoeuvres are required.	Reduced compliance costs, as there is a lesser chance that consent is required.
Option 3: Amend assessment criteria (preferred option)	Effective in meeting the Objective E27.2(4) as resource consent process and enhanced criteria provides opportunity to assess appropriate manoeuvring on merits, better providing for efficient access. More effective in meeting the objective of the Plan Change as discretion is introduced in the	Compliance costs are similar to the status quo but greater than Option 2. Retains some uncertainty as to how many manoeuvres to or from car parks are appropriate.	More efficient resource consent process due to explicit direction in criteria. Better outcomes for regular users of car parks.

Options	Efficiency and effectiveness	Costs	Benefits
	<p>criteria rather than standards, thereby enhancing clarity of the plan.</p> <p>Enhanced plan efficiency due to greater certainty in provisions.</p>		

Conclusion

Option 3 is the most appropriate given it is the most effective of the three approaches, and is only slight less efficient than Option 2.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.10 Tracking curves for heavy vehicles

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.3.3(2)

Status quo and problem statement

The manoeuvring standards for heavy vehicles are not sufficiently clear. Standard E27.6.3.3(2) requires that every loading space and access and manoeuvring areas accommodating heavy vehicles must be assessed against a tracking curve for an appropriately sized truck for the type of activities to be carried out on the site. The standard then references the NZTA guidelines RTS 18: NZ on-road tracking curves (2007).

However, there is no requirement for the parking, access or manoeuvring to comply with the tracking curves it is being assessed against. There is also no requirement for the tracking curves contained in the NZTA guidelines to be applied. As a result, the standard does not provide certainty that appropriately sized and designed access and manoeuvring areas will be provided. Therefore, there is a technical issue arising where the wording of a provision is unclear.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.6.3.3(2) to clarify that loading spaces accommodating heavy vehicles must comply with the tracking curves set out in the NZTA guidelines.

Evaluating the proposal against its objectives

Table 6.7.10 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Less efficient due to the uncertainty in the provisions. Less effective in achieving safe and efficient access under Objective E27.2(4).	Potentially poorer quality parking and manoeuvring for heavy vehicles.	No action required. More flexibility in designing parking and manoeuvring areas.
Option 2: Amend wording to increase clarity (preferred option)	More efficient access to sites as sought in Objective E27.2(4), due to the standard being clearer. More effective in meeting the purpose of the Plan Change, by clarifying a provision Greater plan efficiency arising from a more certain standard.	Potential loss in site design efficiency or flexibility as a result of compliance with NZTA tracking curves (when compared with other tracking curves). Costs associated with accessing NZTA guidelines. Economic costs associated with purchase of NZTA guidelines.	Better manoeuvring for heavy vehicles and therefore more efficient access to parking and loading spaces.

Conclusion

Option two is the most appropriate given it results in greater certainty in the plan.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.11 Reverse manoeuvring

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.3.4

Status quo and problem statement

Standard E27.6.3.4 relates to reverse manoeuvring of vehicles from car parking spaces. The standard does not allow for reverse manoeuvring where ‘four or more required parking spaces are served by a single access.

The wording of this standard refers to car parking spaces that are required. This narrows the application of the standard to car parking spaces required in accordance with minimum car parking rates in E27.6.2. Therefore, this wording excludes the standard from applying in zones without minimum car parking rates (for example in the Business – Mixed Use Zone or Residential – Terrace Housing and Apartment Buildings Zone).

As a result, in areas where no parking minimums apply, the standard allows for reverse manoeuvring from an unlimited number of car parks to the road. This presents the possibility of adverse effects relating to safe, convenient access and pedestrian safety and amenity that cannot be assessed through a resource consent. Therefore, there is a technical issue where the wording of provisions is not giving effect to the AUP policy direction.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.6.3.4(1)(a) so that the maximum number of parking spaces served by reverse manoeuvring references all parking spaces, rather than just ‘required’ parking spaces, as below:

(1) Sufficient space must be provided on the site so vehicles do not need to reverse off the site or onto or off the road from any site where any of the following apply:

(a) four or more ~~required~~ parking spaces are served by a single access;

Evaluating the proposal against its objectives

Table 6.7.11 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Less effective in achieving safe and efficient access under Objective E27.2(4), and prioritising safety and amenity along public footpaths under E27.2(5), in areas where there are no minimum parking rates. Less efficient as the costs related to safe and efficient access, and pedestrian safety and amenity are considered to outweigh the benefits of reduced compliance costs and greater site design efficiency.	Manoeuvring to and from car parks in areas without minimum car parking rates may not be safe or efficient. Amenity and safety of public footpaths in these areas can be affected by high volumes of vehicle reverse manoeuvring on to the street.	Reduced compliance costs and greater site design efficiency as vehicle manoeuvring is not required to be provided on the site.
Option 2: Apply standard to all parking spaces (preferred)	Safer and more efficient access to sites as sought in Objective E27.2(4) as fewer situations arise where many parking spaces require reverse manoeuvring onto the street.	Greater compliance costs a resource consent more likely to be required. Slightly reduced site	Higher standard of safety and amenity achieved along public footpaths. More convenient

Options	Efficiency and effectiveness	Costs	Benefits
option)	<p>Safety and amenity of public footpaths better prioritised as sought by E27.2(5), as the proposals reduces the extent of reverse manoeuvring.</p> <p>More effective than status quo in achieving AUP objectives around the safe design of parking areas as this option would apply to a wider range of situations where reverse manoeuvring may be a traffic safety risk.</p> <p>More effective than the status quo in meeting the objective of the Plan Change as it clarifies a provision to better align with the AUP policy direction.</p> <p>Slightly less efficient compared with the status quo as it extends the application of the rule to areas where parking minimums do not apply.</p>	<p>design efficiencies where reverse manoeuvring cannot be utilised as a permitted activity.</p> <p>Potentially increased economic costs for consent applicants associated with reduced site design efficiencies, associated with requiring on-site manoeuvring in zones without parking minimums.</p>	<p>vehicle access to sites.</p> <p>Safer and more efficient operation of the adjoining road by reducing reverse manoeuvring.</p>

Conclusion

Option two is considered the most appropriate option given its effectiveness, and the social and economic benefits anticipated for pedestrians, users of the accessway, and users of the adjacent road network.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.12 Centre Fringe Office Control

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.4 (A14) and (A15), and E27.6.2.2

Status quo and problem statement

The Centre Fringe Office Control ('**CFOC**') is a mechanism used in Chapter E27 to provide flexibility for accessory car parking and restrict non-accessory parking, in specific locations which are predominately in areas close to the City Centre. There are two issues with the how the CFOC provisions are expressed in Chapter E27.

Spatial extent

The CFOC is spatially mapped in the AUP viewer. However, specific provisions in Chapter E27 introduce uncertainty as they apply to the CFOC area '*adjoining the Business – City Centre Zone*'. This spatial reference is unnecessary, given that the CFOC is mapped in the AUP viewer and that the provisions are intended to apply to the CFOC as a whole, rather than just the areas immediately adjoining the Business – City Centre Zone. These references suggest that the provisions do not apply where the CFOC does not directly adjoin the Business – City Centre Zone, for example where separated by a road. Therefore, there is a need to enhance the clarity of the wording of these provisions to ensure they give effect to the AUP policy direction of the CFOC.

Clarity of parking rates

The Centre Fringe Office Control is intended to supersede the car parking rate standards outlined in Table E27.6.2.3 Parking rates – area 1 and Table E27.6.2.4 Parking rates – area 2. This is evident from the background statement in E27.1 and Policy E27.3(7) which outline that the CFOC does not seek to control parking through minimum or maximum rates, except in relation to office activities.

However, Section E27.6.2 does not contain any standards specifying that the parking rates for the CFOC outlined in Table E27.6.2.2 supersedes the nominal parking rates applying in the underlying zones. As a result of this ambiguity, the CFOC standards may not be consistently applied, therefore car parking proposals within this area may be required to comply with minimum or maximum parking rates that are not intended by the plan.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Delete reference to '*adjoining the Business – City Centre Zone*' within the activity table and standards referring to the CFOC; and

Introduce a new standard to clarify that the CFOC parking rates in Table E27.6.2.2 apply in place of the nominal parking rates in Tables E27.6.2.3 and E27.6.2.4:

(3A) Within the Centre Fringe Office Control area, the parking rates contained in Table E27.6.2.2 apply instead of those contained in Table E27.6.2.3 and Table E27.6.2.4.

Evaluating the proposal against its objectives

Table 6.7.12 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Does not give effect to Objective E27.2(3) as it may	Costs related to compliance and site	No action required.

Options	Efficiency and effectiveness	Costs	Benefits
	<p>suggest CFOC provisions apply only to areas directly adjoining the City Centre, or that the COFC parking rates do not supersede the nominal car parking rates.</p> <p>Not an efficient option as it retains ambiguity and uncertainty in the plan.</p>	<p>design efficiency where the CFOC parking rates are not properly applied.</p>	
<p>Option 2: Amend wording to increase clarity (preferred option)</p>	<p>More effective in achieving Objective E27.2(3) relating to supporting urban growth and the quality compact urban form. Clarifies that additional parking flexibility applies to all parts of CFOC, and that non-accessory parking is discouraged.</p> <p>Effective in meeting the objective of the Plan Change by better clarifying the provisions.</p> <p>More efficient as it results in fewer compliance costs and less ambiguity in the plan.</p>	<p>Broader application of rules requiring resource consent for non-accessory car parking in the CFOC, and therefore greater compliance costs for such activities.</p>	<p>Reduced compliance costs resulting from improved plan administration.</p> <p>Greater site design efficiency and flexibility arising from more flexible on-site parking.</p> <p>Better supports public transport usage by discouraging non-accessory parking in central areas.</p>

Conclusion

Option two is more appropriate than the status quo given the benefits related to reduced compliance costs, greater site design efficiencies and wider benefits to public transport and a compact urban form.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.13 Shared parking

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.2(2)

Status quo and problem statement

Standard E27.6.2(2) allows two activities located on the same site to share accessory car parks, provided the parking demands of the two activities allow for the sharing of parking resources.

However, the standard does not recognise situations where the peak parking demands of the activities overlap. For example, a childcare centre and café may have an overlapping morning peak. The sharing of car parking resources between the activities may lead to displacement of car parking to the street, and potential effects on the safety of users of the car park and the safe and efficient operation of the adjacent road network. The standard should be amended to allow for an assessment of such effects through resource consent.

In addition, the provisions for shared car parking is limited to two activities on-site, where in reality more than two activities could share car parking resources, provided that the peak demand does not overlap. Therefore, there is a need to clarify the wording of the provision to better give effect to the AUP policy direction.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.6.2(2) to restrict the opportunity for combined parking to where the peak parking demands allow for shared facilities, and broaden the application of the rule beyond two activities sharing car parking, as below:

(2) Where a minimum rate applies and a site supports more than one activity, the parking requirement of each activity must be separately determined then combined to determine the overall minimum site rate. Provided that where the peak parking demands of the ~~two~~ activities allow for the sharing of parking resources, the total parking requirement for the site shall be based on the activity with the highest of the parking requirements ~~of the two activities~~.

Evaluating the proposal against its objectives

Table 6.7.13 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Less effective in achieving Objectives E27.2(4) relating to safe and efficient parking. Less efficient as the wording of the provisions creates uncertainty.	Parking spillover where two activities share car parking spaces, and the peak parking demands overlap. This leads to reduced on-street opportunities, and delays to the local transport network arising drivers finding on-street car parks.	No action required.
Option 2: Amend wording to increase clarity	More effective in achieving Objectives E27.2(3) and (4) by narrowing scope of rule so that peak parking demands where parking resources are shared,	Greater compliance costs as more shared parking activities are likely to require resource consent.	Reduced parking spillover to on-street parking, in situations where parking is shared and peak

Options	Efficiency and effectiveness	Costs	Benefits
(preferred option)	do not overlap. Effective in meeting the purpose of the Plan Change by clarifying the wording of a provision. More efficient than the status quo as the amendment reduces uncertainty in the plan wording.		parking demands overlap.

Conclusion

Option two is the most appropriate given it is the most effective, and results in greater social and economic benefits compared with the status quo.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.14 Selling or leasing car parks

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.3.1(1)(g)

Status quo and problem statement

Standard E27.6.3.1(1)(g) requires that parking spaces must not be sold or leased separately from the activity for which provides parking required under a resource consent.

The wording of the standard presents two issues:

- a) The standard applies to car parking required under a resource consent. Therefore the standard does not apply to areas where no minimum car parking rate applies. This can lead to situations where parking sold or leased from the primary activity results in parking spillover on to the street, creating a shortage in on-street car parks and leading to delays on the road network. This may also create an oversupply of parking in town centres and other areas without minimum car parking rates, leading to effects on uptake of public transport, walking and cycling and resultant effects on the operation of the transport network.
- b) The standard duplicates resource consent requirements. A proposal to sell or lease a car park approved through resource consent would require a variation to a condition of the original consent in accordance with Section 127 of the RMA. In addition, the selling or leasing of car parks may create a parking shortfall, which would trigger the need for a separate resource consent application.

Therefore, there is a need to clarify the wording of the standard to give effect to the AUP policy direction.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.6.3.1(1)(g) to broaden the application of the rule to areas not subject to minimum car parking requirements, and to exclude the standard from situations where resource consent has already been granted for selling or leasing of car parks, as follows:

(1) Every parking space must:

(g) not to be sold or leased separately from the activity for which it provides parking ~~required under a resource consent~~ as an accessory activity unless a resource consent is granted to an alternative arrangement such as shared parking or off-site parking.

Evaluating the proposal against its objectives

Table 6.7.14 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Does not allow for an assessment of selling or leasing car parks in areas in areas with no parking minimums.	Could result in oversupply of car parking in town centres and other areas without parking minimums	No action required.
Option 2: Amend wording to increase clarity (preferred option)	Better achieves Objective E27.2(1) relating to managing adverse effects on the transport network, and E27.2(4) relating to safe and efficient access as it applies the standard to areas without minimum car parking rates. Selling or leasing of car parks in these areas may affect the broader transport objectives around encouraging alternative modes around higher order centres where there is for example accessibility to good quality public transport More effective in meeting the purpose of the Plan Change, and more efficient, given that the proposal clarifies uncertain provisions and reduces	Greater compliance costs where consent is now required for selling or leasing of car parks in areas without car parking minimums.	Wider benefits to the transport network related to parking and loading that supports to a greater extent the compact urban form, and public transport, walking and cycling.

Options	Efficiency and effectiveness	Costs	Benefits
	compliance costs.		

Conclusion

Option two is the most appropriate given it the wider benefits to the transport network are considered to outweigh the potential increases in compliance costs.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.15 Accessible car parking spaces

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.2(10)(a)

Status quo and problem statement

Standard E27.6.2(10)(a) requires accessible car parking spaces and accessible routes from car parking spaces for people with disabilities in accordance with the New Zealand Building Code D1/AS1. This does not read as a standard given that the provision is referring readers to a separate document, rather than imposing any requirements.

Therefore, there is a need to clarify the status of this provision.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.6.2 so that (10)(a) reads as an advice note rather than a standard.

~~(10) Accessible parking:~~

(a) Note: Where parking is provided, parking spaces are to be provided for people with disabilities and accessible routes from the parking spaces to the associated activity or road as required by the New Zealand Building Code D1/AS1. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand

Evaluating the proposal against its objectives

Table 6.7.15 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Inefficient as it requires a separate resource consent for a building consent matter.	Compliance costs and less clarity and certainty in the plan provisions.	Being a standard may help to direct readers attention to this requirement in the Building Code.
Option 2: Convert standard to advice note (preferred option)	<p>The proposal clarifies that the AUP does not require accessible car parking beyond what the Building Code requires.</p> <p>This helps to improve the clarity of the plan, better giving effect to this Plan Change and creating plan administration efficiencies.</p> <p>The proposal is efficient as it achieves a similar outcome to the status quo without requiring further regulation.</p>	No additional costs compared with the status quo.	Enhanced plan efficiency, and potentially fewer compliance costs where resource consent may otherwise be required to infringe this standard.

Conclusion

Option two is more appropriate than the status quo given the enhanced efficiency and fewer costs, whilst maintain the same social and economic benefits.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.16 Parking rates for minor dwellings

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	Tables E27.6.2.3 and E27.6.2.4

Status quo and problem statement

Table E27.6.2.3 identifies parking rates for dwellings but not minor dwellings. The parking standards in Table E27.6.2.3 Parking rates – area 2, contain minimum rates for dwellings but not minor dwellings. Furthermore, minor dwellings are not nested under dwellings within the nesting tables contained in Chapter J – Definitions.

This may lead to an inconsistent interpretation of parking rates for minor dwellings and could result in inadequate on-site parking and resultant effects on the safe and efficient operation of the road network. Therefore, there is a need to specify the car parking rates for minor dwellings to better give effect to the AUP policy direction as it relates to Policy E27.3(3) and (8) relating to parking supporting the safe and efficient operation of the transport network.

Outline the proposal(s)

Option 1: (Status quo)

Retain the existing car parking provisions.

Option 2:

Amend Tables E27.6.2.3 and E27.6.2.4 to introduce parking rates for minor dwellings equivalent to the rates for Dwellings – studio or 1 bedroom.

Evaluating the proposal against its objectives

Table 6.7.16 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	It is not efficient to have an uncertain standard. The status quo is not effective as some interpretations of the minor dwellings parking rates could conclude there are no parking requirements.	Safe and efficient access and parking is not provided, and more on-street car parking is occupied by residents.	No action is required.
Option 2: Amend parking rate standards to introduce minor dwellings (preferred option)	Better achieves Objective E27.2(4) in relation to safe and efficient parking by clarifying the parking requirements for minor dwellings. More efficient than the status quo as it reduces uncertainty in the plan as to what the relevant parking rates for minor dwellings are.	Reduced site design efficiency and flexibility where prevailing interpretation is that no minimum car parking rates for minor dwellings apply	More convenient parking and access serving minor dwellings. Increased availability of on-street car parking, and resultant benefits to road network.

Conclusion

Option two is considered the most appropriate given the enhanced efficiency and effectiveness.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.17 Off-road pedestrian and cycle facilities

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.6.5(1)

Status quo and problem statement

Standard E27.6.5(1) requires the design and location of off-road pedestrian and cycle facilities to ensure good connections to existing facilities. The standard however does not clarify what existing facilities the proposed pedestrian and cycling facility is to connect to. In addition, the requirement to ensure good connections is subjective, and therefore it is difficult to judge compliance with this standard.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.6.5(1) and assessment criteria E27.8.2(13)(a)(i) to clarify what facilities new pedestrians and cycle facilities must connect to, as follows:

E27.6.5. Design and location of off-road pedestrian and cycling facilities

(1) The design and location of the proposed facility is to ensure good shall provide connections to existing pedestrian and cycling routes and facilities.

...

(9) any activity or development which infringes the standard for design and location of off-road pedestrian and cycling facilities under Standard E27.6.5:

(a) location, design and external appearance:

(i) the location, design and external appearance of any off-road pedestrian and cycling facility:

- *is legible and designed to provide for safe and convenient access for users, including safe connections with the existing road pedestrian and cycling network and public transport;*

Evaluating the proposal against its objectives

Table 6.7.17 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	The wording of the standard is unclear and subject. Therefore it is ineffective in achieving the objectives of E27, and inefficient.	Compliance costs associated with plan inefficiencies, and potential impacts on an integrated network of off-road pedestrian and cycling facilities.	No action required.
Option 2: Reference specific facilities in the standards and assessment criteria (preferred option)	More effective in achieving an integrated transport network (Objective E27.2(1) by clarifying what facilities any proposed cycling and pedestrian facilities must connect to. More efficient as the proposal clarifies an uncertain provision in the plan.	No additional costs compared with status quo.	Overall, the change may lead to better facilities for cyclists and pedestrians as a result of a better integrated network. Greater plan efficiencies arising from a clearer standard. Marginally greater economic benefits arising from enhanced clarity of the standard, and therefore reduced inefficiencies in design processes. Marginally greater social benefits as clarified standard may lead to greater connections for pedestrians and cyclists.

Conclusion

Option two is the most appropriate given the enhanced effectiveness and greater benefits, whilst maintaining similar efficiency and costs as the status quo.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

Theme 6.7.18 Preamble to activity table

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E27 Transport
Specific provision/s	E27.4.1

Status quo and problem statement

The preamble to E27.4.1 Activity Table 1 references land use activities under section 9(3) of the RMA 1991. However, Rule E27.4.1(A3) in the activity also applies to subdivision activities, which relate to section 11 of the RMA.

Outline the proposal(s)

Option 1: (Status quo)

Retain current wording

Option 2:

Amend E27.4 to reference section 11 of the RMA.

Evaluating the proposal against its objectives

Table 6.7.18 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	The existing wording is incomplete in terms of references to the RMA.	Plan is less accurate.	No action required.
Option 2: Amend wording to increase clarity (preferred option)	More effective in meeting the objective of the Plan Change and more efficient, given it corrects an inaccurate reference.	No additional costs.	Greater accuracy of plan content, and therefore plan efficiency.

Conclusion

Option two is more appropriate than the status quo given enhanced effectiveness and benefits.

The proposed amendments to the AUP are located in Attachment A.6 of this report.

6.8 Built environment and temporary activities

Theme 6.8.1 Billboards on street furniture in the road reserve

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E23 Signs
Specific provision/s	E23.4.2 Activity table E23.6.2 E23.6.3

Status quo and problem statement

The standards that apply to billboards on street furniture in the road reserve are confusing and incomplete. There are three issues:

1. E23.6 states that all billboards listed as permitted activities must comply with all permitted activity standards, regardless of whether the billboard is in a zone or a road. There is a risk that some standards may automatically make billboards on street furniture in the road reserve a restricted discretionary activity. For example, E23.6.1(1)(a) states that billboards must not be placed on any public open space. The interpretation of public open space can include streets. If this interpretation is taken, billboards in the road reserve that are intended to be permitted activities, subject to standards, would infringe this standard. They would automatically become restricted discretionary activities.

In addition, many of the standards listed in E23.6.1 do not apply to billboards in the road reserve, as they specifically address billboards on buildings. For example, E23.6.1(5)-(12) all deal with billboards that are attached to buildings and are not relevant to billboards in the road reserve.

2. The standards that apply to the way that billboards can display information are inconsistent, depending on whether the billboard is located within a zone, whether it is an existing billboard in the road reserve or whether it is a new billboard in the road reserve. For example;
 - E23.6.1 contains all necessary standards for billboard displays (E23.6.1(2), (3), (4), (13) and (14));
 - E23.6.2 only has one of these five criteria (E23.6.2(1)(c));
 - E23.6.3 only has three of these five criteria (E23.6.3(1)(a), (2) and (5)).

An interpretation can be made that all these standards do technically apply to all billboards in the road reserve, because E23.6 applies to all permitted activities in Tables E23.4.1 and E23.4.2 and all billboards on street furniture in the road reserve are permitted activities. This is confusing however because the headings for E23.6.2 and E23.6.3 refer specifically to the type of billboard and its location, followed by specific standards, some of which duplicate standards in E23.6. It is unclear whether these specific references outweigh the statement in E23.6 that the permitted activity standards apply to all permitted activities. In previous interpretations, council has

taken the view that those specific references outweigh the E23.6 standard, so council's view is that the billboards in E23.6.2 and E23.6.3 are not subject to the standards in E23.6.1.

3. A minor issue is contained in the heading for Table E23.4.2 *Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage [rcp/dp]*. The heading contains the word 'and' in a confusing place. The rules in Table E23.4.2 deal with billboards on street furniture in a road reserve. Billboards not on street furniture in the road reserve are not provided for and are therefore classified as a discretionary activity under C1.7 of the plan. The 'and' confuses the reader as to what the table actually applies to.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not change E23.6.1-3.

Option 2 – Amend provisions to make it clear that all permitted activity standards apply to all permitted activities.

This option would amend the wording to make it absolutely clear that all permitted activity standards in E23.6 apply to all permitted activities in Tables E23.6.1 and E23.4.2.

Option 3 – Amend provisions to ensure that specific and relevant standards apply to specific permitted activities.

This approach proposes to clearly link the standards that apply to each activity table or activity in each table, so that:

- the permitted activity standards in E23.6.1 *Billboards* only apply to billboards in Table E23.4.1 *Billboards in zones*; and
- the activity standards in 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* only apply to (A46) and (A47) in Table E23.4.2 *Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage*; and
- the activity standards in E23.6.3 *Billboards on new street furniture* only apply to (A48) in Table E23.4.2 *Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage*.

This proposed approach would also update the standards so that all relevant standards apply in each case. For example, all standards that apply to billboards' lighting and safety aspects will clearly apply to each type of billboard and in each location.

This approach is consistent with the approach in council's closing statement to the IHP. For billboards on street furniture in the road reserve, only a certain number of development controls were considered necessary to apply¹⁵. It is also consistent with council's previous interpretations on the matter.

The approach also amends the heading for Table E23.4.2 Activity table to remove the 'and', to make it clear that the table is about street furniture in road reserves.

Evaluating the proposal(s) against its objectives

Table 6.8.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less efficient than Option 3 for plan users, due to lack of clarity.	Fails to clarify provisions. Potential additional costs incurred for plan users due to unclear provisions.	No plan change process and associated costs.
Option 2: Amend provisions to make it clear that all permitted activity standards apply to all permitted activities.	Effective as all standards will be applied and effects will be fully managed. Less efficient as more resource consents will be required. Applications for billboards in the road reserve may be restricted discretionary activities when with appropriate standards they could be adequately addressed as permitted activities.	Permitted activity billboards on street furniture in the road reserve may be treated as restricted discretionary activities as the road reserve may be considered a 'public open space'. This will create unnecessary resource consent costs that the plan provisions do not anticipate. There will be unnecessary duplication of standards.	Permitted activity standards apply to all activities. Resource consent process can be more thorough than permitted activity standards.
Option 3: Amend provisions to ensure that specific standards apply to specific	Effective as relevant standards are only applied to the relevant activities.	Standard E23.6.1 (16) addresses structures in the road reserve. This will not apply to	Approach is clear. Standards that are not relevant to a particular

¹⁵ H1.1 (page 5) <https://hearings.aupihp.govt.nz/online-services/new/files/fK7mRRwn3lfTKGXcMoriZ56OyyaQB9lWzp6Xu6vIm8rf>

Options	Efficiency and effectiveness	Costs	Benefits
permitted activities. <i>(preferred option)</i>	<p>Efficient for plan users as provisions are easier to understand and implement.</p> <p>Achieves the following objective:</p> <p><i>E23.2(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.</i></p>	anything as the standards in E23.6.1 will only apply to zones.	<p>application will not be considered. For example, standards about billboards on buildings will not apply to an application for a billboard in the road reserve.</p> <p>Billboard display standards will apply to billboards in all areas.</p> <p>Consistent with council's closing statement to the IHP and council's previous interpretations of the current provisions.</p>

Conclusion

Option 3 is preferred. The approach is consistent with the objectives in E23 that seek to enable appropriate billboard development whilst managing adverse effects.

The proposed amendment can be found in Attachment A7 – Built Environment of this report.

Theme 6.8.2 Freestanding billboards

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E23 Signs
Specific provision/s	E23.6 E23.6.1(20)

Status quo and problem statement

Standard E23.6.1(20) applies to free standing billboards.

E23.6. Standards says that all activities listed as a permitted activity must comply with the permitted activity standards. This includes Standard E23.6.1(20).

However there are no free-standing billboards that are a permitted activity anywhere in Auckland. The activity status for free standing billboards ranges from a restricted discretionary activity to a non-complying activity.

This means that the standard does not directly apply to any activities. This is causing confusion as to whether the standard is relevant or not. It can be taken into account for discretionary and non-complying activities (under S104(1)(b)(v)), but not for restricted

discretionary activities, as the matters that can be considered are restricted to those explicitly specified in the plan. This creates an unusual outcome where the standard can be considered for some activities and not others, for no apparent reason.

Council's provisions attached to rebuttal evidence contained the following general clause in Chapter G2.3(1)¹⁶ – '*All permitted, controlled and restricted discretionary activities must comply with the controls applying to the activity all activities*'.

It is unclear whether the IHP meant for standards to apply only to permitted activities, or whether it was a mistake to not include reference to restricted discretionary activities.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Option 2 – Amend the provisions so that the standards apply to restricted discretionary activities, as well as permitted activities

This option amends E23.6 so that all standards in E23.6.1 apply to restricted discretionary activities, in addition to permitted activities. This means that the free standing billboard standard in E23.6.1(20) will apply to restricted discretionary activities.

The option also amends E23.6 so that it is clear that the following restricted discretionary activities in Table E23.4.2 are subject to the E23.6.1 standards, because they are catchall rules for billboards within zones:

- (A51) – the rule specifically refers to lawfully established billboards within zones and the extent of any non-compliance with the E23.6 standards, so it is logical that the standards should apply;
- (A52) – there are a number of quantitative standards that relate to how information in a changeable message billboard can be displayed (e.g. standards E23.6.1(2), (3), (4), (13) and (14)); and
- (A53) – comprehensive development signage should be subject to the same standards as billboards.

For completeness, it is noted that this option does not seek to amend how the standards apply to rules (A46)-(A50) because:

- (A46)-(A47) are permitted activities in the road reserve and are already subject to standards in E23.6.2;

¹⁶ Page 20, para 10.10, <https://hearings.aupihp.govt.nz/online-services/new/files/po7AwzGrwf4rZtBXwyWPmervJ211GsMEsNQGbQIZ0ovp>

- (A48) is a permitted activity in the road reserve and is already subject to standards in E23.6.3;
- (A49) applies to a discrete type of existing sign in the road reserve called ‘Nulite’ signs. These are existing signs subject to a contractual arrangement between Auckland Transport and the signs’ owner. The IHP explicitly stated that ‘*the Panel considers that because the road reserve is owned by Auckland Transport and it would not grant approval unless safety issues were addressed, and there is no need for these small signs to be regulated in the Unitary Plan*’¹⁷; and
- (A50) is a restricted discretionary activity but is the ‘catchall’ rule for those billboards in (A46)-(A48) that do not comply with standards.

Option 3 – Delete the free standing billboard standard (E23.6(1)(20)).

This option removes the freestanding billboard standard from the plan, as it has no clear purpose. There are no permitted activity billboards and E23.6 does not require restricted discretionary activities to be subject to the standards.

Evaluating the proposal(s) against its objectives

Table 6.8.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less efficient than Option 2 for plan users, due to lack of clarity.	<p>Fails to clarify provisions.</p> <p>Potential additional costs incurred for plan users due to unclear provisions.</p>	No plan change process and associated costs.
<p>Option 2: Amend the provisions (E23.6 first paragraph) so that the standards apply to restricted discretionary activities, as well as permitted activities.</p> <p><i>(preferred option)</i></p>	<p>Effective as provides clear guidance for resource consent process according to objectives and policies, sets clear guidance as to community expectations about billboard sizes and provides a quantitative basis for evaluation of free standing billboards and their effects (including lighting and safety).</p> <p>Efficient as does not require more resource consents,</p>	<p>Assessment criteria could address the effects as part of the adverse effects assessment – may be over-complicating the plan provisions.</p> <p>The free standing billboard standard in E23.6.1(20) applies to different built environments (from the Heavy Industry</p>	<p>Links the free standing billboard standard to restricted discretionary activities. In doing so, provides clear baseline for assessment of free standing billboards.</p> <p>Removes unusual outcome where assessments can consider standard for discretionary and non-complying activities</p>

¹⁷ Report to Auckland Council, Hearing topic 027, Artworks, signs and temporary activities, July 2016, Page 15
<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/unitary-plan/history-unitary-plan/ihp-designations-reports-recommendations/Documents/ihp027artworkssignstempactivities.pdf>

Options	Efficiency and effectiveness	Costs	Benefits
	<p>increases plan clarity and does provide more guidance in the resource consent process.</p> <p>Achieves the following objective:</p> <p><i>E23.2(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.</i></p> <p>Achieves the following policies:</p> <p><i>E26.3(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.</i></p> <p><i>E26.3(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.</i></p>	<p>Zone and the Metropolitan Centre Zone) and the one standard may not be appropriate.</p>	<p>(under S104(1)(b)(v)), but cannot consider for restricted discretionary activities.</p> <p>Increases plan clarity.</p> <p>Ensures that other quantitative standards about billboard lighting and safety also apply to restricted discretionary activities.</p> <p>Ensures that the restricted discretionary activities in (A51)-(A53) are also subject to appropriate standards.</p>
<p>Option 3: Delete the free standing billboard standard, as it has no purpose.</p>	<p>Does not achieve objectives as the plan will not provide guidance on appropriate dimensions for free standing billboards.</p> <p>Not efficient as may result in unnecessary disagreement about appropriate size for free standing billboards in resource consent process, as no guidance is provided.</p>	<p>Provides no clear baseline as to the appropriate dimensions of free standing billboards.</p> <p>Decreases plan clarity.</p> <p>Other standards about billboard lighting and safety will not be applicable to restricted discretionary activities.</p>	<p>Each resource consent application can be examined in the context of the proposed environment, without referring to generic standards.</p>

Conclusion

Option 2 is preferred. It:

- sets clear guidance as to community expectations about billboard sizes;

- provides a quantitative basis for evaluation of free standing billboards and their effects (including lighting and safety);
- ensures that other restricted discretionary activities are also subject to standards; and
- improves plan clarity by ensuring that plan provisions have a clear purpose.

The proposed amendment can be found in Attachment A7 – Built Environment of this report.

Theme 6.8.3 Traffic and pedestrian safety

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E23 Signs
Specific provision/s	E23.1 Background E23.2 Objective (2) E23.3 Policy (4)

Status quo and problem statement

There are three references to traffic and pedestrian safety in E23.1, E23.2 and E23.3. The references are inconsistently worded and confusing:

- E23.1 refers to '*pedestrian traffic and safety*'. This doesn't seem to include traffic safety. There is no other reference to traffic safety in the background. Signs can create adverse effects on traffic safety. It seems unlikely that the plan should only be concerned about pedestrian traffic and safety and not vehicle traffic and safety.
- E23.2(2) refers to '*traffic and pedestrian safety*'. This is a wider, more inclusive term than the phrase used in the background. It covers adverse effects on pedestrian and vehicle safety that signs can create.
- E23.3(4) refers to '*traffic and pedestrian traffic safety standards*'. It is unclear what 'pedestrian traffic safety standards' refers to.

These different phrases may cause confusion for persons using the background statement and objectives and policies. If they are different, arguably they mean different things.

It would be helpful to establish whether the meanings are intended to be different and if not, amend them to be consistent.

In addition, the assessment criteria only refer to 'traffic safety'. There is no reference to 'pedestrian safety'. This means that 'pedestrian safety' cannot be considered in a resource consent process.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Option 2 – Reword two of the three references to make it clear that the plan is referring to ‘traffic and pedestrian safety’ and add ‘pedestrian safety’ to the assessment criteria.

The purpose of the Signage Bylaw 2015 is to ‘provide for the safety of vehicular and pedestrian traffic...¹⁸’. It seems sensible that the bylaw’s purpose and the plan’s focus on adverse effects should be consistent. The plan should manage signs’ adverse effects on both vehicle and pedestrian safety.

The reference in the background to ‘pedestrian traffic and safety’ does not refer to vehicle safety. This does not include the full range of signs’ adverse effects and should be amended to be consistent with the reference in objective 2 to ‘traffic and pedestrian safety’.

Similarly, council officers are unsure what the reference in policy 4 to ‘pedestrian traffic safety standards’ may include. The reference to standards is intended to include external references such as the ‘Austroads Guide to Road Design’. This is not concerned with pedestrian traffic safety, but traffic and pedestrian safety. The word ‘traffic’ in policy 4 is confusing and unnecessary.

Add ‘pedestrian safety’ to the assessment criteria to ensure that all matters can be considered in a resource consent process.

Evaluating the proposal(s) against its objectives

Table 6.8.3 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Less effective than Option 2 as cannot consider pedestrian safety in a restricted discretionary activity resource consent process. Less efficient than Option 2 for plan users, due to lack of clarity.	Fails to clarify provisions. Potential additional costs incurred for plan users due to unclear provisions.	No plan change process and associated costs.
Option 2: Reword two of the three references to make it clear that the plan is	Effective as achieves plan goals to manage signs’ adverse effects on vehicle and pedestrian	Plan change costs.	Focuses on signs’ adverse effects on both vehicle and pedestrian safety, not just some of

¹⁸ Clause 4(1)(a), page 6 of the Signage Bylaw 2015.

Options	Efficiency and effectiveness	Costs	Benefits
referring to 'traffic and pedestrian safety' and add 'pedestrian safety' to the assessment criteria <i>(preferred option)</i>	safety. Efficient as it removes confusion that may arise from existing disparate wording. Achieves the following objective: <i>E23.2(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.</i>		those effects. Aligns with signs bylaw which seeks to manage both vehicle and pedestrian safety. Links with standards that seek to manage adverse effects on vehicle and pedestrian safety. Reduces potential for interpretation problems. Improves plan legibility and integrity.

Conclusion

Option 2 is preferred. Amending two of the three references to make it clear that the plan is referring to 'traffic and pedestrian safety' will avoid future confusion for plan users. It does not change the plan meaning, and it aligns with the signs bylaw which seeks to manage both vehicle and pedestrian safety.

In addition, adding 'pedestrian safety' to the assessment criteria will ensure that all matters can be considered in a resource consent process.

The proposed amendment can be found in Attachment A7 – Built Environment of this report.

Theme 6.8.4 Definition of 'public place'

Chapter of the AUP	Chapter E Auckland-wide Chapter J Definitions
Sub-section of the AUP	E40 Temporary Activities
Specific provision/s	Public place definition E40.4.1 Activity table

Status quo and problem statement

A noise event is a temporary activity that exceeds the general noise controls for a site either in level or duration. Different rules apply to noise events based on whether the event is in a public place or on private land. Noise events in public places are permitted subject to standards (Table E40.4.1 Activity table (A12)), whereas noise events on private land are

restricted discretionary or discretionary activities (Table E40.4.1 Activity table (A13) and (A14)).

The plan has a definition of public place.

‘A place that, at any particular time, (including for the duration of an event) is accessible to or is being used by the public whether free or on payment of a charge.

Excludes: internal areas of buildings’.

The words *‘including for the duration of an event’* means that noise events on private land become a ‘public place’ for the purposes of E40 Temporary activities. This means that the restricted discretionary and discretionary activity consents for noise events on private land will not be used as all land could be considered as a ‘public place’ for the purposes of the rule. Private land noise events are therefore subject to a less rigorous regime than the plan apparently intended.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not change the ‘public place’ definition.

Option 2 – Replace the existing definition of ‘public place’ with the definition contained in the Trading and Events in Public Places Bylaw 2015.

The IHP report for temporary activities noted that the Panel intended to delete the council’s notified ‘public place’ definition, in reliance on the Trading and Events in Public Places Bylaw definition¹⁹. However the IHP failed to carry out this resolution and the plan’s public place definition remains in the form it was in council’s closing provisions.

The bylaw definition would resolve the problem whereby noise events on private land could be considered as a public place. The bylaw definition of public place is²⁰:

‘means any place that, at any material time, is owned, managed, maintained or controlled by the council or council controlled organisation and is open to or, being used by the public, whether free or on payment of a charge. It includes any road, footpath, public square, grass

¹⁹ Report to Auckland Council Hearing topic 027 Artworks, signs and temporary activities, July 2016, Page 17, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/ihp-designations-reports-recommendations/Documents/ihp027artworkssignstempactivities.pdf>

²⁰ Trading and Events in Public Places Bylaw 2015, page 6, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/bylaws/Documents/tradingeventspublicplacesbylaw2015.pdf>

verge, berm, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshore and dunes, access ways, recreational grounds and sports fields’.

The plan has approximately 150 references to ‘public place’. The proposed definition change does not appear to materially change how any of these references are used in the plan.

Evaluating the proposal against its objectives

Table 6.8.4 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Fails to achieve plan’s objective to require resource consent for noise events on private land.</p> <p>Less efficient than Option 2 for plan users, due to confusion about how the definition applies to noise events on private land.</p>	<p>Fails to clarify provisions.</p> <p>Potential additional costs incurred for plan users due to unclear provisions.</p>	No plan change process and associated costs.
<p>Option 2: Replace the existing definition of ‘public place’ with the definition contained in the Trading and Events in Public Places Bylaw 2015.</p> <p><i>(preferred option)</i></p>	<p>Effective as the proposed change achieves the IHP’s stated objective to change the definition, is consistent with the more restrictive activity status for noise events on public land, and is also consistent with Objective E40.2(2) and Policy E40.3(1).</p> <p>Arguably, the change is less efficient than the status quo in that resource consent for noise events on private land will be required. However it is efficient in the sense that the plan clearly intends to require resource consent for noise events on private land ((A13) and (A14)). The proposed change ensures that the plan works efficiently and clearly, and the effects of noise events on private land are appropriately regulated.</p> <p>Achieves the following objective:</p> <p><i>E40.2(2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities</i></p>	Noise events on private land are subject to a consent process.	<p>Noise events on private land are subject to the resource consent process that the plan intends through E40.4.1 (A13) and (A14).</p> <p>Adverse effects are appropriately controlled.</p> <p>Noise events on private land do not become a ‘public place’ under E40 and the plan provisions are consistent.</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p>and the natural environment.</p> <p>Achieves the following policy:</p> <p><i>E40.3(1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:</i></p> <p><i>(a) noise associated with the activity meets the specified standards;</i></p> <p><i>(b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;...</i></p>		

Conclusion

Option 2 is preferred. The proposed change will align the ‘private place’ definition with the plan’s rules that require resource consent for noise events on private land.

The proposed amendment can be found in Attachment A7 – Built Environment of this report.

Theme 6.8.5 Noise events in public places

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E40 Temporary activities
Specific provision/s	E40.6.4 E40.6.5

Status quo and problem statement

Temporary activities that do not comply with the noise controls for the public place in which they are located become a ‘noise event’. ‘Noise event’ is defined in Chapter J as:

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

Noise events have standards which are required to be met to remain a permitted activity (E40.6.4 and E40.6.5). Currently the standards require that the noise event:

- be a maximum of six hours in duration, excluding two hours for sound testing and balancing;
- must start after 9am and end by 11pm; and
- does not exceed stated noise limits.

The time allotted for the noise event includes the time taken to set up the event and deconstruct it afterwards (the **pack in and pack out**) (see note 2 to the activity table). This is reasonable for temporary activities that last a number of days, but doesn't work so well for noise events that are intended to last a day or less. The permitted activity standards for these noise events are problematic for the following reasons:

1. Council's Event Facilitation team advise that most of the approximately 230 public place noise events per year cannot comply with this six hour duration if it includes the pack in pack out. This means that nearly all noise events will require a resource consent, even if they would comply with reasonable noise limits. The plan does not anticipate this outcome.
2. Some events also have to pack in before 9am (e.g. athletic events) and pack out after 11pm (e.g. Movies in the Park). These would require resource consent, which is considered unnecessary and unreasonable, provided that noise effects are managed.
3. In addition, it is unclear what noise limits should apply to the pack in pack out if they are extended beyond the six hours duration for the noise event.

There are also minor errors in the technical noise references. For examples, references to 90dbA L_{A01} and 90dBA L1 are incorrect.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not change E40.6.4 or E40.6.5.

Option 2 – Amend provisions to provide for the pack in pack out and apply new noise standards

This option seeks to ensure that:

- the permitted event duration of six hours does not include the time taken for the pack in pack out – this is achieved through the proposed new E40.6.4(1)(a)(ii) and E40.6.5(1)(a)(ii);
- the pack in pack out can occur prior to 9am and after 11 – this is achieved through proposed amendments to E40.6.4(1)(c) and E40.6.5(1)(c);
- noise standards are set for the pack in pack out by cross referencing to the construction noise standards in E25. In addition, a more permissive noise limit for activities sensitive to noise is proposed for the pack out on all days except Sunday, for up to three hours after the conclusion of the noise event and not after 10pm (E40.6.4(1)(d)). This is proposed in all zones except for the city centre and metropolitan centres zones. It recognises that the noise event could emit noise of 70db L_{Aeq} until 11pm as a permitted activity and enables the pack out to take place at a higher noise level than provided for in the construction noise standards, but only

until 10pm. This strikes a balance between what could be done as a permitted activity (the noise event itself) and the cumulative noise of the noise event and pack in pack out.

The option also amends the incorrect minor technical noise references.

Evaluating the proposal against its objectives

Table 6.8.5 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	<p>Does not enable temporary activities in public places to appropriate extent.</p> <p>Less efficient for plan users as resource consents will still be required for noise events that have acceptable effects but do not comply with the current provisions.</p>	<p>Many unnecessary resource consents will continue to be required.</p> <p>Increased costs of compliance.</p>	<p>No plan change process and associated costs.</p> <p>Current process requires each noise event that would infringe the provisions to be addressed individually, which could lead to better outcomes.</p>
<p>Option 2: Amend provisions to provide for the pack in pack out and apply new noise standards</p> <p><i>(preferred option)</i></p>	<p>Appropriately enables temporary activities subject to mitigating adverse effects (objective E40.2(1)-(3), policy E40.3(1)(b)-(c)).</p> <p>More efficient provisions as public place noise events are regulated by a permitted activity standard which reduces the need for unnecessary resource consents.</p> <p>Achieves the following objectives:</p> <p><i>E40.2(2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.</i></p> <p><i>E40.2(3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.</i></p> <p>Achieves the following policy:</p>	<p>Less opportunity to tailor appropriate noise levels and effects for individual noise events.</p> <p>Potential increased noise effects on receivers near public places where noise events are held.</p> <p>The construction noise limits are restrictive before 6.30am on weekdays and 7.30 on weekends.</p> <p>Noise events that need to pack in before these times and pack out after 10pm are more likely to breach the construction noise standards and will not be enabled as permitted activities.</p>	<p>The pack in and pack out for public places noise events can proceed as a permitted activity, subject to appropriate standards.</p> <p>Reduces number of resource consents required.</p> <p>Appropriate construction noise levels will protect sensitive neighbours from unreasonable noise during the pack in pack out.</p> <p>Less restrictive noise limits for the pack out in all zones except for the city centre and metropolitan centre zones enables flexibility for event holders but protects adjacent activities sensitive to noise from unreasonable noise.</p> <p>The use of public places for temporary</p>

Options	Efficiency and effectiveness	Costs	Benefits
	<p><i>E40.3(1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:</i></p> <p>...</p> <p><i>(b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;</i></p> <p><i>(c) noise from outdoor events using electronically amplified equipment is controlled through limiting the times, duration and the frequency of events;...</i></p>		<p>events is appropriately enabled.</p> <p>Private noise events in public places will not typically allow admission to the general public. Extending pack in pack out times and noise limits will reduce private occupation of public space as the work can be carried out on the same day as the event.</p>

Conclusion

Option 2 is preferred. The proposed amendments are appropriate as they enable noise events to pack in and pack out without having to seek resource consent, if they do not breach construction noise limits. This will provide for a less restrictive consenting regime, whilst still appropriately managing effects.

The proposed amendment can be found in Attachment A7 – Built Environment of this report.

Theme 6.8.6 Noise and vibration from works in the road

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E25 Noise
Specific provision/s	E25.6.29 E25.6.30

Status quo and problem statement

The noise and vibration standards in E25.6.29 allow noise from specific construction activities carried out in the road to exceed standards for specified periods. This is possible where a construction noise and vibration management plan (**CNVMP**) is prepared to manage effects and ensure there is appropriate communication with affected residents and businesses.

E26.6.29 recognises that some works in the road cannot be practicably made to comply with the construction noise standards because of their nature and proximity to receivers. In addition, some works cannot be practicably carried out during the day because of the disruption it would cause to traffic, businesses, freight routes, schools or for other reasons. It also recognises that the works occur for a limited period of time.

If the works within the road were not enabled in this way, the work would need to be extended over a longer period to avoid more sensitive night time hours. This can be inefficient and also create more disruption to road users at busy times. E25.6.29 was drafted specifically to avoid the need for organisations carrying out works in the road to have to apply for resource consent for a large number of projects, which have never needed consent prior to the AUP becoming operative. It has been estimated that if the noise exclusions for works in the road were not included in the AUP, Watercare alone would need to apply for approximately 3000 additional resource consents per annum.

Effects on amenity generated by vibration from works in the road are not enabled in the same way as noise. This means that, although a CNVMP will be prepared, it will be of little use because vibration often accompanies noise and a resource consent will be required to address vibration regardless.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not change E25.6.29 or E25.6.30.

Option 2 – Enable infringement of plan vibration amenity standards for works in the road reserve, when a CNVMP is prepared.

Amend E25.6.29 and E25.6.30 so that works within the road that do not comply with the amenity effects of vibration standards can proceed without resource consent, where a CNVMP is prepared.

In practice this will apply where a CNVMP is already required to exceed construction noise levels for a limited period. The vibration aspects of the works will be able to be addressed along with noise, using the same CNVMP process.

In terms of scope, this is a gap in the Unitary Plan which is leading to outcomes that do not align with the Unitary Plan policy direction.

Evaluating the proposal against its objectives

Table 6.8.6 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – no change	Effective as Objective E25.2(4) seeks to enable construction that cannot meet noise and vibration, whilst controlling duration, frequency and timing. The plan gives effect to this with regards to the noise effects of	Fails to address similar effects in a similar way. Potential additional costs incurred for infrastructure organisations, due to	No plan change process and associated costs.

Options	Efficiency and effectiveness	Costs	Benefits
	<p>work within the road but not vibration. No change would fail to address these related effects in a consistent way – but it still could be achieved through a resource consent process.</p> <p>Less efficient than Option 2 for infrastructure providers, due to resource consent costs or additional time taken to do the work. Also less efficient for road users if additional time taken to do the work.</p>	<p>extra resource consent costs, or longer work periods due to shorter hours available to complete the work.</p> <p>Potential disruption to road users if longer time taken to complete the works.</p>	
<p>Option 2: Add provisions that explicitly exclude amenity effects of vibration that arise for works in the road reserve, where a CNVMP is prepared (additions to E25.6.29 and E25.6.30).</p> <p><i>(preferred option)</i></p>	<p>Effective as the plan seeks to enable works in the road without resource consent, and for a limited period, where a CNVMP is prepared. Noise infringements can use a CNVMP but the vibration elements of the same works cannot. The proposed amendment will enable this to occur.</p> <p>Efficient as preparing a CNVMP is an accepted and cost effective way of managing expectations around noise and vibration.</p> <p>Achieves the following objective:</p> <p><i>E25.2(4) Construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects.</i></p>	<p>Permitted vibration levels will be increased for limited periods.</p> <p>Estimating vibration levels is more difficult than estimating noise levels. It will become more difficult to use a standard CNVMP across a number of jobs. An expert is more likely to be required to prepare the vibration aspects of the CNVMP. However the development of generic vibration prediction tools will indicate the vibration levels that particular works are likely to generate.</p>	<p>Proposed amendment will reduce resource consent costs and allow some works in the road to be undertaken within a shorter timeframe.</p> <p>Addressing effects through a CNVMP recognises that works within the road are essential to maintain infrastructure, and that night time works are sometimes the only time that they can be carried out.</p> <p>Noise and vibration effects on amenity will be consistently addressed.</p> <p>The effect of vibration on buildings and other structures is still subject to the usual standards and exceedance requires a resource consent process.</p>

Conclusion

Option 2 is preferred. Noise and vibration are related, and works in the road which exceed the construction noise standards are also likely to exceed the amenity effects of vibration standards. With this in mind, it is appropriate to address noise and vibration effects on amenity in the same way, by requiring a CNVMP to engage with affected parties and address adverse effects.

The proposed amendment can be found in Attachment A7 – Built Environment of this report.

6.9 Environmental risk

Theme 6.9.1 Agrichemicals and vertebrate toxic agents

Chapter of the AUP	Chapter E Auckland-wide – Environmental Risk
Sub-section of the AUP	E34. Agrichemicals and vertebrate toxic agents
Specific provision/s	E34.6. Standards E34.6.1. Permitted activity standards E34.6.1.2 The Discharge from non-domestic applications of agrichemicals onto or into land

Status quo and problem statement

The purpose of this part of the report is to address errors in relation to E34. Agrichemicals and vertebrate toxic agents of the AUP (OP).

Standard E34.6.1.2(3) is for the application of agrichemicals by a handheld device that is non-motorised. The wording of the standard does not make it clear if a person who is operating under this standard, who holds minimum qualifications required in Appendix 18, also requires supervision of the same qualification.

E34.6.1.2(3) states:

- (3) Any person applying agrichemicals by a handheld application (a non-motorised sprayer carried on foot) must:*
- (a) be under the supervision of person holding the minimum qualifications required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; and*
 - (b) have received instruction on the New Zealand Standard – Management of Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.*

To limit further interpretation issues, it is suggested a third criteria is inserted to state that holders of the minimum qualification, do not require supervision or a management plan from a person holding the same qualification.

Outline the proposal(s)

The proposal/s to address the problem identified for 'Standard E34.6.1.2(3)' is:

Option 1- Status quo

- No change to the current provisions

Option 2 – Amendment to Standard E

- Amend standard E34.6.1.2(3) to include criteria for a person holding the minimum qualification required being in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.

“(3) Any person applying agrichemicals by a handheld application (a non-motorised sprayer carried on foot) must:

- (c) hold a minimum qualification required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agent; or
- (a) be under the supervision of person holding the minimum qualifications required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; and
- (b) have received instruction on the New Zealand Standard - Management or Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents;”

Evaluating the proposal against its objectives

Table 6.9.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	This option does not effectively identify if a personal with the minimum qualification in Appendix 18, also needs supervision to apply agrichemicals by a handheld non-motorised carried on foot device.	This option is not clear on it's application, so clarification is required by council through enquires, therefore additional costs.	There is limited benefits to leaving the policy as is; the risk of act is less than not acting
Option 2: Amend standard E34.6.1.2(3) to include criteria for a person holding the minimum qualification required in Appendix 18 Qualifications (preferred option)	Option 2 makes it clear that a personal with the minimum qualification can complete the work and is considered more effective and efficient. This option is more efficient than option 1 when giving effect to the objective below: E34.2 Objective: Human health and the environment are protected from adverse effects caused by the inappropriate application, handling, transport, storage or disposal of agrichemicals and vertebrate toxic agents.	This option is clearer and succinct therefore both council and agrichemical business would benefit from cost savings from unnecessary clarification requests to the council.	This option will benefits all parties using this standard as it is a more streamlined approach overall.

Conclusion

Option 2 is the preferred option. Amending chapter E34 to include a new standard that outlines a person who holds a minimum qualification required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents is the most appropriate method to achieve the objective of the plan change because the amendment effectively and efficiently identifies that a holder of a minimum qualification is not required to be supervised by a personal that has the equivalent qualification.

The proposed amendments to the AUP are located in Attachment A.8 - Environmental risk of this report.

Theme 6.9.2 Natural hazards and flooding

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	Chapter E36 Natural hazards and flooding
Specific provision/s	E36.8.1 Matters of discretion Sub-section (11), (12) and (13) E36.8.2 Assessment criteria (11) and (12)

Status quo and problem statement

The matters of discretion for activities in overland flow paths are stated in E36.8.1(11) to (13). Both E36.8.1(11) and E36.8.1(12) have relevant assessment criteria in E36.8.2 however there is no corresponding criteria for E36.8.1(13):

“(13) for any building or structure including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

- (a) the effects of flooding on the activity proposed, including whether it is a more or less vulnerable activity;*
- (b) the effects on the location of habitable rooms;*
- (c) the extent to which the design of the building provides for safe access and the potential effects of flood hazards on the chosen access routes; and*
- (d) the effects on people during a flood event and the ability to avoid, remedy or mitigate these.”*

The missing assessment criteria creates a degree of ambiguity in terms of the application of the provisions. The current structure for E36.8.1 matters of discretion for activities in overland flow paths is three sub-sections, being (11), (12), and (13). The assessment criteria E36.8.2 only has two sub-sections (11) and (12), which are correlated with E36.8.1 (11) and (12).

Matters of discretion E36.8.1 (13) could be assessed against E36.8.2 (12), but it is not ideal or satisfactory when considering the intended effects of E36.8.1(13). Assessment criteria E36.8.2 sub-section (12) sets out:

*“(12) for **diverting the entry or exit point, piping or reducing the capacity** in any part of an overland flow path:”[emphasis added]*

This does not appropriately address the effects for buildings and structures located in overland flow paths. Although a building or structure in overland flow paths could divert or reduce the capacity which would need to be assessed; E36.8.1 (13) addresses the effects based on the location of the building and structure.

Therefore a new assessment criteria to assess the identified effects in E36.8.1(13) is required. When the new assessment criteria is evaluated with the assessment criteria E36.8.2(12), this will provide a full assessment through a design led solution.

It is unclear if this missing assessment criteria was intentional or a drafting oversight; the IHP Report to Auckland Council Hearing topics 022 Natural hazards and flooding and 026 General – others²¹ outlines:

*“The Panel was also not convinced about the degree of restriction on use and development in existing built up areas under the natural hazard and flooding provisions. The Panel recommends that more **consideration be given to enabling site-specific design-led solutions using controlled or restricted discretionary activity status, with appropriately limited matters of control or discretion, and clear and succinct assessment criteria** that assist with giving effect to the objectives and policies for natural hazards and flooding.” [emphasis added].*

The current AUP provisions are not clear or succinct in regards to site-specific design-led solutions for the restricted discretionary assessment criteria for overland flow paths. It is recommended that assessment criteria is put in to directly correlate to E36.8.1(13). This would improve the usability by being consistent.

Outline the proposal(s)

The proposal/s to address vertical inconsistency in E36 Natural hazards and flooding are:

Option 1- Status quo

- No change to the current provisions

Option 2 – Amendment to E36 Natural hazards and flooding

- Amendment to matter of discretion E36.8.1.(13)(c) to read as a matter of discretion and not an assessment criteria
- New assessment criteria for restricted discretionary activity in E36.8.2, consistent with objectives and policies of E36 Natural hazards and flooding

²¹ Report to Auckland Council Hearing topics 022 Natural hazards and flooding and 026 General – others (July 2016)

Evaluating the proposal against its objectives

Table 6.9.2 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	This option is considered the least effective as there is no assessment criteria to consider against the effects outlined in E36.8.1.(13), therefore being an inefficient and incomplete process.	There is a risk of increased costs with this option as the effects of overland flow paths are not fully considered; buildings or structures could restrict flow causing flood damage to neighbouring properties.	Benefits from this option would be a streamlined consenting approach.
Option 2: Amendment to E36 Natural hazards and flooding (preferred option)	This option represents the most efficient response to the protection to habitable space, and the effects on people which could occur if a building or structure were located in an overland flow path. This option gives better effect to the below objective: <i>E36.2 Objectives</i> <i>Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths</i>	Expected increase in costs for resources required to design buildings in overland flow paths, and the Councils resource required to assess the effects.	This option benefits from a design based approach not limiting development by physical controls.

Conclusion

Option 2 is the preferred option. Amending chapter E36 to alter E36.8.1 matters of discretion to read not as an assessment criteria, and to reinstate assessment criteria under E36.8.2 to correlate with E36.8.1 is the most appropriate method to achieve the objective of the plan change because:

1. It is a more effective mechanism when considering the effects of overland flow paths on habitable space and flood risk when applying a design led approach.
2. It is an efficient response to protection to habitable space and the effects on people.
3. The risk of not acting is greater than acting; and therefore a change is required.
4. It is clearer for the plan users as 36.8.1 matters of discretion for overland flow paths match one to one with E36.8.2 assessment criteria.

The proposed amendments to the AUP are located in Attachment A.8 - Environmental risk of this report.

6.10 Subdivision

Theme 6.10.1 Waitākere Ranges and Waitākere Foothills zones

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E39 Subdivision – Rural
Specific provision/s	E39.4.5 (A36) E39.4.5 (A37)

Status quo and problem statement

An issue has been identified in Table E39.4.5 in relation to the activity status for subdivision in the Rural – Waitakere Foothills and Rural – Waitakere Ranges Zones.

At the time the PAUP was notified the underlying zoning was Countryside Living and Rural Conservation and covered by sub-precincts under the Waitākere Ranges Heritage Area precinct. Both of those sub-precincts as proposed were subject to subdivision standards of the underlying zoning unless otherwise specified in the precinct. During the AUP Independent Hearing Panel mediation and hearing process the IHP recommended that the Waitākere Foothills and Waitākere Ranges precincts be replaced with zones. The precinct standards were re-drafted into the two new zones and the Waitākere Ranges Heritage Area precinct into an overlay.

The Waitākere Ranges Heritage Area Act 2008 (**WRHAA**) established the Waitākere Ranges heritage area (the heritage area). The purpose of the WRHAA (s3(1)(a) and (b) is to:

- recognise the national, regional and local significance of the Waitākere Ranges heritage area
- promote the protection and enhancement of its heritage features for present and future generations.

The heritage features of the heritage area include:

- ecosystems
- landscapes and landforms
- the subservience of the built environment to the area's natural and rural landscape
- the past and present human culture of the heritage area
- opportunities for wilderness experiences and recreation
- the Waitākere Ranges regional park
- the water catchment and supply system.

The WRHAA provides additional matters for council to consider when making a decision, exercising a power, or carrying out a duty that relates to the heritage area. Council must give effect to the purpose and objectives of the WRHAA when preparing or reviewing a regional policy statement, regional plan, district plan, plan change or variation. Council must also have 'particular regard' to the purpose and objectives of the WRHAA when considering applications for resource consents.

An objective of the WRHAA is ‘to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect, is of an appropriate character, scale and intensity, does not adversely affect the heritage features and does not contribute to urban sprawl’ (Section 8(f)). The WRHAA is given effect to through the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay and section B4.4 of the regional policy statement. The WRHAA and the Waitākere Ranges Heritage Area Overlay, along with the two zones, provides a more restrictive subdivision regime than elsewhere in Auckland.

In Chapter E39- Rural Subdivision, this more restrictive subdivision regime is acknowledged in Table 39.4.5 which specifically identifies the ‘limited’ subdivision opportunities in the Rural – Waitākere Foothills and Rural – Waitākere Ranges zones. There is also wording before Table 39.4.1 which requires reference to Chapter D12. Waitakere Ranges Heritage Area Overlay for areas and sites subject to specific subdivision provisions in the Waitakere Ranges Heritage Area.

The purpose of Table 39.4.5 is to identify the limited subdivision anticipated in the heritage area. However, the wording of Activity 36 and Activity 37 in the table undermine the ‘more restrictive subdivision regime’ for these zones. In Table 39.4.5- Activity 37 directly conflicts with Activity 36 (as shown below).

(A36)	Subdivision in the Rural – Waitākere Foothills Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	Any other subdivision not otherwise provided for in Tables E39.4.1 or E39.4.5	D

In addition, Objective E39.2(1) requires land to be subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions. Policy E39.3(1) also requires subdivision which supports the policy of the zone. The Rural – Waitākere Ranges zone provides limited opportunity for further growth and development. It recognises the local, regional and national significance of the area and aims to prevent subdivision, use and development from having adverse effects on the heritage features of the heritage area. Regarding the objectives and policies of the zone, activities, development and subdivision needs to achieve the objectives and policies of the overlay as well as achieve the objectives and policies of H19.6.3 Rural – Rural Conservation Zone. The Rural – Rural Conservation zone adopts a conservative approach to new subdivision, use and development which is supported through its objectives and policies. Objective H19.6.2(3) provides for ‘existing rural and residential activities but further development in the zone is limited to that which maintains and where appropriate enhances the value of the zone.’

There is no explicit identification of what ‘any other subdivision’ could be in the context of Table E39.4.5. There is also an inconsistency between any other subdivision not provided for in the Rural – Waitākere Foothills Zone (which is a non-complying activity) and in the Rural – Waitākere Ranges Zone which is not specifically mentioned and is therefore subject to A37 as a discretionary activity. This is also inconsistent within other activity tables within E39. Activity 27 in Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitakere

Foothills Zone and Rural – Waitākere Ranges zone), which has a less restrictive regime for subdivision than the two rural Waitākere zones, has an activity status provides for any other subdivision not provided for in Table E39.4.1 or E39.4.2 as a non-complying activity.

Outline the proposal(s)

Option 1:

Status quo – no amendment to the table

Option 2:

Amend Table E39.4.5 as follows:

Activity	Activity status
(A31) Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C
(A32) Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33) Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34) Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha not complying with Standard E39.6.5.3	NC
(A35) Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36) Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitakere Ranges Heritage Area Overlay	NC
(A37) Any other subdivision not otherwise provided for in Tables E39.4.1 or E39.4.5	D

Evaluating the proposal(s) against its objectives

Table 6.10.1 – Summary of analysis under section 32(2) of the Act

Outline the proposal(s)	Efficiency and effectiveness	Costs	Benefits
Option 1 – Status Quo	Inconsistent with the objectives, policies and of the Waitākere Ranges	Doesn't address the issue around clarity on what	No plan change required

	Heritage Area Overlay and the Rural – Waitākere Foothills and Rural – Waitākere Ranges zones. Does not address the inconsistency between A36 and A37 and the gap it creates in the activity status of ‘any other subdivision’ being D in A37 (Rural – Waitākere Ranges Zone) but NC in A36 (Rural – Waitākere Foothills Zone)	‘any other subdivision’ could apply to in the Rural – Waitākere Foothills and Rural – Waitākere Ranges zones May result in the purpose and objectives of the Waitākere Ranges Heritage Act 2008 being undermined.	
Option 2 – removal of A37 and inclusion of the Rural – Waitākere Ranges zone in A36 (preferred option)	Provides a consistent approach with the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay and between the Rural – Waitākere Foothills and Rural – Waitākere Ranges zone.	A potential greater consent cost and uncertainty for applicants to process consents	Will ensure that the purpose and objectives of the Waitākere Ranges Heritage Area Act 2008 are not undermined.

Conclusion

Option 2 is the preferred option. Option 2 will provide a consistent approach that aligns with the objectives, policies and standards of D12. Waitākere Ranges Heritage Area Act Overlay, H20. Rural – Waitākere Foothills Zone, H21. Rural – Waitākere Ranges Zone and H19.6 Rural – Rural Conservation Zones. Option 2 will also ensure that the purpose and objectives of the Waitākere Ranges Heritage Act 2008 to ‘protect, restore and enhance the area and its heritage features’ is not undermined.

The proposed amendments to the AUP are located in Attachment A.9 - Subdivision.

6.11 GIS Viewer

Theme 6.11.1 Coastal inundation maps

Chapter of the AUP	GIS Viewer Chapter J Definitions
Sub-section of the AUP	<i>J1 Definitions</i>
Specific provision/s	Coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area

Status quo and problem statement

The AUP includes a GIS map layer for 'coastal inundation 1 percent AEP plus 1m control'. The council has updated data for the mapping of this layer in several areas (small east coast estuaries and Kaipara River). This new data was commissioned by the Infrastructure and Environmental Services and will be updated in the council's Geomaps GIS viewer (outside the AUP). Once that is updated, there will be different versions of the maps in the AUP and the non-statutory hazards maps that are used for LIMs and are available to the public on the GIS viewer.

The AUP has an inconsistency in having a map for coastal inundation plus 1 metre sea level rise, but no map for coastal inundation without sea level rise. The map in the AUP is based on the same data and analysis as the 'coastal storm inundation 1 per cent annual exceedance probability area' but the map for that is found only outside the AUP. The AUP contains rules which apply to both areas. There are other rules which apply to other hazards but there are no other hazard maps in the AUP. The definitions for the various hazard areas set out criteria for establishing the relevant area, and in some cases (e.g. 'floodplain'), refer to an externally available map.

This matter is within the scope of this plan change because it is addressing an inconsistency and making the plan clearer and more useable. The option to remove the 'coastal inundation 1 per cent AEP plus 1m' map from the AUP is not a policy shift as the same policy approach is being used. The difference is the location of the mapped information. The plan already allows for technical reports to be used to identify the spatial extent of the coastal storm inundation areas more accurately than the map in the plan which allows for the hazard to be determined from the best information available. The same approach can be taken by referring to an external version of the map which can be updated to reflect new information.

Outline the proposal(s)

Option 1 – No change to the existing provisions.

Option 2 – Update the 'coastal inundation 1 percent AEP plus 1m control' map with the new data. This option includes making the following amendment to the AUP:

- Amend the map for the small east coast estuaries and Kaipara River areas.

Option 3 – Remove the ‘coastal inundation 1 percent AEP plus 1m control’ map. This option includes making the following amendments to the AUP:

- Remove the ‘coastal inundation 1 per cent AEP plus 1m control’ map from the AUP map viewer.
- Amend the definition of ‘Coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area’ to remove the reference to the AUP maps.
- Ensure the updated map is available to the public through the council’s GIS system outside the AUP.

Evaluating the proposal against its objectives

Table 6.11.1 – Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 – No change	Not effective as the coastal inundation maps on the AUP and LIMs for East Coast Estuaries and Kaipara River (Parakai) area will be inconsistent. Not effective as the AUP rules relating to the ‘coastal storm inundation 1 percent AEP area’ will cover an inconsistent area to the ‘coastal storm inundation 1 percent AEP plus 1m sea level rise area’ which should be the same area plus 1m sea level rise.	There may be consent requirements for new development in areas that council held information (GIS viewer) shows are not actually expected to be subject to coastal storm inundation.	No plan change costs.
Option 2 – Update the coastal inundation map with the new data	More effective as the coastal inundation maps on AUP and LIMs will be consistent. Not efficient as ‘Coastal storm inundation 1 percent AEP plus 1m sea level rise’ will be in the AUP while ‘coastal storm inundation 1 percent AEP’ continues to be outside the plan.	GIS team will need to update the map layer. Confusing for landowners as ‘Coastal storm inundation 1 percent AEP plus 1m sea level rise’ is the only hazard that is in the AUP maps. All other hazards are in Geomaps GIS viewer (e.g. floodplains and overland flow paths) or defined by AUP definitions with criteria (e.g. coastal erosion hazard area, land which may be	Coastal storm inundation consent requirements will be based on the most up to date data the council has.

Options	Efficiency and effectiveness	Costs	Benefits
		subject to land instability). Different land would be affected (or no longer affected) by the amended map. These landowners might need to be notified about the plan change. The updated map at Parakai covers a smaller area than the current map, but I am not sure about the East Coast map changes.	
Option 3 – Remove the coastal inundation map from the AUP. <i>(preferred option)</i>	More effective as the coastal inundation maps on AUP and LIMs will be consistent. More efficient as 'Coastal storm inundation 1 percent AEP plus 1m sea level rise' and 'coastal storm inundation 1 percent AEP' will both be outside the plan. Using the updated mapping data is consistent with the current definition bullet point that allows people to use a 'site-specific technical report prepared by a suitably qualified and experienced professional' to identify the area of coastal storm inundation at a particular site.	Landowners will need to look outside the plan for the spatial area the rules relate to for coastal storm inundation 1 percent AEP plus 1m sea level rise. However, they already need to do this for all the other hazards in Chapter E36 Natural hazards and flooding, so it is not a significant change.	Clearer for plan users as coastal storm inundation will be consistent with all other hazards in having the maps outside the plan. Future updates to the coastal inundation maps will be able to be done in Geomaps GIS viewer and will not require a plan change.

Conclusion

Section 32(1)(b)(iii) requires a summary of the reasons for deciding whether the provisions are the most appropriate way to achieve the objectives. That summary is set out below.

Removing the coastal inundation map from the AUP is the most appropriate method to achieve the objective of the plan change because:

1. It is more effective as the coastal storm inundation maps in the AUP and on LIMs will be consistent;

2. It is more efficient as 'Coastal storm inundation 1 percent AEP plus 1m sea level rise' and 'coastal storm inundation 1 percent AEP area' will both be outside the AUP;
3. Using the updated mapping data is consistent with the approach in the current definition which allows people to use a 'site-specific technical report prepared by a suitably qualified and experienced professional' to identify the area of coastal storm inundation at a particular site;
4. While landowners will need to look outside the AUP for the spatial area the rules relate to for the 'coastal storm inundation 1 percent AEP plus 1m sea level rise area', they already need to do this for all the other hazards in E36 Natural hazards and flooding;
5. It is clearer for plan users as coastal inundation will be consistent with all other hazards in having the maps outside the AUP;
6. Future updates to the coastal storm inundation maps will be able to be done in Geomaps and will not require a plan change.

7 Conclusion

PPC14 seeks to amend Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices in respect of the provisions identified in Section 6 Evaluation approaches of this report. The proposed amendments are to address identified technical issues only and will retain the current policy direction of the plan. The main conclusions of the evaluation under Part 2 and Section 32 of the Act are summarised below:

1. PPC14 is consistent with the purpose of sustainable management in Section 5 and with the principles in Sections 6, 7 and 8 and Part 2 of the Act.
2. PPC14 assists the Council in carrying out its functions set out in Sections 30 and 31 of the Act.
3. Pursuant to section sections 67(3)(c) and 75(3)(c) of the Act, PPC14 is consistent with the objectives and policies of the RPS.
4. The evaluation undertaken in accordance with Section 32 concluded:
 - i. the use of the existing objectives of the AUP would be the most appropriate way to achieve the purpose of the Act.
 - ii. the amendment of Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices in respect of of the provisions identified in Section 6 of this report is the most appropriate means of achieving the objectives identified in Section 3 of this report.

8 Attachments

8.1 List of attachments

Attachment A.1 - Natural heritage

Attachment A.2 - Historic heritage

Attachment A.3 - Natural resources

Attachment A.4 – Natural resources

Attachment A.5 – Infrastructure

Attachment A.6 – Transport

Attachment A.7 - Built environment

Attachment A.8 - Environmental risk

Attachment A.9 - Subdivision

Attachment A.10 - Definitions

Attachment A.11 - Appendices

Amendments to the AUP proposed in this plan change can be found in Attachments 1-11 of the report as follows.

Table 8.1.1 – Proposed amendments to AUP in attachments to report

Location in s32 report	Attachment	AUP Chapter
6.2 Natural heritage	Attachment A.1 - Natural heritage	D11 Outstanding Natural Character and High Natural Character Overlay D13 Notable Trees Overlay D14 Volcanic Viewshafts and Height Sensitive Areas Overlay
6.2 Natural heritage	Attachment A.5 – Infrastructure	<i>E26 Infrastructure (Consequential changes)</i>
6.3 Historic heritage	Attachment A.2 - Historic heritage	D17 Historic Heritage Overlay
6.4 Natural Resources (land and water)	Attachment A.3 - Natural resources Attachment A.4 – Natural resources	D1 High-use Aquifer Management Areas Overlay D2 Quality-sensitive Aquifer Management Areas Overlay D3 High-use Stream Management Areas Overlay E2 Water quantity, allocation and use E3 Lakes, rivers, streams and wetlands E7 Taking, using, damming and diversion of water and drilling E8 Stormwater - Discharge and diversion E9 Stormwater quality - High contaminant generating car parks and high use roads

Location in s32 report	Attachment	AUP Chapter
6.4 Natural Resources (land and water) 6.5 Natural Resources (air quality)	Attachment A.4 – Natural resources	E11 Land disturbance - Regional E12 Land disturbance - District E13 Cleanfills, managed fills and landfills E14 Air quality E15 Vegetation management and biodiversity
6.4 Natural Resources (land and water)	Attachment A.5 – Infrastructure	<i>E26 Infrastructure (Consequential changes)</i>
6.4 Natural Resources (land and water) 6.5 Natural Resources (air quality)	Attachment A.10 - Definitions	J1 Definitions Total gross heat release Vegetation alteration and removal
6.4 Natural Resources (land and water)	Attachment A.11 - Appendices	M Appendices Appendix 2 River and stream minimum flow and availability Appendix 17 Documents incorporated by reference
6.6 Infrastructure	Attachment A.5 – Infrastructure	D26 National Grid Corridor Overlay E26 Infrastructure
6.6 Infrastructure	Attachment A.4 – Natural resources	<i>E17 Trees in Roads (Consequential changes)</i>
6.6 Infrastructure	Attachment A.2 - Historic heritage	<i>D19 Auckland War Memorial Museum Viewshaft Overlay (Consequential changes)</i>
6.6 Infrastructure	Attachment A.10 - Definitions	J1 Definitions Public place
6.7 Transport	Attachment A.6 – Transport	E27 Transport
6.7 Transport	Attachment A.9 - Subdivision	<i>E38 Subdivision – Urban (Consequential changes)</i>
6.8 Built Environment	Attachment A.7 - Built environment	E25 Noise and vibration E40 Temporary activities
6.9 Environmental Risk	Attachment A.8 - Environmental risk	E34 Agrichemicals and vertebrate toxic agents E36 Natural hazards and flooding
6.10 Subdivision	Attachment A.9 - Subdivision	E39 Subdivision – Rural
6.11 GIS Viewer	Attachment A.10 - Definitions	J1 Definitions Coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area

ATTACHMENT C
PROPOSED PLAN CHANGE 14
– SECTION 32 ATTACHMENTS



Attachment A: Proposed amendments to Chapter D overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2 and Appendix 17 of the Auckland Unitary Plan (Operative in part) Attachment A: Proposed Amendments to Chapter D Overlays, Chapter E Auckland

Advice note:

This attachment sets out the content of the proposed plan change with cross references to the part of the Section 32 Evaluation report which contains the explanation for the proposed amendment.

The proposed additions are shown in underline and the proposed deletions are shown in ~~strikethrough~~.

Where a proposed amendment has legal effect upon notification of the plan change under Section 86B(3) of the Resource Management Act 1991 this is shown in **grey highlight**.

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ATTACHMENT A.1 – NATURAL HERITAGE

Showing proposed amendments as tracked changes for Chapters:
 D11 Outstanding Natural Character and High Natural Character Overlay
 D13 Notable Trees Overlay
 D14. Volcanic Viewshafts and Height Sensitive Areas Overlay

Consequential changes from D13 Notable Trees Overlay can be found in Attachment A.5 Infrastructure for chapter E26 Infrastructure

D11 Outstanding Natural Character and High Natural Character Overlay

...
D11.4 Activity table

...
Table D11.4.1. Activity Table

Activity	Activity Status			
	High Natural Character	Outstanding Natural Character	Outstanding Natural Landscape	
Development				
(A9)	Buildings and structures accessory to pastoral farming, cropping and other forms of non-intensive forms of rural land production <u>that is not intensive farming</u> (excluding dwellings) that meet Standard D11.6.2	P	P	P
(A10)

Comment [AC1]:
 Theme 6.2.1 Outstanding Natural Character and High Natural Character Overlay

...
D11.6 Standards

...
D11.6.2. Buildings and structures accessory to pastoral farming, cropping and other non-intensive forms of land production (excluding dwellings) and additions to a building or structure existing at 30 September 2013

- (1) Buildings and structures accessory to pastoral farming, cropping and other ~~forms of non-intensive forms of rural land production~~ that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a total gross floor area of:
- (a) 50m2 in areas scheduled in the High Natural Character Overlay;
 - (b) 25m2 in areas scheduled in the Outstanding Natural Character Overlay; and
 - (c) 50m2 in areas scheduled in the Outstanding Natural Landscape Overlay

- (2) Buildings and structures accessory to pastoral farming, cropping and forms of non-intensive forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a maximum height of 5 metres.
- (3) No maximum height applies to road lighting, traffic and direction signs, road name signs, traffic safety and operational signals or traffic monitoring equipment, or the support structures for these activities.
- (4) Buildings and structures accessory to pastoral farming, cropping and other forms of non-intensive forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must have an exterior finish that has:
- (a) a reflectance value of up to 30 per cent; and
 - (b) be within Groups A, B or C as defined within the BS5252 standard colour palette
- (5) No exterior finish applies to traffic and direction signs, road name signs or traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

D13 Notable Trees Overlay

...

D13.4 Activity table

Table D13.4.1 Activity table specifies the activity status for land use activities related to tree management in the Notable Trees Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation are located in Section E26 Infrastructure.

Reference to 'trees' includes trees, groups of trees and the protected root zone

Table D13.4.1 Activity table

Activity		Activity status
(A7)
(A8)	Works within the protected root zone undertaken by to enable trenchless methods at a depth greater than 1m below ground level	P
(A9)		

Comment [AC2]:
Theme 6.2.2 - Notable Trees Overlay

...

D13.6. Standards

...

D13.6.2. Works within the protected root zone undertaken by to enable trenchless methods at a depth greater than 1m below ground level.

Comment [AC3]:
Theme 6.2.2 - Notable Trees Overlay

...

D14. Volcanic Viewshafts and Height Sensitive Areas Overlay

D14.4 Activity table [rcp/dp]

Table D14.4.1 specifies the activity status of land use and development activities in the Volcanic Viewshafts and Height Sensitive Areas Overlay pursuant to sections 9(3) and 12 of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation in the Volcanic Viewshafts and Height Sensitive Areas Overlay are located in Section E26 Infrastructure.

Table D14.4.1 Activity table

Activity		Activity status	
Buildings, and fences and walls where their height does not exceed 2.5m, (where they intrude into a scheduled volcanic viewshaft) excluding network utilities, electricity generation facilities, broadcasting facilities and road networks)		Regionally Significant Volcanic Viewshaft	Locally Significant Volcanic Viewshaft
(A1)	Buildings that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule Buildings that comply with standard D14.6.2	P	P
(A1A)	Fences and walls, where their height does not exceed 2.5m, that comply with standard D14.6.2	P	P
(A2)	Temporary activities construction and safety structures that comply with standard D14.6.4	P	P
(A2A)	Temporary construction and safety structures for a duration of between 12 and 24 months	RD	RD
(A2B)	Temporary construction and safety structures for a duration exceeding 24 months	NC	NC
(A3)	Buildings, except for fences and walls, up to 9m in height	RD	P

Comment [AC4]: Theme 6.2.3 - Volcanic Viewshaft and Height Sensitive Areas Overlay

Buildings that intrude a viewshaft but are not visible due to the presence of a landform

Comment [AC5]: Theme 6.2.3 - Volcanic Viewshaft and Height Sensitive Areas Overlay

Buildings that intrude a viewshaft but are not visible due to the presence of a landform

Comment [AC6]: Theme 6.2.3 - Volcanic Viewshaft and Height Sensitive Areas Overlay

Buildings that intrude a viewshaft but are not visible due to the presence of a landform

Comment [AC7]: Theme 6.2.3 - Volcanic Viewshaft and Height Sensitive Areas Overlay

Temporary Construction and Safety equipment:

(A4)	Fences and walls, where their height does not exceed 2.5m	RD	P
(A5)	Towers associated with fire stations operated by the New Zealand Fire Service <u>Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone.	RD	P
(A6)	Buildings not otherwise provided for or that do not comply with the standards under D14.6	NC	RD
Buildings in a height sensitive area, excluding network utilities, electricity generation facilities, broadcasting facilities and road networks			
(A7)	Buildings up to 9m in height except as specified in Standard D14.6.3.	P	
(A8)	Buildings up to 13m in height in the areas identified in Figure D14.10.1	P	
(A9)	Temporary activities <u>construction and safety structures that comply with standard D14.6.4</u>	P	
(A9A)	<u>Temporary construction and safety structures for a duration of between 12 and 24 months</u>	RD	
(A9B)	<u>Temporary construction and safety structures for a duration exceeding 24 months</u>	NC	
(A10)	Towers associated with fire stations operated by the New Zealand Fire Service <u>Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone	RD	
(A11)	Buildings not otherwise provided for or that do not comply with the standards	NC	

Comment [AC8]:
Consequential Change from Chapter E14
Theme 6.5.11 . Fire and Emergency

Comment [AC9]: Theme 6.2.3 -
Volcanic Viewshaft and Height
Sensitive Areas Overlay

Temporary Construction and Safety
equipment:

Comment [AC10]:
Consequential Change from Chapter
E14
Theme 6.5.11 . Fire and Emergency

D14.6 Standards

All activities listed as permitted and restricted discretionary in Table D14.4.1 must comply with the following standards.

...

D14.6.2 Buildings, and structures fences and walls that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule but are not visible from the identified viewpoint or line due to the presence of landform

Comment [AC11]:
Theme 6.2.3
Volcanic Viewshaft and Height
Sensitive Areas Overlay

Buildings that intrude a viewshaft but
are not visible due to the presence of a
landform

- (1) Compliance must be confirmed by a report from a registered surveyor that the building, fence or wall intruding into the scheduled viewshaft is not visible from the identified viewpoint or line due to the presence of a landform. ~~does not intrude into the scheduled viewshaft (from the identified viewpoint or line) because of the presence of landform.~~ Vegetation is not to be taken into account when confirming compliance and the report shall include identification of the landform used to confirm compliance.

...

D14.6.4 Temporary construction and safety structures

- (1) Temporary construction and safety structures, associated with the construction of buildings and structures, must be removed within 30 days from the viewshaft and height sensitive area ~~or~~ upon completion of construction works; or within 12 months of being erected, whichever is the lesser time period.

Comment [AC12]:
Theme 6.2.3 - Volcanic Viewshaft and Height Sensitive Areas Overlay

Temporary Construction and Safety equipment:

...

D14.8.2 Assessment criteria

- (1) For temporary construction and safety structures for a duration of between 12 and 24 months the Council will consider the relevant assessment criteria from the list below:
- (a) having regard to the viewshaft or height sensitive area statement in Appendix 20 Volcanic Viewshafts and Height Sensitive Area – Values Assessment whether the temporary construction and safety structure adversely affects the visual integrity of the maunga;
 - (b) whether there are practicable alternatives that will not intrude into, or will minimise the intrusion into the viewshaft or exceedance of the maximum height of a height sensitive area; and
 - (c) The extent to which identified adverse effects on the visual integrity of the maunga can be minimised through:
 - (i) measures to avoid or reduce night time illumination;
 - (ii) recessive colours and low reflectivity; and
 - (iii) the configuration of construction cranes.
- (2) For all other restricted discretionary activities, ~~the~~ the council will consider the relevant assessment criteria ~~for restricted discretionary activities~~ from the list below:
- ~~(1) All restricted discretionary activities;~~
- (a) having regard to the viewshaft or height sensitive area statement 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) whether the proposed building has a functional or operational requirement to be in the location proposed and the proposed height of the building is consistent with that requirement;
- (c) whether there are practicable alternatives available that will not intrude into, 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; and
- (e) the relevant objectives and policies in B4.3, D14.2 and D14.3

ATTACHMENT A.2 – HISTORIC HERITAGE

[Changes as a result of PC4 are shown in red underline]

Showing proposed amendments as tracked changes for Chapters:
 D17 Historic Heritage Overlay
 D19 Auckland War Memorial Museum Viewshaft Overlay

D17. Historic Heritage Overlay

...
Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places [rcp – where reference is made in Chapter F to these rules applying]

		Primary feature Category A places	Primary feature Category A* places	Activities within the scheduled extent of place of Category A and A* places	Primary feature Category B places	Activities within the scheduled extent of place of Category B places	Features identified as exclusions
Demolition or destruction							
(A1)	Demolition or destruction of 70% or more by volume or footprint (whichever is the greater) of any feature	Pr	NC	NC	D	D	P - where the feature is free-standing <u>P – for interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a scheduled feature
(A2)	Demolition or destruction of 30% or more, but less than 70%, by volume or footprint (whichever is	NC	NC	NC	D	D	P - where the feature is free-standing <u>P – for interior of building(s) where</u>

Comment [AC13]:
 Theme 6.3.4 - Interiors of buildings when identified as an exclusion

	the greater) of any feature Note: Demolition or destruction of less than 30%, by volume or footprint (whichever is greater) of any feature, is considered under 'Modification and Restoration' – Activity (A9), in this table (D17.4.4)						<u>identified as an exclusion</u> C – where the feature is connected to a scheduled feature
--	---	--	--	--	--	--	--

For the purpose of applying rule D17.4.1(A1) and (A2) to Oakley Hospital Main Building (ID 1339) the map in Schedule 14.3 Historic Heritage Place maps identifies the footprint for the area of the building that comprises the primary feature

Relocation

(A3)	...						
(A4)	Relocation of features (including buildings or structures) beyond the scheduled extent of place	Pr	NC	D	D	RD	P - where the feature is free-standing <u>P – for interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a scheduled feature

...

Modification and restoration							
(A9)	...						
(A9A)	<u>Trimming and alteration of</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Comment [AC14]:
Theme 6.3.1 - Maintenance of trees

	<u>trees identified in Schedule 14.1</u>						
(A9B)	<u>Modification of a grave ledger to allow the insertion of cremated ash remains</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

...

Seismic strengthening							
(A12)	Modifications to buildings, structures or features of a scheduled historic heritage place for seismic strengthening	RD	RD	RD	RD	RD	P - where the feature is free-standing <u>P – for interior of building(s) where identified as an exclusion</u> C – where the feature is connected to a scheduled feature
(A12A)	<u>Modifications to buildings, structures or features of a scheduled historic heritage place for invasive seismic investigation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Comment [AC15]:
Theme 6.3.3 - Invasive testing for seismic strengthening

...

D17.6. Standards

...

D17.6.5. Modifications to buildings, structures, fabric or features of a scheduled historic heritage place identified as exclusions

...

D17.6.5A. Trimming and alteration of trees identified in Schedule 14.1

- 1) The maximum branch diameter must not exceed 50mm at severance.
- 2) No more than 10 per cent of live growth of the tree may be removed in any one calendar year.

Comment [AC16]:
Theme 6.3.1 - Maintenance of trees

- 3) The works must meet best arboriculture practice.
- 4) All maintenance and trimming must retain the natural shape, form, and branch habit of the tree.

D17.6.5B. Modification to grave ledgers to allow the insertion of cremated ash remains

- 5) Apertures for insertion of cremated remains must:
 - (e) Be cut or drilled;
 - (f) Not exceed a maximum dimension of 250mm; and
 - (g) Be repaired or covered by a plaque following insertion. Repairs shall comply with standard D17.6.2. Plaques shall not exceed 0.5m². Plaques shall be of copper alloy or a material that is the same as the original or most significant fabric on the grave, or the closest equivalent.

Comment [AC17]:
Theme 6.3.2 - Addition of cremated remains in graves

D17.6.6. Temporary buildings and structures and signs including those accessory to a temporary activity

D17.6.6A. Modifications to buildings, structures or features of a scheduled historic heritage place for invasive seismic investigation

- 6) Modifications to buildings, structures, or features of a scheduled historic heritage place for invasive seismic investigation must not result in any of the following:
 - (h) holes, cuts or drilling in visually obvious locations;
 - (i) holes, cuts or drilling in or through original panel finishes such as but not limited to timber, pressed metal;
 - (j) removal of original fabric;
- 7) All investigation works must be repaired/made good with the same material as the original fabric, or the closest equivalent

Comment [AC18]:
Theme 6.3.3 - Invasive testing for seismic strengthening

D19. Auckland War Memorial Museum Viewshaft Overlay

D19.1 Background

...

D19.4 Activity table

Table D19.4.1 Activity table specifies the activity status of development activities in the Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation in the Auckland War Memorial Museum Viewshaft Overlay are located in Section E26 Infrastructure.
- Refer to the applicable zone rules for the permitted height limit
- the Auckland War Memorial Museum Viewshaft Overlay provisions do not apply to structures that do not exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps.

Table 0.4.1 Activity table

Activity		Activity status
Development		
(A1)	Temporary construction and safety structures	P
(A2)	Buildings, structures, parapets, chimneys, communication devices, tanks or building services components, ornamental towers, lift towers or advertising signs that exceed the height limits specified on Figures D19.6.1.1 Height limit surface, D19.6.1.2 Height limit surface – 2 and D19.6.1.3 Height limit surface – 3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum	NC

...

Comment [AC19]:
Consequential Change from Chapter E26 Infrastructure Theme 6.6.12 Auckland War Memorial Museum Viewshaft Overlay

ATTACHMENT A.3 – NATURAL RESOURCES

Showing proposed amendments as tracked changes for Chapters:

D1 High-use Aquifer Management Areas Overlay

D2 Quality-sensitive Aquifer Management Areas Overlay

D3 High-use Stream Management Areas Overlay

E2 Water quantity, allocation and use

E7 Taking, using, damming and diversion of water and drilling

E8 Stormwater - Discharge and diversion

E9 Stormwater quality - High contaminant generating car parks and high use roads

D1. High –use Aquifer Management Areas Overlay

D1.1. Background

Aquifers are important as direct sources of water supply for domestic, industrial and rural use. They are the major contributors to the base flow of many streams, particularly in the southern parts of Auckland. Aquifers also contribute to the overall quality and diversity of surface waterbodies.

Some aquifers are highly allocated, providing water to users as well as being major sources of spring and stream flow. They are currently adversely affected by over pumping or are likely to become highly allocated over the life of the Plan, particularly in areas of high potential growth. These aquifers are identified as High-use Aquifer Management Areas.

Aquifers in the High-use Aquifer Management Areas Overlay require careful management of water availability to meet user needs and at the same time maintain base flows for surface streams. For this reason most proposals to take or use groundwater from aquifers will be assessed through the resource consent process.

Rules for this overlay are located in section E7 Taking, using, damming and diversion of water and drilling and E32 Biosolids.

...

Comment [AC20]:
Theme 6.4.8 Natural resource
overlays

D2. Quality-sensitive Aquifer Management Areas Overlay

D2.1. Background

The Quality-sensitive Aquifer Management Areas Overlay contains aquifers that are shallow and unconfined and therefore susceptible to pollution from surface sources such as excess fertiliser application or discharges of contaminants such as stormwater or sewage. The potential for contamination is highest in the volcanic aquifers where discharge to aquifers is most direct. These aquifers are important sources of water for rural and industrial purposes, as well as providing base flow to surface streams in some areas.

Rules for this overlay are located in section ~~E7 Taking, using, damming and diversion of water and drilling~~ E32 Biosolids.

...

Comment [AC21]:
Theme 6.4.8 Natural resource overlays

D3. High-use Stream Management Areas Overlay

D3.1. Background

A number of streams in Auckland are under pressure from demands to take water or use water. The high use of these streams creates conflicts between the amount of water being abstracted, the amount of water needed for assimilating the adverse effects of discharges, and the amount of water required to maintain ecological values and base flows. Management of high-use streams can be particularly difficult during summer months when stream flows are generally at their lowest.

The rules relating to the High-use Stream Management Areas Overlay are located in E7 Taking, using, damming and diversion of water and drilling and E32 Biosolids.

...

Comment [AC22]:
Theme 6.4.8 Natural resource overlays

E2. Water quantity, allocation and use

E2.3. Policies [rp]

Water allocation and availability guidelines

(5) Manage the taking and use of surface water from rivers, streams and springs and taking and use of groundwater from aquifers to meet all of the following except where water allocation exceeds or is close to exceeding the guidelines (refer to Policy E2.3(4+10)):

- (a) the minimum flow and availability guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability are not exceeded; and
- (b) the aquifer availability and groundwater levels in Table 1 Aquifer water availabilities and Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels are not exceeded.

Take and use of water

(11) Allow takes that exceed the guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability and Table 1 Aquifer water availabilities and Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels in the following circumstances:

- (a) For guidelines in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability, when the river or stream flow is greater than the median flow, provided the total take does not exceed 10 per cent of the flow in the river or stream at the time of abstraction, and natural flow variability is maintained; or
- (b) For all guidelines, where it is appropriately demonstrated in terms of the requirements of Policy of E2.3(6)(b) or Policy E2.3(7), that additional water is available for allocation.

Comment [AC23]:
Theme 6.4.10 - Cross references in Chapter E2

E7. Taking, using, damming and diversion of water and drilling

E7.6.1.10. Diversion of groundwater caused by any excavation, (including trench) or tunnel

DRAFT – subject to change

(1) All of the following activities are exempt from the Standards E7.6.1.10(2) – (6):

- (a) pipes cables or tunnels including associated structures which are drilled or thrust and are ~~less than~~ up to 1.2m in external diameter;
- (b) pipes including associated structures up to 1.5m in external diameter where a closed faced or earth pressure balanced machine is used;
- (c) piles up to 1.5m in external diameter are exempt from these standards;
- (d) diversions for no longer than 10 days; or
- (e) diversions for network utilities and road network linear trenching activities that are progressively opened, closed and stabilised where the part of the trench that is open at any given time is no longer than 10 days.

Comment [AC24]:
Theme 6.4.9 - Cross references and wording in Chapter E7

...

E7.6.3.3. Take and use of groundwater

...

(2) The replacement of an existing resource consent to take and use groundwater for municipal water supply purposes:

- (a) at the time of the application, the take is an authorised take;
- (b) a water management plan has been prepared;
- (c) the take will not result in the water availabilities and levels in Table 1 Aquifer water availabilities and Table 2 Aquifer groundwater levels, in [Appendix 3](#) Aquifer water availabilities and levels being exceeded, except in accordance with E2 Water quantity, allocation and use Policy E2.3(9)(11); and
- (d) the take must not be from an area in the Wetland Management Areas Overlay.

Comment [AC25]:
Theme 6.4.9 - Cross references in Chapter E7

...

E7.7.2. Assessment criteria

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

- (1) all controlled activities:
 - (a) the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated.

...

DRAFT – subject to change

(4) new bores for purposes not otherwise specified:

(a) the options for the location, depth and design of the bore and the design of the head works to avoid adverse effects on the groundwater resource and other groundwater users;

(b) the options to locate and design the bore and the head works to avoid adverse effects on any scheduled historic heritage places;

(c) the most effective method to identify the bore; and

(d) an effective programme of maintenance for the bore; ~~and~~

(e) ~~[deleted]~~
~~demonstrates consultation and engagement with Mana Whenua.~~

...

E7.8.2. Assessment criteria

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

...

(5) ~~Whether the proposal provides mitigation options where there are significant adverse effects on the matters identified in E7.8.2(4)(3) and (5)(4) above, including the following:~~

(a) consideration of alternative locations, rates and timing of takes for both surface water and groundwater;

...

Comment [AC26]:
Theme 6.4.1 - Controlled new bores

Comment [AC27]:
Theme 6.4.9 - Cross references in Chapter E7

E8. Stormwater - Discharge and diversion

...

E8.6.2.1. Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network

Comment [AC28]:
Theme 6.4.7 - Stormwater runoff from lawfully established impervious areas

(1) The impervious area ~~was~~ lawfully established ~~as of the date this rule becomes operative~~; or

(2) ~~The~~ diversion does not increase stormwater runoff to the combined sewer network; or

(3) ~~The diversion increases stormwater runoff to the combined sewer network and (unless the increase is approved by the combined sewer network operator).~~

...

E8.6.4. Restricted discretionary activity standards

Activities listed as restricted discretionary in Table E8.4.1 Activity table must comply with the following restricted activity standard.

E8.6.4.1. Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor

...

(3) Where stormwater runoff from an impervious area is discharged into a stream receiving environment, it must be managed by a stormwater management device to meet the hydrology mitigation requirements E10.6.3.1.1(1) specified for Stormwater management area - Flow 1 in Table E10.6.3.1.1 Hydrology mitigation requirements, except as provided for in E10.6.3.1.1(2).

Comment [AC29]:
Theme 6.4.7 - Stormwater runoff from impervious areas

(4) Stormwater management devices must be provided to reduce or remove contaminants from stormwater runoff.

...

E9. Stormwater quality - High contaminant generating car parks and high use roads

...

E9.6.1.3. Development of a new or redevelopment of an existing high contaminant generating car park greater than 1,000m² and up to 5,000m²

...

(2) Stormwater management device(s) must meet the following standards:

(a) the device or system must be sized and designed in accordance with ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

(3) Stormwater runoff from the impervious area used for the high contaminant generating car park is treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.

(4) Where the car park is more than 50 per cent of the total impervious area of the site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s) meeting Standard E9.6.1.3(2) above.

...

E9.6.1.4. Development of a new or redevelopment of an existing high use road greater than 1,000m² and up to 5,000m²

(1) Stormwater runoff from a new high use road, and any additional area of road discharging to the same drainage network point(s), must be treated by a Stormwater Management Device meeting the following:

(a) the device or system must be sized and designed in accordance with ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ 'Guidance

Comment [AC30]:
Theme 6.4.4 - Technical publications

Comment [AC31]:
Theme 6.4.4 - Technical publications

DRAFT – subject to change

Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01).

...

E9.6.2. Controlled activity

All controlled activities in Table E9.4.1 Activity table must comply with the following activity specific standards.

E9.6.2.1. Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m²

...

(3) Where a high contaminant generating car park is more than 50 per cent of the total impervious area of a site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s).

(4) The stormwater management device(s) must meet the following:

(a) the device or system must be sized and designed in accordance with ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01); or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01).

Comment [AC32]:
Theme 6.4.4 - Technical publications

E9.6.2.2. Development of a new or redevelopment of an existing high use road greater than 5,000m²

(1) Stormwater runoff from the impervious area is treated by stormwater management device(s).

(2) Stormwater management device(s) must meet the following:

(a) the device or system must be sized and designed in accordance with ~~Auckland Councils Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01); or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ~~Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)~~ Guidance

Comment [AC33]:
Theme 6.4.4 - Technical publications

DRAFT – subject to change

Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01).

...

ATTACHMENT A.4 – NATURAL RESOURCES

Changes made to the AUP as a result of PC4 are shown in RED underline

Showing proposed amendments as tracked changes for Chapters:

E11 Land disturbance - Regional

E12 Land disturbance - District

E14 Air quality

E15 Vegetation management and biodiversity

E17 Trees in Roads

Changes to Chapter E17 Trees in Roads are consequential from changes to chapter E26 Infrastructure

Consequential changes are made to Chapter E26 Infrastructure from the changes here for Chapter E15 Vegetation management and biodiversity

E11 Land disturbance – Regional

...

E11.2. Objectives [rp]

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

Comment [AC34]:
Theme 6.4.12 - Regional and district land disturbance objectives and polices

...

E11.3. Policies [rp]

...

(2) Manage land disturbance to:

...

(c) ~~avoid, remedy and~~or mitigate adverse effects on accidentally discovered sensitive material; and

Comment [AC35]:
Theme 6.4.12 - Regional and district land disturbance objectives and polices

...

(6A) Recognise and provide for the management and control of kauri dieback as a means of maintaining indigenous biodiversity.

Comment [AC36]:
Theme 6.4.2 - Kauri dieback disease

...

E11.6.2. General standards

- ...
- (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.

Comment [AC37]:
Theme 6.4.4 - Technical publications

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~~ 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)' or similar design.

E11.6.3. Standards for ancillary farming earthworks

- ...
- (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.

Comment [AC38]:
Theme 6.4.4 - Technical publications

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~~ Auckland Council 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)' or similar design for other ancillary farming earthworks.

- ...
- (4) 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.

Comment [AC39]:
Theme 6.4.4 - Kauri dieback disease

E11.6.4. Standards for ancillary forestry earthworks

DRAFT – SUBJECT TO CHANGE

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.

...

(15) 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.

...

Comment [AC40]:
Theme 6.4.4 - Kauri dieback disease

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;
- ...

E12 Land disturbance – District

E12.2. Objectives

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

Comment [AC41]:
Theme 6.4.12 - Regional and district land disturbance objectives and policies

E12.3. Policies

(2) Manage the amount of land being disturbed at any one time, to:

(b) avoid, remedy ~~and~~ or mitigate adverse effects on accidentally discovered sensitive material; and

Comment [AC42]:
Theme 6.4.12 - Regional and district land disturbance objectives and policies

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

Comment [AC43]: Theme 6.4.5 - Land disturbance where archaeological site or feature applies

Activity	Activity status					Special Character Areas Overlay – Residential: Isthmus C	Archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps
	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		RD
(A18)	Earthworks for interments in a burial ground, cemetery or urupā (within the	P	P	P	P		

Comment [AC44]: [PC4]

PC 4
s86B (3) Immediate legal effect (See modifications)
[ENV-2018-AKL000147:Housing New Zealand]

DRAFT – SUBJECT TO CHANGE

	burial plot for that interment)						
(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 earthworks for maintenance of tracks	P	P	P ²	P		<u>RD</u>
Forestry							
(A26)	Ancillary forestry earthworks for maintenance	P	P	P ²	P		<u>RD</u>
Temporary activities							
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P ²	RD		<u>RD</u>
Land disturbance not otherwise listed in this table³							
(A28)	Up to 5m ²	P	P	P ²	D		<u>RD</u>
(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		<u>RD</u>
(A32)	Greater than 5m ³ up to 250m ³	RD	P	RD ²	D	<u>D</u>	
(A33)	Greater than 250m ³	RD	RD	RD	D	<u>D</u>	

DRAFT – SUBJECT TO CHANGE

Note 2 ~~[deleted]~~

~~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.

...

Comment [AC45]:
Theme 6.4.5 - Land disturbance where archaeological site or feature applies

E14 Air quality

...

E14.3. Policies [rcp/rp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

.....

(2) In the coastal marine area and in urban and rural zones, except for those zones and precincts subject to policies E14.3(3) to (5):

(a) avoid offensive ~~and or~~ objectionable effects from dust and odour discharges and remedy or mitigate all other adverse effects of dust and odour discharges; or

Comment [AC46]:
Theme 6.5.8 - Offensive or objectionable odours/effects

...

(7) Require discharges of contaminants to air from outdoor burning (except when associated with test and training exercises by emergency response services), to be:

(b) avoided in urban and industrial areas and the coastal marine area; or

(c) minimised in rural areas; or

(d) minimised where it is for community or public event purposes or for cooking ~~or~~ heating.

Comment [AC47]:
Theme 6.5.3 - Outdoor cooking or heating

(8) Avoid, remedy or mitigate the adverse effects on air quality from discharges of contaminants into air by:

(e) using the best practicable option for emission control and management practices that are appropriate to the scale of the discharge and potential adverse effects; ~~or and~~

Comment [AC48]:
Theme 6.5.3 - Adverse effects on air quality from discharges

(f) adopting a precautionary approach, where there is uncertainty and a risk of significant adverse effects or irreversible harm to the environment from air discharges.

...

Table E14.4.1 Activity table

Activity	Activity status				
	High air quality - dust and odour	Medium air quality - dust and odour	Medium air quality - dust and odour area	Low air quality - dust and odour area	Low air quality - dust and odour area

DRAFT – SUBJECT TO CHANGE

	area	odour rural area (Rural)	(Industry)	(Industry)	(Quarry)
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...

Discharge of contaminants into air from chemical and metallurgical processes						
(A38)	Use of more than 200kg/hour of resins	D	D	D	D	D
(A38A)	Thermal metal spraying of any metal or metal alloy where discharges to air are through particulate control equipment [Standards in E14.6.1.3]	P	P	P	P	P
(A39)	The melting of any metal or metal alloy used in the process of thermal metal spraying, including zinc, that does not comply with the permitted activity standards	D	D	D	D	D

Comment [AC49]: Theme 6.5.1 - Thermal metal spraying

...

Discharge of contaminants into air from dust generating processes						
(A77)	Bulk cement storage, handling, redistribution, or packaging	D P	P	P	P	P

Comment [AC50]: Theme 6.5.6 - Cement storage

...

Discharge of contaminants into air from emergency services and the New Zealand Defence Force						
(A96)	Air discharges, including outdoor burning of any material, for the purpose of fire-fighting and other emergency response activities, carried out by the New Zealand Fire Service Fire and Emergency New Zealand, Auckland International Airport Limited and the New Zealand Defence Force	P	P	P	P	P

Comment [AC51]: Theme 6.5.11 - Fire and Emergency

...

Discharge of contaminants into air from food, animal or plant matter processes						
(A102)	Coffee roasting at a loading rate of green coffee beans greater than 50kg/hour and not exceeding 250kg/hour or with a total weekly production between 100kg and 500kg	P	P	P	P	P
(A103)	Coffee roasting at a loading rate of green coffee beans of more than 250kg/hour or with a total weekly production of more than 500kg, or less than 250kg/hour and not meeting the permitted activity standards	D	D	D	D	D

Comment [AC52]: Theme 6.5.4 - Coffee roasting

Comment [AC53]: Theme 6.5.4 - Coffee roasting

...

Discharge of contaminants into air from mobile sources and tunnels						
--	--	--	--	--	--	--

DRAFT – SUBJECT TO CHANGE

(A114)	Discharges to air from <u>the engines of</u> motor vehicles, aircraft, trains, vessels (including boats) and mobile sources not otherwise specified (such as lawnmowers), including those on industrial or trade premises (excluding tunnels) (permitted standards do not apply)	P	P	P	P	P
--------	--	---	---	---	---	---

Comment [AC54]:
Theme 6.5.2 - Discharges to air from motor vehicles

...

Discharge of contaminants into air from outdoor burning						
(A124)	Cooking and or heating outdoors using fuels (including natural gas, liquid fossil fuels, solid fuels or untreated dry wood containing less than 25 per cent moisture) that contain less than 0.5 per cent sulphur by weight providing it does not cause offensive or objectionable smoke beyond the site boundary (includes braziers, firepits, barbecues, umus, hangis, domestic smokehouses and other ethnic cooking fires)	P	P	P	P	P

Comment [AC55]:
Theme 6.5.5 - Outdoor cooking or heating

...

E14.6.1.1 General standards

The following standards apply to all permitted activities that discharge contaminants into air except for:

- mobile sources; and
 - fire-fighting and other emergency response activities.
- (1) The discharge must not ~~contain contaminants that cause, or are likely to cause, cause, or be likely to cause,~~ adverse effects on human health, property or ~~the environment~~ ecosystems beyond the boundary of the premises where the activity takes place.

Comment [AC56]:
Theme 6.5.7 - Adverse effects of discharges to air

E14.6.1.12. Bulk Cement storage, handling, redistribution, or packaging

...

Emergency Services

E14.6.1.15 Burning of any material for the purpose of fire emergency service training or investigation

- (1) All adjacent neighbours must be advised in writing at least 48 hours prior to the fire being lit.
- (2) ~~The Auckland Council Compliance Team Principal Rural Fire Officer~~ must be advised at least seven working days in writing in advance of the

Comment [AC58]:
Theme 6.5.10 - Rural fires

DRAFT – SUBJECT TO CHANGE

location and duration of the fire and the contact details of the person overseeing the fire.

- (3) The fire must be under the direction and supervision of the New Zealand Fire Service Fire and Emergency New Zealand, Council fire officers or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

Comment [AC59]:
Theme 6.5.11- Fire and Emergency

Outdoor burning

E14.6.1.20 Outdoor burning of any material required by Ministry for Primary Industries or designated authorities under the Health Act 1965 or Biosecurity Act 1993 (excluding rural and quarry zones)

- (4) All adjacent neighbours must be advised in writing at least 48 hours prior to the fire being lit.
- (5) The Auckland Council Compliance Team Principal Rural Fire Officer and Auckland Council Pollution Response Team must be advised in writing at least 48 hours in advance of the location and duration of the fire and the contact details of the person overseeing the fire.
- (6) The fire must be under the direction and supervision of the New Zealand Fire Service Fire and Emergency New Zealand, Council fire officers or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

Comment [AC60]:
Theme 6.5.10 - Rural fires

Comment [AC61]:
Theme 6.5.11- Fire and Emergency

...

E14.6.1.21. Other outdoor burning and burning within a backyard or single chamber incinerator but excluding outdoor cooking and or heating

...

Comment [AC62]:
Theme 6.5.5 - Outdoor cooking or heating

Rural activities

...

E14.6.3.5. Intensive farming established from 21 October 2001 housing between 10,000 to 180,000 chickens

- (1) The premises, measured from the exhaust vents closest to the neighbouring site, must be located a minimum of 400m from the property boundary or notional property boundary. Notional property boundaries must be established through an instrument registered against the land title or any neighbouring property within the buffer area. Such registered instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive and or objectionable odours or dust within the buffer area generated by the intensive livestock chicken farm.

Comment [AC63]:
Theme 6.5.8 - Offensive or objectionable odours/effects

E15 Vegetation management and biodiversity

...

E15.6. Standards

All activities listed as a permitted, controlled or restricted discretionary activity in Table E15.4.1 or Table E15.4.2 must comply with the following standards.

E15.6.A1. General standards

The following standards apply to all permitted, controlled or restricted discretionary activities.

- (1) All kauri material (including sawdust and woodchips) must be retained within 3 times the radius of the canopy drip line of the tree or disposed of to an approved landfill facility.

E15.6.1. ~~[deleted]~~Deadwood removal

- ~~(1) All kauri deadwood material (including sawdust and woodchips) must be retained on site or disposed of to an approved landfill facility.~~
- ...

Comment [AC64]:
Theme 6.4.2 - Kauri dieback disease

E17. Trees in roads

E17.1 Background

...

E17.6. Standards

All permitted and restricted discretionary activities listed in Table 0.4.1 must comply with the following standards.

E17.6.1. Tree trimming or alteration

...

- (6) Standards E17.6.1(1),(2),(3),(4) and (5) do not apply for works carried out:
- (b) in order to comply with the Electricity (Hazards from Trees) Regulations 2003;
 - (c) by Council or its agent or the road controlling authority or its agent to maintain the visibility of road safety signage, maintain vehicle sight lines for traffic safety, maintain legal clearance height and width above the road carriage way including to:
 - (iv) maintain a clearance of 4.5m height above the road carriageway or ~~5.3m where there is~~ up to 0.5m above any traffic signal, or road safety and directional signage located above the carriageway;
 - (v) maintain the clearance of 0.5m width back from the road kerb;
 - (vi) maintain the clearance of 0.6m width back from the unkerbed road; or
 - (vii) maintain clearance requirements for over dimension routes.
 - (d) within the formation width of the legal road where the road adjoins any rural zone for maintaining visibility.

...

Comment [AC65]:
Consequential Change from Chapter E26
Theme 6.6.10 - Vegetation clearance for signs and traffic signals

DRAFT

ATTACHMENT A.5 - INFRASTRUCTURE

Showing proposed amendments as tracked changes for Chapters:
D26 National Grid Corridor Overlay
E26 Infrastructure

*Changes to E26 Infrastructure include consequential changes from Chapter D13 Notable trees. Consequential changes from E26 Infrastructure can be found in:
Attachment A.2 Built heritage and character for chapter D19 Auckland War Memorial Museum Viewshaft Overlay, and
Attachment A.4 Natural resources for chapter E17 Trees in Roads*

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.

...

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.

The location of the National Grid Corridor Overlay must be updated if any National Grid line, support structure or substation is relocated or removed or if the site boundary of a substation reduces in size.

...

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.

...

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.

The National Grid Corridor Overlay rules cease to have effect and the maps can be updated accordingly where:

(a) a National Grid line or part of a line is dismantled, undergrounded or moved;
or

Comment [A66]:
Theme 6.6.19 - National Grid Corridor Overlay

DRAFT

(b) a National Grid substation is dismantled or the site boundary of a National Grid substation reduces in size;
and Transpower New Zealand Limited has advised the Council in writing that the National Grid Corridor Overlay provisions are no longer required for that line or part of that line, or for that substation or that part of that substation.

**Table D26.4.1 Activity table – within the National Grid Yard
(Compromised and Uncompromised)**

....

DRAFT

E26. Infrastructure

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

E26.1 Introduction and other relevant regulatory requirements

E26.1.1 Introduction

...

E26.2.2. Policies [rp/dp]

...

(7) Enable the following activities within natural heritage, natural resources, coastal environment, historic heritage, historic special character and Mana Whenua cultural heritage overlays:

...

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

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)	School Zone	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								
	...							
(A23)	Pole mounted transformer * within areas of the Road, Unformed Road and the Strategic Transport Corridor Zone, this activity shall have the same status as the adjacent zone ** Industrial zones *** within 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

Comment [A67]:
Theme 6.6.21 - Infrastructure – policy alignment

Comment [A68]:
Theme 6.6.18 - Infrastructure regional and district rules

Comment [A69]:
Theme 6.6.3 - Pole mounted transformers

DRAFT

	*** in those zones that are located outside the RUB, and within areas of the Road, Unformed Road and the Strategic Transport Corridor Zone adjacent to those zones.								
								
(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 <u>whip or dipole</u> antennas: <ul style="list-style-type: none"> • 650mm high; • <u>650mm horizontal length for dipole antennas;</u> and • <u>Whip or cross rod section of 60mm</u> in diameter 	P	P	P	P	P	P	P	
	...								
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P	
(A51A)	Water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2 (3)(a) *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C	RD#	
(A52)	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P	
								

Comment [A70]:
Theme 6.6.1 - Dipole antennas

Comment [A71]:
Theme 6.6.16 Pumping stations

...

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.

...

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m;
- (b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters, omni-directional whip antennas and GPS antennas; and

Comment [A72]:
Theme 6.6.2 - Height of whip antennas in the road reserve

DRAFT

(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.

...

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.

...

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas, is 2.5m. Excludes:
 - (i) structures in industrial zones, where the height controls of the relevant zone will apply;
 - (ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and
 - (iii) telecommunication shelters and electricity storage facilities in rural zones, where a maximum height of 3m applies.
- (b) the maximum height for support structures for electricity lines and telecommunication lines is 25m.

...

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,

Comment [A73]:
Theme 6.6.4 - Electricity storage facilities – bulk

DRAFT

conductors, cross arms, switches, transformers, cabinets or ancillary structures:

- (i) that is within 2m of the existing alignment or location;
 - (ii) that is within 5m of the existing alignment or location when associated with road widening reasons or road safety or electricity clearance reasons.
- (b) alterations and additions to overhead electricity and telecommunication lines on existing poles:
- (i) do not increase the number of conductors or wires/lines by more than 100 percent;
 - (ii) or when installing a new low voltage circuit on an existing pole, the total number of new conductors or wires/lines must not exceed 8, consisting specifically of 4 lines for electricity circuit (or a single bundled line containing all 4 electricity lines), 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6.
 - (iii) the provisions in E26.2.5.3(1)(b)(i) and E26.2.5.3(1)(b)(ii) above exclude service connections and lateral network connections
 - (iv) additional cross arms that do not exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m; and
 - (v) additional or replacement electricity and telecommunication lines that:
 - do not exceed 30mm in diameter; or
 - in the case of a single bundled line containing all 4 electricity lines provided for under E26.2.5.3(1)(b)(ii), does not exceed 44mm in diameter.

Comment [A74]:
Theme 6.6.7 - Above ground electricity lines

...

Substations and electricity storage facilities

- (2) Noise from substations must not exceed the following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
- (a) 55 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
 - (b) 45 dB L_{Aeq} /75 dB L_{Amax} for all other times
- (2A) Noise from electricity storage facilities must not exceed:**
- (a) The noise limits in E26.2.5.3(2) when the electricity storage facility is located on the same site as a substation and the noise levels are assessed cumulatively; or

Comment [A75]:
Theme 6.6.6 - Electricity storage facilities - noise

DRAFT

(b) The following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:

(i) 50 dB L_{Aeq} between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and

(ii) 40 dB L_{Aeq}/75 dB L_{Amax} for all other times.

(3) Noise from substations and electricity storage facilities received in other zones must not exceed the noise limits for the zone in which the receiver is 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.~~

(4) Noise from distribution substations and electricity storage facilities within roads, unformed roads and the Strategic Transport Corridor Zone must not exceed 40 dB L_{Aeq} at:

(a) 6m from the distribution substation or electricity storage facility; or

(b) any residential boundary or rural notional boundary where those boundaries are further than 6m from the distribution substation or electricity storage facility.

(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".

...

E26.2.5.4 Standards for road network activities in Table E26.2.3.2

The following permitted activity standards apply to activities within Table E26.2.3.2 Activity table for road network activities in the existing road.

- (1) Temporary works, buildings and structures must be removed from the road on completion of works.
- (2) After completion of works, the ground must be reinstated to at least the condition existing prior to any work starting.
- (3) Work within the formation width of the road must be incidental to, and serve a supportive function for the existing public road or is required for the safety of road users or is required for the safety of adjacent landowners or occupiers.

(4) Road network activities involving the construction, renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, that are within 20m of any building or structure that is listed as a primary feature in Schedule 14.1, shall prepare a vibration management plan. The plan shall be prepared by a suitably qualified and experienced person and shall demonstrate that vibration levels in E25.6.30 (1)(a) German Industrial Standard DIN 4150-3(1999):Structural

Comment [A76]:
Theme 6.6.6 - Electricity storage facilities - noise

Comment [A77]:
Theme 6.6.5 - Distribution substation noise

Comment [A78]:
Theme 6.6.6 - Electricity storage facilities - noise

Comment [A79]:
Theme 6.6.15 - Works near the Historic Heritage Overlay

DRAFT

vibration – Part 3 Effects of vibration on structures will be complied with. The plan must include the information set out in E26.8.8 and be provided to the council no less than 5 days prior to the works commencing.

E26.2.5.5 Controlled activity standards

All activities listed as controlled in Table E26.2.3.1 Activity table must comply with the following controlled activity standards.

....

Substations within new or existing buildings and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a)

Comment [A80]:
Theme 6.6.16 Pumping stations

- (2) Substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a).
- (d) the substation building or pumping station must comply with the standards for the relevant zone; and
- (e) 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:

...

- (3) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
 - (a) external building appearance;
 - (b) landscaping and fencing;
 - (c) compliance with Standard E26.2.5.5(2); and
 - (d) effects on health and safety.

Comment [A81]:
Theme 6.6.16 Pumping stations

E26.2.6.2 Assessment criteria

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

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...

- (3) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):

Comment [A82]:
Theme 6.6.16 Pumping stations

- (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 pumping station or substation;
- (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping station or substation; and
- (d) the extent to which fencing can be used to minimise potential health and safety hazards.

E26.2.7 Assessment – restricted discretionary activities

E26.2.7.1 Matters of discretion

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

...

- (2) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):

Comment [A83]:
Theme 6.6.16 Pumping stations

- (i) effects of external building appearance on amenity values of the streetscape and adjoining properties; and
- (ii) effects on health and safety.

...

E26.2.7.2 Assessment criteria

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

...

- (2) substations within new buildings, ~~and~~ substations within existing buildings that require an increase in building platform area or building height, and

Comment [A84]:
Theme 6.6.16 Pumping stations

DRAFT

water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):

- (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the pumping station or substation;
- (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping station or substation; and
- (c) the extent to which fencing can be used to minimise potential health and safety hazards.

...

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E26.3 Network utilities and electricity generation – Vegetation management

E26.3.1 Objectives

...

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** areas (for the meaning of 'coastal areas' and 'riparian areas', refer to E15 Vegetation management and biodiversity and in particular Table E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules);
- D9 Significant Ecological Areas Overlay; (SEA)
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay; and (ONF) and (ONL)
- D11 Outstanding Natural Character Overlay and High Natural Character Overlay; (ONC) and (HNC)

...

E26.3.4A General Standard

All activities listed as permitted, or restricted discretionary in Table E26.3.3.1 must comply with the following standard.

Disposal of kauri material

- (1) All kauri material (including sawdust and woodchips) must be retained on site according to best practice or disposed of to an approved landfill facility.

E26.3.5 Permitted activity standards Standards

All activities listed as permitted in Table E26.3.3.1 Activity table must comply with the following permitted activity standards.

Regional [rp]

*Permitted activity standards for vegetation management in rural zones, coastal areas, riparian **areas** **margins** and the Significant Ecological Areas Overlay*

...

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.

Comment [A85]:
Theme 6.6.9 - Vegetation management, coastal and riparian areas

Comment [A86]:
Consequential change from Chapter E15
Theme 6.4.2 - Kauri dieback disease

Comment [A87]:
Theme 6.6.9 - Vegetation management, coastal and riparian areas

DRAFT

~~(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.~~

~~[Deleted]~~

(3) Must not result in the removal of more than 50m² of vegetation within a coastal area or riparian ~~area margin~~ not identified as a significant ecological area.

...

(7) Vegetation alteration or removal from a significant ecological area must be for the purpose of:

~~(a) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and not result in the removal of more than 20m² of vegetation, except within the formation width of the road; or~~

~~(b) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and must be undertaken in any of the following:~~

~~(i) within the formation width of existing roads, except where Standard E26.3.5.2(4) applies; or~~

~~(ii) within 1m of the network utility, or existing access track; or~~

~~(iii) in accordance with the Electricity (Hazards from Trees) Regulations 2003; or~~

~~(c) maintaining the safety of the network utility and must be undertaken in any of the following:~~

~~(i) within state highway designations as at 30 September 2013; or~~

~~(ii) within railway designations as at 30 September 2013; or~~

~~(d) installing a service connection and must not result in the removal of more than 10m² of vegetation.~~

~~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~~

Comment [A88]:
Theme 6.6.22 - Vegetation management – existing infrastructure in significant ecological areas; and
Theme 6.6.23 - Vegetation management – new service connections in significant ecological areas

Comment [A89]:
Theme 6.6.9 - Vegetation management, coastal and riparian areas

Comment [A90]:
Theme 6.6.22 - Vegetation management – existing infrastructure in significant ecological areas

Comment [A91]:
Theme 6.6.23 - Vegetation management – new service connections in significant ecological areas

Comment [A92]:
Theme 6.6.22 - Vegetation management – existing infrastructure in significant ecological areas; and
Theme 6.6.23 - Vegetation management – new service connections in significant ecological areas

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~~(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 0.5m above any traffic signal, or road safety and directional signage located~~ above the road carriageway;
- (b) clearance of a 0.5m width back from the road kerb;
- (c) clearance of a 0.6m width back from the un-kerbed road; or
- (d) clearance for any over dimension route requirement.

Comment [A93]:
Theme 6.6.10 - Vegetation clearance for signs and traffic signals

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

...

E26.3.5.4. Vegetation alteration or removal

...

(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 0.5m above any traffic signal, or road safety and directional signage located~~ above the road carriageway;
- (b) clearance of a 0.5m width back from the road kerb;
- (c) clearance of a 0.6m width back from the un-kerbed road; or
- (d) clearance for any over dimension route requirement.

Comment [A94]:
Theme 6.6.10 - Vegetation clearance for signs and traffic signals

...

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:

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(1) regional rules - vegetation management in rural zones, coastal areas, riparian ~~areas margins~~ and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:

Comment [A95]:
Theme 6.6.9 - Vegetation management, coastal and riparian areas

(a) ecological values:

(i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.

(aa) hazard mitigation:

Comment [A96]:
Theme 6.6.20 - Vegetation management – regional and district functions

(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.

...

E26.3.7.2 Assessment criteria

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

(1) regional rules - vegetation management in rural zones, coastal areas, riparian ~~areas margins~~ and the D9 Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:

Comment [A97]:
Theme 6.6.9 - Vegetation management, coastal and riparian areas

(a) ecological values:

(i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;

(ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and

(iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and E15 Vegetation management and biodiversity.

(aa) hazard mitigation:

Comment [A98]:
Theme 6.6.20 - Vegetation management – regional and district functions

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

....

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

...

E26.4.3 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			
...			
(A86) Works within the protected root zone undertaken by to enable trenchless methods at a depth greater than 1m below ground level	NA	NA	P
...			

Comment [A99]:
Consequential change from Chapter D13
Theme 6.2.2 Notable Trees Overlay

...

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

...

(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:

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- (i) maintain a clearance of 4.5 m height above the road carriage way or ~~5.3m where there is~~ up to 0.5m above any traffic signal, or road safety and directional signage located above the carriageway;
- (ii) maintain the clearance of 0.5m width back from the road kerb;
- (iii) maintain the clearance of 0.6m width back from the unkerbed road; or
- (iv) maintain clearance requirements for over dimension routes;
- (c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

Comment [A100]:
Theme 6.6.10 - Vegetation clearance for signs and traffic signals

...

E26.4.5.4 Notable trees - works within the protected root zone ~~undertaken by to enable~~ trenchless methods at a depth greater than 1m below ground level

Comment [A101]:
Consequential change from Chapter Theme 6.2.2 Notable Trees Overlay

- (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.

...

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

...

E26.6.5 Standards

...

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

...

- (3) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~except where the excavation is less than 10m² in area and 5m³ in volume.~~

Comment [A102]:
Theme 6.6.13 - Depth of earthworks

...

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

...

- (16) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~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.~~

Comment [A103]:
Theme 6.6.13 - Depth of earthworks

Comment [A104]:
Theme 6.6.13 - Depth of earthworks

- (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 ~~road maintenance, repair, renewal and minor upgrading of road network activities (excluding bridges, retaining walls and tunnels); or renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels;~~

Comment [A105]:
Theme 6.6.14 - Earthworks within the historic heritage overlay

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(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~~

...

Comment [A106]:
Theme 6.6.13 - Depth of earthworks

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

...

E26.7.5 Standards

...

E26.7.5.2 General standards

All activities listed as permitted or restricted discretionary in Table E26.7.3.1
Activity table must comply with the following standards.

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m² and 5m³.
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m² or 5m³ shall not exceed an excavation depth of land previously disturbed, ~~except where the excavation is less than 10m² in area and 5m³ in volume.~~

...

Comment [A107]:
Theme 6.6.13 - Depth of earthworks

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E26.11 Network utilities and electricity generation – 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 or are located in a height sensitive area				
(A152)	Buildings and structures for network utilities and electricity generation facilities that do not intrude into a viewshaft Buildings and structures for network utilities and electricity generation facilities that comply with Standard E26.11.5.1(1A)	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
(A154A)	Minor infrastructure upgrading that does not comply with Standard E26.11.5.1(2)	<u>D</u>	<u>RD</u>	<u>D</u>
(A155)	Minor upgrading of road	P	P	P

Comment [A108]:
Theme 6.6.17 - Activity table and height sensitive areas

Comment [A109]:
Theme 6.6.8 - Volcanic viewshafts and height sensitive areas

Comment [AC110]: Theme 6.6.8 - Volcanic viewshafts and height sensitive areas

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	network activities utilities			
(A155A)	Minor upgrading of road network activities that do not comply with Standard E26.11.5.1(3)	D	RD	D
(A156)	Minor utility structure	P	P	P
(A157)	Service connections	P	P	P
(A158)	Antennas and aerials	P	P	P
(A158A)	Antennas and aerials that do not comply with Standard E26.11.5.1(5)	D	RD	D
(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
(A160A)	Road network activities comprising road lighting and associated support structures that do not comply with Standard E26.11.5.1(7)(a)	D	RD	D
(A161)	Road network activities comprising traffic and direction signs and road name signs	P	P	P
(A162)	Road network activities comprising traffic safety and operational signals, traffic signals, traffic information signage and support structures	P	P	P
(A163)	Temporary construction and safety structures	P	P	P
(A164)	Network utilities and electricity generation facilities that do not comply with permitted activity standards E26.11.5.1(1) (7) E26.11.5.1(1), (1A), (4), (6) and (7)(b) and the height does not exceed 9 metres	NC D	RD	NC D
(A164A)	Network utilities and electricity generation facilities that are	D	D	D

Comment [AC111]: Theme 6.6.8 - Volcanic viewshafts and height sensitive areas

Comment [AC112]: Theme 6.6.8 - Volcanic viewshafts and height sensitive areas

Comment [A113]: Theme 6.6.11 - Traffic signal height in volcanic viewshafts and height sensitive areas

Comment [A114]: Theme 6.6.8 - Volcanic Viewshafts and Height Sensitive Areas Overlay

Comment [A115]: Theme 6.6.8 - Volcanic Viewshafts and Height Sensitive Areas Overlay

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	<u>not provided for and the height does not exceed 9 metres</u>			
(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(4)~~ E26.11.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E26.11.5 Standards

All activities listed as permitted in Table E26.11.3.1 Activity table must comply with the following permitted activity standards.

E26.11.5.1 Permitted activity standards

- (1) Height must be measured using the rolling height method.

(1A) Buildings and structures for network utilities and electricity generation facilities that intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule but are not visible from the identified viewpoint or line due to the presence of landform:

Comment [A116]:
Theme 6.6.8 - Volcanic Viewshafts and Height Sensitive Areas Overlay

(a) compliance must be confirmed by a report from a registered surveyor for a building or structure for network utilities and electricity generation facilities that intrudes into a scheduled viewshaft, but is not visible from the identified viewpoint or line due to the presence of landform; and

(b) vegetation is not to be taken into account when confirming compliance and the report shall include identification of the landform used to confirm compliance.

...

- (7) Road network activities must comply with the following standards:

(a) maximum height of 25m for road lighting and associated support structures; and

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- (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic signals, traffic information signage and support structures including interactive warning signs, real time information signs, lane control signals, ramp signals, cameras, vehicle identification and occupancy counters.

Comment [A117]:
Theme 6.6.11 - Traffic signal height in volcanic viewshafts and height sensitive areas

...

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 operational 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.

Comment [AC118]:
Theme 6.6.8 - Volcanic viewshafts and height sensitive areas

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 or height sensitive area statement 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;

...

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

...

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;
- the Auckland War Memorial Museum Viewshaft provisions do not apply to structures that do not exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps.

Comment [A119]:
Theme 6.6.12 - Auckland War Memorial Museum Viewshaft Overlay

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
...			

...

ATTACHMENT A.6 – TRANSPORT

Showing proposed amendments as tracked changes for Chapter E27 Transport.

Consequential changes from E27 Transport can be found in Attachment A.9 Subdivision for Chapter 38 Subdivision - Urban.

E27 Transport

E27.1 Introduction

...

E27.4. Activity table

Table E27.4.1 specifies the activity status of land use activities in all zones pursuant to sections 9(3) and 11 of the Resource Management Act 1991. A site may contain more than one of the listed activities.

Table E27.4.1 Activity table

...

(A14)	Short-term non-accessory parking in the Business – City Centre Zone and Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone	D
(A15)	Long-term non-accessory parking in these zones and locations: <ul style="list-style-type: none"> • Business – City Centre Zone; and • Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone. 	NC

Comment [AC120]:
Theme 6.7.18. Preamble to activity table

Comment [AC121]:
Theme 6.7.12. Centre Fringe Office Control

Comment [AC122]:
Theme 6.7.12. Centre Fringe Office Control

E27.6.2. Number of parking and loading spaces

...

(2) Where a minimum rate applies and a site supports more than one activity, the parking requirement of each activity must be separately determined then combined to determine the overall minimum site rate. Provided that where the peak parking demands of the ~~two~~ activities allow for the sharing of parking resources, the total parking requirement for the site shall be based on the activity with the highest of the parking requirements ~~of the two activities~~.

Comment [AC123]:
Theme 6.7.13. Shared parking

(3) For the purposes of meeting the requirements of the vehicle parking rules, a parking space includes those provided for in a garage or car port or any paved area provided for the sole purpose of parking a motor vehicle.

(3A) Within the Centre Fringe Office Control area, the parking rates contained in Table E27.6.2.2 apply instead of those contained in Table E27.6.2.3 and Table E27.6.2.4.

Comment [AC124]:
Theme 6.7.12 - Centre Fringe Office Control

Table E27.6.2.2 Maximum parking rates for the Centre Fringe Office Control area adjoining the Business – City Centre Zone as shown on the planning maps

Comment [AC125]:
Theme 6.7.12 - Centre Fringe Office Control

...

Table E27.6.2.3 Parking rates - area 1

Activity		Applies to zones and locations specified in Standard 0.6.2(4)	
		Minimum rate	Maximum rate
(T18)	Offices	No minimum	1 per 30 m ² GFA
(T19)	Retail	Food and beverage (excluding taverns)	1 per 30m ² GFA and outdoor seating area
(T160)		Trade suppliers, garden centres and large format retail (excluding supermarkets and department stores)	1 per 45m ² GFA
(T161)		Marine, retail, motor vehicle sales	No maximum
(T20)		All other retail (including supermarkets, department stores and taverns)	1 per 30m ² GFA
(T162)	Commercial services	1 per 30m ² GFA	No maximum
(T21)	Entertainment facilities and community facilities Provided that, for places of worship, the "facility" shall be the primary place of assembly (ancillary spaces such as prayer rooms, meeting rooms and lobby spaces may be disregarded)	No minimum	No maximum
(T22)	Emergency services	No minimum	No maximum
(T23)	Care centres	No minimum	No maximum
(T24)	Education facilities	Primary and secondary	No minimum
(T25)		Tertiary	No minimum
			0.5 per FTE employee plus 1 visitor space per classroom
			0.5 per FTE employee plus 0.25 per EFT (equivalent full

PC 4 (See modifications)

Activity			Applies to zones and locations specified in Standard 0.6.2(4)	
			Minimum rate	Maximum rate
				time) student the facility is designed to accommodate
(T26)	Medical facilities	Hospital	No minimum	1 per 40 m ² GFA
(T27)		Healthcare facilities	No minimum	No maximum
(T28)	Residential	All dwellings in the Terrace Housing & Apartment Buildings zone	No minimum	No maximum
(T29)		Dwellings – studio or 1 bedroom	No minimum	No maximum
(T30)		Dwellings – two or more bedrooms	No minimum	No maximum
(T31)		Visitor spaces	No minimum	No maximum
(T32)		Retirement villages	No minimum	No maximum
(T33)		Supported residential care	No minimum	No maximum
(T34)		Visitor accommodation	No minimum	No maximum
(T35)		Boarding houses	No minimum	No maximum
(T35A)		Minor dwellings	No minimum	No maximum
(T36)		All other activities		No minimum

Comment [AC126]: Theme 6.7.16 . Parking rates for minor dwellings

...

Table E27.6.2.4 Parking rates - area 2

Activity				Applies to zones and locations specified in Standard 0.6.2(5)	
				Minimum rate	Maximum rate
(T37)	Residential	Residential – Mixed Housing Urban Zone	Dwellings - studio	No minimum	No maximum
(T38)			Dwellings - 1 bedroom	No minimum	No maximum
(T39)			Dwellings - two or more bedrooms	1 per dwelling	No maximum

Activity			Applies to zones and locations specified in Standard 0.6.2(5)		
			Minimum rate		Maximum rate
(T39A)		Minor dwellings	No minimum	No maximum	Comment [AC127]: Theme 6.7.16 Parking rates for minor dwellings
(T41)	Residential – Mixed Housing Suburban Zone	Dwellings - studio	0.5 per dwelling (rounded down to nearest whole number)	No maximum	
(T42)		Dwellings - 1 bedroom	0.5 per dwelling (rounded down to nearest whole number)	No maximum	
(T43)		Dwellings - two or more bedrooms	1 per dwelling	No maximum	
(T43A)		Minor dwellings	0.5 per dwelling (rounded down to nearest whole number)	No maximum	Comment [AC128]: Theme 6.7.16 Parking rates for minor dwellings
(T44)		Sites within the D18 Special Character Areas Overlay – Residential and Business	Site area 500m ² or less	No minimum	No maximum
(T45)		Site area greater than 500m ²	As per the underlying zoning		
(T46)	All other areas	Dwellings	1 per dwelling	No maximum	
(T46A)		Minor dwellings	1 per dwelling	No maximum	Comment [AC129]: Theme 6.7.16 Parking rates for minor dwellings
(T47)	Conversion of dwelling into two dwellings (Sites within the D18 Special Character Areas Overlay – Residential and Business)		No minimum	No maximum	
(T48)	Home occupations		1 per dwelling except no additional space is required where both of the following apply: (a) all employees live on the site of the home	No maximum	

Activity		Applies to zones and locations specified in Standard 0.6.2(5)	
		Minimum rate	Maximum rate
			occupation; and (b) goods and services are not sold from the site (except electronically or by mail/courier)
(T49)	Retirement village	0.7 per unit plus 0.2 visitor space per unit plus 0.3 per bed for rest home beds within a retirement village	No maximum
(T50)	Supported residential care	0.3 per bed	No maximum
(T51)	Visitor accommodation	1 per unit Or, where accommodation is not provided in the form of units, 0.3 per bedroom	No maximum
(T52)	Boarding houses	0.5 per bedroom (except that parking is not required for boarding houses which accommodate school students within the H29 Special Purpose – School Zone)	No maximum

...

(10) Accessible parking:

(a) Note: Where parking is provided, parking spaces are to be provided for people with disabilities and accessible routes from the parking spaces to the associated activity or road as required by the New Zealand Building Code D1/AS1. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001).

...

Comment [AC130]:
Theme 6.7.15. Accessible car parking spaces

E27.6.3 Design of parking and loading spaces

E27.6.3.1. Size and location of parking spaces

- (1) Every parking space must:
- (a) comply with the minimum dimensions given in Table E27.6.3.1.1 and Figure E27.6.3.1.1; and
 - (b) be located on the same site as the activity to which it relates unless one of the following criteria is met:
 - (iii) the parking is located in an H7 Open Space Zone and the reserve, park or recreation area consists of more than one adjoining Certificate of Title. In that case, the parking must be located within the same reserve, park or recreation area as the activity to which it relates; or
 - (iv) resource consent is granted to an alternative arrangement, such as shared parking, offsite parking, or non-accessory parking.
 - (c) not be used for any other purpose; and
 - (d) be kept clear and available at all times the activity is in operation, except where stacked parking is permitted by Standard E27.6.3.3(3) below; and
 - (e) be located outside any area designated for road widening; and
 - (f) parking located in part of any yard on the site (where it is permitted in the zone) must not:
 - (i) impede vehicular access and movement on the site; and
 - (ii) infringe any open space and landscape requirements for the relevant zone; and
 - (g) not to be sold or leased separately from the activity for which it provides parking ~~required under a resource consent~~ as an accessory activity unless a resource consent is granted to an alternative arrangement such as shared parking or off-site parking.

Comment [AC131]:
Theme 6.7.14 . Selling or leasing car parks

E27.6.3.3 Access and manoeuvring

- (2) Every parking space must have driveways and aisles for entry and exit of vehicles to and from the road, and for vehicle manoeuvring within the site.

Access and manoeuvring areas must accommodate the 85 percentile car tracking curves in Figure E27.6.3.3.1

- (3) ~~For Every loading space and where access and manoeuvring areas must accommodate accommodating heavy vehicles, a tracking curve for an appropriately sized truck for the type of activities to be carried out on the site must be assessed. Heavy vehicle tracking curves are set out in the following the access and manoeuvring areas associated with that loading space must comply with the tracking curves set out in the NZTA guidelines: RTS 18: NZ on-road tracking curves (2007).~~
- (4) Where a dwelling provides more than one parking space, these may be stacked. Stacked parking means access is required through another parking space.

Comment [AC132]:
Theme 6.7.10 Tracking curves for heavy vehicles

E27.6.3.4 Reverse manoeuvring

- (5) Sufficient space must be provided on the site so vehicles do not need to reverse off the site or onto or off the road from any site where any of the following apply:
- (h) four or more ~~required~~ parking spaces are served by a single access;
 - (i) there is more than 30m between the parking space and the road boundary of the site; or
 - (j) access would be from an arterial road or otherwise within a Vehicle Access Restriction covered in Standard E27.6.4.1.

Comment [AC133]:
Theme 6.7.11 Reverse manoeuvring

E27.6.4.2 Width and number of vehicle crossings

Table E27.6.4.2.1 Maximum number of vehicle crossings and separation distance between crossings

Location		Maximum number of vehicle crossings per road frontage of the site	Minimum separation from crossings serving adjacent sites	Minimum separation between crossings serving same site
(T143)	That part of a site subject to: • a Vehicle Access Restriction General Control in the Business – City Centre Zone	No crossings permitted	No crossings permitted	No crossings permitted

	• a Key Retail Frontage Control as shown on the planning maps			
(T144)	That part of a site subject to: • a Vehicle Access Restriction under Standards 0.6.4.1(2) and 0.6.4.1(3) (see additional limitation below for site at 71-75 Grafton Road) • a General Commercial Frontage Control as shown on the planning maps	1 per 50m of frontage or part thereof	<u>2m</u> Where 2m provided that two crossings on adjacent sites can be combined and where <u>the combined crossings</u> they do not exceed a total width of 6m at the property boundary, <u>no minimum separation distance will apply</u>	6m
(T145)	Site at 71-75 Grafton Road	1 - located within the area identified on Figure 0.6.4.2.1	No limitation	Only one crossing permitted
(T146)	All other sites	1 per 25m of frontage or part thereof	<u>2m</u> Where 2m provided that two crossings on adjacent sites can be combined and where <u>the combined crossings</u> they do not exceed a total width of 6m at the property boundary, <u>no minimum separation distance will apply</u>	6m

Comment [AC134]:
Theme 6.7.7 Combined vehicle crossings

Comment [AC135]:
Theme 6.7.7 Combined vehicle crossings

(5) Where a vehicle crossing is altered or no longer required, the crossing, or redundant section of crossing, must be reinstated as berm and/or footpath and the kerbs replaced. The cost of such work will be borne by the owner of the site previously accessed by the vehicle crossing.

Note 1 – Any new vehicle crossing or alteration of an existing vehicle crossing (e.g. repair, replacement, widening or relocation) will require vehicle crossing approval from Auckland Transport as road controlling authority. As part of the

approval considerations it is expected that the vehicle crossing is located at least 1m from services including cesspits, street lights, and power poles.

Comment [AC136]:
Theme 6.7.8 Auckland Transport approval for vehicle crossings

Table E27.6.4.3.2 Vehicle crossing and vehicle access widths

Location of site frontage		Number of parking spaces served	Minimum width of crossing at site boundary	Maximum width of crossing at site boundary	Minimum formed access width
(T149)	Residential zone	Serves 1 – 2 car parking spaces	2.75m	3.0m	2.5m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3m
(T150)		Serves 3 – 9 car parking spaces	3.0m (one way)	3.5m (one way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T151)		Serves 10 or more car parking spaces	5.5m (two-way) This may be narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals can be provided	6.0m (two-way)	5.5m (providing for two-way movements), <u>provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 6.5m</u> The formed width is permitted to be <u>narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals are provided.</u> <u>1.0m pedestrian access for rear sites which may be located within the formed driveway</u>
(T152)	Centres, Mixed Use and all other zones not listed	Serves nine or less parking spaces or two or less	3.0m (one way)	3.5m (one way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m

Comment [AC137]: Theme 6.7.3 Vehicle access corridor width

Comment [AC138]: Theme 6.7.2 Vehicle access corridor width

Comment [AC139]: Theme 6.7.1 Pedestrian access in residential zones

	below	loading spaces			
(T153)		Serves 10 or more parking spaces or three or more loading spaces	5.5m (two-way)	6.0m (two-way)	5.5m (providing for two-way movements) 1.5m pedestrian access for rear sites
(T154)	General Business, Business Park or Industrial zones	Serves nine or less parking spaces or two or less loading spaces	3.7m (one way)	4.0m (one-way)	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T155)		Serves 10 or more parking spaces or three or more loading spaces	6.0m (two-way)	7m (two-way)*	6.0m (providing for two-way movements)
(T156)	Rural zones		3.0m	6.0m*	No minimum specified

Comment [AC140]:
Theme 6.7.5 Triggers for vehicle access standards

Comment [AC141]:
Theme 6.7.5 Triggers for vehicle access standards

Comment [AC142]:
Theme 6.7.5 Triggers for vehicle access standards

Comment [AC144]: Theme 6.7.4 Vehicle crossings in industrial zones

Comment [AC143]:
Theme 6.7.5 Triggers for vehicle access standards

* Provided that a maximum width of 9.0m is permitted where the crossing needs to accommodate the tracking path of large heavy vehicles

...

E27.6.5. Design and location of off-road pedestrian and cycling facilities

- (1) The design and location of the proposed facility ~~is to ensure good~~ shall provide connections to existing pedestrian and cycling routes and facilities.
- (2) The width of the path is designed to accommodate the anticipated number and type of users.
- (3) The surface of the path is designed to safely provide for the anticipated number and type of users.

Comment [AC145]:
Theme 6.7.17 Off-road pedestrian and cycle facilities

...

E27.8.2. Assessment criteria

...

(3) any activity or development which infringes the standards for design of parking and loading areas or access under Standard 0.6.3:

...

(c) the practicality and adequacy of parking, loading and access arrangements having regard to:

- (i) site limitations, configuration of buildings and activities, user requirements and operational requirements;
- (i) the ability of the access to accommodate the nature and volume of traffic and vehicle types expected to use the access. This may include considering whether a wider vehicle crossing is required to:
 - comply with the tracking curve applicable to the largest vehicle anticipated to use the site regularly;
 - accommodate the traffic volumes anticipated to use the crossing, especially where it is desirable to separate left and right turn exit lanes;
 - the desirability of separating truck movements accessing a site from customer vehicle movements;
 - the extent to which reduced manoeuvring and parking space dimensions can be accommodated because the parking will be used by regular users familiar with the layout, rather than by casual users, including the number of manoeuvres required to enter and exit parking spaces;

Note: Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking.

- (ii) any use of mechanical parking installation such as car stackers or turntables does not result in queuing beyond the site boundary; or
- (iii) any stacked parking is allocated and managed in such a way that it does not compromise the operation and use of the parking area.

...

(4) any activity or development which infringes the standard for design and location of off-road pedestrian and cycling facilities under Standard E27.6.5:

(a) location, design and external appearance:

- (iv) the location, design and external appearance of any off-road pedestrian and cycling facility:

Comment [AC146]:
Theme 6.7.9 Manoeuvring and parking dimensions

- is legible and designed to provide for safe and convenient access for users, including safe connections with the existing ~~road~~ pedestrian and cycling network and public transport;

Comment [AC147]:
Theme 6.7.17 . Off-road pedestrian and cycle facilities

ATTACHMENT A.7 – BUILT ENVIRONMENT

Showing proposed amendments as tracked changes for Chapters:

E23 Signs

E25 Noise and vibration

E40 Temporary activities

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 **traffic and pedestrian safety**. ~~pedestrian traffic and safety~~. They may also have adverse effects on the character and heritage values of an area.

Comment [A148]:
Theme 6.8.3 Traffic and pedestrian safety

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).

...

E23.3 Policies [rcp/dp]

(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.

Comment [A149]:
Theme 6.8.3 Traffic and pedestrian safety

...

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.

...

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
	...	

Comment [A150]:
Theme 6.8.1 Billboards on street furniture in the road reserve

Comment [A151]:
Theme 6.8.1 Billboards on street furniture in the road reserve

...

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.

Comment [A152]:
Theme 6.8.2 Freestanding billboards

E23.6.1. Billboards in zones

All activities listed as permitted or restricted discretionary activities in:

Comment [A153]:
Theme 6.8.2 Freestanding billboards

- Table E23.4.1 Activity Table – Billboards in zones; and
- (A51), (A52) and (A53) in Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage;

must comply with the following standards.

(1) Billboards must:

...

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

All activities listed as a permitted activity in (A46) and (A47) in Table E23.4.2 Activity table - Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage must comply with the following permitted activity standards.

Comment [A154]:
Theme 6.8.1 Billboards on street furniture in the road reserve

- (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-;

(d) If the billboard is a digital billboard it must include controls to ensure that the luminance does not exceed:

- (i) 5000cds/m² between sunrise and sunset; (daytime)
- (ii) 250cds/m² between sunset and sunrise (night time); and
- (iii) 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);

(e) A billboard shall not emit noise, smoke, steam or other matter;

(f) A billboard must not extend more than:

- (i) 200mm from the face of any building or structure to which it is attached if it is a static billboard; or
- (ii) 400mm from the face of any building if it is a changeable message billboard.

(g) A billboard must not display any image that:

- (i) resembles or is likely to be confused with any traffic sign or signal;
- (ii) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or
- (iii) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers; and

(h) 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.

E23.6.3. Billboards on new street furniture

All activities listed as a permitted activity in (A48) in Table E23.4.2 Activity table – Billboards on street furniture and in road reserves, existing lawfully established billboards and comprehensive development signage must comply with the following permitted activity standards.

(1) Billboards on new street furniture must:

Comment [A155]:
Theme 6.8.1 Billboards on street furniture in the road reserve

Comment [A156]:
Theme 6.8.1 Billboards on street furniture in the road reserve

(a) comply with Standards E23.6.2(1)(a) to ~~(h)~~; and ~~(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.

Comment [A157]:
Theme 6.8.1 Billboards on street furniture in the road reserve

~~(2) [deleted]~~

~~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).~~

Comment [A158]:
Theme 6.8.1 Billboards on street furniture in the road reserve

~~(3) [deleted]~~

~~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) [deleted]~~

~~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) [deleted]~~

~~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 and pedestrian safety;
- (4) duration of consent; and
- (5) cumulative effects.

Comment [A159]:
Theme 6.8.3 Traffic and pedestrian safety

E23.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities in Activity Table 0.4.1 Billboards in zones and Activity Table 0.4.2 Billboards on street furniture in road reserves, existing lawfully established billboards and comprehensive development signage from the list below:

...

- (2) lighting and traffic and pedestrian 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 or pedestrian 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.

Comment [A160]:
Theme 6.8.3 Traffic and pedestrian safety

Comment [A161]:
Theme 6.8.3 Traffic and pedestrian safety

(d) the extent to which the location, operation, lighting or design of the signs or billboard will have adverse effects on traffic or pedestrian safety.

...

Comment [A162]:
Theme 6.8.3 Traffic and pedestrian safety

E25. Noise and vibration

E25.6. Standards

All activities must comply with the following relevant permitted activity standards.

E25.6.29. Construction noise **and vibration** levels for work within the road

- (1) Noise from any construction, maintenance and demolition activities in the road must ~~meet~~ comply with the relevant noise levels in the following relevant table:
- (a) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
 - (b) Table E25.6.27.2 Construction noise levels for noise affecting any other activity; or
 - (c) Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive calendar days duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
 - (d) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone.

(1A) Vibration from any construction, maintenance and demolition activities in the road must comply with the relevant vibration levels in the following relevant table or standard:

- (a) the limits set out in E25.6.30(1)(a) German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures; and
- (b) Table E25.6.30.1 Vibration limits in buildings.

...

- (3) The noise levels specified in Standard E25.6.29(1) above do not apply to unplanned repair or maintenance works or planned works in the road between the hours of 7am and 10pm where:
- (a) the number of days where the noise generated by the works exceeds the relevant noise levels in the following tables:
 - (i) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
 - ...
 - (iv) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone;at any one receiver is 10 days or less; or

...

- (4) The noise levels specified in Standard E25.6.29(1) do not apply to road rehabilitation works that comprise the substantial removal and replacement of the road structural base and pavement in the road where:

...

Comment [A163]: All changes in this standard are for :
Theme 6.8.6 Noise and vibration from works in the road

- (f) a construction noise and vibration management plan is provided to the Council no less than five days prior to the works commencing in accordance with the applicable provisions of Standard E25.6.29(5) below.
- (4A) The vibration levels specified in Standard E25.6.29(1A)(b) do not apply to works within the road where:
- (a) for planned works, a copy of the works access permit issued by Auckland Transport or approval from the New Zealand Transport Agency is provided to the Council five days prior to work commencing; and
- (b) a construction noise and vibration management plan is provided to the Council no less than five days prior to the works commencing in accordance with the applicable provisions of Standard E25.6.29(5) below.
- (5) A construction noise and vibration management plan must be prepared by a suitably qualified and experienced person and include the following:

...

- (b) a description of the works and its duration, anticipated equipment to be used, ~~and the processes to be undertaken~~ and the predicted noise and vibration levels; and
- (c) identification of the best practicable options that will be undertaken to mitigate and minimise any noise and vibration being produced that is likely to exceed the relevant levels of the following tables:
- (i) Table E25.6.27.1 Construction noise levels for activities sensitive to noise in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (ii) Table E25.6.27.2 Construction noise levels for noise affecting any other activity; or
- (iii) Table E25.6.28.1 Construction noise levels for construction less than 15 consecutive calendar days duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (iv) Table E25.6.28.2 Construction noise levels for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or
- (vi) Table E25.6.30.1 Vibration limits in buildings.
- (6) For the purpose of Standards E25.6.29(1) to E25.6.29(4)(A) above:
- (a) planned work means work that has been planned to take place at least seven days before the work commences; ~~and~~
- (b) the measurement and assessment of all construction noise must be in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise; and
- (c) the measurement of all vibration must be in accordance with E25.6.30 Vibration.

Vibration

E25.6.30 Vibration

...

- (2) Permanently installed stationary vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery must be installed and maintained so that any resulting vibration does not exceed the limits of Table E25.6.30.2 Vibration levels for stationary machinery when measured in any occupied room of any building on another site or in any occupied unit under different ownership from the source of the vibration. Vibration must be measured in accordance with ISO 2631-2:2003

Mechanical vibration and shock – Evaluation of human exposure to whole-body vibration – Part 2: Vibration in buildings (1Hz to 80Hz):

Table E25.6.30.2 Vibration levels for stationary machinery

Affected occupied building or area	Time of day	Maximum vibration level in root mean square velocity (mm/s) between 8 and 80Hz
Noise sensitive spaces	7am-10pm	0.20
Bedrooms and sleeping areas only within activities sensitive to noise	10pm-7am	0.14

(3) For vibration levels applying to work within the road, refer to E25.6.29.

...

Comment [A164]: Consequential to: Theme 6.8.6 Noise and vibration from works in the road

E40. Temporary activities

E40.6. Standards

All activities listed as permitted in Table E40.4.1 must comply with the following standards.

E40.6.4. Noise events outside the City Centre and Metropolitan Centres

- (1) Up to 15 noise events at a venue are permitted outside the City Centre and Metropolitan Centres in any 12 month period, provided that no more than two noise events occur in any seven-day period, and the noise event complies with all of the following:
- (a) the noise event does not exceed six hours in duration, excluding:
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
 - (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level limit of 70dB $L_{Aeq, Aeq}$ and 80dBA L_{A01} except;
 - (i) three noise events can have a noise limit of 80dB $L_{Aeq, Aeq}$ and 90dBA L_{A01} for a maximum of three hours, excluding one hour for sound testing and balancing undertaken after 9am on the day of the event; and
 - (ii) three noise events in the Auckland Domain can be held with no noise limits applying.
 - (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
 - (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.27, except that up to 10pm on all days except Sunday, the noise levels at activities sensitive to noise do not exceed 60dB L_{Aeq} and 75dB L_{Amax} for up to 3 hours following the conclusion of the event when measured and assessed in accordance with the requirements of E25.6.1(3).

Comment [AC165]:
Theme 6.8.5 Noise events in public places

E40.6.5. Noise events within the City Centre and Metropolitan Centres

- (1) Up to 18 noise events at a venue are permitted within the City Centre and Metropolitan Centres any 12 month period, provided no more than two noise events occur in any seven-day period and the noise event complies with all of the following:
- (a) the noise event does not exceed six hours in duration, excluding:
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and

Comment [AC166]:
Theme 6.8.5 Noise events in public places

- (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
- (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level of 70dB L_{Aeq} ~~Aeq~~ and 80dBA L_{A01} except;
 - (i) three noise events can have a noise limit of 80dB L_{Aeq} ~~Aeq~~ and 90dBA L_{A01} ~~L1~~ for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event; and
 - (ii) three noise events can have a noise limit of 90dB L_{Aeq} ~~Aeq~~ and 95dBA L_{A01} ~~L1~~, for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event.
- (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
- (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.28.

ATTACHMENT A.8 – ENVIRONMENTAL RISK

Showing proposed amendments as tracked changes for Chapters:
E34. Agrichemicals and vertebrate toxic agents
E36. Natural hazards and flooding

E34. Agrichemicals and vertebrate toxic agents

... E34.6. Standards

... E34.6.1. Permitted activity standards

... E34.6.1.2 The discharge from non-domestic applications of agrichemicals onto or into land

- ...
- (3) Any person applying agrichemicals by a handheld application (a non-motorised sprayer carried on foot) must:
- (c) hold a minimum qualification required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agent; or
 - (a) be under the supervision of person holding the minimum qualifications required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; and
 - (b) have received instruction on the New Zealand Standard - Management or Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents;
- ...

Comment [AC167]:
Theme 6.9.1 Agrichemicals and vertebrate toxic agents

E36. Natural hazards and flooding

E36.8. Assessment – restricted discretionary activities

E36.8.1. Matters of discretion

...

Activities in overland flow paths

...

- (13) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:
- (a) the effects of flooding on the activity proposed, including whether it is a more or less vulnerable activity;
 - (b) the effects on the location of habitable rooms;
 - (c) ~~the extent to which~~ the design of the building and how it provides for safe access, and the potential effects of flood hazards on chosen access routes; and
 - (d) the effects on people during a flood event and the ability to avoid, remedy or mitigate these.

Comment [AC168]:
Theme 6.9.2 Natural hazards and flooding

...

E36.8.2. Assessment criteria

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

...

- (12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:
- (a) the extent to which the continuity of the overland flow paths both within the site and upstream and downstream of the site will be maintained;
 - (b) The extent to which and how the effects on other properties from the diversion or alteration of the overland flow path will be avoided or mitigated;
 - (c) the extent to which and how scouring and erosion will be managed;
 - (d) the extent to which and how the proposal will avoid, or mitigate adverse effects on stream ecology;
 - (e) the extent of long-term maintenance proposed, ensuring that, when appropriate, an easement in favour of Council is created to limit further changes to the overland flow path; and
 - (f) the extent to which design and management measures are proposed to manage risk to a building, its occupants or contents.

Comment [AC169]:
Theme 6.9.2 Natural hazards and flooding

(18) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

- (a) the extent to which the overland flow path is maintained to convey stormwater runoff safely from a site to the receiving environment;
- (b) the location of habitable area in relation to the overland flow path;
- (c) the extent to which the design of the building provides for safe access and the potential effects of flood hazards on chosen access routes;
and
- (d) the extent to which people are affected during flood events and the extent to which effects are avoided, remedied or mitigated.

ATTACHMENT A.9 - SUBDIVISION

Showing proposed amendments as tracked changes for Chapters
E38 Subdivision - Urban
E39 Subdivision – Rural

Changes below to Chapter E38 Subdivision – Urban are consequential changes from Chapter E27 Transport

E38. Subdivision – Urban

...

E38.12. Assessment – restricted discretionary activities

E38.12.1. Matters of discretion

...

(7) all other restricted discretionary activity subdivisions:

...

(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.

Comment [AC170]:
Theme 6.7.6 Vehicle crossings and activities in the road reserve

E38.12.2. Assessment Criteria

...

(7) all other restricted discretionary activity subdivisions:

...

(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads

(i) refer to Policy E38.3(15); and

(ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.

Comment [AC171]:
Theme 6.7.6 Vehicle crossings and activities in the road reserve

E39. Subdivision Rural

...

E39.4. Activity Table

...

Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone

Activity		Activity status
(A31)	Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha not complying with Standard E39.6.5.3	NC
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone <u>or Rural – Waitākere Ranges Zone</u> not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitakere Ranges Heritage Area Overlay	NC
(A37)	Any other subdivision not otherwise provided for in Tables E39.4.1 or E39.4.5	D

Comment [AC172]:
Theme 6.10.1 Waitākere Ranges and Waitākere Foothills zones

Comment [AC173]:
Theme 6.10.1 Waitākere Ranges and Waitākere Foothills zones

...

ATTACHMENT A.10 - DEFINITIONS

Showing proposed amendments as tracked changes for Chapter J1 Definitions

J1. Definitions

...

J1.4. Definitions

...

C

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

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

The Coastal storm inundation 1 per cent AEP area is:

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

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

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

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

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

- the area shown in the ~~planning maps as 'Coastal Inundation 1 per cent AEP Plus 1m Control'~~ Council's publicly available online GIS viewer as the modelled extent of affected land for a 100 year return period (Average Recurrence Interval) plus 1m sea level rise; or

Comment [AC174]:
Theme 6.11.1. Coastal inundation maps
No amendment. Shown for comparison with the definition for 'coastal storm inundation 1 % AEP plus 1m sea level rise area.'

Comment [AC175]:
Theme 6.11.1. Coastal inundation maps

- as identified in a site-specific technical report prepared by a suitably qualified and experienced professional.

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Public place

~~A place that, at any particular time, (including for the duration of an event) is accessible to or is being used by the public whether free or on payment of a charge.~~

~~Excludes:~~

- ~~• internal areas of buildings~~

Has the same meaning as defined in the Trading and Events in Public Places Bylaw 2015:

- any place that, at any material time, is owned, managed, maintained or controlled by the council or council controlled organisation and is open to or, being used by the public, whether free or on payment of a charge. It includes any road, footpath, public square, grass verge, berm, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshore and dunes, access ways, recreational grounds and sports fields.

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T

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Temporary activity

An activity that:

- is outside the normal expected use of a site (or area within the coastal marine area); and
- has a start and end date and time.

Includes:

- filming activities at temporary locations and activities accessory to that filming activity;
- activities accessory to a building or construction project, such as scaffolding, fencing, offices or storage sheds;
- Council HazMobile collections;
- carnivals;
- concerts;
- fairs;
- festivals and events;

Comment [AC176]:
Theme 6.8.4 Definition of 'public place'

- public meetings;
- parades;
- special events;
- sporting events;
- overflow parking;
- temporary military training (land based only);
- emergency response training, including live burns carried out by ~~the New Zealand Fire Service~~ Fire and Emergency New Zealand; and
- structures accessory to temporary activities.

Comment [AC177]:
Theme 6.5.11 . Fire and Emergency

Excludes:

- markets;
- temporary military training activities within the coastal marine area;
- temporary structures within the coastal marine area; and
- temporary signs.

...

~~Total gross heat release~~ **Total rated thermal input**

Comment [AC178]:
Theme 6.5.9 Total rated thermal input

Total units of energy in megawatts (MW) required to operate all combustion appliances on a site.

...

V

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Vegetation alteration or removal

Comment [AC179]:
Theme 6.4.3 Vegetation alteration or removal

Damaging, cutting, destroying or removing any part of vegetation.

Includes:

- roots; and
- crown pruning.

Excludes:

- the alteration or removal of vegetation planted as a crop or pasture.

...

ATTACHMENT A.11 - APPENDICES

Showing proposed amendments as tracked changes for Chapter M.

Appendix 2 River and stream minimum flow and availability

Appendix 17 Documents incorporated by reference

Changes shown below to Appendix 17 are consequential changes from Chapter E11 Land disturbance – Regional and E9 Stormwater quality - High contaminant generating car parks and high use roads.

Appendix 2 River and stream minimum flow and availability

All provisions in this appendix are regional plan [rp].

Table 1 River and stream minimum flow and availability

River or stream	Minimum flow	Availability
...		
Mahurangi ² (at 6 Brown Rd site)	35 l/s	-
Wairoa (as measured at Tourist Rd recording site)	340 l/s	-
Puhinui (at 356 Puhinui Rd site)	14 l/s	35 l/s
Hōteao ³ (at 47 Wilson Rd site)	175 l/s	-
Other rivers and streams	85% of MALF	30% of MALF

Comment [A180]:
Theme 6.4.11 River and stream
minimum flow and availability

Note¹

Requires mitigation such as riparian planting to achieve the same environmental outcomes as for 'other rivers and streams', otherwise the minimum flow and availability for 'other rivers and streams' applies.

Note²

Mahurangi as calculated from the College Weir recording site, adjusted for the net abstraction for municipal supply.

Note³

Hōteō as correlated to the measured flow at the Gubbs recording site.

Appendix 17 Documents incorporated by reference

...

E9 Stormwater quality - High contaminant generating car parks and high use roads

~~Auckland Council Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01) December 2017'~~

Comment [AC181]:
Theme 6.4.4 Technical publications

E11 Land disturbance - Regional

Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

~~Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)'~~

Comment [AC182]:
Theme 6.4.4 Technical publications

Erosion and Sediment Control Guidelines for Vegetable Production Horticulture New Zealand (June 2014)

...

PLAN CHANGE 16:
**Improving consistency of provisions for
Zones**

The proposed plan change to the Auckland Unitary Plan seeks to address identified technical issues within Chapter H Zones and Chapter J Definitions.

ATTACHMENT D
PROPOSED PLAN CHANGE 16

Auckland Unitary Plan - Operative in part

PROPOSED PLAN CHANGE 16 (PC 16)

Improving consistency of provisions in Chapter H Zones, Chapter J Definitions of the Auckland Unitary Plan (Operative in part)

Public notification: 29 November 2018

Close of submissions: 31 January 2018

This is a Council initiated plan change

Explanatory note – not part of the plan change

The proposed plan change to the Auckland Unitary Plan seeks to address identified technical issues within Chapter H Zones, Chapter J Definitions.

Plan Change Provisions

Note:

Amendments proposed by this plan change to the Auckland Unitary Plan are underlined for new text and ~~struck through~~ where existing text is proposed to be deleted. The use of Indicates that there is more text, but it is not being changed.

H2. Residential – Rural and Coastal Settlement Zone

....

H2.6 Standards

....

H2.6.6. Height in relation to boundary

....

(2) Standard H2.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

(a)

(b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone: ~~exceeding 2000m²~~.

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

(3) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H2.6.6(1) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

....

H2.6.9 Building coverage

Purpose: to manage the extent of buildings on a site to maintain and complement the rural and coastal built character of the zone and any landscape qualities and natural features.

(1) The maximum building coverage must not exceed 20 per cent of net site area or ~~200~~ 400m², whichever is the lesser.

H2.6.10 Front, Side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place; and
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

- (1) Fences or walls or a combination of these structures (whether separate or joined together):
- a) on a side or rear boundary or within a side or rear yard must not exceed a height of 2m above ground level.
 - b) On or within the front yard, coastal protection yard, riparian
 - c) yard or lakeside yard, either:
 - (i) 1.4m in height, or
 - (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
 - (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary.

H3 Single House Zone

.....

H3.6.7 Height in Relation to Boundary

.....

(2) Standard H3.6.7(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

....

b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; exceeding 2000m².

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

.....

(4) Where the boundary forms part of a legal right of way, entrance strip, ~~or~~ access site or pedestrian access way, ~~the control in Standard H3.6.7(1) applies~~ from the farthest boundary of that legal right of way, entrance strip, ~~or~~ access site or pedestrian access way.

.....

H3.6.12 Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side ~~or~~ rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy or dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours, ~~and~~ the street or adjoining public place

(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, coastal protection yard, lakeside yard or riparian yard, either:

(i) 1.4m in height, or

(ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

.....

H4 Mixed Housing Suburban Zone

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H4.6.5 Height in Relation to Boundary

.....

(2) Standard H4.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

....

b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; ~~exceeding 2000m²~~.

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

....

(4) Where the boundary forms part of a legal right of way, entrance strip, ~~or~~ access site, or pedestrian access way, the control in ~~s~~Standard H4.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, ~~or~~ access site or pedestrian access way.

.....

H4.6.6. Alternative height in relation to boundary

....

(3) Standard H4.6.6(2) above does not apply to a boundary adjoining any of the following:

....

b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; ~~exceeding 2000m²~~.

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

....

(5) Where the boundary forms part of a legal right of way, entrance strip, ~~or~~ access site or pedestrian access way, the control in Standard H4.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, ~~or~~ access site or pedestrian access way.

H4.6.11 Outlook space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different ~~buildings~~ dwelling or units within an integrated residential development, boarding house or supported residential care, on the same or adjacent sites; and

....

(7) Outlook spaces required from different rooms within the same ~~building~~ dwelling or unit within an integrated residential development, boarding house or supported residential care may overlap.

(8)

(9) Outlook spaces must:

- (a) be clear and unobstructed by buildings;
- (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in Standard H4.6.11(6) above; and
- (c) not extend over an outlook spaces or outdoor living space required by another dwelling or unit within an integrated residential development, boarding house or supported residential care.

(10) Fences or walls within an outlook space must:

- i. not exceed 1.2m in height, or
- ii. be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.

....

H4.6.13. Outdoor living space

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is directly accessible from the principal living room, dining room or kitchen and is separated from vehicle access and manoeuvring areas.

(1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

....

(c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

....

- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:

.....

- (c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house.

.....

H4.6.14. Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place.
- minimise visual dominance effects to immediate neighbours, ~~and~~ the street or adjoining public place.

- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

- (a) Within the front yard, coastal protection yard, riparian yard or lakeside yard, either:

- (i) 1.4m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
- (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

.....

H5 Residential Mixed Housing Urban Zone

.....

H5.6.5 Height in relation to boundary

- (1) Buildings must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along side and rear boundaries, as shown in Figure H5.6.5.1 Height in relation to boundary below.
- (2) Standard H5.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:
 - (a)
 - (b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone: ~~exceeding 2000m²~~
 - i) that are greater than 2000m²; and
 - ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

....

- (4) Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, ~~the control in s~~Standard H5.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, ~~or~~ access site or pedestrian access way.

....

H5.6.6. Alternative height in relation to boundary

Purpose: to enable the efficient use of the site by providing design flexibility at upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access and minimising overlooking and privacy effects to immediate neighbours.

....

- (3) Standard H5.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

....

- b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone: ~~exceeding 2000m²~~
 - i) that are greater than 2000m²; and
 - ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

.....

(5) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H5.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

.....

H5.6.7 Height in relation to boundary adjoining lower intensity zones

(1) Where sites.....

(b) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H5.6.7(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(c) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plan is:

a) no greater than 1.5m² in area and no greater than 1m in height;
and

b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

H5.6.12 Outlook Space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different ~~buildings~~ dwelling or units within an integrated residential development, boarding house or supported residential care, on the same or adjacent sites; and...

....

(7) Outlook spaces required from different rooms within the same ~~building~~ dwelling or unit within an integrated residential development, boarding house or supported residential care, may overlap.

....

(9) Outlook spaces must:

(a) be clear and unobstructed by buildings; and

(b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in 0.6.12(6) above; and

(c) not extend over an outlook spaces or outdoor living space required by another dwelling or unit within an integrated residential development, boarding house or supported residential care.

(d) Fences and walls within an outlook space must:

- i. not exceed 1.2m in height, or
- ii. be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.

H5.6.14. Outdoor living space

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is directly accessible from the principal living room, dining room or kitchen and is separated from vehicle access and manoeuvring areas.

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

.....

(c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

.....

- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:

.....

(c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house.

.....

H5.6.15 Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, coastal protection yard, riparian yard or lakeside yard, either:

- (iv) 1.4m in height, or
- (v) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
- (vi) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

H6 Residential – Terraced Housing and Apartment Buildings Zone

.....

H6.6.6 Height in relation to boundary

....

- (1) ~~Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin another site in the same zone, or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, b~~

Buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.1 Height in relation to boundary below.

- (2) Standard H6.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

(a)

(b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; exceeding 2000m².

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

(3)...

- (4) Where the boundary forms part of a legal right of way, entrance strip, ~~or~~ access site or pedestrian access way, the control in Standard H6.6.6(1) applies from the farthest boundary of that legal right of way, entrance strip, ~~or~~ access site or pedestrian access way.

.....

H6.6.7. Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone

.....

- (4) Standards H6.6.7 (2) and (3) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

....

(b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; exceeding 2000m².

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

.....

(6) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H6.6.7(2) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

H6.6.8 Height in relation to boundary adjoining lower intensity zones

(2) Where sites.....

(4) Where the boundary forms part of a legal right of way, entrance strip or access site or pedestrian access way, the control in Standard H6.6.8(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:

- a) no greater than 1.5m² in area and no greater than 1m in height; and
- b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

H6.6.13 Outlook Space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings dwellings or units within an integrated residential development, boarding house or supported residential care, on the same or adjacent sites; and

.....

(7) Outlook spaces required from different rooms within the same ~~building~~ dwelling or unit within an integrated residential development, boarding house or supported residential care may overlap.

.....

(9) Outlook spaces must:

- (a) be clear and unobstructed by buildings; and
- (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(2) above; and
- (c) not extend over an outlook spaces or outdoor living space required by another dwelling or unit within an integrated residential development, boarding house or supported residential care.
- (d) Fences or walls within an outlook space must:

- i. not exceed 1.2m in height, or
- ii. be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.

H6.6.15 Outdoor living space

....

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

.....

(c) is directly accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

.....

- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:

....

(c) is directly accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

....

H6.6.16 Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place;
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, coastal protection yard, riparian yard or lakeside yard, either:

- (i) 1.4m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

.....

Assessment

H1.8. Assessment – restricted discretionary activities

H1.8.1. Matters of discretion

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

(1) for supported residential care accommodating up to 10 people

.....

(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

.....

(iii) location and design of parking and access; and

.....

(2) for minor dwellings:

(a) the effects on the landscaped character, landscape qualities and natural features of the zone; and

.....

(3) for buildings that do not comply with Standard H1.6.4 Building height; Standard 1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; and Standard 01.6.7 Building coverage:

.....

(d) the effects on the landscape character, landscape qualities and natural features of the zone;

.....

H1.8.2. Assessment criteria

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

(1) for supported residential care accommodating up to 10 people

.....

(d) location and design of parking and access:

(iv) whether adequate parking and access is provided or required.

.....

H2.8. Assessment – restricted discretionary activities

H2.8.1 Matters of discretion

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

(1) for supported residential care accommodating up to 10 people

...

(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

....

(iii) location and design of parking and access; and

....

H2.8.2 Assessment criteria

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

(1) for supported residential care accommodating up to 10 people

...

(b) location and design of parking and access:

(iii) whether adequate parking and access is provided or required.

.....

H3.8. Assessment – restricted discretionary activities

H3.8.1 Matters of discretion

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

(1) for dairies up to 100m² gross floor area per site; and healthcare facilities up to 200m² gross floor area per site:

(a) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

....

(iii) location and design of parking and access; and

.....

(2) for buildings that do not comply with Standard H3.6.6 Building height; ...

....

(d) the effects on the ~~rural and coastal~~ suburban built character of the zone;

.....

H3.8.2. Assessment criteria

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

(1) for dairies up to 100m² gross floor area per site; and healthcare facilities up to 200m² gross floor area per site:

.....

(c) location and design of parking and access:

(i) whether adequate parking and access is provided or required.

.....

H4.8. Assessment – restricted discretionary activities

H4.8.1 Matters of discretion

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

- (1) for supported residential care accommodating greater than 10 people...
 - (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
 - ...
 - (iii) location and design of parking and access; and
 -
- (2) for four or more dwellings per site:
 - (a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:
 -
 - (iii) location and design of parking and access.
 -
- (3) for integrated residential development:
 - (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
 - ...
 - (iii) location and design of parking and access; and
 -
 - (b) for buildings that do not comply with Standard H4.6.4 Building height; ...
 -
 - (d) the effects on the ~~rural and coastal~~ suburban built character of the zone;
 -

H4.8.2. Assessment criteria

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

- (1) for supported residential care accommodating greater than 10 people...
 - ...
 - (d) location and design of parking and access:

H5.8. Assessment – restricted discretionary activities

H5.8.1. Matters of discretion

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

(1) for supported residential care accommodating greater than 10 people....

...

(b) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

...

(iii) location and design of parking and access; and

.....

(2) for four or more dwellings per site:

(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

...

(iii) location and design of parking and access.

...

(3) for integrated residential development:

(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

...

(iii) location and design of parking and access; and

.....

(4) for buildings that do not comply with Standard H5.6.4 Building height;

....

(d) the effects on the ~~rural and coastal~~ urban built character of the zone;

....

H5.8.2. Assessment criteria

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

- (1) for supported residential care accommodating greater than 10 people....

....

- (d) location and design of parking and access:

.....

H6.8. Assessment – restricted discretionary activities

H6.8.1. Matters of discretion

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

- (1) for supported residential care accommodating greater than 10 people...

....

- (b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

...

- (iii) location and design of parking and access; and

...

- (2) for dwellings:

- (a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:

....

- (iii) location and design of parking and access.

.....

- (3) for integrated residential development:

- (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

...

- (iii) location and design of parking and access; and

....

- (4) for buildings that do not comply with Standard H6.6.5 Building height; ...

.....

(d) the effects on the ~~rural and coastal~~ urban built character of the zone;

....

H6.8.2. Assessment criteria

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

(1) for supported residential care accommodating greater than 10 people.....

...

(d) location and design of parking and access:

(i) whether adequate parking and access is provided or required.

....

(2) for dwellings:

....

(j) infrastructure and servicing

.....

(k) The extent to which the necessary storage and waste collection and recycling facilities is provided in locations conveniently accessible and screened from streets and public open spaces.

(l) traffic:

(i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.

(ii) H6.8.2 (2)(l)(i) is not considered where the development is located adjacent to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

(3) for integrated residential development:

.....

(k) traffic:

(i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.

(ii) H6.8.2 (3)(k)(i) is not considered where the development is located adjacent to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

....

H8. Business – City Centre Zone

...

H8.6. STANDARDS

...

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, public open space and nearby sites;
- ~~sunlight~~ and outlook around buildings; and
- views through the city centre.

...

- (4) ~~To qualify for the bonus~~ On sites identified as special height area on Map H8.11.3, the building must comply with Standard H8.6.24 below to qualify for the bonus.

...

H8.6.17. Bonus floor area - public open space

...

- (4) ~~Where required by Standard H8.6.26~~ located on a site subject to Map H8.11.6 Verandahs, provide a verandah along the street for the full length of the public open space in accordance with Standard H8.6.26(4) – (7).

...

H8.6.20. Bonus floor area - works of art

...

- (3) The bonus floor area available is assessed at the following ratio:

...

(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:

...

- (iii) areas contained within a building occupied by ~~pedestrian facilities~~ through site links 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.~~ any entrance foyer/lobby or part of

it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m.

...

H8.6.27. Minimum floor to floor height

...

- (1) The ground floor of a new building and alterations and additions that change the floor to floor height 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 and any alterations and additions that change the floor to floor height 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 and additions to existing buildings that increase the height of any part of the building must not cause:

...

H8.6.31. Street sightlines

...

- (2) Buildings or structures must not locate within the sightlines identified in Appendix 9 Business – City Centre Zone sight lines, except as otherwise provided for in Table E26.2.3.1 Activity table in E26 Infrastructure and Standard H8.6.26. Verandahs.

H8.6.32. Outlook Space

Purpose:

- ensure a reasonable standard of visual and acoustic privacy between different dwellings, and units in visitor accommodation and boarding houses, including their outdoor living space, on the same or adjacent sites; and

...

- (1) ~~The This 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~~ these rooms 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.

...

(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);

...

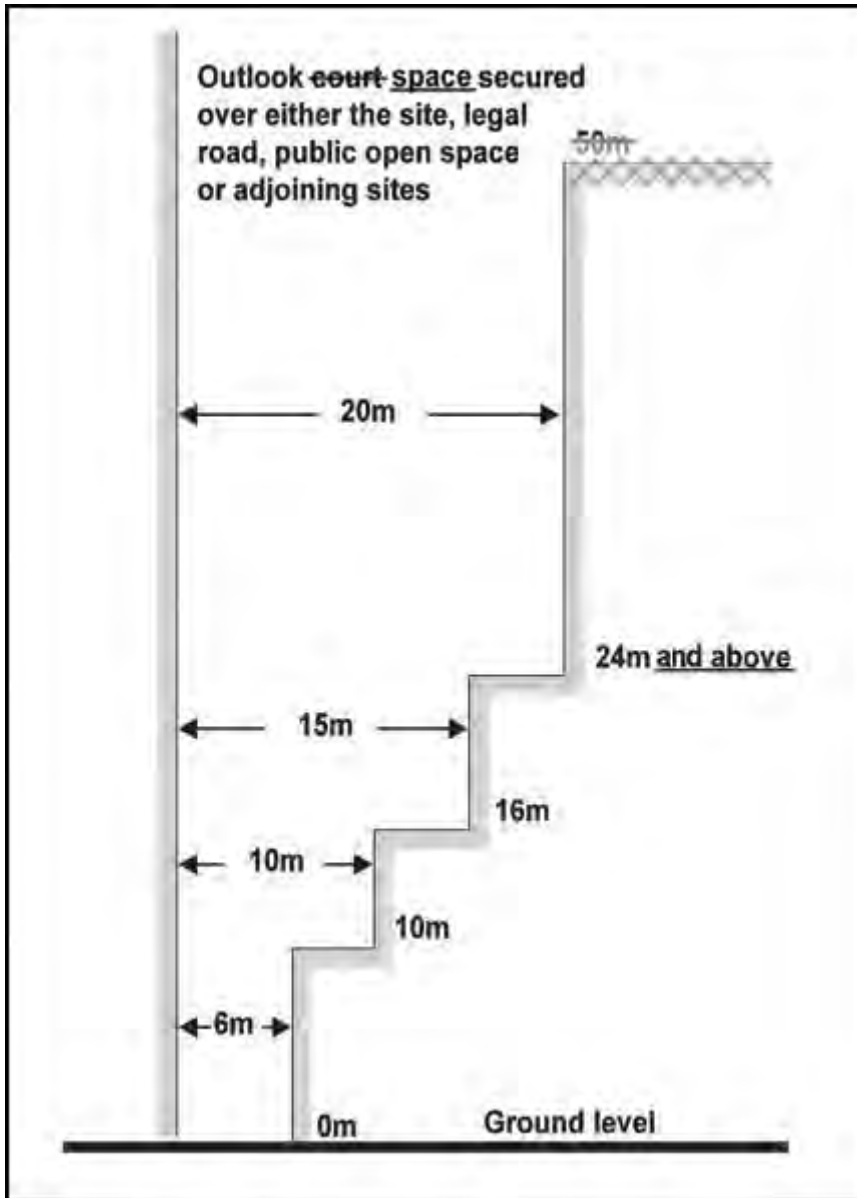
(6) In the situation where an outlook space is provided over a legal road narrower than the width ~~specified in Figure H8.6.32.2~~ required by Standard H8.6.32(3), the street width is deemed to satisfy the minimum outlook space requirement.

...

Figure H8.6.32.2 Outlook space

[Amend the figure as shown below to remove reference to outlook 'court' and change to outlook 'space']

[Amend the figure as shown below to say 24m and above and remove 50m annotation]



...

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:

...

- (9) infringement of minimum floor to floor height ~~ground floor activities~~, building frontage alignment and height and verandahs standards:

...

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:

...

Creating a positive frontage

(vi) *[deleted]*

~~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;~~

...

Variation in building form/visual interest

...

(xv) whether blank walls ~~should~~ are avoided on all levels of building frontages to streets and public open spaces;

...

(xixa) the extent to which glazing is provided on street and public open space frontages and the benefits it provides in terms of:

- the attractiveness and pleasantness of the street and public open space and the amenity for people using or passing through that street or space;
- the degree of visibility that it provides between the street and public open space and the building interior; and
- the opportunities for passive surveillance of the street and public open space from the ground floor of buildings.

...

(b) ~~design and scale~~ form and design of buildings adjoining historic heritage places:

(i) buildings adjoining ~~or in close proximity to~~ a scheduled historic heritage place:

...

(c) design of parking, access and servicing:

...

(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~~ activities.

...

(d) design and layout of dwellings, visitor accommodation and boarding houses:

...

- (ii) the extent to which visitor accommodation and boarding houses are designed to achieve a reasonable standard of internal amenity. Taking into account:

...

- the provision of larger indoor or outdoor living spaces whether communal or exclusive to the ~~dwelling~~ visitor accommodation and boarding houses is more important for units that are not self-contained.

...

- (iv) whether a waste management plan:

...

- provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential ~~apartments~~ activities;

...

(9) infringement of minimum floor to floor height (~~ground floor~~), building frontage alignment and height and verandahs standards:

...

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:

(a)...

(6) residential activities:

internal and on-site amenity;

...

H8.9.2.2. Assessment criteria

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

...

(6) residential activities:

(a) internal and on-site amenity:

- (i) the extent to which the residential development provides a high standard of internal amenity and on-site amenity for occupants of the ~~dwelling~~ residential development.
- (ii) To demonstrate this, and in order for the bonus floor space to be awarded for residential activities, ~~dwelling~~, residential developments must comply with all of the relevant standards ~~applying to residential development~~ and be consistent with the assessment criteria for residential developments.

In some circumstances it may be appropriate to award the bonus floor space where the development (or part thereof) does not comply with the relevant standards for ~~dwelling~~. In this instance, the ~~development applicant~~ will need to demonstrate that an equal or better standard of amenity can be achieved when compared with a development that complies with the relevant standards ~~complying development~~.

(7) infringements to bonus floor area standards:

...

H9. Business – Metropolitan Centre Zone

...

H9.6. STANDARDS

All activities listed as permitted, controlled and restricted discretionary in Table 0.4.1 Activity table must comply with the following standards.

....

H9.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access~~ manage shadowing effects of building height on ~~to public open space,~~ excluding streets and nearby sites;
- manage visual dominance effects;

H9.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H9.6.9. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 0.6.9.1 and Figure 0.6.9.1 below;

...

H9.6.10 Outlook space

Purpose:

- ensure a reasonable standard of visual and acoustic privacy between different dwellings, and units in an integrated residential development, visitor accommodation and boarding houses, 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 This standard below applies to new buildings containing dwellings, units in an integrated residential development, visitor accommodation and boarding houses, and buildings that are converted to dwellings, units in an integrated residential development, 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~~ these rooms 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.

...

- (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 H9.6.10.1);

...

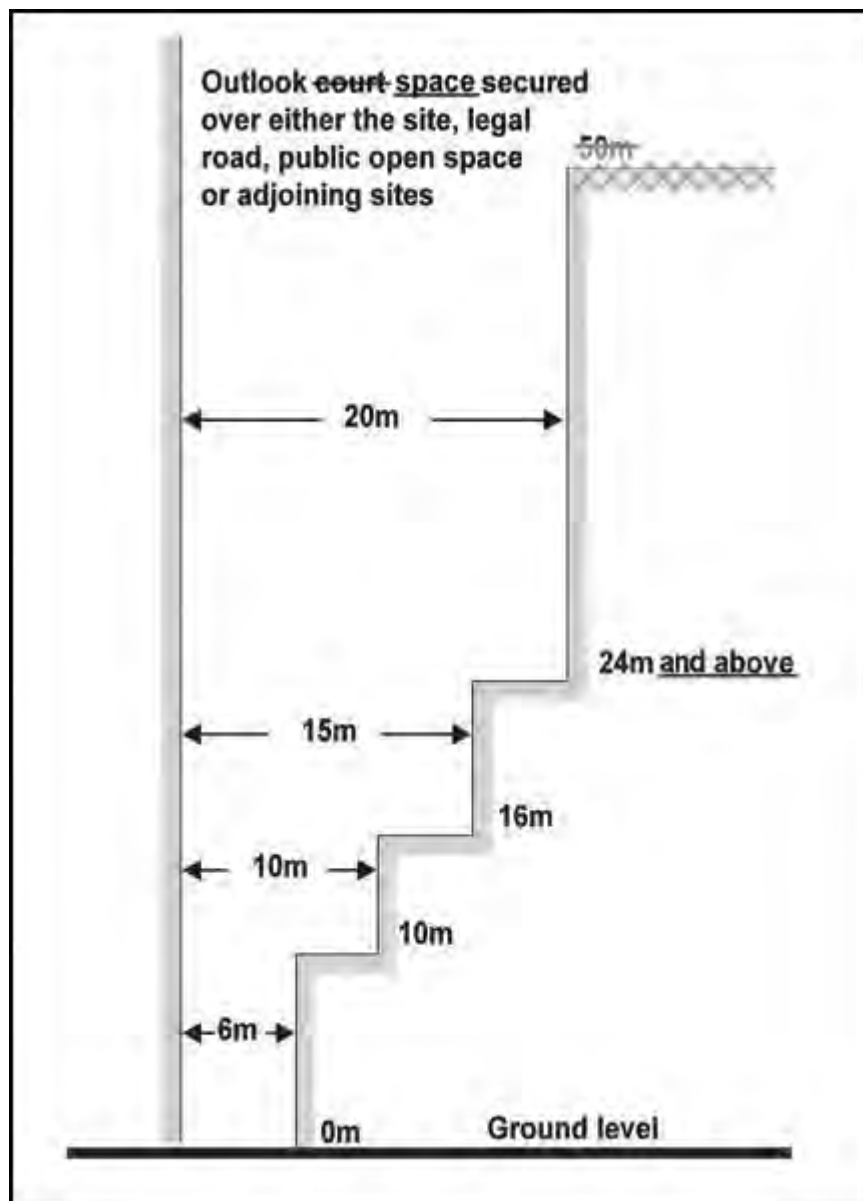
(6) In the situation where an outlook space is provided over a legal road narrower than the width specified in Figure H9.6.32.2 required by Standard H9.6.10(3), the street width is deemed to satisfy the minimum outlook space requirement.

...

Figure H9.6.10.2 Outlook space

[Amend the figure to remove reference to outlook 'court' and change to outlook 'space']

[Amend the figure to say 24m and above and remove 50m annotation]



...

H.10. Business – Town Centre Zone

...

H10.6 STANDARDS

...

H10.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on public open space, excluding streets and nearby sites;
- manage visual dominance effects;

...

H10.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply

...

H10.6.9 Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H9.6.9.1 and Figure H9.6.9.1 below;

...

H10.6.10. Outlook space

The minimum dimensions for a required outlook space are as follows:

...

- (3)
 - (a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or supported residential care visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

(b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

(8) Outlook spaces required from different rooms within the same ~~building~~ dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

(10) Outlook spaces must:

...

(c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H11. Business – Local Centre Zone

H11.6. STANDARDS

All permitted and restricted discretionary activities in Table H11.4.1 Activity table must comply with the following standards.

...

H11.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access~~ manage shadowing effects of building height on ~~to public open space, excluding streets and nearby sites;~~
- manage visual dominance effects;

...

H11.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and

- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H11.6.7. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H11.6.7.1 and Figure H11.6.7.1 below;

...

H11.6.8 Outlook Space

...

- (3) The minimum dimensions for a required outlook space are as follows:
 - (a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or ~~supported residential care unit~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and
 - (b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

- (8) Outlook spaces required from different rooms within the same building dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

- (10) Outlook spaces must:

...

- (c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H12. Business – Neighbourhood Centre Zone

...

H12.6. STANDARDS

All activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table must comply with the following standards

...

H12.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on to public open space, excluding streets and nearby sites;
- manage visual dominance effects;

...

H12.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply

...

H12.6.7. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H12.6.7.1 and Figure H12.6.7.1 below;

~~H12.6.8 Outlook Space~~ for a required outlook space are as follows:

...

- (3)

(a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or ~~supported residential care~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

(b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

(8) Outlook spaces required from different rooms within the same ~~building~~ dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

(10) Outlook spaces must:

...

(c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H13. Business – Mixed Use Zone

H.13.6 STANDARDS

All permitted and restricted discretionary activities in Table H13.4.1 Activity table must comply with the following standards.

...

H13.6.1. Building height

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and nearby sites;
- manage visual dominance effects;

...

H13.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on
- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H13.6.8. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H13.6.8.1 and Figure H13.6.8.1 below;

...

H13.6.9 Outlook space

...

- (3) ~~The~~ minimum dimensions for a required outlook space are as follows:
 - (a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or ~~supported residential care unit~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and
 - (b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

- (8) Outlook spaces required from different rooms within the same ~~building~~ dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

- (10) Outlook spaces must:

...

- (c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H14 Business – General Business Zone

...

H14.6. STANDARDS

All permitted and restricted discretionary activities in Table H14.4.1 Activity table must comply with the following standards

...

H14.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on to public open space, excluding streets and nearby sites;
- manage visual dominance effects;

...

H14.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H14.6.6. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

(1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H14.6.6.1 and Figure H14.6.6.1 below;

...

H15. Business – Business Park Zone

H15.6 STANDARDS

All permitted and restricted discretionary activities in Table H15.4.1 Activity table must comply with the following standards.

...

H15.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on to public open space, excluding streets and nearby sites;
- manage visual dominance effects; and

...

H15.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H15.6.6. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

(1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H15.6.6.1 and Figure H15.6.6.1 below;

...

H15.6.7 Outlook space

(3) The minimum dimensions for a required outlook space are as follows:

...

- (a) a principal living room ~~of a dwelling~~ or main living and dining area within a boarding house or ~~supported residential care~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

(b) all other habitable rooms ~~of a dwelling~~ or a bedroom within visitor accommodation or a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

(8) Outlook spaces required from different rooms within the same ~~building unit~~ in visitor accommodation or a boarding house may overlap.

...

(10) Outlook spaces must:

...

(c) not extend over an outlook spaces or outdoor living space required by another unit in visitor accommodation or a boarding house ~~dwelling~~.

H16. Business – Heavy Industry Zone

...

H16.6. STANDARDS

All activities listed as permitted and restricted discretionary in Table H16.4.1 must comply with the following permitted activity standards.

H16.6.1. Building height

Purpose:

- manage the effects of building height including visual dominance; and
- ~~allow reasonable sunlight and daylight access to~~ manage shadowing effects of building height on public open spaces excluding streets, ~~the subject site and nearby sites.~~

...

H17. Business – Light Industry Zone

...

H17.6 STANDARDS

...

H17.6.1. Building height

Purpose:

- manage the effects of building height including visual dominance; and

- ~~allow reasonable sunlight and daylight access to~~ manage shadowing effects of building height on public open spaces excluding streets, ~~the subject site and nearby sites.~~

...

H7. Open Space

....

H7.9. Activity table

....

H7.9.1. Activity Table – Open Space Zones

Activity	Activity Status				
	Conservation Zone	Informal Recreation Zone	Sport and Active Recreation Zone	Civic Spaces Zone	Community Zone
...					
Development					
...					
(A51)	<u>Jetties or boat ramps</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>

....

H29 Special Purpose School Zone

....

H29.6. Standards

....

H29.6.2 Building height

- (1) Buildings (excluding floodlights) must not be greater than the height specified in Table H29.6.2.1 Building height unless Standard H29.6.7 applies.

Table H29.6.2.1 Building height

Building location	Maximum building height
<u>Buildings</u> L ess than 20m from a boundary with a site in residential zones (except the Residential – Terrace Housing and Apartment Buildings Zone), open space zones, or the Future Urban Zone	12m
<u>Buildings</u> G reater than or equal to 20m from a boundary with a site in a residential zone (other than Residential – Terrace Housing and Apartment Buildings Zone) or open space zones, or the Future Urban Zone	16m
Buildings in all other locations	16m

- (2) Floodlights must comply with the following:
- (a) poles must not exceed 16m in height;
 - (b) pole diameter shall be no more than 1m at the base of the pole, tapering to no more than 300mm at its maximum height; and
 - (c) the pole must be recessive in colour.

.....

H20. Rural – Waitākere Foothills Zone

.....

H20.6. Standards

.....

H20.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and
- opportunity for reverse sensitivity effects to arise
- the effects on streams to maintain water quality and provide protection from natural hazards.

- (1) ~~For sites with a net site area of less than 4000m², the minimum depth of front, side and rear yards is 3m.~~
- (2) ~~For sites with a net site area greater than 4000m², the minimum depth of front, side and rear yards is 10m.~~
- (3) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H20.6.3.1 Minimum Yard Setback Requirements below.

Table H20.6.3.1 Minimum Yard Setback Requirements

<u>Yard</u>	<u>Minimum depth</u>
<u>Front, side and rear yards for sites with a net site area of less than 4000m²</u>	<u>3m</u>
<u>Front, side and rear yards for sites with a net site area greater than 4000m²</u>	<u>10m</u>
<u>Riparian yard</u>	<u>20m from the edge of permanent and intermittent streams</u>

.....

H20.6.10 Minor dwellings

The following standards apply to minor dwellings:

- (1) a minor dwelling must ~~not~~ be located on a site with a minimum net site area of 1500m²;
- (2) there must be no more than one minor dwelling per site;
- (3) the minor dwelling must be constructed to have colour reflectivity limited to the following:
- (a) between 0 and 40 per cent for exterior walls; and
 - (b) between 0 and 25 per cent for roofs;

.....

H21. Rural – Waitakere Ranges Zone

...

H21.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and
- opportunity for reverse sensitivity effects to arise
- the effects on streams, lakes and the coastal edge to maintain water quality and provide protection from natural hazards.

~~(1) The minimum depth of front, side and rear yards is 10m.~~

~~(2) For sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay, the minimum depth of front, side and rear yards is 3m.~~

(3) A building that does not comply with Table H21.6.3(1) is a restricted discretionary activity provided that it has front, side and rear yards of a depth of not less than 3m.

(4) A building with front, side and rear yards of a depth less than 3m is a discretionary activity.

(5) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H21.6.3.1 Minimum Yard Setback Requirements below.

Table H21.6.3.1 Minimum Yard Setback Requirements

<u>Yard</u>	<u>Minimum depth</u>
<u>Front, side and rear yards</u>	<u>10m</u>
<u>Front, side and rear yards for sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay</u>	<u>3m</u>
<u>Riparian yard</u>	<u>20m from edge of permanent and intermittent streams</u>
<u>Lake yard</u>	<u>30m</u>
<u>Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard</u>	<u>50m</u>

J1.1. Definitions

...

A

....

Average floor area

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

Includes:

- for sites with a gross site area of 2,000m² or less, where the horizontal area at any floor level totals less than 20 per cent of the site area, the horizontal area at that level shall be deemed to be 20 per cent of the site area for the purpose of calculating average floor area; or and
- for sites with a gross site area greater than 2,000m², where the horizontal area at any floor level totals less than 400m², the horizontal area at that level shall be deemed to be 400m² for the purpose of calculating average floor area.

Excludes:

- basement space;
- approved ~~pedestrian amenities and facilities~~ through site links and works of art; and
- ~~an entrance lobby/foyer which is a primary means of public access to a building, open to the public and accessed directly from a public open space.~~
- any entrance foyer/lobby or part of it including any void forming an integral part of it, provided that entrance foyer/lobby is publicly accessible, accessed directly from a street or public open space and has an overhead clearance of at least 6m.

...

B

...

Building

Any permanent or temporary structure.

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

Table J1.4.1: Buildings

Type of structure	Qualifying dimension or standard <u>(for height the rolling height method is to be</u>
-------------------	--

Proposed amendments to J1 Definitions

	<u>used)</u>
Decks, steps or terraces	Over 1.5m high <u>in height</u>
Fences or walls	Over 2.5m high <u>in height</u>
Flagpoles, masts or lighting poles	Over 7m higher than its point of attachment or base support <u>or</u> <u>Has a Cross-sectional dimension does not width at any point-exceeding 1.2m</u>
Grandstands, stadia or other structures that provide seating or standing accommodation (whether or not open or covered or enclosed)	Over 1m high <u>in height</u>
Retaining walls or breastwork	Over 1.5m high <u>in height</u> or located within 1.5m of the boundary of a road or public place
Satellite dishes	Over 1m diameter
Stacks or heaps of materials	Over 2m high <u>in height and</u> In existence for more than one month
Free-standing signs	Over 1.5m high <u>in height</u>
Swimming pools, or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs	Over 1m high <u>in height from ground level, inclusive of the height of any supporting structure or</u> More than 25,000l capacity Supported directly by the ground or supported not more than 1m above the ground
<u>Tanks including retention tanks</u>	<u>Over 1m in height from ground level, inclusive of the height of any supporting structure or</u> <u>More than 25,000l capacity, where any part of the tank is above ground level</u>
Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground	Over 1.5m high In use for more than 32 days in any calendar year
Verandahs, <u>and</u> bridges or other constructions over any public open space	Above ground level

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

and excludes the following types of structures:

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

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

...

F

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Floor area ratio

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

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

In calculating floor area ratio, the net site area:

- excludes any part of the site which is made up of an interest in any airspace above or subsoil below a road, and
- includes any part of the site which is a vehicle access way.

...

Food and beverage

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

Includes:

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

Excludes:

- retail shops; and
- supermarkets.

This definition is nested within the Commerce nesting table.

...

Front boundary

The boundary line on a site which adjoins a road.

Excludes:

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

G

...

Gross floor area

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

...

Excludes:

- basement areas used for parking including manoeuvring areas, access aisles and access ramps;
- plant areas within the building, ~~including basement areas;~~
- basement areas for stairs, escalators and elevators essential to the operation of a through site link or servicing a floor used primarily for parking and loading;

...

L

Landscaped area

In relation to any site, means any part of that site ~~being~~ not less than 5m² in area which is grassed and planted in trees, ~~or~~ shrubs, or ground cover plants and may include:

- (1) ornamental pools; ~~not exceeding 25 per cent coverage of the landscaped area;~~
- (2) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one ~~such~~ paver does not exceed 650mm;
- (3) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;
- (4) ~~permeable artificial lawn; or [deleted]~~
- (5) non-permeable pathways not exceeding 1.5m in width;

~~and~~ where the total land area occupied by one or more of the features in (1), (2), (3) and (5) above does not collectively cover more than 25 per cent of the landscaped area.

...

M

Mean street level

...

The following qualifications apply ~~to sites with more than one frontage and corner sites:~~

(a) For a through site ~~with two frontages~~, the mean street level at each frontage applies for half the distance between those frontages.

(b) For a corner site ~~that has one frontage~~, the mean street level is the average of all points measured at the centre lines of the streets parallel to all street boundaries of the site.

(c) A Where a site with has three or more frontages or more it shall be treated will be as a through site in accordance with subject to (a) and ~~(b)~~ above, between the highest and lowest frontages.

N

...

Net internal floor area

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

Excludes:

- balconies or decks;
- parking; and
- garages; ~~and~~
- ~~required storage space.~~

...

P

...

Pedestrian circulation space

Pedestrian circulation space applies to a covered public area which:

- a) contains a minimum horizontal measurement of 5m; and
- b) has a minimum vertical dimension of 2.5m between the finished ceiling and the floor of the pedestrian area, and which is unobstructed and clear of buildings, retail kiosks and retail display cases.

Includes:

- escalators, ramps and stairs within the pedestrian circulation space;
- decorative features such as fountains and planting within the pedestrian circulation space; and
- stages or display areas for free public entertainment associated with any integrated retail development.

Excludes:

- seating areas for food courts/eating area;
- any space leased for retail display or sales purposes; and
- any space for entertainment which is either leased or subject to a charge.

...

S

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Site

Any area of land which ...

...

See also: entrance strip, rear site, access site, front site, corner site and through site.

...

T

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Through site

A site, other than a corner site, with two or more road frontages.

Refer to Figure J1.4.8 Site.

...

W

...

Workers' accommodation

A dwelling for people whose duties require them to live onsite, ~~and in~~ in the rural zones a dwelling for people who work on the site for the activities set out in Nesting Table J1.3.6. ~~or in the surrounding rural area.~~

Includes:

- accommodation for rangers;
- artists in residence;
- farm managers and workers; and
- staff.

ATTACHMENT E

PROPOSED PLAN CHANGE 16 – SECTION 32 EVALUATION REPORT

Proposed Plan Change 16 (PC 16)

**Improving consistency of provisions in
Chapter H Zones, Chapter J Definitions of
the Auckland Unitary Plan (Operative in
part) version**

SECTION 32 EVALUATION REPORT

Advice note: Please read the 'Navigation guide' on the Proposed Plan Change 14 prior to reading any of the reports and attachments.

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1.0 Introduction

1.1 Scope and purpose of the report

This report is prepared by Auckland Council (Council) to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (the RMA) for proposed Plan Change 16 (PC 16).

PC 16 is one of a series of four plan changes to address technical issues across the Auckland Unitary Plan (AUP). These plan changes follow on from Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan (Operative in part) version (PC4). The series of proposed follow up plan changes, are proposed to have a slightly broader scope than PC4 to enable a number of the technical issues that did not meet the criteria for inclusion within PC4 to be addressed. Other plan changes in the series include:

- Plan Change 14: Auckland-wide and Overlays
- Plan Change 15: Coastal
- Plan Change 16: Zones
- Plan Change 17: Coastal

PC 16 introduces amendments to the following chapters within Chapter H Zones and to Chapter J Definitions of the Auckland Unitary Plan – Operative in part (**AUP**).

The proposed amendments are to address identified technical issues only and will retain the current policy direction of the plan. In particular the amendments proposed in PC 16 are to:

- amend provisions that are ambiguous or unclear;
- amend the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions; and
- improve integration of different chapters within the AUP.

The proposed amendments relate to the following chapters of the AUP and are summarised in section 6.0.

Section 1 - Chapter H Zones (Residential)

There are various amendments to the provisions of the six residential zones recommended through this plan change. The amendments proposed are primarily in relation to the standards, to improve the alignment with the objectives and policies, and to improve clarity for purposes of interpretation. There are also some minor changes to the matters of discretion and assessment criteria for increased consistency with the objectives and policies. The zones within Chapter H, collectively named the '**residential zones**' with recommended amendments include:

- H1 Residential - Large Lot Zone
- H2 Residential - Rural and Coastal Settlement Zone
- H3 Residential - Single House Zone (SHZ)

- H4 Residential - Mixed Housing Suburban Zone (MHS)
- H5 Residential - Mixed Housing Urban Zone (MHU)
- H6 Residential - Terrace Housing and Apartment Buildings Zone (THAB)

Section 2 - Chapter H Zones (Business)

The proposed amendments to the business provisions cover all ten business zones. Changes are proposed to some of the standards and assessment criteria to improve the clarity of the provisions. The purpose statements are also proposed to change for some of the standards. Changes are also proposed to two definitions that relate predominantly to the business zones and the introduction of a new definition is proposed. The zones within Chapter H, collectively named the **'business zones'**, with recommended amendments include:

- H8 Business - City Centre Zone
- H9 Business - Metropolitan Centre Zone
- H10 Business - Town Centre Zone
- H11 Business - Local Centre Zone
- H12 Business - Neighbourhood Centre Zone
- H13 Business - Mixed Use Zone
- H14 Business - General Business Zone
- H15 Business - Business Park Zone
- H16 Business - Heavy Industry Zone
- H17 Business - Light Industry Zone

Section 3 - Chapter H Zones (Other - Open Space, Special Purpose Waitakere Ranges and Waitakere Foothills Zones)

There are minor amendments proposed to a range of other zones to fill gaps with the provisions and to improve the alignment of the provisions with the objectives and policies. Changes are proposed to activity tables and standards of the relevant zones to improve the clarity and usability of the provisions in implementation. The zones within Chapter H with recommended amendments include:

- H7 Open Space zones
- H29 Special Purpose - School Zone
- H20 Waitakere Foothills Zone
- H21 Waitakere Ranges Zone

Section 4 - Chapter J Definitions

A total of 15 definitions within Chapter J are addressed through PC X. In most instances, each definition has its own theme. Additional definitions are also addressed within specific sections of this report, where consequential amendments to Chapter J are proposed, or where definitions are interrelated with a specific topic, best addressed in the context of that theme.

The plan change documents for PC 16 are set out in Attachments 1A, 1B, 1C and 1D and show proposed text amendments to the following zones:

- Attachment 1A: Residential Zones
- Attachment 1B: Business Zones
- Attachment 1C: Open Space, Special Purpose and Waitakere Ranges and Waitakere Foothills Zones
- Attachment 1D: Definitions

Section 32 of the RMA requires that before adopting any objective, policy, rule or other method, the Council shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation. In accordance with section 32(6) of the RMA and for the purposes of this report:

- the 'proposal' means PC 16,
- the 'objectives' means the purpose of the proposal/ PC 16, and
- the 'provisions' means the policies, rules or other methods that implement, or give effect to the objectives of the proposal.

The AUP contains existing objectives and policies which set the direction for how the zones will manage the way in which areas of land are to be used or developed. PC 16 is not altering or re-litigating any of these provisions. This evaluation report on PC 16 relates to technical issues within the existing policy framework of the AUP. The policy approach remains unchanged, and this report will not evaluate it in any more detail.

This evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information that may arise, including through submissions and during hearings as per Section 32AA of the RMA.

1.2 Background to the proposed plan change

The structure of the AUP is complex. It is a combined plan pursuant to section 80 of the Resource Management Act 1991, bringing the regional policy statement, the regional plan (including the regional coastal plan) and the district plan into a single document. This plan applies to almost the entire Auckland region, excluding only the district plan provisions in respect of the land area of the Hauraki Gulf Islands. The scale of such a combined planning exercise has never before been undertaken in New Zealand.

The separation of controls among overlays, zones, Auckland-wide and precinct provisions means that a single site may be subject to four or more layers of plan provisions. Identifying accurately all of the provisions that may be relevant to a site or a proposal, is integral to understanding the planning controls that might apply.

As a result of the nature of the layered provisions of the AUP, plan users and Council planning staff have been identifying a number of technical issues. These issues affect the usability of the AUP and its overall integration. Since the AUP became operative in part (15 November 2016), the Council has been registering potential errors and issues that have been identified by both staff and members of the public. Issues are sent through via email enquiry and then they are registered, categorised and grouped in a spreadsheet by their respective AUP chapter, section, precinct, GIS mapping layer, provision/standard and/or property.

Over 2,000 potential errors or issues have been recorded to date and the number continues to grow as AUP users continue to identify and send potential issues to the Council's enquiry line.

The issues identified so far are found in all components of the AUP (text and maps), and cover a range of matters.

There are three ways in which issues in the AUP can be corrected under the RMA:

- Clause 16(2) of Schedule 1 to the RMA – for alterations of a minor effect, or the correction of minor errors where the plan is not yet operative/still subject to appeal;
- Clause 20A of Schedule 1 to the RMA – for the correction of minor errors where the plan is operative; and
- Plan change/s to the AUP.

Many of the issues that were registered when the AUP first became operative in part were clear errors or anomalies, which although minor in nature could not be amended using Clause 16 or Clause 20A. In order to resolve these issues quickly to enable the AUP to function how it was intended PC4 was notified in September 2017.

Where an error or anomaly required further research and investigation, there were various possible scenarios or corrections or where the impact of the correction is unclear, these issues were excluded from PC4.

At the conclusion of the preparation of PC4 the Council was left with issues which required further investigation for potential inclusion in a plan change that had broader scope than PC4. Additionally a range of issues across the AUP continued to be added to the register. Consequently the Council decided to prepare a series of follow up plan changes to PC4 to continue to address technical issues within the AUP.

A series of proposed follow up plan changes, of which PC 16 is part of, are proposed to have a slightly broader scope than PC4. This is to enable a number of the technical issues that did not meet the criteria for inclusion within PC4 to be addressed.

1.3 The resource management issue to be addressed

The resource management issue to be resolved through PC 16 is to correct the identified technical issues and resolve the identified gaps in the horizontal and vertical alignment of provisions, to improve the workability of the plan and ensure that the AUP functions in an integrated way.

The identified technical issues are creating confusion for plan users¹ and increasing the likelihood of debate and litigation when administering the AUP. The identified technical issues are also impacting the integrity of the AUP through compromising the ability to fully implement the plan as intended.

1.4 Objectives of the proposed plan change

PC 16 introduces amendments within Chapter H Zones, to the residential, business, open space and special purpose zone provisions identified in Sections 7 8 and 9, and amendments to Chapter J Definitions to the definitions identified in Section 10.

Zones manage the way in which areas of land are to be used or developed. Zone provisions are located in Chapter H of the Plan and the zones are identified on the planning maps. In addition, zone rules which have a spatial component such as the Height Variation Control are identified on the planning maps.

An evaluation under Section 32 of the RMA must examine the extent to which the objectives of PC 16 are the most appropriate way to achieve the purpose of the RMA. The objective of PC 16, or the purpose of the plan change, is to address the identified technical issues as outlined in sections 7-10 of this report, to ensure:

- the wording of provisions is clear and unambiguous;
- the provisions of the AUP cascade vertically and horizontally; and
- there is a high level of integration across the different chapters of the AUP.

The plan change should assist the Council to carry out its functions in order to achieve the purpose of the RMA, being to promote the sustainable management of natural and physical resources.

The evaluation of the identified amendments to the AUP zones and definitions concludes that these are technical issues which have the potential to create confusion for plan users². The uncertainty or ambiguity created by the current provisions identified in sections 7 to 10 of this report impacts the functionality and workability of the AUP and increases the risk of debate and litigation when administering the AUP. Amending the AUP to resolve these identified issues is the most appropriate way to achieve the purpose of the RMA, as outlined in the evaluation of options below.

² Council's Resource Consents department and external planning practitioners involved in consenting processes as well as the property owners themselves.

1.5 Development and Evaluation of Options

Section 32 requires an examination of whether the provisions in PC 16 are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of PC 16, the following options have been identified:

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo.

Option 2 – Undertaking non-regulatory methods to meet the objective.

Option 3 – Undertaking regulatory methods – (a plan change to amend the identified technical issues within Chapter H Zones and Chapter J Definitions in respect of the provisions identified in sections 1 to 4 of this report).

Option 4 – Other regulatory methods – Address technical issues at a later date, as part of a full AUP review.

1.6 Evaluation of Options (Evaluation 1 – Overview)

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo

The ‘do nothing’ option means the technical issues which have the potential to compromise the integrity of the AUP will not be addressed. By not amending the AUP, ambiguous provisions will continue to cause confusion for plan users increasing the risk of debate and litigation while implementing the plan. The AUP will continue to have gaps in the horizontal and vertical alignment of provisions that affect the ability of the AUP to promote the purpose of the RMA in an integrated way.

Option 2 – Non-regulatory methods

Non regulatory methods to address the identified technical issues include practice notes, guidance or interpretation notes. This option is an alternative to addressing technical issues through a plan change.

Option 3 – Regulatory methods

This option would result in a plan change to amend the identified technical issues within Chapter H zones and Chapter J Definitions in respect of the provisions identified in sections 1-4 of this report, above.

This option will address the identified technical issues within the AUP, through a statutory process. The statutory plan change process allows the technical issues to be addressed in a clear and legally robust process.

Option 4 – Other regulatory methods

Other regulatory methods to address the identified technical issues include waiting to amend the AUP to address the identified technical issues as part of the full plan review. This would involve incorporating the amendments proposed to address the technical issues into the review of the AUP, which is approximately five to ten years away.

Table 1 – Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness of provisions in achieving the objectives	Benefits	Costs
Option 1: Adopt a ‘do nothing’ approach/retain the status quo	The do nothing option is not an effective or efficient option to achieve the objectives of PC 16 (to address technical issues to remove ambiguity and ensure the provisions align both vertically and horizontally across the AUP). The identified issues are a result of the current wording of provisions and have arisen as the plan has been used. This option will do nothing to address the identified issues which are compromising the ability to implement the plan as intended. This option will also lead to inefficient implementation of the AUP as the plan users will have to clarify technical issues on a case by case basis.	As a plan change is not pursued under this option, there is no financial burden on the Council to undertake a public plan change. This option also allows the Council more time to collate further technical issues and research appropriate solutions. There is a risk that in trying to address an issue a further issue can be created. With no action, this can be prevented.	If users of the AUP interpret the AUP differentially because of the identified technical issues, there is both an economic and environmental cost. The need to clarify the identified technical issues will slow down the consenting process. There is also the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP. The identified technical issues compromise the ability to implement the plan as intended. This could result in outcomes that are not aligned with the objectives and policies of the AUP and in turn the purpose of the RMA.
Option 2: Non-regulatory methods	Non-regulatory methods include practice notes, guidance or interpretation notes which do not have any statutory weight. This lack of weight may limit the effectiveness of this option in achieving the objectives of PC 16 as the guidance contained within non-statutory	This option requires limited staff time and resourcing, compared to a plan change. It also allows technical issues to be addressed in a timely manner as practice notes, guidance or interpretation notes do not need to go through a statutory process.	Due to the non-statutory nature of practice notes, guidance or interpretation notes there is the potential for there is both an economic and environmental cost. Non-statutory guidance may be challenged and ignored by plan users,

	<p>guidance can be challenged or ignored.</p> <p>Furthermore guidance notes themselves are open to interpretation and therefore there is a risk that these non-statutory documents have the potential to impact on the integrity and public opinion of the AUP.</p>		<p>which could slow down the consenting process and increase the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP.</p> <p>The identified technical issues compromise the ability to implement the plan as intended. If non-statutory guidance is ignored or challenged this could result in outcomes that are not aligned with the objectives and policies of the AUP, and in turn the purpose of the RMA.</p>
<p>Option 3: Regulatory Methods - A plan change to amend the identified technical issues within Chapter H zones and Chapter J Definitions in respect of the provisions identified in Sections 7 to 10,</p>	<p>A plan change can effectively address the technical issues identified in the AUP to remove ambiguity within the provisions and ensure there is both vertical and horizontal alignment across the plan. Through undertaking four plan changes based on the structure of the plan a more efficient process can be followed via a series of small discrete plan changes addressing individual issues. It also ensures that similar issues can be grouped together while stopping the plan change from getting so large that it is difficult to manage and interpret by plan users.</p>	<p>At present, PC 16 can be resourced through existing staff budgets. Depending on the submissions received and the issues that arise there may be the potential for higher costs in the future.</p>	<p>By addressing the identified technical issues within the AUP, consenting should become more efficient. The plan can be implemented as intended which ensures that the outcomes reflect the objectives and policies of the AUP and also the purpose of the RMA.</p>
<p>Option 4: Other regulatory methods – Address technical issues at a later date, as part of a full AUP review</p>	<p>This option involves a comprehensive review of the AUP which allows the identified technical issues to be comprehensively reviewed at the same time. Although it is efficient to review the</p>	<p>This option is cost efficient in that the technical issues can be addressed as part of a wider review of the AUP. As the timeframe for the review however is more than five years away, the costs of the</p>	<p>As the technical issues will remain in the AUP until it is reviewed the environmental and economic costs that are associated with these issues will remain.</p>

	<p>issues as part of a wider review of the plan, this is not an effective approach as the issues will remain unresolved for the next five to ten years.</p>	<p>technical issues will significantly outweigh the benefits. Their costs include lost development opportunities and costs caused by difficulty in plan interpretation.</p>	<p>The need to clarify the identified technical issues will slow down the consenting process. There is also the potential for litigation and debate over the meaning of provisions. This in turn limits the productivity of the AUP.</p> <p>The identified technical issues compromise the ability to implement the plan as intended. This could result in outcomes that are not aligned with the objectives and policies of the AUP and in turn the purpose of the RMA.</p>
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1.7 Risk of acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is considered to be sufficient information about the technical issues being addressed through PC 16 to proceed with the plan change.

This evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings on PC 16 as required by Section 32AA.

2.0 Reasons for the proposed plan change

2.1 Reasons for the preferred option

The evaluation of options above concludes that a plan change is most appropriate option to address the identified technical issues.

Option 1, which is to maintain the status quo, is not recommended. The mapping anomalies can result in differing interpretations of the AUP, delay consenting and have an overall impact on the functionality and integrity of the AUP.

Option 2, the non-statutory approach, which would include guidance material or advice on plan interpretation is not recommended as this type of guidance does not have statutory standing and therefore can be challenged or interpreted differently by different plan users.

This can reduce any gains in efficiencies in plan administration and also pose a reputational risk to the integrity of the AUP.

Both regulatory options (Option 3 and 4) allow technical issues to be addressed in a legally robust manner and increase efficiencies in the administration of the AUP. While Option 4 is more holistic and cost efficient in the longer term, in the immediate term the issues will remain unresolved. Timeliness is an important dimension in addressing the issues as the potential costs and risks posed by these technical issues are significant and have a real impact on the way land is used in the present. Through proceeding with Option 3 the issues can be resolved so that the plan can be efficiently administered.

2.2 Scope of plan change

The scope PC 16 is limited to addressing the technical issues (outlined in sections 1 to 4 of this report) that are compromising the ability of plan users to efficiently administer the AUP. PC 16 is limited to amending technical matters to ensure the subject provisions give effect to the objectives and policies of the AUP.

As such the scope of PC 16 generally includes:

- Amendments to provisions that are ambiguous or unclear;
- Amendments to the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions; and
- Amendments to improve integration of different chapters within the AUP.

PC 16 does not seek to alter the current policy direction of the plan. It will not alter the outcomes of the objectives and policies nor will it seek to add new objectives and policies.

3.0 Statutory evaluation under Part II and relevant sections of the Resource Management Act (RMA)

3.1 Part 2 of the RMA and relevant sections of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the RMA. The residential, business, open space and special purpose zone provisions are required to achieve the purpose of the RMA, as set out in section 5.

In addition to the overall purpose of the RMA set out above, sections 6, 7 and 8 of that RMA identify, respectively, matters of national importance that shall be recognised and provided for, matters to which particular regard shall be had, and the requirement to take into account the principles of the Treaty of Waitangi.

Of specific relevance to the residential, business, open space and special purpose zone provisions is section 7(c) of the RMA and the obligation to have particular regard to the maintenance and enhancement of amenity values. The RMA defines “amenity values” as:

Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreation attribute.

Also of considerable relevance to the residential, business, open space and special purpose zone provisions is:

- Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- Section 7(f) the maintenance and enhancement of the quality of the environment;
- Section 8 the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

PC 16 is consistent with Part 2 of the RMA. The residential, business, open space and special purpose zone provisions are a key method used in the AUP to achieve the purpose of the RMA as they manage the way in which areas of land are to be used or developed. The zone provisions set out a common policy direction to assist in determining the existing or future nature of those areas. PC 16 is not altering the policy direction of any of the residential, business, open space and special purpose zones. PC 16 is assisting with the sustainable management of natural and physical resources through addressing technical issues which will decrease the risk of debate and litigation when administering the AUP.

The definitions contained within Chapter J of the AUP are used to assist with the interpretation of provisions within the plan. PC 16 is proposing amendments to remove ambiguity within the existing definitions to enable more effective and efficient administration of the AUP. These amendments are consistent with Part 2 of the RMA.

3.2 Other relevant sections of the RMA

There are relevant sections of the RMA that must be considered in context of the proposed plan change:

- Section 31 – Functions of territorial authorities under this Act
- Section 72 – Purpose of district plans
- Section 73 – Preparation and change of district plans
- Section 75 – Contents of district plans
- Section 76 – District rules
- Section 79 – Review of policy statements and plans
- Section 80 – Combined regional and district documents

Sections 30 and 31 of the RMA state that a function of council is to control any actual or potential effects of the use, development or protection of land and associated natural and physical resources of the district and regional level.

Section 80 of the RMA sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. The AUP is a combined regional and district plan.

In preparing PC 16, the council must apply the requirements of Section 80 of the RMA. In particular subsection 6A *'in preparing or amending a combined document, the relevant local authority must apply the requirements of this Part, as relevant to the documents comprising of the combined document'*. The AUP contains a regional policy statement, a regional plan, a regional coastal plan and a district plan for the Auckland region.

Sections 63 to 68 and 72 to 76 of the RMA are relevant to the preparation and implementation of PC 16. In addition to the above, Section 80(6B) of the RMA, *'the relevant local authorities may also, in preparing the provisions of a regional plan or a district plan, as the case may be, for a combined document that includes a regional policy statement – (a) give effect to a proposed regional policy statement; and (b) have regard to an operative regional policy statement.'*

The AUP contains existing objectives, policies, rules and other methods that are of regional and district significance. PC 16 is correcting mapping anomalies within the AUP. By correcting these mapping anomalies, PC 16 will have regard to the operative regional policy statement provisions and will give effect to any proposed amendments to the regional policy statement.

Overall, it is considered that PC 16 assists the Council in carrying out its functions set out in Sections 30 and 31 of the RMA to meet the requirements of the prescribed sections of the RMA set out above. It is important to note that PC 16 is not altering or re-litigating any of the objectives and policies of the AUP. PC 16 addresses technical anomalies within the Chapter H Zones and Chapter J Definitions, and the proposed amendments are to will retain the current policy direction of the plan. The policy approach, their purpose and function of the AUP remains unchanged, and this report will not evaluate these parts in any more detail.

3.3 Provisions with immediate legal effect

Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect.

When deciding the date a plan change takes effect, the RMA provides in Section 86B(1) that 'a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified'. Exceptions are provided for in Section 86B(3), 'a rule in a proposed plan has immediate legal effect if the rule –

- (a) protects or relates to water, air, or soil (for soil conservation); or*
- (b) protects areas of significant indigenous vegetation; or*
- (c) protects areas of significant habitats of indigenous fauna; or*
- (d) protects historic heritage; or*
- (e) provides for or relates to aquaculture activities.'*

Certain types of rules in the AUP have immediate legal effect from the date of notification of PC4, provided that they fit within section 86B(3) of the RMA. Immediate legal effect means that a rule must be complied with from the day the proposed rule (or change) is notified.

The proposed amendments in PC 16 (Attachments 1A – 1D) will not have legal effect until the release of the decision notice of PC 16.

4.0 National and Regional Planning Context

In addition to the statutory evaluation detailed in section 6.0 of this report, there are a number of other statutes, regulations, national directives, policies and plans that are of relevance to PC 16.

4.1 National Coastal Policy Statement

Sections 62(3), 67(3) and 75(3) of the RMA require that a regional policy statement, regional plan and district plan must give effect to the New Zealand Coastal Policy Statement (NZCPS).

The AUP contains existing objectives, policies, rules, zoning and other methods that give effect to the NZCPS. PC 16 does not seek to alter the current policy direction of the plan, and therefore no amendment in PC 16 will alter how the AUP gives effect to the NZCPS.

However, for information purposes PC 16 proposes the following amendments that will control development adjoining the Coastal Marine Area:

- Addition of a fence height threshold for the Coastal Protection Yard and Riparian Yards

The proposed amendments are consistent with the NZCPS; Policy 6(1)(h) and (i) require consideration of how adverse visual impacts of development can be avoided in areas sensitive to such effects, and to set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment.

4.2 National Policy Statements

National policy statements are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are four national policy statements in place:

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission

At present, the Ministry for the Environment is in the process of developing a proposed National Policy Statement for Indigenous Biodiversity.

The National Policy Statement on Urban Development Capacity sets out a desire to provide for urban environments that enable the social, economic, cultural and environmental wellbeing of current and future generations as well as provide opportunities for development of housing and business land to meet demand.

Sections 62(3), 67(3) and 75(3) of the RMA require that a regional policy statement, regional plan and district plan must give effect to any national policy statements.

PC 16 has a narrow purpose and seeks to amend technical issues within Chapter H Zones and Chapter J identified within Attachments 1A, 1B, 1C and 1D. PC 16 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PC 16 is consistent with the purpose and principles of the national policy statements listed above.

4.3 National Environmental Standards

There are currently six National Environmental Standards in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standard on Plantation Forestry
- National Environmental Standard on Aquaculture (in the process of development)

Section 44A of the RMA requires local authority to recognise national environmental standards.

PC 16 has a narrow purpose and seeks to amend technical issues within Chapter H Zones and Chapter J identified within Attachment 1. PC 16 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PC 16 is consistent with the purpose and principles of the national environmental standards listed above.

4.4 Other Acts

4.4.1 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) has the purpose of seeking the integrated management of the national, historic and physical resources of the Hauraki Gulf, its islands, and catchments. It also established the Hauraki Gulf Forum, the Park itself and the recognition of tangata whenua with the Hauraki Gulf and its islands.

PC 16 has a narrow purpose and seeks to amend technical issues within Chapter H Zones and Chapter J identified within Attachment 1D. PC 16 is proposing amendments that are technical in nature and will not change the overall policy direction of the plan. Consequently PC 16 is consistent with the purpose of HGMPA and section 6 of the RMA (recognition of the national significance of the Hauraki Gulf, and its islands).

4.4.2 Waitākere Ranges Heritage Protection Act 2008

The purpose of the Waitākere Ranges Heritage Protection Act 2008 (WRHPA) is to recognise the national, regional and local significance of the Waitākere Ranges heritage area and promote its protection and enhancement for present and future generations.

To achieve this, the WRHPA established the Waitākere Ranges area as a matter of national significance (s6 of the RMA) and defines its heritage features. Furthermore, it provides additional matters for the council and other parties to consider when making decision, exercising a power or carrying out its duty that relate to the heritage area.

Specifically, section 9 of this report details minor changes to the Waitakere Ranges Zone and Waitakere Foothills Zone, however, the changes are not altering any policy directions. Therefore overall it is considered that PC 16 is consistent with the purpose of WRHPA and section 6 of the RMA (recognition of the national significance of the Waitākere Ranges and its heritage features).

4.4.3 Local Government Act 2002

Council's functions and powers are derived from the purpose of the Local Government Act 2002 (LGA). The LGA mandates the purpose, funding, and governance duties of the council. With additional responsibilities for Auckland Council under the provisions of the Local Government (Auckland Council) Act 2009, including the preparation of a spatial plan.

Section 12 of the LGA states that a local authority has full capacity to carry on or undertake any activity or business, do any, or enter into any transaction with full rights, powers and privileges subject to any other enactment and the general law.

PC 16 is prepared under the RMA and overall is consistent with the LGA.

4.4.4 Local Government (Auckland Transitional Provisions) Act 2010

The purpose of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) is to resolve further matters relating to the reorganisation of local government in Auckland begun under the Local Government (Tāmaki Makaurau Reorganisation) Act 2009 and continued under the Local Government (Auckland Council) Act 2009.

In s3(2)(d) of the LGATPA it states this Act “provides a process for the development of the first combined planning document for Auckland Council under the RMA”.

Part 4 (sections 115-171) of the LGATPA outlines the process for development of the combined plan for Auckland Council. The development of the first combined plan followed the legislation set out in LGATPA, and the Hearings Panel (also known as IHP) was set-up under the LGATPA.

Although the AUP is now operative in part, and PC 16 is prepared under the RMA, the purpose of the plan change is to address technical issues that have arisen from the development of the first combined plan process. Consequently reference is made to the material developed in this process to support the proposed amendments included in PC 16.

4.5 The Auckland Plan

The Auckland Plan 2012 is a 30 year strategy for Auckland’s future growth and development required under the Local Government (Auckland Council) Act 2009. The Auckland Plan is a strategy prepared under other legislation to which regard should be had pursuant to section 74(2)(b)(i) of the RMA. The Auckland Plan specifically identifies the AUP as a means of implementing the Auckland Plan.

The overall vision stated in the Auckland Plan 2012 is for Auckland to become the world’s most liveable city. A key development strategy is to “create a stunning city centre, with well-connected quality towns, villages and neighbourhoods” (Strategic Direction 10). Section 10 of the Auckland Plan focuses on Urban Auckland, including how to achieve the development strategy. The three stated priorities for Urban Auckland are to:

- Realise quality compact urban environments.
- Demand good design in all development.
- Create enduring neighbourhoods, centres and business areas.

The RPS broadly gives effect to the strategic direction set out in the Auckland Plan.

The Auckland Plan has been reviewed and the Auckland Plan 2050 is now available. The plan sets out three key challenges Auckland will face over the next 30 years – our high population growth and its various impacts, sharing prosperity across all Aucklanders and reducing environmental degradation.

The plan is framed around six outcomes and a development strategy. The development strategy sets out how Auckland will grow and change over the next 30 years, including sequencing of growth and development.

The strategic directions in the Auckland Plan 2012 influenced the regional policy statement which the zone provisions within Chapter H give effect to. The amendments to Chapter H Zones and Chapter J Definitions are technical in nature and do not change the way in which the AUP implements the strategic direction of the Auckland Plan 2012 or the Auckland Plan 2050.

4.6 Auckland Unitary Plan (Operative in part)

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS. The RPS identifies a number of issues of regional significance, and several of these are relevant to PC 16.

- B2: Tāhuhu whakaruruhau ā-taone - Urban growth and form
- B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy
- B8 Toitū te taiwhenua - Coastal environment

Relevance to PC 16

PC 16 is correcting technical inconsistencies with the Zone provisions and definitions. PC 16 is not amending the objectives and policies of the zones; rather it is aligning the provisions with the objective and policy framework of the AUP and the RPS. Overall, it is considered that PC 16 is consistent with the RPS provisions of the AUP.

4.7 Iwi Management Plans

An iwi management plans (IMPs) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. IMPs are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. IMPs are a written statement identifying important issues regarding the use of natural and physical resources in their area.

The RMA describes an iwi management plan as "...a relevant planning document recognised by an iwi authority and lodged with the council". IMPs must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61(2A)(a), 66(2A)(a), and 74(2A) of the RMA).

Council is aware that the following iwi authorities have an iwi management plan:

- Ngāti Whātua Ōrākei
- Te Kawerau-a-Maki • Ngāti Rehua • Ngāti Paoa
- Waikato – Tainui
- Ngāti Te Ata • Ngātiwai
- Ngāi Tai ki Tāmaki
- Te Uri o Hau

It is considered that the amendments to the Chapter H and Chapter J proposed within PC 16 are minor and will have little bearing on the Iwi Management Plans listed above. PC 16 does not seek to alter the current policy direction of the plan, and therefore the provisions will change the degree to which the AUP addresses matters in an iwi management plan.

5.0 Development of Proposed Plan Change

This section outlines the development of PC 16 and the consultation in preparing the plan change.

5.1 Methodology and development of Plan Change

5.1.1 Develop the Scope of PC 16

First, the Council developed a statement on the scope of PC 16. This is outlined in section 1 of this report. The statement on scope provided the criteria to determine which issues could be included in PC 16.

5.1.2 Review of Issues

A project team was established to review the issues that were out of scope of PC4 in addition to the issues that continued to be identified by both staff and members of the public. A scope statement for PC 16 was developed to guide this review.

The project team undertook a review of the identified potential issues registered at the time to determine one of the following courses of action:

- a) Correct the error through Clause 16(2) or Clause 20A;
- b) No further action; or
- c) Address the issue through the PC 16.

In recommending an appropriate course of action the project team considered the following criteria:

Technical or Policy Matter

As outlined in Section 1.1 above, PC 16 is limited to amending technical issues to improve the usability of the AUP and its overall integration. However, many of the issues registered, related to dissatisfaction with various policy directions within the plan. Therefore the first task was to determine if the issues were technical or policy matters.

A technical issue is where a change is required so that the AUP will function in the way it was intended. The amendment of technical issues will not, by themselves, result in any substantive changes to the plan provisions. Technical issues may include:

- Format and language changes to clarify provisions where the intent is not clear; and
- Amendments to achieve vertical or horizontal integration and alignment.

Vertical or Horizontal Integration and Alignment

It is essential to the effectiveness of the AUP that it promotes the purpose of the Resource Management Act 1991 in an integrated way. This integration must also address the regional, coastal and district functions of the Council. This means that to support integration and to

align provisions where they are related, the plan should have vertical or horizontal integration and alignment.

Many of the issues identified relate to a gap within the vertical or horizontal alignment of provisions through the AUP. To remediate these issues amendments are required in one of three directions:

- i. down through provisions to give effect to a policy;
- ii. up from methods to fill the absence of a policy direction; and
- iii. across sections to achieve consistency of restrictions or assessments and the removal of duplicate controls.

Complexity of the Issue

Once the project team had established whether the issues were technical or policy matters they considered the complexity of the issue. This was in order to determine whether it was appropriate to address particular issues through an omnibus plan change or whether an issue may be of a scale to warrant its own plan change.

As an example it was decided that complex issues which relied on certainty of other parts of the plan (such as precincts) have a level of complexity that sits outside the scope of this plan change.

Alternative Options

In the case of many issues there are alternative options available to resolving the issue other than a change to the plan. The project team considered the alternative options in determining the course of action for each registered issue.

The alternative options include non-statutory methods such as practice notes, guidance or interpretation notes. Non-statutory methods have been utilised where guidance has been needed promptly. In many instances this non-statutory guidance has satisfactorily clarified the provisions thereby resolving the issue. Where this is the case the Council has not pursued amendments to the plan.

In some instances the issues relate to provisions that are the subject of appeals before the courts. There has occasionally been scope to fix the issue through this process.

Another alternative option is to take no further action in relation to an issue. This has been the recommended course of action where the Council does not agree that there is enough evidence to show that this is an issue and will monitor the provisions to determine if a change is warranted in future.

In some limited circumstances, an amendment via PC 16 is not required as the issue may have been resolved via another process such as a separate plan change. Therefore no change is required to the AUP.

Results of the Review of Registered Issues

As a result of this review the following courses of action were recommended:

- 160 errors were amended using Clause 20a or Clause 16;
- 143 errors via another process (such as the appeals process or internal interpretation/guidance/practice notes);
- 136 potential matters were not progressed and had no further action;
- 301 potential issues required further investigation for potential inclusion in a plan change that had broader scope than PC4.

The recommendations of the project team were audited by a review panel comprising of senior managers, representatives from the legal and resource consents department and Auckland Transport. The review panel sought to ensure the issues proposed to be included within PC 16 were within scope of the plan change and most appropriately addressed by the plan change.

5.1.3 Development of Proposed Amendments

Issue definition

The issues proposed for inclusion within PC 16 have been recorded verbatim from the original source email. As a first step the project team grouped similar issues and clarified the issues so that it was clear what the plan change is trying to achieve.

Research and Collection of Evidence

Once the issues had been clearly defined the project team undertook background research to determine how the issue had come about and built up an evidence basis to support or reject proposed amendments to the plan.

Depending on the issue this process included reviewing recent consent decisions, seeking input from experts, undertaking site visits consulting with internal and external stakeholders. The consultation is outlined in Section 5.2 of this report.

Development of first draft of proposed amendments and draft Section 32 evaluation

The project team drafted amendments to the AUP to address the various issues and documented the Section 32 evaluation process.

Identify affected sections of the plan

The project team then identified an initial index of the sections of the AUP affected by proposed amendments to address the identified issues. The purpose of the index was to ensure that consequential amendments could be identified and to identify any crossover between different workstreams. It was also used in consulting with stakeholders to determine areas of interest.

Stakeholder Review of draft amendments and section 32 evaluation

The proposed amendments and draft section 32 evaluation report was circulated to internal stakeholders for comment and feedback. The internal stakeholders included plan users

across the Council and Council Controlled Organisations including resource consents, Auckland Transport, Auckland Design Office and Legal Services.

Upon receiving this feedback the proposed amendments and section 32 evaluation report were further refined.

5.2 Consultation Undertaken

In accordance with clause 3 of Schedule 1 of the RMA, during the preparation of a proposed policy statement or plan, the Council is required to consult with:

- a) the Minister for the Environment; and
- b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
- c) local authorities who may be so affected; and
- d) the tangata whenua of the area who may be so affected, through iwi authorities; and
- e) any customary marine title group in the area.

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

5.2.1 Summary of general consultation undertaken

As PC 16 is focused on technical matters and does not include any shift in policy direction, no specific consultation was undertaken with the community prior to notification of the plan change.

Staff advised members of the public and internal staff within the council who had sent in potential issues to the email address (unitaryplan@aucklandcouncil.govt.nz) to advise them on the course of action in response to the issue raised. A number of these customers were advised that their potential issue would be addressed as part of a plan change process. An additional letter was sent to these customers to advise and confirm that the issue is part of PC 16. All letters were sent prior to notification and provide information on the plan change process.

The Council has also sent a copy of PC 16 to statutory bodies and parties specifically affected by amendments in PC 16 (such as the Ministry for the Environment).

5.2.2 Consultation with iwi authorities

Clause 3(1)(d) of Schedule 1 to the RMA, states that local authorities shall consult with tangata whenua of the area who may be so affected, through iwi authorities, during the preparation of a proposed policy statement or plan.

Due to the nature and scale of PC 16, staff have identified, through the mana whenua-defined rohe maps, the following iwi authorities who the Council must consult with on the content of the plan change:

- Ngāti Wai
- Ngāti Manuhiri
- Ngāti Rehua
- Te Runanga o Ngāti Whātua
- Te Uri o Hau
- Ngāti Whātua o Kaipara
- Ngāti Whātua o Ōrākei
- Te Kawerau a Maki
- Ngāti Tamaoho
- Te Akitai Waiohua
- Ngāti Te Ata Waiohua
- Te Ahiwaru
- Ngai Tai ki Tāmaki
- Ngāti Paoa
- Ngāti Whanaunga
- Ngāti Maru
- Ngāti Tamaterā
- Te Patukirikiri
- Waikato-Tainui

Clause 4A of Schedule 1 to the RMA states that local authorities must:

- Provide a copy of a draft proposed policy statement or plan to iwi authorities to consider
- Have regard to feedback provided by iwi authorities on the draft proposed policy statement or plan
- Provide iwi authorities with sufficient time to consider the draft policy statement or plan.

And in addition to the above, recent legislation changes to the RMA introduced section 32(4A):

(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (c) a summary of all advice received from iwi authorities on the PC4 (section 32 (4)(a) of the RMA).*

5.2.3 Summary of feedback from iwi authorities

A draft copy of PCB Coastal, PC 16 Zones and PCD Unitary Plan Viewer were provided to the iwi authorities in the Auckland region on 14 August 2018 with the accompanying section 32 evaluation reports. PCA Aucklandwide and Overlays was

provided to the Iwi authorities in the Auckland region with the accompanying Section 32 evaluation report on 24 September 2018.

The only response received was from Ngāti Whātua Ōrākei who were supportive of the proposed plan changes. A Hui was held with the planning representative from Ngāti Whātua Ōrākei to go over the key points kanohi ki te kanohi.

6.0 Evaluation approaches

In accordance with section 32(1)(b) of the RMA, an evaluation report is required to examine whether the provisions in PC 16 is the most appropriate way to achieve the objectives of PC 16 and therein, the purpose of the RMA.

PC 16 introduces changes within Chapter H Zones to the residential, business, opens space, special purpose, Waitakere Ranges and Waitakere Foothills zones' provisions identified in sections 1 to 3 respectively. Additionally it introduces amendments to Chapter J Definitions to the definitions identified in section 4.

PC 16 relies on the existing objectives and policies of the AUP, and no amendments to the policy framework of the identified zones are being recommended. The proposed amendments to the rules and other methods can be categorised into themes as follows:

Section 1: RESIDENTIAL ZONES

There are various amendments to the provisions of the six residential zones recommended through this plan change. The amendments proposed are primarily in relation to the development standards that apply in each of the residential zones, to improve the alignment with the objectives and policies, and to improve clarity for purposes of interpretation. There are also some minor amendments for increased consistency with the objectives and policies. The proposed amendments within the Residential Zones are summarised into themes below.

Theme	Topic	Purpose of change
1.	Rural and Coastal Settlement Zone - Building Coverage Standard	Addressing inconsistencies between the policy framework of the Rural and Coastal Settlement Zone and the building coverage standard.
2.	Rural and Coastal Settlement Zone - Front Fence Standard	Addressing inconsistencies between the policy framework of the Rural and Coastal Settlement Zone and the lack of a standard for front fence height.

3.	Fence Height applying to Lakeside yard, Coastal Protection Yard and Riparian Yard	Clarifying the fence height standard which applies within coastal protection yard, lakeside yard or riparian yard.
4.	Height in Relation to Boundary - Pedestrian Access Ways	Clarifying how the height in relation to boundary standard applies where a residential zone adjoins an unzoned pedestrian accessway.
5	Height in Relation to Boundary adjoining Open Space Zones	Clarifying the exemptions to the height and relation to boundary standard in respect of narrow parts of open space zones.
6	Height in Relation to Boundary standards – Minor consistency amendments	Addressing inconsistencies between the height in relation to boundary standards in respect of exemptions relating to access sites and gable ends.
7	Fences within a required Outlook Space	Addressing inconsistencies between the purpose statement and application of the outlook standard.
8	Outdoor Living Space Standard	Addressing inconsistencies between the purpose statement and application of the outdoor living space standard.
9	Matters of Discretion: Parking and Access	Addressing the inconsistencies between the policy framework and the matters of discretion and assessment criteria in the residential zones in respect to location' of parking and access.
10	Matters of Discretion: Traffic Effects	Addressing a misalignment between the matters of discretion within the Terraced Housing and Apartment Buildings Zone and the policy direction of the Plan in respect of traffic effects.
11	Matters of Discretion: Residential character and Landscape Qualities	Addressing an error in the matters of discretion relating to the specified zone character within the Single House Zone, Mixed Housing Suburban Zone, Mixed Housing Urban Zone and Terrace Housing and Apartment Building Zone.
12	Assessment Criteria: Storage and Collection of Waste	Addressing the gap in requirements for solid waste separation, storage and collection for multi-unit residential developments within the Residential: Terraced Housing and Apartment Buildings Zone.

Section 2: BUSINESS ZONES

The proposed amendments to the business provisions cover all ten business zones. Changes are proposed to some of the standards and assessment criteria to improve the clarity of the provisions. The purpose statements are also proposed to change for some of the standards. Changes are also proposed to two definitions that relate predominantly to the business zones and the introduction of a new definition is proposed. The proposed amendments within the Business Zones are summarised into themes below.

Theme	Topic	Purpose of change
1	Glazing	Introducing assessment criteria relating to glazing for new buildings and external alterations and additions to buildings.
2	Street Sightlines	Exempting verandahs from the street sightline standard.
3	Additions to buildings	Clarifying that certain standards apply to a number of the activities in the activity table (not just new buildings).
4	Residential floor space bonus	Amending the assessment criteria to use consistent and broad language relating to residential activities.
5	Form and design of buildings adjoining historic heritage places	Amending wording of the assessment criteria to align them with the matters of discretion.
6	Bonus floor area - public open space	Amending standard H8.6.17(4) Bonus floor area - public open space outlining the location and extent of verandahs to clarify which standard applies.
7	Cross referencing error	Removing the existing cross referencing to the non-existent ground floor activities standard.
8	Verandah standard and assessment criteria	Deleting a criterion to remove the requirement for verandahs to be predominantly transparent.
9	Outlook Space - City Centre and Metropolitan Centre zones	Making a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the City Centre and Metropolitan Centre zones in order to clarify the standards.
10	Outlook space - Other Business zones and Residential zones	Making a number of amendments to the Outlook Space Standards in the Town Centre, Local Centre, Neighbourhood Centre, Mixed Use Business Park and Residential zones in order to clarify the standards.
11	Bonus floor area ratio – light and outlook	Amending the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard.
12	Terminology – Pedestrian facilities	Amending Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition.

13	Height and Height in relation to boundary in Business zones	Amending the purpose statements to clarify what is a relevant consideration in relation to the building height and height in relation to boundary standards.
14	Average floor area definition	Amending the definition so the wording of the inclusions better reflects the intent and application of the definition.
15	Mean street level definition	Amending the definition to clarify how mean street level should be calculated.
16	Pedestrian circulation space definition	Introducing a new definition of 'Pedestrian circulation space'.
17	City Centre Zone assessment criteria terminology	Amending assessment criteria to refer to residential activities instead of residential apartments and amending the assessment criteria relating specifically to visitor accommodation and boarding houses to not refer to dwellings.
18	Heavy Industry and Light Industry – Building height purpose	Amending the purpose of the height standard to delete the reference to the subject site.

Section 3: OTHER ZONES (Open Space, Special Purpose, Waitakere Ranges and Waitakere Foothills Zones)

The proposed amendments relate to the Open Space Zones and Special Purpose – School Zone, Waitakere Foothills Zone and Waitakere Ranges Zone. Amendments are proposed to improve the alignment of the provisions with the objectives and policies. Changes are proposed to the activity table and standards to improve the clarity and usability of the provisions in implementation. The proposed amendments within the respective zones are summarised into themes below.

Other Zones		
1.	Open Space Zones - Jetties and boat ramps	Addressing inconsistencies between the zone purpose statement and the activity table within Chapter H7 Open Space zones in respect of jetties and boat ramps.
2.	Special Purpose: School Zone - Floodlights	Addressing inconsistencies between the standards within the Special Purpose - School Zone in respect of the height limit of floodlights.
3.	Waitakere Foothills Zone and Waitakere Ranges Zone - Yards	Addressing a gap in the standards within the Waitākere Foothills and Waitākere Ranges zones in relation to riparian, lake and coastal protection yard requirements.
4.	Waitakere Ranges Zone – Minor dwellings	Clarifying the standards in relation to minimum net site area for a minor dwelling within the Waitākere Foothills Zone.

Section 4: DEFINITIONS

A total of 15 definitions within Chapter J1 are addressed through PC 16. In most instances, each definition has its own theme (as listed below). Additional definitions are also addressed within specific sections of this report, where consequential amendments to Chapter J are proposed, or where definitions are interrelated with a specific topic, and are best addressed in the context of that theme. The proposed amendments relating to Chapter J1:Definitions are summarised into themes below.

Definitions		
1.	Building	<p>Clarifying several aspects to Table J1.4.1, in particular:</p> <ul style="list-style-type: none"> -Whether multiple qualifying dimensions or standards should be read as an 'and' or 'or'. Such as for pools and tanks. -Linking where appropriate the use of 'high' to the definition of 'height'; and addressing the height measurement type. -Providing for specific small-scale park infrastructure to be a structure that does not become a building unless over a specified height. <p>As well as, addressing ambiguity of the exclusion of 'roof mounted chimneys' from the definition; alongside several other amendments.</p>
2.	Food and beverage	<p>Removing the requirement for the activity of food and beverage having to be the primary business on a site, in order to fall under this definition.</p>
3.	Gross floor area	<p>Clarifying the plant area is excluded from the floor area ratio regardless of location within the building, and that this does not relate to the entire basement area in general.</p>
4.	Landscaped area	<p>Clarifying that the features listed cannot collectively exceed 25 per cent of the landscaped area.</p> <p>Providing for 'ground cover plants' as a landscape feature.</p> <p>As well as addressing inconsistencies and contradictions within the definition.</p>
5.	Net internal floor area	<p>Removing reference to 'required storage space' as an exclusion to the definition, as it is not directly linked to a standard or rule in the AUP for Residential Zones.</p>
6.	Through site	<p>Clarifying what constitutes a through site by inserting a new definition.</p>
7	Workers' accommodation	<p>Removing ambiguity relating to 'surrounding rural area', for workers' accommodation in Rural Zones.</p>

7.0 SECTION 1: RESIDENTIAL ZONES

7.1 Theme 1: Rural and Coastal Settlement Zone – Building Coverage Standard

Chapter of the AUP	Chapter H Residential Zones
Sub-section of the AUP	H2 Rural and Coastal Settlement Zone
Specific provision	H2.6.9. Building coverage

Status quo and problem statement

The Residential: Rural and Coastal Settlement Zone is one of six residential zones within the AUP. The purpose of the zone is to maintain a rural and/or coastal character within high quality landscape and coastal areas.

Standard H2.6.9 Building coverage currently specifies that the maximum building coverage is either *20% of the net site area or 200m² – whichever is the lesser*. The purpose of the building coverage provision is to manage the extent of buildings on a site to maintain and complement the rural and coastal built character of the zone, and any landscape qualities and natural features.

Evidence was provided to the Independent Hearings Panel (IHP) on behalf of Auckland Council in support of a building coverage rule of *20% of net site area or 400m² whichever is the lesser*. This amendment was not correctly translated into the tracked changes attached to the evidence provided at the time, which then resulted in incorrect tracked changes within the recommendations by the IHP. It is therefore likely that this is an error, as no explanation for the change to 200m² was provided in the recommendation reports, nor was it raised as an issue during the hearings.

The minimum site size for the Rural and Coastal Settlement Zone is 2,500m², notwithstanding many sites within existing settlements may be smaller than this. Therefore the current building coverage standard will almost always default to 200m², as 20% of the minimum site size for this zone will usually be larger, given the minimum site sizes of the zone.

Therefore it is considered that the 200m² building coverage threshold is unreasonably restrictive, particularly in comparison with legacy building coverage controls for equivalent zones and the minimum site size of the zone. It is expected that many new dwellings and ancillary buildings, particularly in rural or coastal areas, will be larger than 200m². Consequently, such a low building coverage threshold could constrain the type and quality of development within the zone.

Outline of the proposals

The options for addressing this issue are outlined below.

Option 1: Status quo: retain the existing provisions and make no amendment to current building coverage standard).

Option 2: Reinstate the building coverage requirement to 20% or 400m². The proposed amendments to implement this are shown as follows:

H2.6.9 Building Coverage

The maximum building coverage must not exceed 20 per cent of net site area or ~~200~~400m², whichever is the lesser.

Option 3: Amend the building coverage requirement to use a percentage based approach only, dependant on net site area. The proposed amendments to implement this are shown as follows:

H2.6.9 Building Coverage

The maximum building coverage must not exceed 20 per cent of net site area or 200m², whichever is the lesser.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Unreasonably restrictive building coverage threshold inappropriate for the zone. 200m ² would almost always be lesser given the minimum lot sizes in the zone.	Potential to result in large numbers of resource consent applications for building coverage infringements (high consenting costs) – therefore inefficient use of resources. Risk of inconsistent assessment of consents which exceed the threshold.	More efficient than requiring a plan change to change the standard
Option 2 (Preferred): Amend building coverage requirement to 20% or 400m ²	A building coverage threshold of 20% or 400m ² is more appropriate than 200m ² and more consistent with the objective and policy framework for the zone. The two thresholds (percentage and gross floor area) respond to a range of site sizes. This is a residential zone where new	Reliance on the 400m ² proposed through the IHP hearings process as the appropriate building coverage for zone.	A tailored approach suited to the zone and site sizes. Less likely to result in a large number of resource consent applications so more efficient use of resources.

	<p>dwelling are a permitted activity, therefore the building coverage threshold should allow for a reasonable size of dwelling.</p> <p>The 400m² threshold has already been justified through the AUP IHP Hearing process.</p>		
Option 3: Percentage threshold only	Varying dwelling sizes dependent on section sizes may result in inconsistency across the zone, and be contrary to policies relating to bulk of buildings and amenity of neighbouring sites.	20% site coverage may not always be appropriate given the wide ranging site sizes in this zone.	Site coverage dependant on size of site, therefore larger sites can accommodate more buildings.

Conclusion

It is considered that Option 2 is the most effective and efficient for achieving the objectives of the Rural and Coastal Settlement Zone, the AUP and the Plan Change for the following reasons:

- The current building coverage threshold of 200m² is overly restrictive and inappropriate for dwellings within the zone. The recommended change of 400m² is more appropriate for anticipated dwellings and associated buildings within this zone.
- This amendment is related to an error whereby the track changes for Council's closing statement to the IHP were never updated to reflect the evidence of the Planning witness. This error has been carried over into the Operative AUP.

The recommended tracked changes to H2.6.9 (1) are contained within Attachment 1A.

7.2 Theme 2: Rural and Coastal Settlement Zone - Front Fence Standard

Chapter of the AUP	Chapter H
Sub-section of the AUP	H2 Rural and Coastal Settlement Zone
Specific provision	H2.6.10 Side and Rear Fences and Walls

Status quo and problem statement

The Residential: Rural and Coastal Settlement Zone is one of six residential zones within the AUP. The purpose of the zone is to maintain a rural and/or coastal built character within high quality landscape and coastal areas.

The Rural and Coastal Settlement Zone contains Rule H2.6.10 Side and Rear Fences and Walls, which imposes a 2 metre maximum height standard for side and rear fences; however there is no standard relating to front fence height. As there is no threshold for front fences, by default fences within a front yard could be built up to 2.5m in height, above which they fall under the definition of “building” and are therefore not permitted in the front yard.

This variance in permitted fence height across a site may result in unsatisfactory built outcomes for the Residential: Rural and Coastal Settlement Zone and is inconsistent with its rural and coastal landscape character. For example, policy H2.3 (4) requires development to be of a height and bulk to maintain and complement the rural and coastal built character of the area. It is considered that front fences of 2.5m would be inconsistent with the rural and coastal character, as it results in visual dominance effects on the streetscape character and amenity.

The resolution for appeals ENV-2016-AKL-000230 and ENV-2016-AKL-000236 imposed a standard for front fences within the Residential: Terraced Housing and Apartment Buildings, Mixed Housing Suburban, Mixed Housing Urban and Single House zones. However the resolution did not amend the fence height for the Rural and Coastal Settlement zone; it is considered that this was an oversight.

Outline of the proposals

The options for addressing this issue are as follows:

Option 1: Retain the approach of no restriction to front fence height within the Zone, which would rely on the default building height of 2.5m.

Option 2: Insert a front fence standard equivalent to the Residential: Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment zones, as follows:

(a) Within the front yard, either:

(i) 1.4m in height, or

(ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

Option 3: Utilise the same maximum fence height provision as applies to side and rear boundaries (2 metres) to apply to front boundaries in the Rural and Coastal Settlement Zone.

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo – default fence height of 2.5m	<p>Inconsistent with side and rear fence height – resulting in variance in permitted fence height across a site. This has the potential to result in built outcomes where the amenity of the front yard and streetscape is compromised (by 2.5m high fences).</p> <p>Inconsistent with key policies of the Rural and Coastal settlement zone relating to rural and coastal character and policies of the RPS relating to streetscape amenity and safety.</p> <p>Inconsistent with front fence requirements in other residential zones.</p>	May result in poor urban design outcomes for streetscape amenity and passive surveillance.	<p>Less resource consents required for front fence infringements.</p> <p>Increased privacy options for occupants.</p>
Option 2 (Preferred): Apply the same front fence standard which applies in other residential zones.	<p>Consistent with Council's current approach to front fence height across other residential zones.</p> <p>Threshold has been justified through a recent appeal resolution regarding this matter for all other residential zones.</p>	May generate resource consents to exceed the proposed new threshold.	Good urban design outcomes for the Zone and streetscape amenity, as less visual dominance effects are generated by lower fences.
Option 3: Apply a permitted front	Inconsistent with approach to front	May result in poor urban design outcomes	Less resource consents required for

fence height of 2m for consistency with the permitted side and rear fence heights	fences in other residential zones. Front boundaries have different amenity considerations than side and rear boundaries due to their relationship with the streetscape.	for streetscape amenity. Inconsistent with front fence requirements in other zones.	front fence infringements. Increased privacy for occupants.
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Conclusion

It is considered that option 2 is the preferred amendment to H2.6.10 Side and Rear Fences and Walls, and is the most effective and efficient for achieving the objectives of the Rural and Coastal Settlement Zone, the AUP and PC 16 for the following reasons:

- A default front fence height of 2.5m is inconsistent with the policy framework and the side and rear fence height of the Rural and Coastal Settlement Zone, is inconsistent with the other residential zones and is undesirable from an urban design perspective.

Therefore, it is recommended that a front fence standard is imposed consistent with the other residential zones, as per H2.6.10 and outlined in Attachment 1A.

7.3 Theme 3: Fence Height applying to Lakeside yard, Coastal Protection Yard and Riparian Yard

Chapter of the AUP	Chapter H
Sub-sections of the AUP	H2 Residential - Rural and Coastal Settlement Zone H3 Residential - Single House Zone H4 Residential - Mixed Housing Suburban Zone H5 Residential - Mixed Housing Urban Zone H6 Residential - Terraced Housing and Apartment Buildings Zone
Specific provisions	H2.6.10 Side and rear fences and walls H3.6.12 Front, side and rear fences and walls H4.6.14 Front, side and rear fences and walls H5.6.15 Front, side and rear fences and walls H6.6.16. Front, side and rear fences and walls

Status quo and problem statement

The standards within the residential zones relating to front, side and rear fences and walls (as listed above) do not refer to fences within a coastal protection yard, lakeside yard or riparian yard; rather only thresholds for fences within front, side and rear yards are specified.

Therefore it is not clear whether coastal, lakeside and riparian yards should have the equivalent fence height limit specified for front yards or side and rear yards. Furthermore, if a fence was located within a coastal protection, lakeside yard or riparian yard that was not also within a front, side or rear yard, then the default fence height of 2.5m would apply, as per the Chapter J definition of 'building'.

The purpose of coastal protection yards, lakeside yards and riparian yards is *'to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards'*. The coastal protection, lakeside and riparian yards are also intended to preserve the character and amenity of the coast, streams and lakes for the public, and are intended to serve an access function. The lack of fence height within the coastal protection yard, lakeside yard or riparian yards is contrary to the purpose of the respective yard requirements, particularly from a visual amenity perspective.

The lack of fence height also does not give effect to the Regional Policy Statement (RPS) and the New Zealand Coastal Policy Statement (NZCPS). For example, RPS B8.3.2 policy (7) specifies that development is set back from the Coastal Marine Area to protect the character and amenity values of the coastal environment. Within the NZCPS, policy 6(1)(h) and (i) require consideration of how adverse visual impacts of development can be avoided in areas sensitive to such effects, and to set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment.

The RMA 1991 (section 229) requires the creation of esplanade reserves at the time of subdivision. The purpose of esplanade areas is to provide for public access and recreational use, protection of natural character, management of natural hazards, and the protection of riparian ecosystems and to provide for the relationship of Maori and their taonga. These reasons are highlighted in Section 6 of the RMA as matters of national importance, and the purposes of esplanade reserves and strips are specified within s229.

If fence heights within these yards are not restricted, the amenity, character and ecological function of the areas may be compromised. There is the potential for adverse effects from high solid fences of up to 2.5m that are contrary the fundamental purposes of a coastal protection yard, riparian yards and lakeside yard requirements.

Outline the proposals

Option 1: Retain existing approach – no fence height limits within coastal protection, lakeside or riparian yards, other than 2.5m (as per definition of ‘building’) or otherwise specified by other front, side or rear yard fence thresholds.

Option 2: Add ‘coastal protection yard, lakeside yard and riparian yard’ to the current fence standard relating to maximum front fence height. This option would result in amendments to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H5.6.16 and their related purpose statements, as follows:

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy or dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours, ~~and~~ the street or adjoining public place

(1)

a) *On or within the front yard, coastal protection yard, lakeside yard or riparian yard, either:*

(i) 1.4m in height, or

(ii) 1.8m in height....

Option 3: Add ‘riparian yard, coastal protection yard and lakeside yard’ to the thresholds for (b) side and rear fences. This option would result in amendments to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H5.6.16, as follows:

(b) Within the side, ~~and~~ rear, coastal protection yard, lakeside yard or riparian yard, yards: 2m.

Option 4: Specify a different height for fences within the coastal protection yard, lakeside yard and riparian yards, or no fences at all. This option would result in amendments to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H5.6.16, as follows:

(d) Within a coastal protection yard, lakeside yard or riparian yard, yards: X metres.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status Quo	<p>No further change required</p> <p>Inconsistent with NZCPS and RPS policies relating to amenity and character of the coastal environment, and lakeside and riparian environments.</p>	<p>Potential for adverse amenity outcomes from a character and amenity perspective, through potential 2.5m fences along coastlines, lakes and streams.</p>	<p>It would allow landowners to have fences that provide for their privacy and security.</p>
Option 2 (Preferred): Lakeside Yard & Coastal Protection yard & riparian yard have the equivalent of the front fence standard (1.4m).	<p>Consistent with NZCPS and RPS policies relating to amenity and character of the coastal environment.</p> <p>In terms of amenity values, each of the yard's purpose are similar to a front yard in terms of allowing passive surveillance and minimising visual dominance effects.</p> <p>This amendment would improve the usability of the Plan, as at present it is not clear which fence standards apply to lakeside, coastal protection and riparian yards.</p>	<p>May result in less privacy for residents of properties containing coastal protection and lakeside yards adjacent to public walkways, for example.</p>	<p>Provides better protection of the natural character, visual amenity and recreational values of coastal, lakeside and riparian areas.</p>
Option 3: Lakeside Yard & Coastal Protection yard & Riparian yard have the equivalent to side and rear fence standard (2m)	<p>This may be appropriate in some areas, but the 2 metre threshold could have amenity issues when located next to coastal and lakeside walkways and beaches, for</p>	<p>If all mentioned yards are treated as a side or rear yard, there could be blank 2m high fences all along coastal and riparian edges.</p> <p>Along beaches where</p>	<p>Allows for privacy for residents in properties containing coastal protection and lakeside yards adjacent to walkways</p>

	<p>example.</p> <p>Less consistent with identified NZCPS and RPS policies relating to amenity and character of the coastal environment.</p>	<p>private properties extend onto the beach, 2m high fences could be constructed anywhere within the coastal protection yard as a permitted activity.</p>	
<p>Option 4: Specify a different threshold for fences that are located within a coastal protection yard, lakeside yard and riparian yards.</p>	<p>Policy shift from current situation – where fences within a coastal protection, lakeside or riparian yard are not restricted beyond 2.5m or by other yard requirements.</p> <p>This option would require more investigation to justify a new and defensible threshold.</p> <p>Different environments may be more or less sensitive therefore a one size fits all approach may not be appropriate.</p>	<p>Would result in significantly less privacy for landowners with properties located within a coastal protection, lakeside or riparian yard, particularly those adjoining public access ways or a public place.</p> <p>Could result in ecological costs where fencing of riparian areas is required to prevent access to sensitive areas (e.g. by public or stock).</p>	<p>Would provide significant amenity benefits for each of the respective coastal protection, lakeside and riparian yards, and align with their purposes and higher level policies relating to avoiding visual and dominance effects of development within each of the yards.</p> <p>Potential ecological benefits</p>

Conclusion

It is considered that option 2 is most preferred, whereby the riparian yard, coastal protection yard and lakeside yards have the equivalent of the front fence standards, within residential zones, for the following reasons:

- It is considered that these amended changes have increased alignment and consistency with RMA, NZCPS and RPS policies relating to amenity and character of the coastal environments and esplanade areas.
- The amendment provides better protection of the natural character, visual amenity and recreational values of coastal, lakeside and riparian areas.

The suggested tracked changes to Standards H2.6.10, H3.6.12, H4.6.14, H5.6.15 and H6.6.16 are contained within Appendix 1A.

7.4 Theme 4: Height in Relation to Boundary – Pedestrian Access ways

Chapters of the AUP	Chapter H: Residential Zones Chapter J: Definitions
Sub-sections of the AUP	H2: Residential: Rural and Coastal Settlement Zone H3: Residential: Single House Zone H4 Residential: Mixed Housing Suburban Zone H5: Residential: Mixed Housing Urban Zone H6: Residential: Terraced Housing and Apartment Buildings Zone
Specific provisions	H2.6.6 (4) H3.6.7 (4) H4.6.5 (4) H4.6.6 (5) H5.6.5 (4) H5.6.6 (5) H6.6.6 (4) H6.6.7 (6)

Status quo and problem statement

Residential Zones chapters H2 to H6 inclusive each include height in relation to boundary standards (specifically Standards H2.6.6, H3.6.7, H4.6.5, H5.6.5, H6.6.6). The purpose of the height in relation to boundary standard is “to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours”.

There is an issue with the height in relation to boundary standards when a site within one of the residential zones adjoins a pedestrian access way. There are approximately 1,100–1,500 pedestrian access ways in the Auckland region and many thousands of residentially zoned properties adjoining those access ways.

The AUP typically identifies pedestrian access ways that run between two legal roads as ‘roads’ on the GIS viewer (as illustrated in Figure 1 below) and therefore they fall under the definition of ‘road’ within s315 of Local Government Act 1974. ‘Access ways’ are also defined within s315 of the LGA, as follows:

***access way** means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve*

Within the LGA, in most circumstances roads include ‘access ways’, except otherwise provided. However, this raises difficulties from a planning perspective and for the AUP, as

the physical attributes of a pedestrian access way are very different to a typical road used as a carriageway for vehicles.

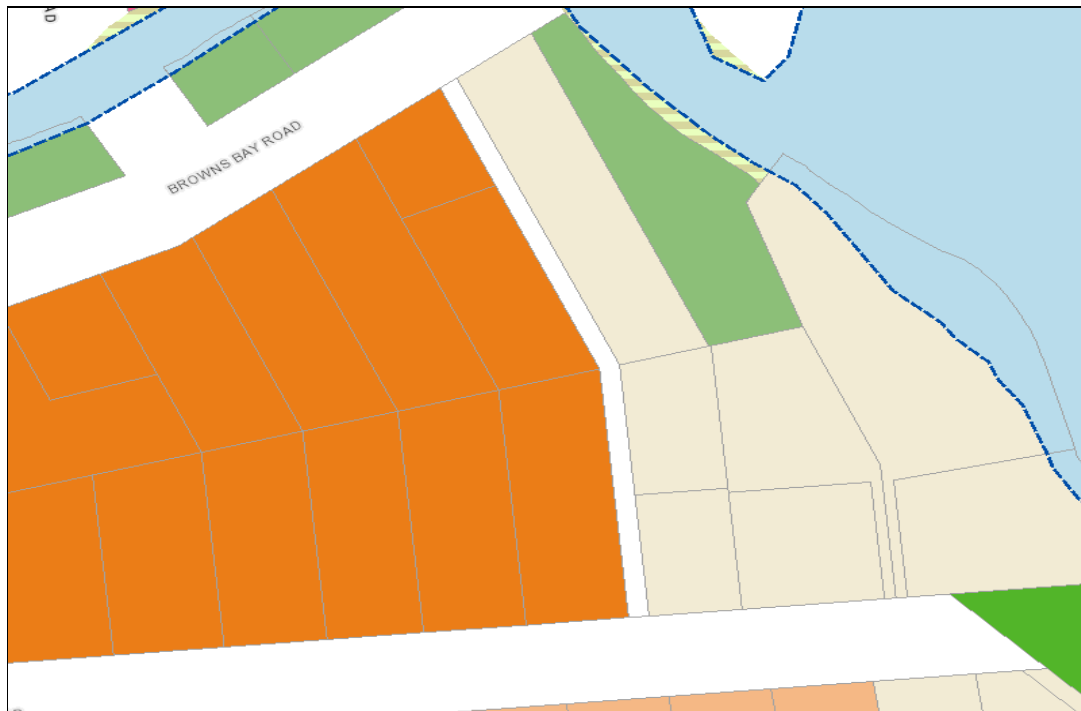


Figure 1: Example of a pedestrian accessway between residential properties where no height in relation to boundary control applies.

Implications for Height in Relation to Boundary Standard

Within each of the residential zones, the height in relation to boundary standard is triggered for side and rear boundaries. Front, side and rear boundaries are not defined within the AUP, however, Figure J1.4.8 shows that front sites are those considered to be adjoining a road. As access ways are considered to be 'roads', the boundary that adjoins an access way is considered a 'front boundary'.

Therefore, the height in relation to boundary standard is not triggered when a residential site adjoins an access way, because they are typically not zoned and the standard does not apply to front boundaries.

However, it is considered that in these situations the height in relation to boundary standards *should* apply to manage sunlight, privacy and visual dominance effects for the access way, and for adjacent residential sites (on the opposite side of the access way). Furthermore, the residential zone on the other side of the access way may be a lower intensity zone, which is even more susceptible to shading and visual dominance effects from the higher intensity zone.

The absence of any height in relation to boundary control applying to properties adjoining pedestrian access ways has the potential to create adverse effects on neighbouring sites (on the opposite side of the access way), and is contrary to the purpose of the standard, and the policies of each zone relating to development maintaining a reasonable level of sunlight access and privacy, and minimising visual dominance effects to immediate neighbours.

The height in relation to boundary standard within the residential zones (H2 – H6 inclusive) includes various exemptions. The height in relation to boundary standard includes an exemption relating to control being measured from the farthest boundary where it adjoins a rights of way, entrance strip or access site as follows. This exemption, however, does not include pedestrian access ways.

Essentially, it is considered that the AUP did not anticipate the relationship of pedestrian access ways with residential sites in terms of height in relation to boundary or yard standards. This was an oversight during the PAUP hearings process.

This exposes a gap in the AUP in relation to un zoned pedestrian access ways, where the boundary adjoining a pedestrian access way would default to a being 'front yard' (given that access ways are shown as 'roads') and where height in relation to boundary controls would not apply.

Outline of the proposals

Option 1: Make no amendments to provisions relating to access ways. Therefore no height in relation to boundary standards apply to boundaries adjoining access ways.

Option 2:

Amend the clause (4) within HX.6.X which currently applies to legal rights of way, entrance strips and access sites, to add 'pedestrian access ways', where the control is measured from the *farthest* boundary, rather than the site boundary.

The proposed amendments to standards H2.6.6 (4), H3.6.7 (4), H4.6.5 (4), H4.6.6 (5), H5.6.5 (4), H5.6.6 (5), H6.6.6 (4) and H6.6.7(6) are shown as follows:

(4) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control within Standard HX.6.X(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

Option 3: Create a definition of 'front boundary'. The definition of 'front yard' relies on the term 'front boundary'; however the term is not currently defined in the AUP.

Therefore a definition of 'front boundary' would establish that boundaries adjoining pedestrian access ways and motorways are not to be considered as front boundaries, and are therefore side or rear boundaries to which the height in relation to boundary control would apply.

The proposed definition of 'front boundary' is similar to the existing definition of 'frontage', and would read as follows:

Front boundary

The boundary line on a site which adjoins a road.

Excludes:

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

- Any boundary on a rear site.

Option 4: Rezone all access ways that are shown as roads and provide them with an appropriate zone. This would require an extensive rezoning exercise to rezone access ways to the same as the adjoining zone.

If the access ways were zoned, the height in relation to boundary standard would apply by default as the boundaries would be considered a 'side or rear' boundary, rather than a 'front boundary'.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Status Quo – no amendments to provisions relating to access ways.</p>	<p>Height in relation to boundary standards will not be applied to access ways as they are considered a front boundary.</p> <p>Inconsistent with planned character of residential zones and policies relating to visual dominance effects on neighbours.</p> <p>Inconsistency between primary height in relation to boundary standard and that relating to lower intensity zones.</p>	<p>Poor urban design outcomes for access ways and narrow roads. Adverse shading and dominance effects.</p> <p>Risk of inconsistency of interpretation and therefore appeal.</p>	<p>Does not require any amendments to provisions or re zoning.</p>
<p>Option 2 (Preferred):</p> <p>Amend the standard applying to access sites (measuring control from the farthest boundary) to add 'pedestrian access ways'</p>	<p>Requiring height in relation to boundary controls along access ways enhances amenity and avoids visual dominance effects on residential sites on the opposite side of the access way.</p> <p>Better alignment with objectives and policies of residential zones regarding bulk and location of buildings.</p> <p>Not overly restrictive in terms of bulk and location of buildings on sites adjoining access ways.</p>	<p>Amenity considerations for pedestrian access ways may differ from access sites, entrance strips etc.</p> <p>Taking the height in relation to boundary measurement from the farthest boundary of the access way may create more dominance than if the measurement was taken from the residential site boundary (i.e. if it were to be treated as a side boundary). However, this is not as restrictive in terms of</p>	<p>Amenity benefits to require height in relation to boundary controls along access ways and adjacent lower intensity zones</p> <p>Enhanced consistency with other height in relation to boundary standards.</p>

	<p>Does not require mapping amendments or rezoning (therefore less resource intensive).</p> <p>Consistent with the approach in Business - Mixed Use Zone.</p>	<p>development potential of the site by imposing the standard from the residential site boundary.</p> <p>Will require creation of new diagrams in the AUP (for lower intensity zones standard).</p>	
<p>Option 3 (Preferred):</p> <p>Amendment of definitions – creating a definition of front boundary exempting pedestrian access ways.</p>	<p>Does not require mapping amendments or rezoning.</p> <p>Establish/define that access ways are not typical 'roads' as per LGA s315</p> <p>Creating a definition of front boundary would mean that boundaries adjoining access ways are side boundaries, to which height in relation to boundary standards would apply.</p> <p>Requiring height in relation to boundary controls along access ways enhances amenity and avoids visual dominance effects on residential sites on the opposite side of the access way</p> <p>Better alignment with objectives and policies of residential zones regarding bulk and location of buildings.</p> <p>Further resourcing and legal opinion may be required regarding interpretation of particular definitions, e.g. road, front site, rear site.</p>	<p>Would require changes to multiple definitions, such as rear site, front site, and road.</p> <p>Definition of road relies on LGA 2002 definition which is complex.</p> <p>Implications for Council and Auckland Transport jurisdiction of roads.</p> <p>Height in relation to boundary would apply from the side boundary of a site (rather than the farthest boundary of the access way). This may be overly restrictive for properties adjoining an access way.</p>	<p>Amenity benefits in that height in relation to boundary controls apply from the side boundaries (rather than furthest boundaries).</p>
<p>Option 4</p> <p>Rezone access ways (i.e. to the equivalent of the adjoining zone)</p>	<p>Very resource intensive and less efficient than other identified options.</p> <p>Residential zoning may contradict the uses of the access way (i.e. for access).</p>	<p>Very resource intensive - would require a lot of work to determine most appropriate zone and to map the rezoning.</p>	<p>Clear that height in relation to boundary would apply on each boundary as it adjoins another zone.</p>

	<p>Implications with land ownership – many access ways are under the jurisdiction of AT</p> <p>Ambiguity over which zone to use if the access way adjoins multiple zones</p>		
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Conclusion

It is considered that a combination of Option 2 and Option 3 is the most preferred, which involves creating a definition of ‘front boundary’ and amending standards H2.6.6 (4), H3.6.7 (4), H4.6.5 (4), H5.6.5 (4) and H6.6.6 (4), and for the following reasons:

- This amendment is within the scope of the enhancements plan change and ensures that the objectives and policies of the zones are maintained in relation to maintaining access to sunlight, privacy and visual dominance effects.
- Option 2 is the most effective and efficient for achieving the objectives of the residential zones, the AUP and PC 16 .

The tracked changes are shown in Attachment 1A and Attachment 1D.

7.5 Theme 5: Height in relation to boundary adjoining Open Space zones

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H2, H3, H4, H5, H6
Specific provisions	H2.6.6 H3.6.7 H4.6.5 H4.6.6 H5.6.5 H5.6.6 H6.6.6 H6.6.7

Status quo and problem statement

The purpose of the height in relation to boundary standard within the identified residential zones (H2 to H6 referenced above) is “to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours”. In this context it is considered that immediate neighbours include other non-residential zones which require a particular level of amenity in terms of dominance and shading, such as Open Space zones.

However, the standard contains an exemption relating to sites adjoining Open Space Zones of more than 2000m² in area. Effectively, this means that the height in relation to boundary controls in the residential zones do not apply to the boundaries of sites exceeding 2000m² in all of the Open Space Zones; specifically the Open Space: Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone and the Open Space – Community Zone.

Whilst this standard protects smaller open spaces less than 2000m² where height in relation to boundary would still be triggered, it fails to protect long and narrow open spaces, which could exceed 2,000m². An example of this is esplanade reserves (typically 20 metres in width), required under Section 229 of the RMA. The rule also fails to acknowledge that particular portions of larger parks (generally where amenity areas such as playgrounds are located) are susceptible to shadowing and dominance effects.

As Auckland moves toward a more compact urban form, and greater intensification of existing residential sites, managing the impacts on outdoor amenity spaces on private property becomes more challenging. Further, increased population and demand on open spaces makes high quality public open space and parks essential to the health and wellbeing of residents.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Status quo - retain the existing provisions of no width threshold for open spaces greater than 2,000m², therefore no height in relation to boundary control applies irrespective of the width of the open space.

Option 2: Amend the exemption within the height in relation to boundary standards relating to Open Space zones to add a *width requirement* for open space greater than 2000m². It is considered that a width threshold of 20 metres is most appropriate, given the esplanade reserve requirement minimum width.

The specific parts of the open space site that are less than 20 metres wide would therefore be subject to the height in relation to boundary thresholds along the shared boundary adjoining the residential zone. The following amendments to the standard would be required to implement this option:

- (2) Standard HX.6.X(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

....

(b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; ~~exceeding 2000m².~~

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

This option is shown in the below example. In Figure 2, the height in relation to boundary control would apply to the properties located west of Foote Street, but not the property to the east (i.e. where the reserve is greater than 20 metres in width, provided the esplanade reserve exceeds 2000m²).



Figure 2: Open space zoning adjoining residential zoning, showing the varying widths along its course.

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain status quo in terms of no height in relation to boundary requirements applying to open space greater than 2000m ²	Height in relation to boundary standards will not apply to narrow parts of larger parks/open spaces, resulting in adverse shading and visual dominance effects on narrow parts of the open space. Inconsistent with the policies related to sunlight access and visual dominance effects, and the planned character of open space and residential zones.	Greater cost to amenity values in terms of shading and dominance effects of narrow parts of larger parks/open spaces.	No plan change required.
Option 2 (Preferred): Create a width threshold requirement for open space greater than 2000m ² .	Does not require mapping amendments. Consistent with the purpose of the height in relation to boundary standard and the	Greater consenting costs as specific measurement of open space dimensions would be required.	Environmental and amenity benefits in terms of visual dominance and shading on narrow parts of the open space zone.

	<p>AUP's policies relating to sunlight and visual amenity values for open space.</p> <p>Will ensure that height in relation to boundary thresholds apply to narrower parts of larger parks.</p>		
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Conclusion

Option 2 is the most preferred, where the specific parts of the open space site (that is greater than 2000m²) less than 20 metres wide would be subject to the height in relation to boundary thresholds along that shared boundary adjoining the residential zone, for the following reasons:

- Option 2 is the most effective and efficient for achieving the objectives of the residential zones and open space zones of the AUP and PC 16 in relation to maintaining access to sunlight, privacy and visual dominance effects specified by the policies of the individual zones.
- Option 2 will ensure that height in relation to boundary thresholds apply to narrower parts of larger parks, therefore minimising any adverse shading and visual dominance effects on the open space.

The amendments to H2.6.6, H3 are shown within Attachment 1A.

7.6 Theme 6: Height in relation to boundary standards – Minor consistency amendments

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H5: Residential: Mixed Housing Urban Zone H6: Residential: Terraced Housing and Apartment Buildings Zone
Specific provisions	H5.6.7 H6.6.8

Status quo and problem statement

Exemptions relating to other height in relation to boundary standards

The primary height in relation to boundary standard across the residential zones contains exemptions relating to access sites and gable ends. For example:

- (1) *Where the boundary forms part of a legal right of way, entrance strip or access site or access way, the control applies from the farthest boundary of that legal right of way, entrance strip, access site or access way.*
- (2) *A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:

 - a) *no greater than 1.5m² in area and no greater than 1m in height; and*
 - b) *no greater than 2.5m cumulatively in length measured along the edge of the roof.**

However, the standard relating to lower intensity zones within the Terraced Housing and Apartment Buildings Zone, and the Mixed Housing Urban Zone, does not contain such exemptions. Therefore, the standard does not allow for the height in relation to boundary to be taken from the opposite side of a right of way, or exempt gable ends and dormers, like the primary height in relation to boundary standard does.

It is considered that it is the intention of these standards to also apply the same exemptions for all height in relation to boundary standards across all of the residential zones.

Height in relation to boundary standard within the Residential: THAB Zone

Standard H6.6.6 (1) within the Residential: THAB Zone has different wording to the other residential zones. The wording refers to the standard being triggered when it is 'adjoining' another zone, whereas H5.6.5 and H4.6.5 for example, refer to 'side and rear boundaries'. It is considered that the current wording within the THAB Zone is overly complex, and should be consistent with the other residential zones, which achieve the same result. The current wording is as follows:

H6.6.6. Height in relation to boundary

(1) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.1 Height in relation to boundary below.

The wording with the Residential: Mixed Housing Urban Zone, and other residential zones, is as follows:

H5.6.5. Height in relation to boundary

(1) Buildings must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along side and rear boundaries, as shown in Figure H5.6.5.1 Height in relation to boundary below.

It is considered that both standards have the same meaning, as H6.6.6 also refers to side and rear yards. Furthermore, as a result of changes to clause (4) relating to pedestrian access ways, the 'adjoining zone' component is not always correct given that access ways have no zoning.

Outline of the proposals

Option 1: No amendments to height in relation to boundary provisions relating to consistency.

Option 2: Minor amendments to the following provisions for consistency:

Add the same exemptions relating to entrance strips and gable ends and dormers to the height relation to boundary standard (relating to lower intensity zones), within the THAB and MHU Zones. This would result in the following amendments to Standards H5.6.7 and H6.6.8:

- (3) Where the boundary forms part of a legal right of way, entrance strip or access site or access way, the control applies from the farthest boundary of that legal right of way, entrance strip, access site or access way.
- (4) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plan is:
 - c) no greater than 1.5m² in area and no greater than 1m in height; and
 - d) no greater than 2.5m cumulatively in length measured along the edge of the roof.

Amend standard H6.6.6(1) to be consistent with the other residential zones, as follows:

H6.6.6 Height in relation to boundary

- (1) ~~Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin another site in the same zone, or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, b~~

Buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the side and rear boundaries, or boundaries otherwise specified within H6.6.6 or H6.6.8, as shown in Figure H6.6.6.1 Height in relation to boundary below.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Status quo – no amendments to height in relation to boundary provisions relating to consistencies between standards.</p>	<p>Height in relation to boundary standards inconsistent with each other.</p>	<p>Cost relative to inconsistent outcomes resulting from inconsistent application of the standard across the residential zones.</p>	<p>No amendment or reinterpretation required.</p>
<p>Option 2 (Preferred):</p> <p>Minor amendments to standards for consistency.</p>	<p>Clarity that exemptions relating to gable ends and dormers and access sites apply in the context of lower intensity zones.</p> <p>The recommended amendments will ensure consistency with the other height in relation to boundary standards</p> <p>It is considered that standards have the still same meaning after amendment.</p>	<p>Re wording and re interpretation of standard may be confusing for plan users (change from status quo).</p>	<p>Enhanced consistency with other height in relation to boundary standards within the AUP.</p> <p>Simpler wording of H6.6.6 (1) assists clarity for plan users.</p>

Conclusion

Option 2 is the most preferred for the following reasons:

- It is considered that the same exemptions and wording should apply to the height in relation to boundary standard across the key residential zones.
- Option 2 is the most effective and efficient for achieving the objectives of the residential zones, open space zones the AUP and PC 16 in relation to maintaining access to sunlight, privacy and visual dominance effects specified by the policies of the individual zones.

The amendments are shown within Attachment 1A.

7.7 Theme 7: Fences within an Outlook Space

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H4 Residential - Mixed Housing Suburban Zone H5 Residential - Mixed Housing Urban Zone H6 Residential - Terraced Housing and Apartment Buildings Zone
Specific provisions	H4.6.11 (9) H5.6.12 (9) H6.6.13 (9)

Status quo and problem statement

An issue has been raised relating to the outlook standard (H4.6.11, H5.6.12, H6.6.13) in particular clause (9) that outlook space only has to be clear and unobstructed by 'buildings'.

As the term 'buildings' is used, this means that a high close boarded fence could be located within the outlook space, as a fence below 2.5m does not fall within the definition of building. If this fence is, for example, only 1m from the living room glazing, then there is in effect no outlook or sense of space provided, despite complying with the standard.

This is inconsistent with key policies and does not achieve the purpose of the standard – specifically “*ensuring habitable rooms have an outlook and sense of space*”. For example policy H5.2(5) requires that accommodation be designed to meet the needs of residents by providing privacy and outlook. High fences within a required outlook space are inconsistent with such policies as they do not provide a sense of outlook and sense of space.

Outline of the proposals

Option 1: Status quo - no restrictions on fences or other structures within outlook space, only those existing provisions which fall under the definition of 'building'.

Option 2: Amend Standards H4.6.11(9) , H5.6.12(9) and H6.6.13(9) to specify a fence height for fences required within outlook spaces. The following clause could be added to the outlook standard to implement this option:

(X) Fences within an outlook space must:

- (a) not exceed 1.2m in height, or*
- (b) be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.*

Option 3: Amend standard H4.6.11(9), H5.6.12(9) and H6.6.13(9) to add a requirement of no fences within a required outlook space. The following clause could be added to the outlook standard to implement this option:

(X) No fences must be located within an outlook space.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1: Status Quo No restrictions on fences or structures within the outlook space – only 'buildings'</p>	<p>Does not achieve the purpose of Standard - specifically “ensuring habitable rooms have an outlook and sense of space.”</p> <p>Inconsistent with policies requiring that accommodation be designed to meet the needs of residents by providing privacy and outlook (e.g. Policy H5.4 (5)).</p>	<p>Poor amenity outcomes for residents where outlook space is compromised.</p> <p>Fences below 2.5m are not considered 'buildings' and can therefore be located within the outlook space.</p> <p>High fences located within an outlook space could affect sunlight access.</p>	<p>No plan change required</p> <p>Fences may provide a sense of privacy and safety for residents.</p>
<p>Option 2 (Preferred): Amend provision to specify a fence height for fences required within outlook spaces.</p>	<p>More consistent with purpose of standard and policies in ensuring that outlook space is provided and habitable rooms therefore have a sense of space.</p> <p>This suggested clause aligns with Policy H5.3(5) which requires that outlook spaces be clear and unobstructed by buildings, specifically where the outlook space is obstructed by a fence.</p> <p>Existing site typologies and built environments may make the required outlook space difficult to achieve, especially on smaller sites (such as small dwellings or unusual shapes).</p>	<p>May result in undesirable built outcomes to achieve the required outlook space, particularly with unusually shaped sites.</p> <p>May result in greater resource consents as the required outlook may not always be possible to achieve (particularly with existing buildings and site typologies).</p>	<p>Will ensure that outlook space is maintained from habitable rooms and therefore the fundamental purpose of standard is achieved.</p> <p>Allowing some type of fence means existing site typologies can still achieve the required outlook.</p>
<p>Option 3: Amend standard to require that no fences are within a required outlook space.</p>	<p>Policy shift from current situation – where fence height within a required outlook space is not restricted.</p> <p>Consistent with purpose of standard and policies in ensuring habitable rooms have a</p>	<p>May result in undesirable built outcomes to achieve the required outlook space.</p> <p>May result in more developments requiring resource consents as the required outlook</p>	<p>Will ensure that outlook space is maintained from habitable rooms and therefore the fundamental purpose of standard is achieved.</p>

	<p>sense of space.</p> <p>Existing site typologies and built environments may make the required outlook space difficult to achieve, especially on smaller sites (such as small dwellings or unusual shapes).</p>	<p>may not always be possible to achieve (particularly with existing buildings and site typologies).</p>	
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Conclusion

Option 2 is considered the most preferred option, to insert a threshold for fences located within a required outlook space, for the following reasons:

- It is considered that this option is best aligned with the purpose of the standard, whilst allowing some types of fence structures for privacy, or where the site typology is restricted.
- The suggested change ensures that outlook is provided from ground floor habitable rooms to achieve the purpose of the standard and Policy H5.3(5) which requires that outlook spaces be clear and unobstructed by buildings, providing residents with privacy and outlook.

The recommended changes to H4.6.11, H5.6.12 and H6.6.13 is shown in Attachment 1A.

7.8 Theme 8: Outdoor Living Space Standard

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H4 Residential Mixed Housing Suburban Zone H5 Residential Mixed Housing Urban Zone H6 Residential Terraced Housing and Apartment Buildings Zone
Specific provisions	H4.6.13 (1) (c) H4.6.13 (2) (c) H5.6.14 (1) (c) H5.6.14 (2) (c) H6.6.15 (1) (c) H6.6.15 (2) (c)

Status quo and problem statement

The outdoor living space standard in residential zones (H4 to H6) identified by the specific provisions above, includes an inconsistency between the purpose of the standard and the standard itself.

The purpose states that the outdoor living space should be '*directly accessible from the principal living room, dining room or kitchen*'. However, the standard states the outdoor living space should be '*directly accessible from the dwelling, supported residential care unit or boarding house*'.

The standard does not refer to which rooms the outdoor living space should be accessible from. This is problematic for permitted activities, as the outdoor living space could all be located off a bathroom for example, which is not considered typically to be a living space.

This could result in adverse amenity outcomes for residents, and is inconsistent with policies relating to outdoor living space, such as, Policy H5.3 (6) 'Encourage accommodation to have useable and accessible outdoor living space'.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the status quo, with no changes to provisions. Continue monitoring as a possible issue and if required proceed amendment in another process.

Option 2: Amend the Outdoor living space standard (HX.6.X(1)) to also include '*directly accessible from the principal living room, dining room or kitchen*' of the dwelling:

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

.....

(c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house;

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain status quo.	Ambiguity as to purpose of standard and where in the dwelling the outdoor living space should be accessible from.	Greater costs to the amenity values. Difficulty to monitor permitted activities.	No plan change process required.
Option 2 (Preferred): Amend standard to include 'directly accessible from the principal living room, dining room or kitchen of the dwelling'.	Clarity of where in the dwelling the outdoor living space should be accessible from. Achieves the intention of the standard resulting in better amenity outcomes.	Purpose of provision unclear, therefore resulting in undesirable outcomes.	Amenity benefits possible as new proposals would be assessed against the purpose of the outdoor living space of the dwelling.

Conclusion

Option 2 is recommended to clarify where in the dwelling the outdoor living space should be accessible from, for the following reasons:

- The amendment achieves the intention of the standard resulting in better amenity outcomes for residents in terms of outdoor living space;
- The amendment is consistent with policies relating to residential accommodation having a useable and accessible outdoor living space.

The amendments are shown in Attachment 1A.

7.9 Theme 9: Matters of Discretion and Assessment Criteria for Parking and Access

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H1, H2, H3, H4, H5, H6
Specific provisions	<i>Matters of Discretion and Assessment Criteria:</i> H1.8.1(1)(b)(iii) H1.8.2(1)(d) H2.8.1(1)(b)(iii) H2.8.2(1)(d) H3.8.1(1)(a)(iii) H3.8.2(1)(c) H4.8.1(1)(a)(iii) H4.8.1(2)(a)(iii) H4.8.1(3)(a)(iii) H4.8.2(1)(d) H5.8.1(1)(b)(iii) H5.8.1(2)(a)(iii) H5.8.1(3)(a)(iii) H5.8.2(1)(d) H6.8.1(1)(b)(iii) H6.8.1(2)(a)(iii) H6.8.1(3)(a)(iii) H6.6.2(1)(d)

Status quo and problem statement

Within Residential zones H1 to H6 (inclusive) the matters of discretion and assessment criteria (identified as HX.8.1 and HX.8.2) only assess the design of parking and access, and not the 'location' of parking and access.

The matters for discretion and assessment criteria therefore do not require the 'location' of parking and access to be considered in the context of a resource consent application for a restricted discretionary activity. This results in a misalignment between the objectives and policies relating to amenity, and Auckland Wide Transport policies, such as E27.3: "*Manage the number, location and type of parking and loading spaces.....*"

It is considered that the matters of discretion and assessment criteria should also refer to the location of parking and access, as well as the design, in order to ensure alignment with the intention of the standards and the policy framework.

Outline of the proposal

The proposals to address the problem identified above are:

Option 1: Retain the current status quo, with no changes to provisions.

Option 2: To amend the relevant standards relating to parking and access to include 'location' as a matter of discretion.

The proposed amendments to implement this option are shown below:

H2.8.1 Matters of discretion

...
 (1)
 (b) *the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:*

.....
 (iii) location and design of parking and access; and

....
H2.8.2 Assessment criteria

(1)
 (d) location and design of parking and access:
 (i) *whether adequate parking and access is provided or required.*

Option 3: Non-regulatory guidance.

Produce an interpretation practice note specifying how 'design' should be considered to also include 'location' of parking and access.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status quo	Potential for adverse amenity outcomes as matters of discretion and assessment criteria do not specifically reflect objectives and policies of the plan.	Possible cost to the plan as loss in its integrity and amenity outcomes to residential parking do not reflect Auckland-wide objectives and policies. Greater consenting costs and uncertainty for the consenting planners to process application and assessments.	Does not have to go through a plan change process.
Option 2 (Preferred): amend matters of discretion and assessment criteria to include 'location' and design of parking and access	Creates consistency between the objectives and policies of the plan and the matters of discretion and assessment criteria. Linkage between the Auckland-wide transport chapter policies and objectives with assessment	Possibly less cost to the plan integrity as improvement and consistency to the chapters of the plan. Consent processing costs could possibly be less as assessment criteria would not be open for interpretation.	Environmental and amenity benefits possible to parking and access as new proposals would be considered with aligned discretion rather than being subject to interpretation.

	criteria of residential chapters to provide vertical and horizontal consistency.		
Option 3: Practice note to support interpretation	Further resourcing required in developing an interpretation document. Effectiveness subject to individual consent planners' interpretation.	Higher risk in terms of interpretation inconsistencies across individual planners.	Does not have to go through a plan change process.

Conclusion

Option two is recommended as the preferred option, for the following reasons:

- By including location *and* design of parking and access within the matters of discretion and assessment criteria, the provisions more consistently reflect the objectives and policies of the Residential Zones and Auckland Wide: Transportation chapters.
- The inclusion of location into the assessment enhances the usability of the plan to applicants and consent planners, not exposing the provision to unintended interpretation.

7.10 Theme 10: Matters of Discretion: Traffic Effects

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H6 Residential - Terrace Housing and Apartment Buildings Zone
Specific provisions	H6.8.2 (2) for dwellings H6.8.2 (3) for integrated residential development

Status quo and problem statement

Terrace Housing and Apartment Building (THAB) zone provisions

The Terrace Housing and Apartment Building (THAB) Zone contains a number of matters of discretion that are required by rule H6.8.1. The matters of discretion include effects on the surrounding area from the impacts of traffic. However, traffic effects are not included in the assessment criteria for dwellings (H6.8.2(2)) and integrated residential development (H6.8.2(3)), unlike the corresponding assessment criteria for supported residential care, boarding houses, visitor accommodation, dairies, restaurants and cafes, care centres, community facilities and healthcare facilities in H6.8.2(1).

In terms of the AUP's structure, this represents a deficiency in the vertical integration of the THAB provisions. Dwellings and integrated residential development assessment criteria largely cross-reference a range of THAB policies (H6.3) and standards (H6.6). However, the assessment criteria for dwellings and integrated residential development do not explicitly address the consideration of traffic effects as identified in the matters of discretion in H6.8.1, creating an assessment gap.

Not all THAB zones are in locations which are conveniently accessible to the amenities of adjacent centres, near good quality public transport or serviced by roads designed to accommodate the levels of traffic generated by THAB developments. The absence of traffic related assessment criteria may result in certain THAB dwellings and integrated residential developments not being assessed for adverse traffic effects that cannot be accommodated within existing transport infrastructure. This can have flow on effects in terms of localised congestion and adverse transportation effects on the community that are not adequately addressed in the AUP.

Auckland-wide Transport provisions

Residential developments in the THAB zone are exempt by rule E27.6.1(2)(a) from the trip generation standards in the E27 transport provisions.

The transport trip generation standards also include an exception where there are requirements to assess transport, traffic or trip-generation effects for the activity in the applicable zone rules or precinct rules for any controlled or restricted discretionary land use activities (E27.6.1.(2)(d)). This exception means that the trip generation standard in E27.6.1

is not triggered where the matter of a transport or traffic assessment is addressed by other consenting requirements in the zone or precinct provisions. This approach is intended to encourage higher density residential growth where traffic effects can be mitigated through access to amenities available in centres and good quality public transport.

Outline of the proposals

The options to address the problem identified above are:

Option 1: Retain status quo and review this issue comprehensively as part of a future plan change.

Option 2: Insert additional assessment criteria relating to traffic effects. This is to ensure that THAB developments which require restricted discretionary consent that are less accessible to centres and good quality public transport services will then provide an assessment of traffic effects.

The proposed wording to implement this option is as follows:

H6.8.2

(2) for dwellings:

.....

(k) traffic:

- (i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.
- (ii) H6.8.2 (2)(k)(i) is not considered where the development is located adjacent or opposite to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

(3) for integrated residential development:

.....

(k) traffic:

- (i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.
- (ii) H6.8.2 (3)(k)(i) is not considered where the development is located adjacent or opposite to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

Evaluating the options against its objectives

To address the absence of an assessment criterion to address the matter of discretion of traffic effects in the THAB zone for dwellings and integrated residential developments.

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain status quo and review this issue	Keeping the status quo. This is not an efficient or effective	This may result in outcomes that are not aligned with the	This option would allow a wider cross-plan review of the THAB

Options	Efficiency and effectiveness	Costs	Benefits
comprehensively as part of a future plan change.	<p>option to achieve objective H6.2 (1) regarding the management of effects on the transport network.</p> <p>This option will also lead to inefficient implementation of the AUP as plan users will have to clarify issues relating to the assessment of traffic effects for dwellings and integrated residential development on a case by case basis.</p>	<p>objectives and policies, in particular policy E27.3 (1) of the AUP and the purpose of the Act, such as adverse traffic effects which cannot be accommodated within existing transport infrastructure, resulting in localised congestion.</p>	<p>zone to enhance the overall vertical and horizontal integration of the AUP.</p>
<p>Option 2 (Preferred): Insert additional assessment criteria relating to traffic effects</p>	<p>The proposed refinement of the THAB assessment criteria is an effective and efficient approach to address objective H6.2(1) <i>'Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.'</i> around the management of effects on the transport network. The ability to assess this matter would include THAB developments in locations less able to mitigate transport effects (e.g. not supported by good public transport).</p>	<p>Potential for increased consenting costs in regard to assessing transport effects of THAB developments.</p>	<p>Refined assessment criteria will better align the AUP objectives and policies with land use and transport integration outcomes, ensuring appropriate development in the THAB zone.</p> <p>The inclusion of explicit assessment criteria will provide greater certainty in regard to the interpretation of the AUP. This level of certainty will also extend to ensuring that interests around traffic related amenity effects are adequately addressed in the AUP.</p>

Conclusion

Option 2 is most preferred. Amending the THAB Zone Assessment Criteria to better reflect the matter of discretion for traffic recommended in option 2, is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- This option addresses the unintentional gap in assessment and provides better alignment between the zone matter of discretion and assessment criteria.

The tracked changes are contained in **Attachment 1A – Residential**.

7.11 Theme 11: Matters of Discretion: Residential character and Landscape Qualities

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H1 Residential – Large Lot Zone H3 Residential – Single House Zone H4 Residential – Mixed Housing Suburban Zone H5 Residential – Mixed housing Suburban Zone H6 Residential – Terrace Housing and Apartment Building Zone
Specific provisions	H1.8.1 (2) (a) Matters of discretion H1.8.1 (3) (d) Matters of discretion H3.8.1 (2) (d) Matters of discretion H4.8.1 (4) (d) Matters of discretion H5.8.1 (4) (d) Matters of discretion H6.8.1 (4) (d) Matters of discretion

Status quo and problem statement

Issue 1: Reference to Character within H3-H6

Each residential zone in the AUP anticipates a different level of character. The anticipated character of each of the residential zones is important to defining the difference between each of the zones and the provisions contained in them. Each of the residential chapters is described in the zone description and the policies by the following character in the zone purpose:

- H1 Residential – Large Lot Zone: spacious landscape character
- H2 Residential – Rural and Coastal Settlement Zone: rural and coastal built character
- H3 Residential – Single House Zone: suburban built character
- H4 Residential – Mixed Housing Suburban Zone: suburban built character
- H5 Residential – Mixed housing Urban Zone : urban built character
- H6 Residential – Terrace Housing and Apartment Building Zone: high-density built character

There is an issue with the matters of discretion relating to the specified zone character within the Single House Zone, Mixed Housing Suburban Zone, Mixed Housing Urban Zone and Terrace Housing and Apartment Building Zone. Wording was duplicated from H2 Residential - Rural and Coastal Settlement Zone into these zones so that the matter of discretion refers to the '*rural and coastal character*' of the zone, rather than the character of the specific zone identified in the zone purpose. This duplication results in a vertical inconsistency in the zones where the matters of discretion are contrary to the zone purpose.

Issue 2: Large Lot Zone

Within the Large Lot Zone, there is a vertical inconsistency between the zone description, objectives, policies and matters of discretion with respect to landscape qualities and natural features. Objective H1.2 (1) seeks to ensure that development is in keeping with the area's spacious landscape character, landscape qualities and natural features. However, only 'landscape character' is mentioned as a matter of discretion for minor dwellings, building height, yards, maximum impervious areas and building coverage, and the reference to 'landscape qualities natural features' is missing.

Outline of the proposals (Issue 1)

The proposals to address the problem identified above are for the first issue are:

Option 1: Retain the status quo with no amendments to the matter of discretion.

Option 2: Amend the matters of discretion so that the respective zone character is reflected in the provision instead of 'rural and coastal character' to:

- H3 Residential – Single House Zone: suburban built character
- H4 Residential – Mixed Housing Suburban Zone: suburban built character
- H5 Residential – Mixed housing Suburban Zone: urban built character
- H6 Residential – Terrace Housing and Apartment Building Zone: high-density built character

Outline of the proposals (Issue 2)

The proposals to address the problem identified above for the second issue are:

Option 1: Retain the status quo so that there is no amendment to the matters of discretion.

Option 2: Remove landscape qualities and natural features from the zone purpose, objectives and policies.

Option 3: Amend the matters of discretion within H1.8.1 to refer to 'landscape qualities and natural features' along with landscape character.

H1.8.1 ...

(2) for minor dwellings:

(a) the effects on the landscaped character, landscape qualities and natural features of the zone; and

....

(3) for buildings that do not comply with Standard H.6.4....

.....

(d) the effects on the landscape character, landscape qualities and natural features of the zone;

Evaluating the proposal against its objectives

The matters of discretion and zone description should reflect the objectives and policies

Issue 1: Reference to Character within H3-H6

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo with no amendments to the matter of discretion	The matter of discretion is not efficient as the wording is not aligned to the zone purpose and the policy HX.3 (1) of the zones. Plan users therefore are unable to suitably and effectively use the matter of discretion to address the planned character in the zones. .	Greater consenting costs and uncertainty for the plan users to process application and assessments. Ongoing uncertainty for plan users.	Does not have to go through a plan change process.
Option 2 (Preferred): Amend the matters of discretion so that the respective zone character is reflected in the provision instead of 'rural and coastal character'	Clear and certain as the matter of discretion will directly correspond to existing objectives and policies.	Potential economic cost if assessment of zone character would reduce development rights.	Consistency within the plan between the zone description objectives, policies and matters of discretion. Makes it easier for all plan users to see the alignment of the zone purpose, the policies and the matters of discretion.

Issue 2: Large Lot Zone landscape qualities and natural features

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo so that there is no amendment to the matters of discretion.	Landscape qualities and natural features could still be assessed as a matter of discretion under H1.8.1 2(a) and H1.8.1 3(d) through landscape character. However, the assessment of the landscape qualities and natural features are not effectively assessed.	Greater consenting costs and uncertainty for the plan users to process application and assessments. Ongoing uncertainty for plan users.	Does not have to go through a plan change process.
Option 2: Remove landscape qualities and	Results in shift in policy direction which has	Greater cost to the amenity value by	Consistency within the plan between

natural features from the zone purpose, objectives and policies	been put in place through the development and hearings of the AUP.	removing discretion to assess landscape qualities and natural features. Does not suitably implement the intention of the zones to provide for differing types of residential character.	objectives, policies and assessment criteria.
Option 3: Amend the matters of discretion within H1.8.1 to refer to 'landscape qualities and natural features' along with landscape character	<p>Clear and certain as the matter of discretion will directly correspond to existing objectives and policies.</p> <p>Improves the efficiency and usability of the plan with consistency between the objectives, policies, matters of discretion.</p>	Higher costs to processing consents for the plan users to also consider landscape qualities and natural features.	Environmental and amenity values benefits as new proposals would be considered with clear direction to consider landscape qualities and natural features.

Conclusion

It is considered that option 2 is preferred to address issue 1. To address issue 2, option 3 is most preferred. Amending the zone's matters of discretion to better reflect the zone character is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the unintentional duplication and therefore unworkable provisions.
- Provides better vertical alignment between the zone purpose and matters of discretion

The tracked changes are contained in **Attachment 1A – Residential**.

7.12 Theme 12: Additional Assessment Criteria: Storage and Collection of Solid Waste within the THAB Zone

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H6: Residential: Terraced Housing and Apartment Buildings Zone
Specific provision/s	H6.8.2(2)(j); H6.8.2(3)(j)

Status quo and problem statement

There is currently no effective requirement for solid waste separation, storage and collection for multi-unit residential developments within the Residential: Terraced Housing and Apartment Buildings Zone.

There are multiple council bins required for each dwelling, including a waste bin, recycling bin, and in future food/organic waste bin. They need space on a site, either at each dwelling or collectively, and space at road side for safe collection without clutter or blocking traffic and pedestrians. Alternatively, private arrangements can include centralised sorting, storage and collection areas and private truck collection on site.

Auckland Transport primarily has concerns with the pavement clutter and road obstruction if many units put out bins on narrow streets, and access requirements for waste collection vehicles. This concern can relate to the configuration and layout of sites (e.g. sites with narrow frontages and limited berm space).

Auckland Council Waste Solutions Unit concerns are that the Solid Waste Bylaw is not effective, particularly in relation to multi unit apartment developments. Solutions should be designed as part of resource consent applications, so there are clear requirements for future dwelling owners, and adverse effects of multiple bins on the street are considered.

As a result of recent appeals Environment Court Decision NZEnvC 38 regarding the permitted threshold for dwellings, new assessment criteria concerning the storage and screening of waste disposal areas is being introduced to guide the assessment of 4 or more dwellings in the MHS and MHU zones. These are as follows:

- x) The extent to which dwellings:

.....

(iii) (iv) Provide the necessary storage and waste collection and recycling facilities in locations conveniently accessible and screened from streets and public open spaces.

However, the above criterion has not been added to the Terraced Housing and Apartment Buildings zone. The key difference between similar a criterion for the THAB Zone (compared with the MHS and MHU Zones) would be that it would be assessed for all new dwellings given their Restricted Discretionary Activity status. There is potential to add such criteria to

be considered at subdivision stage, however, given the land use led approach to development, it is considered that this issue also be assessed at the land use consent stage.

Outline the proposal(s)

The proposals to address the problem identified above are:

- **Option 1:**
Status Quo – reliance on bylaw and current plan provisions

- **Option 2:**
Add the following assessment criteria in the THAB Zone ‘for dwellings’, as per the consent order relating to Mixed Housing Urban and Mixed Housing Suburban Zones, as follows:
 - (2) For dwellings:
 -
 - (k) The extent to which the necessary storage and waste collection and recycling facilities is provided in locations conveniently accessible and screened from streets and public open spaces.

- **Option 3:**
Add matters of discretion and assessment criteria in E38 Urban subdivision chapters and E27 Auckland Wide: Transportation chapters (can be combined with proposal 2).

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1 Status Quo Reliance on Solid Waste bylaw 2012	Solid Waste Bylaw is not effective on individually owned dwellings within multi-unit developments. No requirement for solid waste separation, storage and collection in multi unit residential developments Risks of not acting include intensification of existing and new residential areas with multiple bins on narrow streets, new streets and site accesses not designed for multiple kerbside bins or waste management vehicles,	Adverse effects of multiple bins for multiple dwellings clogging up narrow streets. Smaller dwellings have less spare space to store bins.	No plan change required

	streets blocked by collection vehicles		
Option 2 – Additional Assessment Criteria regarding waste within the THAB Zone (already exists within other residential zones).	<p>Resource consent stage is the best time to make arrangements for solid waste management, so the requirements can be passed on to future dwelling owners</p> <p>Multi-unit residential development will generally precede the subdivision into separate titles, so a subdivision approach to this may be too late, if arrangements are made or not made at land use consent stage</p>	<p>Only considered in the context of four or more dwellings per site (where RD resource consent is required)</p> <p>Not necessarily considered at subdivision stage when design of development and roading occurs</p> <p>May discourage more intensive development on narrow streets if criteria are too restrictive</p>	<p>Amenity benefits for streetscape and occupants of more intensive developments</p> <p>Able to consider effects of kerbside collection on transport network</p>
Option 3 – Additional criteria within Chapter E38 Subdivision	<p>Planning for the movement and loading of waste management collection vehicles to be considered in the context of the design and layout of roads at the subdivision stage to avoid downstream impacts on the operation and function of roads.</p> <p>Private collection arrangements will need suitable vehicle crossings and/or stopping/loading areas if on-street.</p>	<p>Multi-unit residential development will generally precede the subdivision into separate titles, so a subdivision approach to this may be too late, if arrangements are made or not made at land use consent stage</p>	<p>Amenity benefits for streetscape and occupants particularly of intensive developments</p> <p>Design of subdivision roading layout can take waste collection into account.</p>

Conclusion

It is considered that Option 2 is most preferred, i.e. to add an additional assessment criteria relating to solid waste management within the THAB Zone, for the following reasons:

- This approach is consistent with the Residential Mixed Housing Suburban and Mixed Housing Urban Zones.
- It is considered that management of solid waste is especially important within the Terraced Housing and Apartment Buildings Zone given its anticipated character of apartment and multi unit development, and therefore increased numbers of waste storage and bins required.

8. SECTION 2: BUSINESS ZONES

8.1 Theme 1: Glazing

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.8.2(1)(a)(xxv) Assessment criteria

Status quo and problem statement

The Business - City Centre Zone does not include any assessment criteria relating to glazing for new buildings and external alterations and additions to buildings. The IHP recommendations report for the Business - City Centre Zone and other business zones notes that a number of standards should be deleted and instead addressed as matters of discretion and assessment criteria³. Glazing was specifically identified in the IHP recommendation; however there are no specific glazing assessment criteria to address this. This is considered an oversight and it results in a gap in the provisions to manage the effects of blank walls when new buildings are constructed. The same recommendation was made for other business zones and glazing *is* included as a matter of discretion with policies referred to for assessment criteria.

It is important that applications for new buildings and alterations and additions to buildings in the Business - City Centre Zone consider the extent of glazing. Glazing helps to achieve passive surveillance of the street and to contribute to the attractiveness of the public space and amenity for people using or passing through that space.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. No changes to the existing provisions.

Option 2: Introduce new assessment criteria for glazing.

This option includes the introduction of assessment criteria for new buildings and alterations and additions to buildings to address the issue of glazing. The additional provision is proposed to be inserted under the existing matter of discretion of 'building design and external appearance - variation in building form/visual interest'. The wording that is currently in the Business - Metropolitan Centre zone has been used to help develop these criteria, and

³ The IHP recommendations report for Topics 050-054 said at paragraph 1.2 xiii '*Delete prescriptive design-based standards and address design by matters of discretion for: ground floor and entrances at street frontage level, glazing and ground floor activities*'.

is shown below. Changes are shown in underline (new provisions) and strikethrough (removed provisions):

H8.8.2(1)(a)(xxv) Assessment criteria

(xixa) the extent to which glazing is provided on street and public open space frontages and the benefits it provides in terms of:

- *the attractiveness and pleasantness of the street and public open space and the amenity for people using or passing through that street or space;*
- *the degree of visibility that it provides between the street and public open space and the building interior; and*
- *the opportunities for passive surveillance of the street and public open space from the ground floor of buildings.*

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. No changes to the existing provisions.	Does not allow effective assessment of new buildings where glazing could contribute to the attractiveness of the public space and amenity for people using or passing through that space.	Could result in poor built outcomes if glazing is not provided to streets and public open spaces.	No change to the plan required.
Option 2 (Preferred): Introduce new assessment criteria for glazing.	<p>Glazing is considered as part of assessing new buildings in other business zones. This change brings the Business - City Centre Zone in line with these other zones.</p> <p>The proposed criteria help to achieve the two objectives identified below by allowing new buildings and additions to building to be assessed on the extent of glazing provided on walls fronting public streets and public spaces and the benefits that glazing provides.</p> <p><i>H8.2(3) Development positively contributes towards planned future form and quality,</i></p>	Very little additional cost to applicants because new buildings and external alterations and additions to buildings already require consents as a restricted discretionary activity and this change only introduces another criterion for developments to be assessed against.	<p>The proposed additional assessment criteria fill a gap that has been identified in the AUP and meets the objective of the plan change. The additional criteria also help to implement and meet the objectives of the Business - City Centre Zone.</p> <p>The extent to which glazing is provided on frontages to streets and public open spaces can be assessed as part of a package of matters that are assessed in the Business - City Centre Zone for new buildings and external alterations and additions to buildings.</p>

	<p><i>creating a sense of place.</i></p> <p><i>H8.2(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.</i></p>		
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Conclusion

Option 2 is preferred. Introducing new assessment criteria for glazing in the Business - City Centre Zone is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will ensure the objectives of the zone can be achieved by enabling glazing to be considered as part of the design of buildings.
- Glazing ensures that pedestrians can see activities occurring within the ground floor of buildings fronting the street to provide interest for pedestrians and enable passive surveillance of the street and public open space.

The proposed amendments are shown in Attachment 1B: Business zones.

8.2 Theme 2: Street Sightlines

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.6.31. Street sightlines

Status quo and problem statement

The Business - City Centre Zone includes a street sightlines standard (H8.6.31) which seeks to retain views from key locations in the city centre to significant landmarks and the harbour. These sightlines are identified in the AUP in *Appendix 9 Business – City Centre Zone sight lines*. The standard states that buildings or structures must not be located within the sightlines.

There is also a requirement under standard H8.6.31 for verandahs to be provided in locations that are identified on Map H8.11.6 Verandahs. Verandahs are currently not excluded from the Business - City Centre Zone street sightlines standard. The lack of an exclusion means that a restricted discretionary resource consent is currently required for a verandah if it was to infringe the street sightlines standard. There is a conflict between two standards which was not intended.

Previously, under Clause 14.2C.4.2 of the legacy Auckland City Central Area District Plan, there was an exclusion to the street sightlines rule for verandahs that were proposed as per Clause 6.9 Verandahs.

The purpose of each of the standards has not changed from the legacy central area district plan; therefore it is considered that the same approach is warranted. Where verandahs are required under standard H8.6.31, if they infringe into a street sightline, it is appropriate that they may be located in the street sightlines and without the need for a resource consent.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Retain the existing provisions.

Make no change to standard H8.6.31. Street sightlines.

Option 2: Insert a provision to exempt verandahs from the Street Sightlines standard.

The proposal to address this issue is to add a cross reference to the verandah standard in the street sightlines standard as follows:

H8.6.31. Street sightlines

- *Buildings or structures must not locate within the sightlines identified in Appendix 9 Business – City Centre Zone sight lines, except as otherwise provided for in Table E26.2.3.1 Activity table in E26 Infrastructure and Standard H8.6.26. Verandahs.*

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Retain the existing provisions.	It is not efficient to have two standards that directly conflict with each other. It results in unnecessary consenting requirements and inconsistency between intended outcomes.	This option means that there is a continuing conflict between two standards and extra resource consent applications (or reasons for consent) are required. The AUP is unclear about which standard should take precedence.	Verandahs that intrude into street sightlines need a restricted discretionary resource consent which means verandahs can be assessed on a case by case basis.
Option 2 (Preferred): Insert a provision to exempt verandahs from the Street Sightlines standard.	The proposed amendment ensures that there is no conflict between the Verandah and Street Sightlines standards H8.6.26 and H8.6.31. Verandahs are important on main streets in the city centre to provide weather protection for pedestrians and help to meet the objectives of the zone including objective H8.2(7): <i>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.</i>	Street sightlines may be impacted by the presence of verandahs locating in them. This may be in the order of 3-4 metres but this is a minor intrusion and in keeping with the type and nature of development anticipated in a street environment.	Resolves the problem of unnecessary resource consent applications needing to be made to infringe the verandah standard where they are located in identified street sightlines, therefore reducing costs. Verandahs have been permitted to be located within street sightlines for many years under the legacy Central Area District Plan and the sightlines have not been negatively impacted.

Conclusion

Option 2 is preferred. Making verandahs exempt from the street sightlines in the Business - City Centre Zone is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It removes the conflict that currently exists in the provisions. It is considered appropriate to take the same approach to verandahs in these locations that was in the legacy plan given that the purpose of each of the standards has remained the same.
- Verandahs provide important weather protection on main streets in the city centre and any impact on identified street sightlines will be minimal.

The proposed amendments are shown in Attachment 1B: Business zones.

8.3 Theme 3: Additions to buildings

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone H9 Business - Metropolitan Centre zone H10 Business - Town Centre zone H11 Business - Local Centre zone H12 Business - Neighbourhood Centre zone H13 Business - Mixed Use zone H14 Business - General Business zone H15 Business - Business Park zone
Specific provisions	Standard H8.6.27 Minimum floor to floor height Standard H8.6.28 Wind Standard H9.6.9. Wind Standard H10.6.9 Wind Standard H11.6.7. Wind Standard H12.6.7. Wind Standard H13.6.8. Wind Standard H14.6.6. Wind Standard H15.6.6. Wind

Status quo and problem statement

An introductory sentence in H8.6 Standards notes that all activities listed as permitted, controlled or restricted discretionary in the activity table must comply with the standards of the zone. However, there is a misalignment between that statement and the detailed wording of some of the standards where it may only refer to ‘new buildings’ and not ‘additions to buildings’. This is a problem because if 15 storeys are added to an existing building for example, the wind standard needs to apply. It is proposed to amend the standards to align the language and ensure the correct application of the standards.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Retain the existing provisions.

Option 2: Insert amendments to make it clear that the standards identified in the table above apply to a number of the activities in the activity table (not just new buildings).

For example, in the Business - City Centre Zone the standards should apply to the following activities:

- *New Buildings (restricted discretionary activity under rule H8.4.1(A32)).*

- *Alterations and additions to buildings not otherwise provided for (restricted discretionary activity under rule H8.4.1(A36)).*

The proposed amendments for each standard are outlined in Appendix 1B Business zones.

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Retain the existing provisions	Results in loss of efficiency in the resource consent process where the reasons for consent are not clear.	Additional costs associated with clarifying with applicants those standards that apply to a development proposal.	No changes required to the standards.
Option 2 (Preferred): Insert amendments to make it clear that the standards identified above apply to a number of the activities in the activity table (not just new buildings).	<p>The proposed amendments effectively resolve the misalignment that currently exists.</p> <p>Business zone objectives H8.2(2) and H8.2(3) below seek that development is of a scale and quality that makes a positive contribution. The proposed amendments are the most appropriate way in which to achieve these objectives.</p> <p><i>(2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.</i></p> <p><i>(3) Development positively contributes towards planned future form and quality, creating a sense of place.</i></p>	Results in a number of amendments across the business zones to clarify the standards that apply to all activities.	An introductory sentence in H8.6 to the listed standards notes that all activities listed as permitted, controlled or restricted discretionary in the activity table must comply with the standards of the zone. However, there is a misalignment between that statement and the detailed wording of some of the standards which is leading to confusion about which activities listed in the activity table the standards apply to. Proposed amendments resolve this confusion.

Conclusion

Option 2 is preferred. Amending multiple standards across the business zones to make it clear what activities the standards apply to is the most appropriate method for achieving the objectives of the business zones and PC 16 for the following reasons:

- The amendments make it clear the activities that the standards apply to and will ensure alignment between the wording of the individual standards and the introductory sentence to the standards sections.

- The amendments will ensure that the appropriate standards apply to all relevant activities.
The proposed amendments are shown in Attachment 1B: Business zones.

8.4 Theme 4: Residential floor space bonus

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre zone
Specific provisions	Bonus floor area H8.9.2.2(6)(a) – Assessment criteria

Status quo and problem statement

Residential floor space bonus rules in the Business - City Centre Zone require assessment under H8.9.2.2(6)(a). These are optional provisions that enable a development to attain extra gross floor area where residential activities are provided in a development. Within the provisions, the wording used creates confusion with the assessment criteria because the term 'dwellings' conflicts with the other 'residential' activities that the bonus applies to. The assessment criteria incorrectly only reference dwellings when the bonus applies to a range of residential uses.

Through earlier amendments made through plan change 4 (Corrections to technical errors and anomalies), Table H8.6.11.1 Bonus floor area has been amended to make it clear that the 'residential' bonus floor area applies to all activities in the Residential nesting table (Table J1.3.5) in Chapter J definitions. In order to enable a correct assessment of any development proposal to be undertaken, the relevant assessment criteria should be amended.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Make no changes and leave the assessment criteria wording in their current form.

Option 2: List out the individual residential activities.

Through plan change 4 (Corrections to technical errors and anomalies), Table H8.6.11.1 Bonus floor area has been amended to make it clear that the 'residential' bonus floor area applies to all activities in the Residential nesting table (Table J1.3.5) in Chapter J definitions. Table H8.6.11.1 therefore now lists the following activities: dwellings, home occupations, visitor accommodation, camping grounds, boarding houses, student accommodation, integrated residential development, retirement village and supported residential care. The assessment criteria could be amended to list out all these activities.

Option 3: Amend the assessment criteria to use consistent and broad language as follows:

H8.9.2.2(6)(a)

(6) residential activities:

(a) internal and on-site amenity:

(i) the extent to which ~~the~~ residential development provides a high standard of internal amenity and on-site amenity for occupants of the ~~dwellings~~ residential development.

(ii) To demonstrate this, and in order for the bonus floor space to be awarded for residential activities, ~~dwellings~~, residential developments must comply with all of the relevant standards applying to residential development and be consistent with the assessment criteria for residential developments.

In some circumstances it may be appropriate to award the bonus floor space where the development (or part thereof) does not comply with the relevant standards for ~~dwellings~~. In this instance, the development applicant will need to demonstrate that an equal or better standard of amenity can be achieved when compared with a development that complies with the relevant standards complying development;

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Make no changes and leave the assessment criteria wording in their current form.	Inefficient because the applicability of the assessment criteria to different types of residential activities is difficult to comprehend because of the current wording.	Assessment criteria incorrectly only reference dwellings when the bonus applies to a range of residential uses.	Continue to apply the assessment criteria as they are currently.
Option 2: List out the individual residential activities.	Inefficient as it results in repetition in the provisions and creates very lengthy assessment criteria.	Makes the assessment criteria unnecessarily long and repetitive.	There is no doubt about which activities the assessment criteria apply to.
Option 3 (Preferred): Amendment to use consistent and broad language.	Increases efficiency because the change ensures there is no confusion about how to assess an application for residential floor space bonus. Appropriate in helping to achieve the following	A change to the AUP and therefore possibly results in a change to the current implementation resulting in increased costs to applicants.	Clarifies the assessment criteria relating to the residential floor space bonus in order to make the provisions more clear and to reduce ambiguity. Resource consent applicants or developers are clear on

	<p>city centre objective H8.2(8).</p> <p><i>(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</i></p>		<p>the requirements in order to utilise the residential floor space bonus.</p>
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Conclusion

Option 3 is preferred. Amending the assessment criteria to use consistent and broad language is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It addresses the current confusion with the assessment criteria.
- It allows applications that involve the use of the residential floor space bonus to be assessed appropriately in order to achieve the purpose of the provision, which is to encourage residential activities to be located in the Business - City Centre Zone.

The proposed amendments are shown in Attachment 1B: Business zones.

8.5 Theme 5: Form and design of buildings adjoining historic heritage places

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre zone
Specific provisions	H8.8.2(1)(b) and H8.8.2(1)(b)(i) Assessment criteria

Status quo and problem statement

New buildings and external alterations and additions to buildings not otherwise provided for in the Business - City Centre Zone are a restricted discretionary activity. One of the matters of discretion listed in H8.8.1(1)(b) is the '*form and design of buildings adjoining historic heritage places*'. There is a misalignment between the wording of the matter of discretion and the corresponding assessment criterion, which widens the assessment to also include buildings in 'close proximity' to a scheduled historic heritage place. This is a problem as it creates uncertainty about what matters require assessment.

Criterion H8.8.2(1)(b)(i) is also proposed to be amended to align the wording of the matter of discretion and the wording of the assessment criteria. The matters of discretion set out those matters that the Council can consider so it is important that the wording of the assessment criteria aligns with the matters.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. Retain existing inconsistencies in the AUP.

Option 2: Amend wording of the provisions to align them.

This option would result in the deletion of the words "*or in close proximity to*" in the assessment criteria H8.8.2(1)(b)(i) to ensure the wording aligns with the corresponding matter of discretion and to change H8.8.2(1)(b) to ensure the same alignment as follows:

(b) ~~design and scale~~ form and design of buildings adjoining historic heritage places:

(i) ~~buildings adjoining or in close proximity to~~ a scheduled historic heritage place:

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. Retain existing inconsistencies in the AUP.	Retaining the status quo is inefficient because the matters of discretion and assessment criteria	Ongoing confusion about which provisions apply.	Continue to apply the assessment criteria as they are currently being applied.

	have different wording which creates uncertainty for plan users.		
Option 2 (Preferred): Amend wording of the provisions to align them.	<p>The proposed amendment will ensure achievement of objective H8.2(9) to be achieved.</p> <p><i>(9) The distinctive built form, identified special character and functions of particular areas within and adjoining the city centre are maintained and enhanced.</i></p>	Buildings in close proximity to a scheduled historic heritage place will not be considered when assessing new buildings, however in practice, this is already the case because of the wording of the matter of discretion.	<p>The proposal to amend the provisions will remove the misalignment between the matters of discretion and assessment criteria and reduce confusion in the existing provisions.</p> <p>Makes it very clear that buildings in close proximity to a scheduled historic heritage place will not be considered when assessing new buildings.</p>

Conclusion

Option 2 is preferred. Amending the assessment criteria to align the matters of discretion with the corresponding assessment criteria is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will ensure the provisions can be appropriately implemented because it will correct the current mismatch.
- It makes it very clear that buildings in close proximity to a scheduled historic heritage place will not be considered when assessing new buildings

The proposed amendments are shown in Attachment 1B: Business zones.

8.6 Theme 6: Bonus floor area - public open space

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	Standard H8.6.17 Bonus floor area - public open space Standard H8.6.26 Verandahs

Status quo and problem statement

In the legacy Auckland City Central Area District Plan the Verandah Standard referred to 'site frontage' and this has changed to 'building frontage' in the AUP. This has resulted in inconsistencies in the wording used in cross referencing to the verandah standard under H8.6.17(4) Bonus floor area - public open space.

Standard H8.6.17(4) Bonus floor area - public open space states:

*Where required by Standard H8.6.26, provide a verandah along the street for the **full length of the public open space**.*

Standard H8.6.26(1) states:

*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**.*

The difference in wording of the standards outlining the location and extent of verandahs leads to confusion around which standard applies.

A verandah will more than likely never be required by standard H8.6.26 to be provided along the street for the full length of public open space. This is because H8.6.26(1) refers to the requirement for 'a continuous verandah along the full width of [a] building frontage'. The intent of standard H8.6.17 Bonus floor area - public open space is that verandahs should be provided for the full length of all 'bonus feature' public open space where it is on a site adjoining a road identified on Map H8.11.6 Verandahs, in order to attain the bonus floor area. The proposal to amend the provisions as shown below will make this clear while ensuring that the verandah provided meets the qualitative parts of the standard set out in H8.6.26(4) – (7).

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. No changes to the existing provisions.

Option 2: Amend the language used in the provisions.

Amend standard H8.6.17(4) Bonus floor area - public open space as follows:

~~(4)Where required by Standard H8.6.26 located on a site subject to Map H8.11.6 Verandahs, provide a verandah along the street for the full length of the public open space in accordance with Standard H8.6.26(4) – (7).~~

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. No changes to the existing provisions.	Results in inefficiencies because the lack of clarity means that users of the AUP have to question the interpretation of the standard.	Lack of clarity about how to meet the Bonus floor area - public open space standard because of the mismatch with the verandah standard.	Continue to apply the standard as it is currently being applied.
Option 2 (Preferred): Amend the language used in the provisions.	<p>The proposed amendment effectively ensures the purpose of the public open space bonus floor area standard is met.</p> <p>Improving cross referencing to clarify provisions is one of the objectives of the plan change.</p> <p>The change is appropriate because it helps to implement city centre policy H8.3(32) <i>Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links.</i></p>	Possibility of increased costs to applicants to provide verandahs along the full length of the public open space	The Bonus floor area - public open space standard will be implemented as intended.

Conclusion

Option 2 is preferred. Amending the language used in standard H8.6.17(4) is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will ensure that where required, verandahs are provided along the street for the full length of the public open space in order to utilise the public open space floor space bonus.
- It addresses the current inconsistency between Standard H8.6.17(4) Bonus floor area - public open space and Standard H8.6.26 Verandahs.

The proposed amendments are shown in Attachment 1B: Business zones.

8.7 Theme 7: Cross referencing error

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	H8.8. Assessment – restricted discretionary activities H8.8.1(9) Matters of discretion H8.8.2(9) Assessment criteria

Status quo and problem statement

The matters of discretion and assessment criteria cross reference a standard relating to ground floor activities. However, the ground floor activities standard no longer exists in the Business - City Centre Zone, after it was removed in recommendations made by the IHP.

Outline the proposals

The proposals to address the problem identified above are:

Option 1: Do nothing. No changes to the existing provisions.

No changes to the wording would result in the incorrect cross referencing in being retained.

Option 2: Remove the existing cross referencing to the non-existent ground floor activities standard.

This option would result in the deletion the cross reference in the matters of discretion and assessment criteria to a standard that is no longer in the Business - City Centre Zone as follows.

- H8.8.1(9) infringement of minimum floor to floor height ~~ground floor activities~~, building frontage alignment and height and verandahs standards:
- H8.8.2(9) infringement of minimum floor to floor height (~~ground floor~~), building frontage alignment and height and verandahs standards:

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do nothing. No changes to the existing provisions	Inefficient use of plan users time to clarify why a standard in cross referenced.	Cross referencing a standard that is not in the AUP causes confusion and creates costs associated with plan users needing to determine if this is an error.	Continue to apply the assessment criteria as they are currently being applied.
Option 2 (Preferred): Remove the existing cross referencing to the non-existent	Removes an existing error within the provisions that cross references to a	Correct an error, no costs identified.	Corrects an error to improve clarity and reduces confusion for plan users.

ground floor activities standard.	provision that does not exist.		
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Conclusion

Option 2 is preferred. Removing the cross reference to the non-existent ground floor activities standard is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will address the incorrect cross reference to a standard that is not in the Business - City Centre Zone.
- Corrects an error to improve clarity and reduces confusion for plan users.

The proposed amendments are shown in Attachment 1B: Business zones.

8.8 Theme 8: Verandah standard and assessment criteria

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	H8.6.26. Verandahs H8.8.2(1)(a)(vi) – assessment criteria

Status quo and problem statement

There is a conflict between the standard for verandahs H8.6.26 and the assessment criteria for assessing new buildings and external alterations and additions to buildings H8.8.2(1)(a)(vi). Standard H8.6.26 specifies that glazed verandahs must be opaque or patterned glass, however the assessment criteria in H8.8.2(1)(a)(vi) includes a preference for transparent verandahs, as follows:

Standard H8.6.26(5)(d) states:

(5) All verandahs must:

...

(d) where glazed, be opaque or patterned glass...

The purpose of the verandah standard is to provide pedestrians with weather protection on main streets.

The assessment criteria in H8.8.2(1) has a criterion around verandahs being **predominantly transparent** as follows:

(1) new buildings and external alterations and additions to buildings not otherwise provided for:

(a) building design and external appearance...

(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.

The purpose of H8.8.2(1) is to ensure that building design and external appearance contributes to a sense of place and enables pedestrians to view the building façade from under the verandah and from across the street.

There is a direct misalignment between standard H8.6.26(5)(d) for verandas and the assessment criteria in H8.8.2(1)(a)(vi).

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No change. Retain the existing conflict within the provisions.

Option 2: Amend the standard to align with the assessment criteria.

Amend the standard to align with the assessment criteria to state that verandahs should be predominantly transparent

Option 3: Delete the criterion to remove the requirement for verandahs to be predominantly transparent.

The proposed amendment is to delete the assessment criteria below.

~~H8.8.2(1)(a)(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;~~

Evaluating the proposal against its objectives

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing conflict within the provisions.	Does not effectively implement the intent of the verandah standard.	Differing opinions about how to interpret the provisions results in wasted time.	Assessment criteria are used as a guide and this criterion could help guide applicants to provide transparent verandahs.
Option 2: Amend the standard to align with the assessment criteria.	The purpose of the verandah standard is to provide weather protection, it is therefore not necessary to predetermine the material used for verandahs.	Very prescriptive, requiring transparent verandah which could increase costs for applicants.	Encourages verandahs to be transparent to enable more light and visibility.
Option 3 (Preferred): Delete the criterion to remove the requirement for verandahs to be predominantly transparent.	The proposed amendment ensures there is no conflict between the verandah standard and the assessment criteria for new buildings and external alterations and additions to buildings. This would ensure that are aligned and this is one of the objectives of the plan change. Standard H8.6.26(5)(d) should take precedence over assessment criteria in H8.8.2(1)(a)(vi) because the standard does not require verandahs to be	There is no specific criterion relating to verandahs to assess new buildings and external alterations and additions to buildings against.	Removes the conflict and the confusion this creates when assessing an application for new buildings and additions and alterations. Provides for a range of verandah styles.

	glazed. Including a criterion that assesses a buildings verandah based on its transparency is not considered appropriate.		
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Conclusion

Option 3 is preferred. Deleting criterion H8.8.2(1)(a)(vi) to remove the requirement for verandahs to be predominantly transparent is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- It will align the assessment criteria with the verandah standard.
- It addresses the current conflict between the standard and assessment criteria.

The proposed amendments are shown in Attachment 1B: Business zones.

8.9 Theme 9: Outlook Space – Business - City Centre and Business - Metropolitan Centre Zones

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone H9 Business - Metropolitan Centre
Specific provisions	H8.6.32 Outlook space H9.6.10 Outlook space

Status quo and problem statement

An outlook space standard applies across a number of business and residential zones. The standard in the Business - City Centre and Business - Metropolitan Centre zones differs from that in other zones to reflect the increased scale and height of development that is provided for. In these zones, the outlook space (dimension) that is required increases as buildings increase in height. Outlook space is required to ensure a reasonable standard of visual and acoustic privacy between dwellings and units in visitor accommodation and boarding houses and to 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.

A number of inconsistencies have been identified within the standard that are causing uncertainty and making the standard more difficult to implement. The inconsistencies relate to:

- identifying which activities the standard applies to,
- the alignment of text with the figures, and
- general readability and clarity of the standard.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

Option 2: Make a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the Business - City Centre and Business - Metropolitan Centre Zones.

A number of amendments are required for this option in order to clarify the standard as follows (see H8.6.32 Outlook Space in Attachment 1B – Business zones):

- Amend the purpose to make it clear that the standard applies to visitor accommodation and boarding houses in addition to dwellings.
- Amend clause (1) to clarify the standard applies to dwellings, visitor accommodation and boarding houses regardless of whether they are located in a new building, additions to a building or a building is converted to accommodate one of these uses. This aligns with the wording used in the other centres and business zones and

means that the applicable uses don't need to be repeated in other parts of the standard.

- Amend clause (2) to make the standard easier to interpret and result in less repetition.
- Amend clause (5) to make it clear where the outlook space may apply and to make the words align with the figure to avoid confusion.
- Amend clause (6) to cross reference H8.6.32(3) - this ensures there is still a link to Figure H8.6.32.2, but also clarifies that bedrooms overlooking a street of less than 6m wide will comply.
- Amend Outlook Space Figure H8.6.32.2 to change reference from 'outlook court' to 'outlook space' and at the 24m point add 'and above' to reflect that any building over 24m needs a 20m outlook space. Remove the reference to 50m because buildings are built taller than this so it is not appropriate to reference this height.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions	The standard currently has inconsistencies so it is not effectively achieving the objectives of the City Centre and Metropolitan Centre zones.	Continued reduction in amenity for residents if appropriate outlook space is not provided.	Relies on the current practice of interpreting and implementing the standard without the need for change.
Option 2 (Preferred): Make a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the Business - City Centre and Business - Metropolitan Centre Zones	By ensuring residential developments have adequate outlook space the changes help to effectively implement Business - City Centre zone objective H8.2(7) <i>'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'</i> and policy H8.3(16) <i>'Enable a significant and diverse residential population to be established and maintained within a range of living environments and housing sizes.'</i> and Business - Metropolitan Centre zone objective H9.2(7) <i>'Metropolitan</i>	Potentially more costs associated with development as applications require additional design assessment to comply with the standard.	Clarifies where the Outlook Space standard applies and aligns the purpose of the standard and the different parts of the standard to reflect this. Corrects the inconsistencies that currently exist making the standard clearer for all users of the AUP. Reduces differences of opinion about how to interpret and implement the standard.

	<p><i>centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas'.</i></p>		
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Conclusion

Option 2 is preferred. Making a number of amendments to the Outlook Space Standards H8.6.32 and H9.6.10 in the Business - City Centre and Business - Metropolitan Centre zone to address inconsistencies is the most appropriate method for achieving the objectives of the Business - City Centre and Business - Metropolitan Centre Zones and PC 16 for the following reason:

- The changes clarify the outlook space provisions while not changing the purpose of the standard or the policy approach.

The proposed amendments are shown in Attachment 1B: Business zones.

8.10 Theme 10: Outlook space - Other business zones and Residential Zones

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H4 Residential - Mixed Housing Suburban Zone H5 Residential - Mixed Housing Urban Zone H6 Residential - Terraced Housing and Apartment Buildings Zone H10 Business - Town Centre Zone H11 Business - Local Centre Zone H12 Business - Neighbourhood Centre Zone H13 Business - Mixed Use Zone H15 Business - Business Park Zone
Specific provisions	H4.6.11(7) Outlook space H5.6.12(7) Outlook space H6.6.13(7) Outlook space H10.6.10 Outlook space H11.6.8 Outlook space H12.6.8 Outlook space H13.6.9 Outlook space H15.6.7 Outlook space

Status quo and problem statement

The business zones and residential zones identified above all include a standard requiring outlook space. The purpose of this standard is to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and to manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space. Through implementation of the AUP a number of issues have been identified with the standard across the zones it applies. There is currently inconsistency within the standards about those uses to which the standard applies and if/where the outlook space can overlap.

In the PAUP, the business zones were included as one chapter and the outlook space standard was not written (in full) in the business chapter. Instead, the outlook space standard located in the THAB zone was cross referenced as applying to these business zones. The IHP separated all the business zones into individual chapters with the standards that apply in each zone written out in full. Some of the issues identified within this standard appear to have occurred when the business zones were separated into individual chapters.

There is some confusion about whether outlook spaces can overlap. In the PAUP, the word “dwelling” was used in the standard rather than ‘building’ but this changed through the IHP

process. The IHP noted in the city centre and business zones recommendations report that they made changes to the outlook space standard “to address interface issues better”. Outlook spaces required from different rooms within the same *dwelling* can overlap because there are no privacy issues because occupiers are looking into their own space. However it is not appropriate for different rooms within the same *building* to overlap because an apartment building for example has multiple dwellings and it is not appropriate to have one apartment to look into a different apartment because a reasonable standard of visual privacy is sought.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

This option would result in no amendments to the Outlook Space Standard in the zones identified in the table above and rely on current practice to interpret the provisions.

Option 2: Apply the Business - City Centre and Business - Metropolitan Centre Outlook Space Standard in the zones to the other business zones.

The Business - City Centre and Business - Metropolitan Centre Zones include an Outlook Space standard, however this differs from the standard that applies in the other business zones (and the residential zones). The City Centre standard requires the outlook space to increase as buildings get higher to ensure a reasonable level of visual and acoustic privacy between different dwellings. Given that maximum building heights in some of the business zones allow for very high buildings, one option is to change the standard to match that used in the Business - City Centre and Business - Metropolitan Centre zones.

Option 3: Insert a number of amendments to the outlook space standards in the Business - Town Centre, Business - Local Centre, Business - Neighbourhood Centre, Business - Mixed Use, Business - Business Park and the Residential – Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terraced Housing and Apartment Buildings Zones.

A number of amendments are proposed to clarify the standards as follows:

- Amend the Outlook Space standard in each of the identified business zones in the table above to clarify those activities to which the standard applies. The varying uses to which the standard applies is made clear in the first part of the standard in each zone but this was not carried through to the rest of the standard which is leading to interpretation issues.
- Amend the Outlook Space standard in each of the business zones and in each of the residential zones identified in the table above to remove the allowance of different rooms within the same building to overlap. There is currently a contradiction within the standard.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No change. Retain the existing provisions.	The standard currently includes inconsistencies so it is not effectively achieving the objectives of the specified business zones.	Reduced amenity for residents if appropriate outlook space is not provided.	Relies on the current practice of interpreting and implementing the standard without the need for change.
Option 2: Apply the City Centre and Metropolitan Centre Outlook Space Standard in the zones to the other business zones.	Not an appropriate change in the context of this plan change because it would introduce a more stringent outlook space standard and changes to the objectives and/or policies may be required to support this change.	The change would increase costs to applicants because a different standard of outlook would be required. Considered a policy shift and therefore not within the scope of the plan change.	Would ensure an adequate level of outlook is provided for residential activities in business zones. Applies a consistent standard across all the business zones which have an outlook space standard.
Option 3 (Preferred): Insert a number of amendments to the outlook space standards in the Town Centre, Local Centre, Neighbourhood Centre, Mixed Use Business Park and Residential zones.	By ensuring residential developments have adequate outlook space the changes help to effectively implement the following objectives: <i>H8.2(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.</i> <i>H8.2(2) Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.</i>	Potentially more costs associated with development as applicants design buildings to comply with the standard.	Clarifies the uses to which the outlook space standard applies Corrects the inconsistencies that currently exist making the standard clearer for all users of the AUP. Reduces differences of opinion about how to interpret and implement the standard.

Conclusion

Option 3 is preferred. Making a number of amendments to the outlook space standards in the Business -Town Centre, Business - Local Centre, Business - Neighbourhood Centre,

Business - Mixed Use, Business - Business Park and the Residential – Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terraced Housing and Apartment Buildings Zones is the most appropriate method for achieving the objectives of those zones and PC 16 for the following reasons:

- The changes clarify the outlook space provisions while not changing the purpose of the standard or the policy approach.
- Clarifies the uses to which the outlook space standard applies
- Corrects the inconsistencies that currently exist making the standard clearer for all users of the AUP.

The proposed amendments are shown in Attachment 1B: Business zones and Attachment 1A Residential zones.

8.11 Theme 11: Bonus floor area ratio – light and outlook

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.6.12. Bonus floor area ratio – light and outlook

Status quo and problem statement

Two issues with the use of this standard have been identified.

The purpose of Standard H8.6.12 Bonus floor area ratio – light and outlook is to provide additional floor area where buildings are set back 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

Currently, 'sunlight' and outlook around buildings is listed in the purpose of Standard H8.6.12. However as stated in Policy H8.3(31), this should be 'light' and outlook around buildings. 'Sunlight' has a different meaning to 'light' and it is the 'light' around buildings that this standard seeks to encourage. The addition of 'public open space' to the second bullet point of the purpose statement also ensures the purpose statement aligns with Policy H8.3(30).

Light and Outlook Standard H8.6.12(4) states that to qualify for the light and outlook bonus floor area, the building must also comply with Standard H8.6.24 Maximum tower dimension, setback from the street and tower separation.

The current wording is causing interpretation and implementation issues because the tower dimension standard only applies to only those sites identified as special height area on Map H8.11.3. This does not cover all the areas in the city centre where the light and outlook bonus standard applies. This results in a misalignment of the standards and raises the question whether the tower dimension standard is to apply for any site that is seeking the light and outlook bonus, or just where a proposal is within the special height area.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

This option would not result in any changes to the standard.

Option 2: Amend Standard H86.6.4(4) to revert back to the wording in the PAUP.

In the PAUP, there was no cross reference to the tower dimension standard. Instead, it required a 6 metre setback from site frontages and side and rear boundaries.

Option 3: Amend the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard.

It is proposed to amend the purpose statement of Standard H8.6.12 to align it with the policies of the Business - City Centre Zone. This involves making it clear that as set out in the policy H8.3(31), light and outlook around buildings is important (rather than sunlight). This option also clarifies that only those buildings located within the ‘special height area’ of the city centre must comply with the tower dimension standard in order to qualify for the light and outlook bonus. The proposed amendments are shown below:

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, public open space 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.

....

(4) ~~To qualify for the bonus~~ On sites identified as special height area on Map H8.11.3, the building must comply with Standard H8.6.24 below to qualify for the bonus.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No change. Retain the existing provisions	Retaining the existing provisions is inefficient as it will result in time wasted determining how to interpret the standard.	The purpose of the standard does not align with the policy direction of the zone, resulting in outcomes that do not deliver on the intention of the AUP.	The standard continues to be implemented as it currently is. There is no change required to existing processes.
Option 2: Amend Standard H8.6.12(4) to revert back to the wording in the PAUP.	Not effective because the wording in the PAUP results in a conflict between two standards.	Plan users wasting time interpreting the provisions because the PAUP wording results in a conflict between obtaining the light and outlook bonus as a permitted activity, and Standard H8.6.25	For all areas where the light and outlook bonus applies, a 6 metre setback from site boundaries is required which ensures a good level of light around buildings.

		Building frontage alignment and height which requires identified sites to have a have minimum contiguous height of 13m or 19m for a minimum depth of 6m from the frontage.	
Option 3 (Preferred): Amend the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard.	Aligns the standard with the corresponding policies in H8.3 <i>(30) Manage adverse effects associated with building height and form by:</i> ... <i>(d) managing the scale, form and design of buildings to:</i> <i>(i) avoid adverse dominance and/or amenity effects on streets and public open space; and ...</i> <i>(31) Maximise light and outlook around buildings.</i> Clarifies the relationship between the light and outlook bonus and the maximum tower dimension standards.	The change to Standard H8.6.12(4) narrows the applicability of the tower dimension standard which could result in buildings not providing setbacks of 6 metres.	Ensures there is no ambiguity about the purpose of the light and outlook bonus and improves the vertical alignment between the policy and standard. Reduces time wasted on trying to interpret provisions that aren't clear.

Conclusion

Option 3 is preferred. Amending the standard to clarify the purpose of the standard and how it relates to the maximum tower dimensions, setback from the street and tower separation standard is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reason:

- It aligns the standard with the corresponding policies and clarifies the relationship between the light and outlook bonus standard and the maximum tower dimension standard.

The proposed amendments are shown in Attachment 1B: Business zones.

8.12 Theme 12: Terminology – Pedestrian facilities

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provision	H8.6.20 Bonus floor area - works of art

Status quo and problem statement

The wording and references used in Standard H8.6.20 Bonus floor area - works of art are not aligned with other provisions of the Business - City Centre Zone and Chapter J Definitions. The current wording is making interpreting the provisions difficult.

The reference to 'Pedestrian Facilities' in the standard was included following its use in the legacy Auckland Council District Plan - Operative Auckland City - Central Area Section 2005. However, this term is not clear in the context of the AUP, because the heading of 'Pedestrian Facilities' has been removed from the Bonus Floor Area table (Table H8.6.11.1) in the AUP which sets out all the bonus features. The only pedestrian facility that has remained in the table for which bonus floor area can be obtained is through site links.

Changes to the wording of provision H8.6.20(3)(b)(iv) are required to ensure that the standard is consistent with the exemptions in the Gross Floor Area definition and includes voids which it currently does not.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

No changes to the provisions will result from this option.

Option 2: Amend Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition.

This option would result in an amendment to Standard H8.6.20(3)(b)(iii) & (iv) as shown below to ensure the extra floor area that can be claimed is clear.

H8.6.20. Bonus floor area - works of art

H8.6.20(3)(b)(iii) & (iv)

(3) The bonus floor area available is assessed at the following ratio:

...

(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:

...

(iii) ~~areas contained within a building occupied by pedestrian facilities through site links 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. any entrance foyer/lobby or part of it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m.~~

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions.	Inefficient as plan users waste time trying to interpret ambiguous provisions.	The standard does not align with the definition and as a result there are costs involved with the confusion this causes.	No changes to the existing provisions. Current practices utilising the rules regarding bonus floor area and works of art will continue as they are.
Option 2 (Preferred): Amend Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition.	Effectively achieves policy H8.3(32) <i>'Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links'</i> . Achieves the objective of the plan change by making the standard unambiguous and align with other parts of the Plan.	Improving clarity, no costs identified.	Reduces costs through less time wasted trying to interpret provisions that are not clear. Ensures horizontal alignment of provisions in the AUP relating to bonus floor area.

Conclusion

Option 2 is preferred. Amending Standard H8.6.20 Bonus floor area - works of art to ensure that the standard is consistent with the exemption in the gross floor area definition is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reason:

- Ensures horizontal alignment of provisions in the AUP relating to bonus floor area and therefore easily interpreted and implemented.

The proposed amendments are shown in Attachment 1B: Business zones.

8.13 Theme 13: Height and Height in relation to boundary in business zones

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H9 Business – Metropolitan Centre Zone: H10 Business – Town Centre Zone H11 Business – Local Centre Zone H12 Business – Neighbourhood Centre Zone H13 Business – Mixed Use Zone H14 Business – General Business Zone H15 Business – Business Park Zone
Specific provision/s	H9.6.1 Building height H9.6.2 Height in relation to boundary H10.6.1. Building height H10.6.2. Height in relation to boundary H11.6.1. Building height H11.6.2 Height in relation to boundary H12.6.1. Building height H12.6.2 Height in relation to boundary H13.6.1 Building Height H13.6.2 Height in relation to boundary H14.6.1. Building height H14.6.2 Height in relation to boundary H15.6.1. Building height H15.6.2. Height in relation to boundary

Status quo and problem statement

The purpose statements accompanying the building height and height in relation to boundary standards currently seek to allow reasonable sunlight and daylight access. However these are worded in a manner that suggests that reasonable sunlight and daylight access for nearby sites or neighbouring zones does not form part of this purpose. The purpose of the building height standard should also not refer to sunlight and daylight.

The purpose statements for H13.6.1 and H13.6.2 in the Business – Mixed Use Zone reads as follows:

H13.6.1 Building height

Purpose:

...

- *allow reasonable sunlight and daylight access to public open space excluding streets and nearby sites;*

H13.6.2 Height in relation to boundary

Purpose

...

- *allow reasonable sunlight and daylight access to public open space excluding streets and neighbouring zones; and*

Because there is an ‘and’ between the words ‘excluding streets’ and ‘neighbouring zones’ it suggests that nearby sites and neighbouring zones are excluded from the purpose. These purpose statements do not align with Policy H13.3(8) *General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone* which reads:

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

Policy H13.3(8) protects the amenity of adjacent zones to allow reasonable sunlight and daylight access through having regard to dominance, overlooking and shadowing. Without a comma between the words ‘excluding streets and’ the sentence could be interpreted to mean that sunlight and daylight effects on ‘neighbouring zones’ will not be considered. In addition, the second bullet point of the height standard should be limited to shadowing effects of building height on public open space because the height in relation to boundary standard addresses daylight and sunlight to public open spaces and neighbouring zones.

Therefore, there is a technical issue with the provisions that may lead to outcomes that do not align with the AUP policy direction.

This misalignment was initially identified in relation to the Business – Mixed Use Zone, but is repeated throughout the commercial zones listed in the table above.

Outline the proposals

An amendment is proposed to clarify that reasonable sunlight access for neighbouring zones is a relevant consideration in relation to the height in relation to boundary standard. An amendment is proposed to the building height standard purpose to clarify that sunlight and daylight are not a consideration, but shadowing effects are.

In addition to the Business – Mixed Use Zone, the amendments would also need to be applied to the building height and height in relation to boundary standards for the following zones:

- H9 Business – Metropolitan Centre Zone: H9.6.1 and H9.6.2
- H10 Business – Town Centre Zone: H10.6.1 and H10.6.2
- H11 Business – Local Centre Zone: H11.6.1 and H11.6.2
- H12 Business – Neighbourhood Centre Zone: H12.6.1 and H12.6.2
- H13 Business – Mixed Use Zone: H13.6.1 and H13.6.2
- H14 Business – General Business Zone: H14.6.1 and H14.6.2
- H15 Business – Business Park Zone: H15.6.1 and H15.6.2

The proposals to address the problem identified above are:

Option 1: Do Nothing. No changes to the existing provisions.

Option 2: Amend the purpose statements to add a comma to clarify that reasonable sunlight access for nearby sites is a relevant consideration for the height in relation to boundary standard and clarify that sunlight and daylight are not a consideration for building height, but shadowing effects are, as follows:

H13.6.1

~~allow reasonable sunlight and daylight access~~ manage shadowing effects of building height on ~~to public open space,~~ excluding streets ~~and nearby sites;~~

H13.6.2

'allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and'

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Do Nothing. No changes to the existing provisions.	Less effective as it retains uncertain wording.	Lack of clarity about the purpose of the standards leading to time wasted interpreting the provisions.	Continue to apply the standard as it is currently being applied.
Option 2 (Preferred): Amend the purpose statements to add a comma to clarify that reasonable sunlight access for nearby sites is a relevant consideration for the height in relation to boundary standard and clarify that sunlight and daylight are not a consideration for building height, but shadowing effects are.	The wording provides the greatest clarity out of all options and helps to achieve objective H13.2(9): <i>Business – Mixed Use Zone zoned areas have a high level of amenity</i>	Similar consent costs as the consideration of the purpose is part of a resource consent process rather than triggering the requirement for a resource consent.	Benefits for occupants of buildings arising from greater consideration of effects on sunlight and daylight and shadowing as part of applications to infringe height in relation to boundary or building height standards in the business zones.

Conclusion

Option 2 is preferred. Amending the purpose statements of the building height and height in relation to boundary standards across a number of business zones to clarify that shadowing effects on public open space and reasonable sunlight access for neighbouring zones is a relevant consideration is the most appropriate method for achieving the objectives of the identified business zones and PC 16 for the following reasons:

- It addresses the lack of clarity that arises from the current wording.

- Ensures consideration of shadowing effects on public open space and effects on sunlight and daylight as part of applications to infringe building height or height in relation to boundary standards in the identified business zones.

The proposed amendments are shown in Attachment 1B: Business zones.

8.14 Theme 14: Average floor area definition

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1. Definitions 'Average floor area'
Specific provision	Average floor area

Status quo and problem statement

The term 'Average floor area' is defined in Chapter J – Definitions and is used in the Business – City Centre Zone to control the scale and bulk of buildings. Two issues have been identified in relation to this definition.

- 1) The meaning of the inclusions relating to the minimum horizontal area to be used for a given floor of a building.
- 2) The meaning of the exclusion of an entrance lobby/foyer in the average floor area definition.

(1) Inclusions relating to minimum horizontal area

The definition of 'Average floor area' specifies a minimum horizontal area to be used in calculating the average floor area of a building. For sites with a gross site area of 2,000m² or less, the minimum horizontal area for any floor for calculations must be 20% of the site area. This means that if a building located on a 1,000m² site contains one floor measuring 100m² in horizontal area (floor plate), for the purposes of calculating an average floor area this is considered to be 200m². For sites with a gross site area greater than 2,000m², the minimum floor area for this calculation is 400m², rather than a percentage-based approach.

However, the inclusions listed in the definition in Chapter J do not make this clear, as the second part of the sentence has not been included making the definition unworkable as follows:

Includes:

- *sites with a gross site area of 2,000m² or less, where the horizontal area at any floor level totals less than 20 per cent of the site area; or*
- *for sites with a gross site area greater than 2,000m², where the horizontal area at any floor level totals less than 400m².*

The definition of average floor area has been based on the legacy Auckland Council District Plan - Operative Auckland City - Central Area Section 2005, however the bullet points in the inclusion lists are incomplete.

(2) Exclusions for entrance lobbies/foyers

The 'Average floor area' definition specifically excludes the following:

- *basement space;*
- *approved pedestrian amenities and facilities; and*
- *an entrance lobby/foyer which is a primary means of public access to a building, open to the public and accessed directly from a public open space.*

These exclusions present two problems. Firstly, the term ‘*approved pedestrian amenities and facilities*’ is unclear, and the uncertainty created by this wording could lead to a wide range of amenities or facilities being excluded from the average floor area definition. This could lead to allowances for bulky buildings without the provision of appropriate public amenities. Secondly, the exclusion for entrance lobbies or foyers is unclear in its extent of application, as it does not reference the remainder of the room or void related to the entranceway. The exclusion is also limited to the ‘primary means of public access’ and therefore does not apply to secondary accesses. The amending proposal aligns the exclusion for entrance foyers/lobbies with the exclusion in the definition of gross floor area.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

Option 2: Amend the definition of ‘average floor area’.

The following amendments are proposed to the definition of ‘*average floor area*’. The proposal to address this issue is to amend the wording of the inclusions to better reflect the intent and application of the definition, as follows. In addition, it is proposed in the definitions section of this Plan Change to introduce a new definition for ‘*Through site*’.

Average floor area

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

Includes:

- *for sites with a gross site area of 2,000m² or less, where the horizontal area at any floor level totals less than 20 per cent of the site area, the horizontal area at that level shall be deemed to be 20 per cent of the site area for the purpose of calculating average floor area; or and*
- *for sites with a gross site area greater than 2,000m², where the horizontal area at any floor level totals less than 400m², the horizontal area at that level shall be deemed to be 400m² for the purpose of calculating average floor area.*

Excludes:

- *basement space;*
- *~~approved pedestrian amenities and facilities~~ through site links and works of art; and*
- *~~an entrance lobby/foyer which is a primary means of public access to a building, open to the public and accessed directly from a public open space.~~*

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

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions.	Less effective in meeting the objective of the Plan Change, as the provisions would remain somewhat uncertain, potentially leading to outcomes that do not align with the AUP policy direction.	Costs arising from a more uncertain resource consent process where this definition is open to interpretation.	Fewer benefits related to provision of public foyers / lobbies due to uncertain wording of the exclusions to average floor area calculations.
Option 2 (Preferred): Amend the definition of 'average floor area' to better clarify the inclusions and exclusions.	<p>Effective in achieving policies H8.3(30) and H8.3(32):</p> <p><i>(30)(d)Manage adverse effects associated with building height and form by:</i> <i>(d) managing the scale, form and design of buildings to:</i> <i>(i) avoid adverse dominance and/or amenity effects on streets and public open space; and ...</i></p> <p><i>(32) Encourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links</i></p> <p>Highly effective in meeting the objective of the plan change, which is to clarify the provisions to better give effect to the objectives and policies.</p>	May lead to more situations where resource consent is required as a result of the inclusions, but this is balanced out by expanding the application of the exclusions to average floor area.	<p>Amending the exclusions and inclusions will not substantially change the scope to assess the effects associated with overly large or bulky buildings.</p> <p>Some benefits arising from wider application of exclusions for public foyers/lobbies, which may encourage greater provision of areas with social benefits arising from shelter, amenity and being a focal point.</p> <p>Provides better horizontal alignment between this definition and the definition of gross floor area.</p>

Conclusion

Option 2 is preferred. Amending definition of average floor area to better clarify the inclusions and exclusions is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the definition being incomplete and therefore unworkable.
- Provides better horizontal alignment between this definition and the definition of gross floor area

The proposed amendments are shown in Attachment 1D: Definitions.

8.15 Theme 15: Mean street level definition

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1. Definitions
Specific provision/s	'Mean street level'

Status quo and problem statement

'Mean street level' is used to measure building height in the Business - City Centre Zone. The definition of mean street level contains provisions to explain how to calculate the mean street level for sites with multiple frontages, which are principally through sites and corner sites. However, the wording of this definition is not sufficiently clear to describe these types of sites. Through sites are referred to as 'a site with two frontages', despite through sites being depicted in Figure J1.4.8 in relation to the definition of 'Site'. There are also opportunities to clarify the description to better identify what corner sites comprise. The relevant part of the definition is as follows:

The following qualifications apply to sites with more than one frontage and corner sites:

- (a) For a site with two frontages, the mean street level at each frontage applies for half the distance between those frontages.*
- (b) For a corner site that has one frontage, the mean street level is the average of all points measured at the centre lines of the streets parallel to all street boundaries of the site.*
- (c) A site with three or more frontages will be subject to (a) and (b) above between the highest and lowest frontages.*

Outline the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain the existing provisions.

Option 2: Amend the definition to clarify how mean street level should be calculated.

The following amendments are proposed to the definition of '*Mean street level*'. In addition, it is proposed in the definitions section of this Plan Change to introduce a new definition for '*Through site*'.

The following qualifications apply to ~~sites with more than one frontage and corner sites:~~

- (a) For a through site ~~with two frontages~~, the mean street level at each frontage applies for half the distance between those frontages.

(b) For a corner site ~~that has one frontage~~, the mean street level is the average of all points measured at the centre lines of the streets parallel to all street boundaries of the site.

(c) A Where a site with has three or more frontages or more it shall be treated will be as a through site in accordance with subject to (a) and (b) above, between the highest and lowest frontages.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain the existing provisions.	Retains a level of uncertainty and therefore is not as effective in meeting the objective of the Plan Change. Less efficient as a similar level of regulation is imposed.	Marginally greater consent costs due to increased uncertainty of the application of provisions through the consent process.	Slightly fewer economic and social benefits for developers and those affected by loss of sunlight, daylight and outlook.
Option 2 (Preferred): Amend the definition to clarify how mean street level should be calculated.	Effective in achieving policies H8.3(29) and H8.3(30): <i>(29) Enable the tallest buildings and the greatest density of development to occur in the core central business district</i> <i>(30) Manage adverse effects associated with building height and form...</i> Clarifies through sites better than the existing definition. Better clarifies how mean street level is to be calculated on corner sites. Therefore this option is more effective in meeting the objective of the plan change than doing nothing.	Similar costs as the status quo in relation to economic costs for resource consent applicants and developers. However, marginally lower costs are anticipated as the amendments reduce uncertainty during the development and consent process.	Some benefits to consent applicants/developers utilising provisions relating to mean street level arising from less uncertainty. Benefits related to sunlight, daylight and access arising from enhanced certainty around provisions referring to mean street level (which relate to building scale and bulk).

Conclusion

Option 2 is preferred. Amending the mean street level definition to clarify how mean street level should be calculated is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reason:

- Addresses the current lack of clarity about how to calculate mean street level for through sites and corner sites.

The proposed amendments are shown in Attachment 1D: Definitions.

8.16 Theme 16: Pedestrian circulation space definition

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1. Definitions
Specific provision/s	New definition - no existing provisions

Status quo and problem statement

The definition of 'Gross floor area' (GFA) specifically excludes 'publicly accessible pedestrian circulation space between individual tenancies' from being considered as part of gross floor area (GFA) calculations. However, the term 'pedestrian circulation space' is not defined in the AUP, and is creating uncertainty as to its meaning. As a result, there is potential for site or building design elements to be proposed as 'pedestrian circulation space' for the purposes of excluding such areas from GFA calculations, without minimum standards or criteria for their design and purpose. Therefore, there is a need to better clarify what is intended to be excluded from the GFA definition.

Outline of the proposals

Option 1: No change. Do not introduce a definition for pedestrian circulation space.

Option 2: Introduce a definition for 'pedestrian circulation space'.

The proposed amendment is to introduce the definition of '*Pedestrian circulation space*'. This definition is based on the definition contained in the legacy Auckland City Council District Plan – City Centre Section 2005 as follows:

Pedestrian circulation space

Pedestrian circulation space applies to a covered public area which:

- a) *contains a minimum horizontal measurement of 5m; and*
- b) *has a minimum vertical dimension of 2.5m between the finished ceiling and the floor of the pedestrian area, and which is unobstructed and clear of buildings, retail kiosks and retail display cases.*

Includes:

- *escalators, ramps and stairs within the pedestrian circulation space;*
- *decorative features such as fountains and planting within the pedestrian circulation space; and*
- *stages or display areas for free public entertainment associated with any integrated retail development.*

Excludes:

- *seating areas for food courts/eating area;*
- *any space leased for retail display or sales purposes; and*
- *any space for entertainment which is either leased or subject to a charge.*

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No change. Do not introduce a definition for pedestrian circulation space.	Less effective as it retains uncertainty and lack of clarity about what is excluded from the GFA calculation.	Slightly less costs associated with resource consents arising from applications to infringe standards related to GFA.	Fewer benefits related to provision of pedestrian circulation space.
Option 2 (Preferred): Introduce a definition for Pedestrian circulation space	<p>Effective in achieving policies H8.3(29) and H8.3 (30):</p> <p><i>(29) Enable the tallest buildings and the greatest density of development to occur in the core central business district</i></p> <p><i>(30) Manage adverse effects associated with building height and form...</i></p> <p>Slightly less efficient compared with the status quo. By clarifying and in a sense limiting the extent of exclusions to GFA, the proposals increases the likelihood of resource consent being required for infringements to maximum GFA standards for buildings.</p>	Greater consent costs as applicants unable to discount as much unused space from GFA calculations, and therefore greater likelihood of proposals exceeding maximum GFA standards. These costs are limited given it is likely consent is already required for development.	Some benefits for the public arising from pedestrian circulation space being more functional.

Conclusion

Option 2 is preferred. Introducing a definition for pedestrian circulation space is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reason:

- It defines a term that is used in the gross floor area definition so there is no uncertainty as to its meaning.

The proposed amendments are shown in Attachment 1D: Definitions.

8.17 Theme 17: Business - City Centre Zone assessment criteria terminology

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H8 Business - City Centre Zone
Specific provisions	H8.8.2 Assessment criteria (c)(viii) design of parking, access and servicing (d)(ii) & (iv) design and layout of dwellings, visitor accommodation and boarding houses

Status quo and problem statement

The assessment criteria for new buildings and external alterations and additions to buildings not otherwise provided for, includes terminology that is unclear. Firstly, two of the assessment criteria relating to design of parking, access and servicing and waste management plans refer to residential apartments, which is not a defined term in the AUP. It is proposed to change this wording to residential activities so that the assessment criteria capture all the residential activities in the residential nesting table in Chapter J Definitions. Secondly, the assessment criterion that relates specifically to visitor accommodation and boarding houses currently refers to dwellings. This causes confusion where an application that doesn't include dwellings has to be assessed against a dwelling criterion.

Outline the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain existing provisions.

No changes proposed to the assessment criteria.

Option 2: Amend assessment criteria to refer to 'activities and delete reference to 'dwellings'.

Amend the assessment criteria to use appropriate terminology. Use residential *activities* instead of residential *apartments* and the assessment criteria relating specifically to visitor accommodation and boarding houses should not refer to dwellings as follows:

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:

...

(c) design of parking, access and servicing:

...

(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 activities.

...

(d) design and layout of dwellings, visitor accommodation and boarding houses:

...

(ii) the extent to which visitor accommodation and boarding houses are designed to achieve a reasonable standard of internal amenity. Taking into account:

...

- the provision of larger indoor or outdoor living spaces whether communal or exclusive to the dwelling visitor accommodation and boarding houses is more important for units that are not self-contained.

...

(iv) whether a waste management plan:

...

provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential apartments activities;

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain existing provisions.	Results in inefficiencies because the lack of clarity means that users of the AUP have to question the interpretation of the assessment criteria.	Differing opinions about how to interpret the provisions results in wasted time.	Relies on the current practice of interpreting and implementing the criteria without the need for amendments.
Option 2 (Preferred): Amend assessment criteria to refer to	Clear criteria result in more efficient processing of resource	A change to the AUP and therefore possibly results in a change to	Provides clear assessment criteria resulting less time

'activities and delete reference to 'dwellings'	consents. The use of 'activities' in the provisions aligns better with the intention of the provision.	the current implementation.	spent trying to interpret ambiguous provisions.
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Conclusion

Option 2 is preferred. Amending the assessment criteria to refer to residential 'activities' and delete reference to 'dwellings' is the most appropriate method for achieving the objectives of the Business - City Centre Zone and PC 16 for the following reasons:

- Addresses the current confusion that is caused by using the term residential apartments, which is not a defined term in the AUP.
- Addresses the inconsistency where the assessment criterion that relates to visitor accommodation and boarding houses currently refers to dwellings.

The proposed amendments are shown in Attachment 1B: Business zones.

8.18 Theme 18: Business - Heavy Industry and Business - Light Industry Zones – Building Height Purpose

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H16 Business – Heavy Industry Zone H17 Business – Light Industry Zone
Specific provisions	H16.6.1. Building height H17.6.1. Building height

Status quo and problem statement

The purpose statement for the building height standard in the Business - Heavy and Light Industry Zones includes reference to allowing reasonable sunlight and daylight access to the subject site and nearby sites. As outlined in section 8.13 - Theme 13 above, it is recommended that the purpose of the height standard should not refer to sunlight and daylight. The changes proposed to the purpose of the height standard in the other business zones are recommended to also apply to the Business – Heavy and Light Industry Zones.

Policies H16.3(3) and H17.3(4) protect the amenity of specified adjacent zones as follows:

“Require development adjacent to open space zones, residential zones and special purpose zones to manage adverse amenity effects on those zones”

The second bullet point of the height standard purpose should be limited to shadowing effects of building height on public open spaces because the height in relation to boundary standard addresses daylight and sunlight to public open spaces and neighbouring zones.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: No changes. Retain existing provisions.

No change to the purpose of the building height standard.

Option 2: Amend the purpose of the height standard to align with the other business zones, as follows.

H16.6.1. Building height and H17.6.1 Building height

Purpose

- manage the effects of building height including visual dominance; and
- ~~allow reasonable sunlight and daylight access to~~ manage shadowing effects of building height on public open spaces excluding streets, ~~the subject site and nearby sites.~~

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the RMA

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: No changes. Retain existing provisions.	Inefficient to apply the height standard to the subject site and nearby sites in industrial zones which have lower amenity levels than the other commercial zones.	The purpose of the standard in the industrial zones is inconsistent with other business zones.	Allows the effects of building height on the subject site to be considered.
Option 2 (Preferred): Amend the purpose of the height standard to align with the other business zones	Effectively narrows the purpose of the building height standard to those matters which the standard is intended to control. Better delivers the intention of the provision.	Sunlight and daylight are no longer are a consideration when looking at building height in the industrial zones.	Clearly articulates the purpose of the standard and brings the industrial zones in line with other business zones.

Conclusion

Option 2 is preferred. Amending the purpose of the height standard in the Business - Heavy and Light Industry zones to delete the reference to sunlight and daylight, and the subject site and nearby sites is the most appropriate method for achieving the objectives of the industrial business zones and PC 16 for the following reasons:

- Effectively narrows the purpose of the building height standard to those matters which the standard is intended to control.
- Brings the industrial zones in line with other business zones.

The proposed amendments are shown in Attachment 1B: Business zones.

9. SECTION 3: OPEN SPACE, SPECIAL PURPOSE AND WAITAKERE FOOTHILLS ZONES

9.1 Theme 1: OPEN SPACE ZONES – Jetties and boat ramps

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H7 Open Space Zone
Specific provisions	H7.9.1 Activity Table – Activity: Development

Status quo and problem statement

In Chapter H7 Open Space zones, jetties and boat ramps are specifically acknowledged in the zone purpose within the Open Space: Sport and Active Recreation Zone. However, new boat ramps and jetties are not provided for within the H7.9.1 Activity table. With no activity status provided under the Activity Table H7.9.1 the activity defaults to a discretionary activity status, as defined by Rule C1.7(1).

If the activity table is silent with regards to jetties and boat ramps, they are not provided for and are therefore inconsistent with the purpose of the Sport and Active Recreation Zone. This is inconsistent with the purpose of the zone, where they are specifically mentioned. In addition, there are and objectives and policies relating to freshwater and marine based recreation facilities.

In Chapter F2 General Coastal Marine Zone, marine and port accessory structures, coastal marine area structures, marine and port facilities below the foreshore and seabed are either non-complying activities, discretionary activities, restricted discretionary activities and permitted activities in Table F2.9.10.

There are different terms use for the equivalent structures of jetties and boat ramps throughout the plan zones. For example, in H19 Rural Zones Activity Table, Boat launching facilities, jetties, ramps, piers are a discretionary activity. Whereas in Chapter E3 Lakes, rivers, streams and wetlands, new structures and the associated bed disturbance or depositing any substance, reclamation, diversion of water and incidental temporary damming of water activity (A35) Jetties, wharves, pontoons are discretionary activities for activities outside and within overlays.

Jetties and boat ramps in H7 Open Space zones are considered a structure under territorial authority. Where the structure is within a bed of the lake, river, stream, wetland or coastal marine zone the structure is considered under the regional council authority and requires assessment under E3 Lakes, rivers, streams and wetlands or F2 Coastal – General Coastal Marine Zone.

For clarity in the zone activity, it is considered that jetties and boat ramps should be provided for in open space zones, given that they are specifically mentioned within the zone purpose.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the status quo with jetties or boat ramps not provided for in the activity table. This would retain the activity status of a discretionary activity using Rule C1.7(1) for activities not accounted for in the AUP.

Option 2: Amend all reference to jetties and boat ramps or boat launching facilities to align equivalent structures to the same terminology in the plan.

Option 3: Amend the activity table H7.9.1 to list jetties and boat ramps as a discretionary activity.

Evaluating the proposal against its objectives

– Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo with jetties or boat ramps not provided for in the activity table.	<p>No further change required.</p> <p>Inconsistency between the purpose, objectives, policies and rules</p> <p>Potential for adverse amenity outcomes as matters of discretion and assessment criteria do not specifically reflect objectives and policies of the plan.</p>	<p>Greater consenting costs and uncertainty for the plan users to process application and assessments.</p>	<p>Does not have to go through a plan change process.</p>
Option 2: Amend all reference to jetties and boat ramps or boat launching facilities to align equivalent structures to the same terminology in the plan	<p>Enhances the usability and effectiveness across the plan.</p> <p>Further resourcing required to develop an activity status that does not conflict with complexity of the plan.</p>	<p>Higher cost for resourcing and higher risk opening plan up for review rather than enhance technical changes.</p> <p>Cost of unintended complexities exposed in standardisation.</p>	<p>Allows for clear interpretation to plan users for how to assess these types of activities across zones.</p>
Option 3 (Preferred): Amend the activity table H7.9.1 to list jetties and boat ramps as a discretionary activity.	<p>Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies.</p>	<p>Consent processing costs could possibly be less for plan users as there is less open for interpretation and the plan is more clear on its intent.</p>	<p>New proposals for boat ramps or jetties would be considered in full rather, given they are anticipated by the zones, rather than being subject to interpretation.</p>

Conclusion

Option 3 is preferred to address the issue to include the new activity of jetties and boat ramps in the activity table. Amending the activity table to better clarify the activity status of jetties and boat ramps is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the missing activity status and uncertainty of the activity status against other zones activity status.
- Provides better vertical alignment between this purpose and the activity table.
- Does not change policy direction.

The tracked changes are contained in **Attachment 1C**.

9.2 Theme 2: SPECIAL PURPOSE: SCHOOL ZONE – Floodlights

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H29 Special Purpose - School Zone
Specific provisions	Table H29.6.2.1 Building height H29.6.2 (2) Building height

Status quo and problem statement

In the Special Purpose School Zone, floodlights are listed as a permitted activity (A15 and A17). Standard H29.6.2 associated with the permitted activity requires that within certain distances from the boundary there is a maximum building height. However, floodlights there are contradicting maximum heights as floodlights are defined as a both building and as a specific structure.

Currently, the plan includes unclear provisions relating to the height of floodlights, particularly whether floodlights located less than 20 metres from a residential, open space or future urban zone can be higher than 12 metres. Floodlights over seven metres in height fall under the definition of ‘building’ and are therefore subject to Table H29.6.2.1 (Building Height). Floodlights are also subject to standards in H29.6.2 (2), that state that floodlights must not exceed 16m in height.

In the IHP hearings there was a removal of floodlights wording from Table 1 which noted “*irrespective of the proximity to a boundary, for floodlights – 16m*” into the standard H29.6.2 (2). Lighting and height in relation to boundary is dealt with other provisions in the chapter and in Auckland-wide chapter E27 lighting.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the status quo of current standard for floodlights.

Option 2: To specifically exclude floodlights from building height in Standard H29.6.2. As below:

H6.1.1. H29.6.2 Building height

- (1) Buildings (excluding floodlights) must not be greater than the height specified in Table H29.6.2.1 Building height unless Standard H29.6.7 applies.

Table H29.6.2.1 Building height

Building Location	Maximum Building Height
--------------------------	--------------------------------

<i><u>Buildings</u> I Less than 20m from a boundary with a site in residential zones (except the Residential – Terrace Housing and Apartment Building Zone), open space zones, or the Future Urban Zone</i>	12m
<i><u>Buildings</u> G greater than or equal to 20m from a boundary with a site in a residential zone (other than Residential – Terrace Housing and Apartment Buildings Zone) open space zones, or the Future Urban Zone</i>	16m
<i>Buildings in all other locations</i>	16m

Option 3: Amend floodlight standard H29.6.2 (2) to include clarity of floodlight height over the whole site for a permitted activity height in relation to the distance from the boundary. This is to address the conflicting height standards by amending H29.6.2(2) to be consistent with H29.6.2.1.

H29.6.2

....

(2) Floodlights must comply with the following:

(a) poles must not exceed 16m in height anywhere irrespective to the proximity of the boundary in a residential zone (other than Residential – Terrace Housing and Apartment Building zone) or open space zones, or the Future Urban zone;

(b) pole diameter shall be no more than 1m at the base of the pole, tapering to no more than 300mm at its maximum height; and

(c) the pole must be recessive in colour.

Option 4: Combine options 2 and 3 to amend Table H29.6.2.1 building height to exclude floodlights and amend the floodlight provision to provide more clarity that 16m height limit extends over the entire site.

Evaluating the proposal against its objectives

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the status quo of current standard for floodlights	No further change required. Potential for adverse amenity outcomes as matters of discretion	Greater consenting costs and uncertainty for the plan users to process application and assessments.	Does not have to go through a plan change process.

	<p>and assessment criteria do not specifically reflect objectives and policies of the plan, in particular Policy H29.3 (5)</p> <p><i>'Provide for additional building height in identified locations where it: (a) provides for the efficient use of the site; and (b) can be accommodated without significant adverse effects on adjacent properties.'</i></p>		
<p>Option 2 (Preferred): To specifically exclude floodlights from building height in Table H29.6.2.1.</p>	<p>Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies. Objective H29.2 (4)</p> <p><i>'Adverse effects of schools, community facilities and associated activities and their use on adjacent areas are avoided, remedied or mitigated.'</i> Policy H29.3 (4)</p> <p><i>'Minimise adverse effects on adjacent properties from development that causes overshadowing, visual domination, loss of visual privacy and loss of other amenity values by the use of building setbacks, screening, graduated building heights and by locating higher buildings away from the zone boundary.'</i></p> <p>And Policy H29.3 (5)</p> <p><i>'Provide for additional building height in identified locations where it: (a) provides for the efficient use of the site; and (b) can be accommodated without significant adverse effects on adjacent properties.'</i></p> <p>This option creates consistency between</p>	<p>Consent processing costs could possibly be less for plan users as floodlights are not to be included in building height.</p>	<p>Environmental and amenity benefits as new proposals would be considered in full rather than being subject to interpretation.</p>

	the objectives and policies of the plan with the building height standards.		
Option 3: Amend floodlight to include clarity of floodlight height over the whole site for a permitted activity height in relation to the distance from the boundary	Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies also defined in option 2. Creates consistency between the objective H29.2 (4) and policies H29.3 (4) and H29.3 (5) of the plan with the building height standards.	Higher consent processing costs are as there is a higher risk in including detailed description but still not excluding from building height.	Allows for clarity to plan users for how to assess the design and include the objectives and policies of floodlight into application.
Option 4: Amend Table H29.6.2.1 building height to exclude floodlights and amend the floodlight provision to provide more clarity that 16m height limit extends over the entire site	Improves the usability of the plan as it is a clear and certain link for assessment as it relates to existing objectives and policies. Creates consistency between the objective H29.2 (4) and policies H29.3 (4) and H29.3 (5) of the plan with the building height standards.	Consent processing costs could possibly be less as not open for interpretation by plan users.	Environmental and amenity benefits as new proposals would be considered in full rather than being subject to interpretation. Allows for clear interpretation to plan users for how to assess design and include the objectives and policies of floodlight into application.

Conclusion

Option 2 is preferred to address the issue to exclude floodlights from building height in Table H29.6.2.1. Amending the table to better clarify the activity status of floodlights is the most appropriate method for achieving the objectives of the AUP and PC 16 for the following reasons:

- Addresses the current problem of the conflicting height standards of floodlights in the zone.
- Clear and certain inclusion of provision into the assessment enhances the usability of the plan by not exposing the provision to unintended interpretation.
- Does not change policy direction.

The tracked changes are contained in **Attachment 1C**.

9.3 Theme 3: WAITAKERE FOOTHILLS ZONE AND WAITAKERE RANGES ZONE – Yards

Chapter of the AUP	Chapter H Zones
Sub-sections of the AUP	H20: Rural – Waitākere Foothills Zone H21: Rural – Waitākere Ranges Zone
Specific provisions	H20.6.3 Yards H21.6.3 Yards

Status quo and problem statement

An issue has been identified for Standards H20.6.3 Yards and H21.6.3 Yards in relation to the exclusion of standards requiring riparian, lake and coastal protection yards from the decisions version of the AUP.

When the Proposed AUP was notified, the underlying zoning of the Waitākere Ranges Heritage Area precincts (and two sub-precincts) was Countryside Living and Rural Conservation. Both of those sub-precincts were subject to a standard for riparian, lake and coastal protection yards provisions which were located in the underlying zoning rules. During the IHP mediation and hearing process the panel recommended that the Waitākere Foothills and Waitākere Ranges precincts be replaced with zones. The precinct standards were re-drafted into the two new zones, but without specific yards for riparian, lake and coastal protection. This is inconsistent with all other rural zones in the AUP including the Rural – Countryside Living Zone and the Rural – Rural Conservation Zone (of which the objectives and policies apply through a cross-reference in both the objectives and policies of the Rural - Waitākere Foothills Zone and the Rural - Waitākere Ranges Zone).

In addition, an objective of the Waitākere Ranges Heritage Area Act 2008 (the WRHAA), of which the area of land within the heritage area is subject to, is to protect, restore and enhance the area and its heritage features (Section 8(a)). The heritage features of the heritage area includes the naturally functioning streams in the eastern foothills (Section 7(2)(d)), other ecological features including wetland (Section 7(2)(a)) and coastal features (Section 7 (2)(c)). The WRHAA is given effect to through the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay and section B4.4 of the regional policy statement.

Rural – Waitākere Foothills zone

Objective H20.2.1 and Policy H20.3.1 requires that activities, development and subdivision in the Rural – Waitakere Ranges Zone achieve the objectives and policies contained within D12 Waitākere Ranges Heritage Area Overlay. The overlay includes the standards for areas or sites that are subject to additional subdivision standards above that of the zone or within E39 Subdivision – Rural. Two of these areas within the Rural - Waitākere Foothills zone are the former structure plan areas of Ōrātia and the southern portion of Swanson (D12.10.1 and D12.10.2 of the Waitākere Ranges Heritage Area Overlay).

The notified Proposed Auckland Unitary Plan initially included the wording ‘and riparian margins’ in the standards relating to the subdivision plans (D12.6.3.1 Subdivision within the

Figure D12.101.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills) and D12.6.3.2 within Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills)).

The words 'and riparian margins' were removed during the AUP hearing process. Track-change versions of the provisions show the reasoning for this. The reporting planner considered that the 'indicative enhancement areas' were sufficient as these areas also covered the extent of the riparian margins previously included in the Swanson Structure Plan. There are limited parcels that still have development potential (labelled as 'lot allocation' on the above Swanson South (Foothills) subdivision plan) and subdivision outside of these lots is a non-complying activity.

Standards in practice

Investigation into the use of these standards has highlighted that there is an issue around the use of 'indicative enhancement areas'. There is no definition of 'Indicative enhancement areas' in the AUP. However, the legacy Auckland Council District Plan – Operative Waitākere Section 2003 defined these as 'areas suitable for planting or revegetation, including catchment headwaters, restoration natural areas or ecological linkages'. There are similar policies in H19. Rural Zones which require the protection and enhancement of streams through environmental enhancement (H19.7.3(d). However Policy H19.7.3(c) also requires the avoidance of locating accessways, services, utilities and building platforms where they will result in adverse effects on, amongst other matters, water quality, wetlands and riparian margins. This policy is supported through H19.10.3 Minimum yards setback requirements with a 20 metre setback required from the edge of permanent and intermittent streams.

The enhancement areas within the Ōrātia and Swanson (South) subdivision plans do generally appear to follow the stream patterns shown on the GIS viewer. However, the ability to achieve Policy D12.3.12, in the Waitākere Ranges Heritage Area Overlay, to protect and enhance streams, lakes, watercourses, wetlands and their margins, is only triggered by some types of resource consent applications such as minor dwellings or subdivision. Only rules A7- A10 (subdivision in relation to Ōrātia (Foothills) and Swanson (Foothills)) in Table D12.4.2 Activity table – Subdivision of sites in the subdivision scheduled areas/sites refer to standards D12.6.3.1 and D12.6.3.2 which relate to the indicative enhancement areas.

Therefore, there is a gap within the standards of D12. Waitākere Ranges Heritage Area Overlay and the standards of H20. Rural – Waitākere Foothills Zone when resource applications other than for subdivisions within the Ōrātia and Swanson (South) subdivision plan areas are processed. There are also objectives and policies in H20. Rural - Waitākere Foothills Zone which provide for limited subdivision and/or development where this 'protects and enhances streams, lakes, watercourses and wetlands and their margins' (Policy H20.3.8), but there is no standard for a riparian yard.

These standards also notably do not cover the rest of the land zoned Rural – Waitākere Foothills outside of the Ōrātia and Swanson (South) Subdivision Plans areas. It is not considered an issue if the standards are triggered in both the overlay and zones, as an applicant would still only be required to supply one set of information which addresses both the overlay and the zone standards.

An additional issue with the 'indicative enhancement areas' is that these are shown on low-quality maps within the text (rather than in the AUP Viewer) as general areas. This creates a difficulty in determining the extent of the indicative enhancement areas. Standards D12.6.3.1 and D12.6.3.2 include no wording regarding a required setback from a stream that the indicative enhancement area relates to. The inclusion of a riparian yard would add more certainty and provide a setback requirement for buildings as standards D12.6.3.1 and D12.6.3.2 only currently include provisions for planting, stock exclusion, fencing and weed management. The Swanson Structure Plan (previously included in a section of the Auckland Council District Plan – Operative Waitākere Section 2003) had a range of riparian yards from predominantly 10 metres within the indicative enhancement areas of up to 20 metres outside of these areas. However, one standard of 20 metres is considered appropriate. This aligns with Section 230(3) of the RMA which sets out the requirement for esplanade reserves or esplanade strips as 20 metres in width to be set aside along the bank of any river. A standard of 20 metres would also be consistent with the riparian yard standard in H19. Rural Zones.

In some instances a riparian yard of 20 metres may cover the extent of the indicative enhancement areas. However, there may be other enhancement areas shown on the subdivision plans that are wider than 20 metres. This is dependent on each site as to whether the enhancement area is to protect the stream and its margins or for another reason, such as the restoration of natural areas or ecological linkages (which may be located outside of a riparian yard).

Rural – Waitākere Ranges zone

The issue of the exclusion of riparian, lake and coastal protection yards is repeated in the Rural – Waitākere Ranges zone. In this zone, there are some subdivision plans for certain locations in the Waitākere Ranges Heritage Area Overlay (D12.10.7 to D12.10.13). However, these subdivision plans do not include 'indicative enhancement areas' or any other similar riparian requirements. This creates a gap where the objectives and policies of the overlay and zone provides for limited subdivision and development that protects, maintains and enhances watercourses, or other heritage features such as wetlands and lakes, but there is no supporting standard requiring a setback.

The exclusion of the riparian, lake and coastal protection yards creates inconsistency with the other rural zones. For example, Standard H19.10.3 Minimum yards setback requirement doesn't apply to one property adjoining Lake Wainamu which is zoned Rural – Waitākere Ranges. However, the standard applies at a directly adjacent property zoned Rural – Rural Conservation (located within the Bethells Precinct).

Outline of the proposals

Option 1: Amend the standards relating to riparian yards as they relate to the Waitakere Ranges Foothills Zone and the Waitākere Ranges zone.

This option would result in the following changes to H20.6.3 Yards and H21.6.3:

H20. Rural – Waitakere Foothills Zone

...

H20.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- *adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and*
- *opportunity for reverse sensitivity effects to arise*
- *the effects on streams to maintain water quality and provide protection from natural hazards.*

~~(1) For sites with a net site area of less than 4000m², the minimum depth of front, side and rear yards is 3m.~~

~~(2) For sites with a net site area greater than 4000m², the minimum depth of front, side and rear yards is 10m~~

(3) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H20.6.3.1 Minimum Yard Setback Requirements below.

Table H20.6.3.X Minimum yards setback requirement

<u>Yard</u>	<u>Minimum depth</u>
<u>Front, side and rear yards for sites with a net site area of less than 4000m²</u>	<u>3m</u>
<u>Front, side and rear yards for sites with a net site area greater than 4000m²</u>	<u>10m</u>
<u>Riparian yard</u>	<u>20m from edge of permanent and intermittent streams</u>

H21. Rural – Waitakere Ranges Zone

...

H21.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- *adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and*
- *opportunity for reverse sensitivity effects to arise*
- *the effects on streams, lakes and the coastal edge to maintain water quality and provide protection from natural hazards.*

~~(1) The minimum depth of front, side and rear yards is 10m.~~

~~(2) For sites located within Overlay Subdivision Plan 7a-7g—Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay, the minimum depth of front, side and rear yards is 3m.~~

(3) A building that does not comply with Standard H21.6.3(1) is a restricted discretionary activity provided that it has front, side and rear yards of a depth of not less than 3m.

(4) A building with front, side and rear yards of a depth less than 3m is a discretionary activity.

(5) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H21.6.3.1 Minimum Yard Setback Requirements below.

Table H21.6.3.X Minimum yards setback requirement

<u>Yard</u>	<u>Minimum depth</u>
<u>Front, side and rear yards</u>	<u>10m</u>
<u>Front, side and rear yards for sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay</u>	<u>3m</u>
<u>Riparian yard</u>	<u>20m from edge of permanent and intermittent streams</u>
<u>Lake yard</u>	<u>30m</u>
<u>Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard</u>	<u>50m</u>

Option 2: Status quo – make no amendments to the wording of the provisions.

Evaluating the proposal against its objectives

This suggested clause aligns with the objectives and policies of D12. Waitakere Ranges Heritage Overlay and H19. Rural zones and standard H19.10.3 Minimum yards setback requirement.

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Amend the standards relating to riparian yards as they relate to the Waitākere Ranges Foothills Zone and the Waitākere Ranges zone.	Consistent with Objectives D12.2.13, D12.2.17 and Policies D12.3.10, D12.3.12(a), D12.3.13(c) and D12.3.16(a) of the Waitākere Ranges Heritage Area Overlay and the yard standards of H19. Rural zones.	Greater consent costs and uncertainty for applicants to progress consents	Will ensure that the purpose (Section 3) and objectives (Section 8) of the Waitākere Ranges Heritage Area Act 2008 are not undermined.
Option 2: Status quo – make no amendments to the wording of the provisions.	Inconsistent with the Objectives D12.2.13, D12.2.17 and Policies D12.3.10, D12.3.12(a), D12.3.13(c) and D12.3.16(a) of the Waitākere Ranges Heritage Area Overlay and objectives, policies and yard standards of	May result in undesirable environmental outcomes that undermine the purpose and objectives of the both the Waitākere Ranges Heritage Area Act 2008 and the Waitākere Ranges	No plan change required

	H19. Rural zones. In particular, Policies H19.6.3.4(c), H19.6.3.5, Objective H19.7.2.2 and Policies H19.7.3.1(c) and H19.10.3 Minimum yards setback requirement.	Overlay. In particular, Section 3(1)(b) and Section 8(f)(ii), (h) and (k) of the WRHAA.	
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Conclusion

It is recommended that the riparian yard standard is reinstated in H20. Rural – Waitākere Foothills zone. It is also recommended that the riparian, lake and coastal protection yard standards are reinstated in the H21. Rural – Waitākere Ranges zone. Without these standards, council loses the ability to control earthworks, vegetation clearance and building within these areas.

It is considered that Option 1 is the most preferred for the following reasons:

- Option 1 will provide a consistent approach that aligns with the objectives and policies D12. Waitākere Ranges Overlay and the objectives, policies and standards of H19. Rural zones.
- The inclusion of the riparian yard in H20. Waitākere Foothills Zone and riparian, lake and coastal protection yards in H21: Waitākere Ranges Zone will ensure that the purpose and objectives of the Waitākere Ranges Heritage Area Act 2008 ‘to protect, restore and enhance the area and its heritage features’ is not undermined.

The tracked changes are contained in **Attachment 1C**.

9.4 Theme 4: WAITAKERE RANGES FOOTHILLS ZONE – Minor dwellings

Chapter of the AUP	Chapter H Zones
Sub-section of the AUP	H20: Rural – Waitākere Foothills Zone
Specific provision/s	H20.6.10

Status quo and problem statement

An issue has been raised for standard H20.6.10 in relation to the minimum net site area for a minor dwelling. The current wording includes the word ‘not’ and ‘minimum’. This could be read that a minor dwelling could be located on a site with a net site area of smaller than 1500m², such as 1400m², rather than clearly setting out that the minimum site area that a minor dwelling can be located on is 1500m².

Similar standards apply to both D12: Waitākere Ranges Heritage Area Overlay and to H21: Rural – Waitākere Ranges zone in which the wording does not include the ‘not’. The intention of the standard is that the minimum site area on which a minor dwelling can be located is 1500m². This is to ensure that the location of minor dwellings does not result in potential adverse visual effects and that the amenity values of the rural landscape are retained within the Waitākere Foothills area.

An investigation into the history of these standards shows that similar rules were carried over from the Auckland Council District Plan – Operative Waitākere Section 2003 into the Proposed Auckland Unitary Plan within a precinct known as Sub-precinct A: Waitākere Foothills.

Outline the proposals

Option 1

Status Quo – no amendment to the wording.

Option 2

Amend standard H20.6.10 to remove the word ‘not’ as below:

H20. Rural – Waitākere Foothills Zone

...

H20.6.10 Minor dwellings

The following standards apply to minor dwellings:

- (1) a minor dwelling must ~~not~~ be located on a site with a minimum net site area of 1500m² ;
- (2) there must be no more than one minor dwelling per site;

(3)the minor dwelling must be constructed to have colour reflectivity limited to the following:

- (a) between 0 and 40 per cent for exterior walls; and
- (b) between 0 and 25 per cent for roofs;

Evaluating the proposal against its objectives

This suggested clause aligns with standards D12.6.2 (Waitākere Ranges Heritage Area Overlay) and H21.6.10 (Rural – Waitākere Ranges zone).

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Status Quo	Inconsistent with the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay	May result in undesirable built outcomes that undermine the purpose and objectives of the both the Waitākere Ranges Heritage Area Act 2008 and the Waitākere Ranges Heritage Area Overlay.	No plan change required
Option 2: Amend to remove 'not' to provide clarity that a minor dwelling must be located on a site with a minimum area of 1500m ² .	Consistent with the objectives, policies and standards of the Waitākere Ranges Heritage Area Overlay and the standards of the Rural – Waitākere Ranges zone	Greater consent costs and uncertainty for applicants to progress consents	Will ensure that the purpose and objectives of the Waitākere Ranges Heritage Area Act 2008 are not undermined. Reflects the intention of the standard to ensure that minor dwellings do not have a potential adverse visual effect and the amenity values of the landscape of the foothills are retained.

Conclusion

It is considered that Option 2 is the most preferred, for the following reasons:

- The amendment will ensure that there is consistency with the Waitākere Ranges Heritage Area Overlay and that the purpose and objectives of the Waitākere Ranges Heritage Act 2008 are not undermined.
- The amendment will also ensure that the location of minor dwellings does not result in potential adverse visual effects and that the amenity values of the rural landscape are retained within the Waitākere Foothills area.

The tracked changes are contained in **Attachment 1C**.

10. SECTION 4: DEFINITIONS

10.1 Theme 1: Building

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Building</i>

Status quo and problem statement

Overview of issues

An overview of the issues relating to the definition of 'building' is below; followed by more detailed discussion of the ten issues being addressed within the definition. In summary:

- Where there are two or more qualifiers in Table J1.4.1 with no linking word(s), it can be unclear whether qualifying dimensions or standards are to be applied as an 'or' versus applied as 'and'.
- Several structures that may have adverse effects more than negligible, are not triggering resource consent for associated development standards due to wording in Table J1.4.1. If defined as a building, in a number of instances they would require consent. The reverse also applies should some other qualifiers be interpreted in an overly onerous way, with structures becoming a building with only one aspect of the qualifiers met.
- Small scale parks infrastructure assets currently default to being defined as a building, and as a result are not permitted when situated within yards in Open Space Zones.
- Alongside reference to verandahs and bridges in Table J1.4.1 is 'other constructions', which uses vague language.
- Roof mounted chimneys are explicitly excluded from being defined as a building. This results in confusion with other types of chimneys which are not excluded. It also raises the question of whether roof mounted chimneys should be an exclusion.
- Table J1.4.1 currently refers to 'high' when describing the dimension limit for multiple structures which is not a defined term, instead of the defined term 'height'. There are also not clear parameters on height measurement methods for Table J1.4.1.
- Clarification is required that the 30 days qualifier relating to the exclusion of film sets, stages or similar structures (less than 5 meters in height) relates to a consecutive 30

day period, not for example, an accumulative of non-contiguous days across a calendar year.

- In addition, it has also become apparent that there are several grammatical errors which are desirable to address at the same time within the definition of building. (I.e.: pluralise ‘free standing sign’).

Some aspects of the issues have arisen from the definition being the culmination of various parts of several legacy district plan definitions of building. The translation of the wording has not always directly correlated when translated into a table format. This has resulted in some inconsistent use of language, with some qualifiers referring to ‘over a certain amount’, while others referring to ‘less than a certain amount’. A further cause is sentences which were previously linked together within the definition, no longer being linked under the table format.

Use of definition

Building is a core definition used throughout the AUP. The definition very purposefully has a specific meaning within the context of the AUP which differs from the Building Act 2004 definition of building.

Within the definition of building, all structures are by default deemed ‘buildings’, whether temporary or permanent. Table J1.4.1 however, identifies specific structures which only become a building when certain qualifying dimensions or standards are met. The definition also subsequently itemises a list of structures which are excluded entirely from the definition.

The application of the definition is applicable across all zones (Chapter H (Zones) and Chapter F (Coastal Zones) and has significant inter dependencies with controls such as, height, height in relation to boundary, yards, and impervious surfaces, as well as across multiple Overlays, Auckland Wide chapters, and Precincts.

Issue 1: swimming pools and/or tanks

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Swimming pools or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs	Over 1m high More than 25,000l capacity Supported directly by the ground or supported not more than 1m above the ground
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The above qualifiers are being interpreted as needing all three aspects listed in the right-hand column to apply before pools or tanks are considered buildings, particularly the first two qualifiers of being ‘over 1m high’ and ‘more than 25,000l capacity’. The third qualifier is that the pool be ‘supported directly by the ground or not more than 1m above the ground’. This language is confusing given there is also the qualifier of being over 1m high.

In considering effects arising from these two types of structures, it is appropriate that only one aspect relating to height or size needs to be met for a swimming pool, tub or tank to be a building, where the pool is above ground level. This is particularly important for the application of yard controls, as in the case of tanks, these structures are permanent features that can produce visual bulk within yards. Therefore, the bulk, dominance, coverage and in some cases outlook issues arising from these structures need to be considered. For example, large tanks in front yards over the capacity and/or height qualifiers may be particularly visually sensitive or out of place.

It is clear from the list of qualifiers that these are matters which will determine whether the item is a building and consequently whether the effects arising are intended to be considered or controlled by the rules. In many activity tables within the AUP, structures need to align with the definition of building before they can be subject to triggering standards or activities, which are not permitted activities.

This section of the definition of building also currently bundles pools and tanks together. There are however, some differences in the use and effects between these two structures.

Tanks are characterised as being solely functional with a generally cylindrical bulk. While some tanks are completely or partially buried, a number sit on the ground or have a support structure. Tanks also come in an array of sizes. For example, even a small 900 litre traditional design tank generally has an overall height of approximately 1.4 metres. Likewise, a slimline water tank may only have a 2,000-litre capacity but measure 2.1 metres in height. A traditional design 25,000 litre water tank is a very high test to meet, having a diameter of approximately 3.5 metres and 3 metres.⁴ Therefore, there is a need to limit capacity over 1 metre in height, not just in association with a 25,000-litre capacity.

It is important to be able to consider the potential visual bulk affects when in yards or in relation to exceeding building coverage. While tanks in yards can often in part be mitigated with vegetation and permitted height fencing, this needs to form part of the formal mitigation through the resource consent process, where height or capacity limits are exceeded.

Issue 2: flagpoles, masts or lighting poles

This issue relates to flagpoles, masts and lighting poles, within Table J1.4.1, contained in the definition of building.

Extract from Table J1.4.1

Flagpoles, masts or lighting poles	Over 7m higher than its point of attachment or base support Cross-sectional dimension does not exceed 1.2m
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⁴ Specifications for types of tanks, and associated dimensions derived from Bayley Tanks. Accessed from: <http://www.tanks.co.nz/>

There are two qualifiers for ‘flagpoles, masts or lighting poles’ within Table J1.4.1, shown in the right-hand column above. These are that it is over 7 metres in height (above its point of attachment or base support), and where it has a cross sectional dimension that does not exceed 1.2 metres. As currently interpreted, this requires both aspects to be met before flagpoles, masts or lighting poles become a building. It is inappropriate that the height of 7 metres (above its point of attachment or base support) and the cross-sectional width be mutually inclusive.

This definition provides for three different structures with different design attributes. Lighting poles are generally of vertical, slender design, therefore there are likely to be a limited number of scenarios where the cross-section dimension exceeds 1.2 metres. To require both aspects to be met, is a considerably high test. Conversely, masts by design generally have poles extending off from the central pole axis, which may well exceed a 1.2m cross sectional dimension for a portion of the mast.

The result is that a significant number of flagpoles, masts or lighting poles which exceed 7m in height, above its point of attachment or base support, may not currently be captured within AUP provisions as triggering consent. This relates to controls such as building height and buildings infringing yards.

Additionally, the use of the words ‘cross sectional dimension’ is more appropriate in the context of much larger, bulky and solid structures, which flagpoles, masts and lighting poles are not. The specific aspect needing be addressed is the width at any point, such as at the widest point of a mast.

Issue 3: ‘height’ versus ‘in height’

The qualifying dimension or standards within Table J1.4.1 currently use the word ‘high’ for the following types of structures listed in the table:

- Decks, steps or terraces, fences;
- Fences or walls;
- Grandstands, stadia or other structures that provide seating or standing accommodation;
- Retaining walls or breastwork;
- Stacks or heaps of materials;
- Free-standing sign;
- Swimming pools or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs; and
- Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground.

High is not a defined term within the AUP, which brings into question how it is applied. ‘Height’ however, is a defined term used throughout the AUP. This results in uncertainty for plan users. There is a strong correlation between the definition of height and building, and therefore it is important that there is a linkage back to the J1 definition of height.

There are a few exceptions where it is not appropriate to link back to the height definition within Table J1.4.1. This is the case with flagpoles, masts or lighting poles, which refers to its point of attachment or base support. As a point of attachment is not necessarily at ground level (i.e. flagpole on top of a roof), this should remain as 'higher than'.

Issue 4: height measurement type

It also is unclear which height method is to be applied in Table J1.4.1; being either the rolling height or the average ground level method. The rolling height method, as set out in the definition of height, is where height is measured as the vertical distance between ground level at any point and the highest part of the building or structure immediately above that point. By contrast, the average ground level method is where height is measured as the vertical distance between the highest part of the building or structure and the average ground level. This being the average level of the ground measured at 1-meter intervals, at the external foundations of the building walls or the base of the structure. This is provided that no part of the building or structure exceeds the maximum permitted height for the site by 2 metres if measured using the rolling height method.

Due to the nature of the structures set out in Table J1.4.1, taking measurements at a 1-metre interval is generally not appropriate as flagpoles and mast structures are often less than 1 metre in width. While the rolling height method is proposed for most small-scale structures, it is not necessarily appropriate to apply this method to large footprint buildings such as, a dwelling, especially where the topography is very steep and/or undulating. On this basis the line item within Table J1.4.1 relating to 'structures used as a dwelling, place of assembly or storage, or that are in a reserve or camping ground' is best set out separately in the table. This is to ensure there is no misinterpretation that dwellings over 1.5 metres can apply either the rolling or average method for this one item within the table.

Issue 5: roof mounted chimneys

Within the definition of building, 'roof mounted chimneys' are currently set out as a structure but excluded from being a building. Issues being encountered with roof mounted chimneys are what specifically constitutes a roof mounted chimney, versus other types of chimneys, (which are not set out within the definition of building). This raises whether it is appropriate and/or necessary for roof mounted chimneys to be explicitly excluded within the definition of building.

Currently the working interpretation is that roof mounted chimneys are ornamental or replicas, decorative, nonstructural chimneys, which have no functional purpose. A roof mounted chimney does not cover traditional brick or stucco rendered chimneys, which are generally a partial or fully structural component of the wider building, such as, original or earlier chimneys on villas or bungalows. Such chimneys go from the roof down into the interior of the building. Roof mounted chimneys are also not considered to include free standing chimneys, or chimneys originating from the ground, and are generally connected to the wall facing of the wider building. Modern metal chimney flues leading down into an internal fire place are also not interpreted as constituting a roof mounted chimney. This therefore creates a narrow and unclear meaning of what a roof mounted chimney

constitutes. It is questionable whether it is valid or necessary to explicitly exclude this, given the amount of uncertainty it raises.

In many zones and precincts, the activity of additions, alterations or modifications to a building (and sometimes also a structure) is a permitted activity. In the case of the Special Character Overlay however, additions and alterations to a building generally requires resource consent. If roof mounted chimneys are not considered part of a building under the Character Overlay this is problematic. Chimneys are generally an integral architectural feature in character overlays, particularly residential, which are generally defined by pre-1940 residences and associated auxiliary buildings.

In some instances, where chimneys are not the original or earlier masonry construction they may be a replica chimney of lightweight engineered construction, with no structural, functional components, below roof level. The requirement for such a replacement chimney is often an important mitigation element should consent be granted for removal of an original or earlier chimney. Removal and replacement of any form of chimney in Special Character Overlay areas is intended as requiring consent, including a replica. It is therefore contradictory under the Special Character Overlay for roof mounted chimneys to be an exclusion from what constitutes a building.

Furthermore, the inclusion of roof mounted chimneys within the definition creates confusion with other forms of chimneys, and the tests for being ornamental and non-structural becomes overly complicated. The height aspect of chimneys is already sufficiently addressed through the height definition. (2) b) of the height definition sets out that when measuring height, it excludes:

“chimneys that do not exceed 1.1m in width on any elevation or that exceed 1.5m above the permitted activity height for the site”.

This sufficiently addresses visual or dominance issues that may result from chimneys and illustrates it is not necessary as an exclusion within the definition of building.

Issue 6: stacks and heaps

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Stacks or heaps of materials ^{xx}	Over 2m high In existence for more than one month ^{xx}
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Recent changes were made to the provisions of the plan under Plan Change 4: Corrections to technical errors and anomalies in the Auckland Unitary Plan Operative in Part, in relation to ‘stacks and heaps’ within Table J1.4.1. This changed the language of one of the qualifiers from ‘do not exist for more than’ and modified it to ‘in existence for more than’. This was to provide consistency in the verse of the language with other qualifiers in the table. A further qualifier is desirable to clarify that in this instance this is to be read as an ‘and’, where both qualifiers need to be met for the structure to become a building. It is not considered reasonable to place the threshold test for constituting a building for a stack of dirt or storage

of a pile of planks of wood of only 0.3 metres in height, to being limited to no more than a month.

Issue 7: structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camp ground

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground	Over 1.5m high In use for more than 32 days in any calendar year
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Numerous parts of the plan are relevant in relation to the use of this line from Table J1.4.1., in particular zones. Structures used as a dwelling closely relates to Residential Zone (H1-H6) and Rural (H19-H21). Reserves and camping grounds closely relates to the Open Space Zones (H7), while place of work, assembly or storage particularly relates to the Business Zone (H8-H17). Temporary activities (E40) is also of associated relevance. While most structures used for occupancy will exceed 1.5 metres in height, this provision provides clarity for structures such as caravans, tents, gazebos in camp grounds, or small outbuildings for storage. The need for these to be considered over 1.5 metres in heights and for more than 32 days in a year is particularly important in relation to yard controls and building coverage.

The qualifiers of being over 1.5m high and in use for more than 32 days in any calendar year read as 'and' i.e. both qualifiers must be met to be a building. To further clarify this is the correct reading of the qualifier, it would be desirable to set this out within the table.

Furthermore, given these types of structures can be large and bulky, the rolling height method is not necessarily appropriate.

Issue 8: free standing signs

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1.

Free-standing sign	Over 1.5m high
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Free standing signs are most directly relevant to E23. Signs (Chapter E Auckland-wide). This chapter manages aspects such as number, type, location and size of signs. Almost all of the 'types of structures' listed in Table J1.4.1 are plural. This is missing from the word 'sign'. There appears to be no technical reasons for it not being plural like most other types of structures within the table. This amendment will assist with consistency and reflect use of the word within the relevant plan sections.

Issue 9: verandahs, bridges or other constructions over any public open space

This issue relates to Table J1.4.1 contained in the definition of building.

Extract from Table J1.4.1

Verandahs, bridges or other constructions over any public open space	Above ground level
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This definition within Table J1.4.1 sets out that verandahs and bridges when situated within roads, (which have no zoning), are defined as a building. Verandahs, when included as commercial buildings often extend out into the footpath/road reserve. While attached to the wider building, for the avoidance of doubt, this line item clarifies verandahs are to be treated as a building. It is however, ambiguous and unclear what ‘other constructions’ constitutes.

Issue 10: Parks and community facility related buildings/structures

As stated above, under the definition of building, all structures are buildings, unless explicitly stated otherwise. There are several common place small-scale structures not provided for in Table J1.4.1 Buildings, relating to the five Open Space Zones. The result is resource consents are being triggered to install or modify small scale park infrastructure and assets, when situated within yards, (front, side or rear yards depending on the site type).

In the Open Space Zones, Standard H7.11.3. Yards specifies that:

“Buildings, or parts of buildings, must be set back from the relevant boundary by the minimum distance listed in Table H7.11.3.1”.

Buildings are therefore not permitted within yards.

Small scale public amenity infrastructure such as street furniture generally has very minimal built form. Adverse effects of small, low scale infrastructure in areas that are not subject to overlays for sensitive environments are negligible and do not warrant being subject to a resource consent. This relates specifically to structures such as, rubbish bins, seating and picnic tables. Amendments are required to avoid unnecessary resource consent for specific structures within yards in Open Space Zones; whilst ensuring the proposed amendments will still capture these structures under the rules and standards for particularly sensitive overlays, which provide rules for both buildings and structures (as opposed to just buildings).⁵ The line item has purposefully not linked back to the defined terms of ‘public amenities’ and ‘parks infrastructure’ as both definitions include features not considered appropriate to include in Table J1.4.1.

Examples of small scale parks infrastructure currently defined as a ‘building’ in Open Space Zones
Bins and signs

⁵ These being overlays such as, D17 Historic Heritage Place Overlay, D21 Sites and Places of Significance to Mana Whenua Overlay and D10 Outstanding Natural Landscapes Overlay.

It is often desirable and a best fit to have these assets located in a front yard, such as, adjoining to a footpath in the road reserve for rubbish bins and park signs, both for capturing park users and passer-by, as well as to keep the inner area of a park clear of this type of infrastructure. Currently, this requires resource consent.



Figure 3: New reserve in Whenuapai, example of assets such as, seating and rubbish bins on perimeter of park to enable a large open space to be achieved in the centre.

Bollards

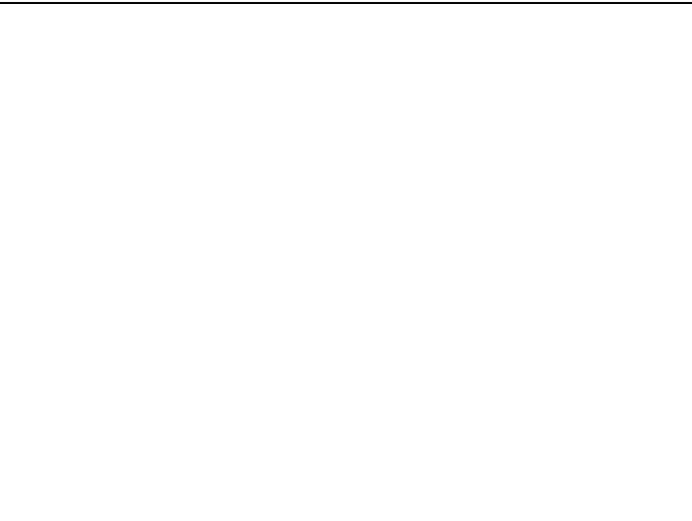
Bollards are not dissimilar to a fence in some respects, particularly where linked by chains. Given a fence is a structure which does not become a building until it measures 2 metres in height, it is consistent in an Open Space Zone for bollards to be provided for in similar manner to fences, particularly if to a lesser height such as 1.5 metres. Such structures are important as a safety measure to prevent vehicle access through a demarcated area. The natural and best sited location for bollards is within a yard, especially a front yard. At present this requires resource consent which is unduly onerous and unnecessary given the intent of the provisions and purpose of the structure.




Figure 4. Illustrating bollards in the front yard of Richard Park, Richard Avenue, Bucklands Beach. Instant streetview, February 2012.

Seats, picnic tables and cycling stands

Placement of park infrastructure such as, seats and picnic tables can also provide activation to the street frontage. These structures are at times placed between play equipment and road frontages to assist with passive surveillance, as a form of Crime Prevention through Environmental Design (CEPTED). A park bench is a good example of where caregivers can sit between the play space and road, watching over the play equipment. It provides a barrier between the play space and the road, while providing surveillance to the park. Similar with cycle racks, being located close to road frontages gives good passive surveillance to assist with a reduction in



<p>the chance of theft. At present because a seat falls under being a building, this requires resource consent, when in a yard, within an Open Space Zone, which is unduly onerous and unnecessary given the intent of the provisions and purpose of the structure.</p>	
<p>Stairs and steps</p>	
<p>Stairs are often required in front and side yards to provide for a difference in ground levels for people to access reserves. A good example of this is narrow entranceways to reserves (pedestrian access points) where the land topography necessitates that stairs are used. The photograph in the right-hand column illustrates an example.</p>	 <p data-bbox="710 929 1396 996"><i>Figure 5. Example of a set of stairs located in a narrow access point to a reserve, within a yard.</i></p>

Qualifying dimensions or standards for park infrastructure

In terms of the appropriate qualifiers for the above small-scale parks infrastructure, 1.5 metres is the most appropriate height when considered against the various types of infrastructure and structures anticipated. 2.0 metres may be too tall as a permitted activity, while 1.0 metres may not sufficiently provide for the various types of infrastructure, while not resulting in the level of adverse effects warranting resource consent assessment. A size limit in some instances will also ensure the bulk of the listed structures remains compact in order to qualify as a structure, not as a building. Setting the qualifying height as over 1.5 metres is also consistent with a number of the other qualifier thresholds in Table J1.4.1.

The current line item within Table J1.4.1 refers to public open space. This is not a defined term in the AUP, and it is considered more appropriate to link this specifically to Open Space Zones, which is a defined term in Chapter J1 as:

Open space zones

Means:

- *Open Space - Conservation Zone;*
- *Open Space - Informal Recreation Zone;*
- *Open Space - Sport and Active Recreation Zone;*
- *Open Space - Civic Spaces Zone; and*
- *Open Space - Community Zone.*

Issue 11: Exclusion on number of days for film set, stage or similar structure

Clarification is required that the exclusion relating to any film set, stage or similar structure less than 5 meters in height that exists for less than 30 days relates to consecutive days.

Without an additional descriptor to this qualifying standard there is a risk this could be interpreted as applying to 30 days across a calendar year or another non-contiguous collection of days across a time period, for example.

The key purpose is to provide for specific events which have a fixed duration. If a specific film set is in use for more than 30 consecutive days, it is to be treated as a building. The purpose of this provision is to provide a degree of flexibility for these types of temporary structures. Providing a further qualifier clarifying that it is consecutive days also aligns with the language used in the Temporary Activities chapter (E40).

Outline the proposals

The proposals to address the issues identified above are:

Option 1: Retain the definition of building as it currently reads. Continue to develop interpretation guidance and respond to issues on the meaning of aspects of the definition on a case by case basis.

Option 2: Amend the definition of building to address several unclear or ambiguous aspects, while not adding new types of buildings/structures to the definition or substantially removing existing building/structures set out within the definition; other than in relation to Open Space Zones, (whilst retaining the intent of the building definition in application throughout the plan).

An overview of amendments proposed to the definition of building in order to implement this option are:

Chimneys	Delete roof mounted chimneys as an exclusion from the bullet pointed list of structures which are not set out in the definition as excluded from being a building.
Pools and tanks	Separate out tanks (including retention tanks) from the various types of pools and tubs so they are two separate line items within Table J1.4.1. Clarify that if a pool or tank is more than 1m above the ground level or is over 25,000l capacity it becomes a building by inserting the word 'or' and modifying the qualifier to refer to ground level as well as height.
Flagpoles, masts or lighting poles	Insert 'or' in the qualifiers for flagpoles, masts or lighting poles in relation to height and cross section dimension. Amend the language of the text relating to cross sectional dimensions, instead referring to the width at any point.
Free-standing sign	Pluralise from 'sign' to 'signs'.
Height and height methods	Clarify the height measurement to be applied is the rolling height method. Provide the option for both height measurement methods (rolling and average) in relation to structures used as a dwelling, place of

	work, place of assembly or storage, or that are in a reserve or camping ground. Amend references of 'high' to 'in height' throughout the definition.
New sections – selected park assets and infrastructure	Amend table to add an exclusion for a number of park assets such as, rubbish/recycling bins, drinking and water fountains, seating and tables, bicycle stand/parking structures, gates, bollards. As well as, boxing and edging. Include a height restriction. Amend table to add board walks and stairs, including a height restriction. Limit these to applying just to Open Space Zones.
Verandahs, bridges or other constructions over any public open space	Delete 'other constructions'.
Exclusion on number of days for film set, stage or similar structure	Insert 'consecutive' in relation to the qualifier of 30 days.
Stacks and heaps	Insert 'and' to require both a height over 2 metres and for more than one month.

The above option would result in the following amendments to the AUP:

Building⁶

Any permanent or temporary structure.

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

Table J1.4.1: Buildings

Type of structure	<u>Qualifying dimension or standard (for height the rolling height method is to be used)</u>
<i>Decks, steps or terraces</i>	<i>Over 1.5m high in height</i>
<i>Fences or walls</i>	<i>Over 2.5m high in height</i>
<i>Flagpoles, masts or lighting poles</i>	<i>Over 7m higher than its point of attachment or base support <u>or</u> Has a Cross-sectional dimension does not width at any point exceeding 1.2m</i>
<i>Grandstands, stadia or other structures that provide seating or standing accommodation</i>	<i>Over 1m high in height</i>

⁶ The rebuttal evidence of Robert Buxton on behalf of Auckland Council. Topic 065. Planning. 3 November 2015. Para 16.1. p 9-12 provides background information on the matters raised through the IHP hearings. Paragraph 16.1 sets out a table of proposed track changes by council. The track changes in council's rebuttal evidence for topic 065 have formed the basis for several the current proposed amendments through this plan change.

<i>(whether or not open or covered or enclosed)</i>	
<i>Retaining walls or breastwork</i>	<i>Over 1.5m high <u>in height</u> or located within 1.5m of the boundary of a road or public place</i>
<i>Satellite dishes</i>	<i>Over 1m diameter</i>
<i>Stacks or heaps of materials</i>	<i>Over 2m high <u>in height and</u> <i>In existence for more than one month</i></i>
<i>Free-standing signs</i>	<i>Over 1.5m high <u>in height</u></i>
<i>Swimming pools, or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs</i>	<i>Over 1m high <u>in height from ground level, inclusive of the height of any supporting structure or</u> <i>More than 25,000l capacity</i> <i>Supported directly by the ground or supported not more than 1m above the ground</i></i>
<i><u>Tanks including retention tanks</u></i>	<i><u>Over 1m in height from ground level, inclusive of the height of any supporting structure or</u> <u>More than 25,000l capacity, where any part of the tank is above ground level</u></i>
<i>Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground</i>	<i>Over 1.5m high In use for more than 32 days in any calendar year</i>
<i>Verandahs, <u>and bridges or other constructions</u> over any public open space</i>	<i>Above ground level</i>
<i><u>In an Open Space Zone:</u> <u>Bicycle stand/parking structures</u> <u>Board walks</u> <u>Boxing or edging</u> <u>Drinking and water fountains</u> <u>Gates, bollards and chains</u> <u>Rubbish and recycling bins</u> <u>Seating and tables</u> <u>Stairs</u></i>	<i><u>Over 1.5m in height from ground level, inclusive of the height of any supporting structure</u></i>
Type of structure	<u>Qualifying dimension or standard (for height either the average ground level or rolling height method)</u>
<i><u>Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground</u></i>	<i><u>Over 1.5m in height and</u> <u>In use for more than 32 days in any calendar year</u></i>

and excludes the following types of structures:

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

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

Option 3: Undertake significant further amendments to the definition of building. This option may involve adding further structures to Table J1.4.1 and those listed structures excluded as buildings altogether. Alternatively, amendments to the definition could look to significantly simplify the definition; or take a significant change such as to make separate definitions for ‘building’ and ‘structure’. This may involve steps such as removing qualifiers into standard or rules within provisions, instead of in Chapter J1.

Evaluating the proposal against its objectives

Given the wide-reaching use of the term building there are no highly relevant specific objectives to directly address the changes against in Chapter B - Regional Policy Statement.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain the definition of building as it currently reads. Continue to develop interpretation guidance and consider the meaning of aspects of the definition on a case by case basis.</p>	<p>The Resource Consent Department will need to develop or continue to apply interpretation or practice notes, where aspects of the definition are unclear. This option however, can still leave uncertainty for plan users and interpretations may be contested. For example, ‘in height’ being read as the definition of ‘height’. It also becomes unclear what height method is to be applied, rolling height or average ground level method.</p> <p>In relation to chimneys, the terminology ‘roof mounted’ to some degree could be addressed</p>	<p>Confusion around the interpretation of the qualifiers remains. As a highly used definition, this could mean a significant number of inquiries.</p> <p>Some works may trigger consent which are overly onerous while others do not trigger consent, where due consideration is needed. For example, an overly onerous approach to stacks and heaps. Conversely, an overly permissive approach for pools and tanks and flagpoles, masts and lighting poles. This may result in adverse environmental impacts.</p>	<p>There are no new or revised provisions for plan users to have to become familiar with and understand.</p> <p>There is a perceived benefit by those plan users currently taking advantage of current anomalies. This type of benefit is not considered genuine or reasonable and has significant wider negatives associated with it, thereby making it more of a cost than</p>

	<p>through an interpretation or practice note, but there is also the wider matter of whether this should be explicitly excluded from definition by virtue of it being an interconnected part of a building already. Retaining the status quo is therefore not highly efficient or effective across several aspects of the definition of building.</p>	<p>Structures such as tables and benches, in Open Space Zones will unreasonably trigger consent, requiring time and money to prepare consent applications. Alternatively, having to position the objects in locations which are not as appropriate or logical as an alternative solution.</p>	<p>a benefit.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of building to address several unclear or ambiguous aspects, while not adding new types of buildings/structures to the definition or substantially removing existing building/structures set out within the definition, other than in relation to Open Space Zones.</p>	<p>The changes proposed to the definition aim to make it clearer to interpret and practical in application, while also not looking to completely rewrite the definition or consider new aspects of buildings or structures. In some instances, the wording changes simply give effect to current implementation application.</p> <p>In relation to the new Open Space Zone line items, these exclusions with qualifiers will still enable the purpose of yards to be achieved, which is to provide a reasonable standard of visual amenity between open space zones when viewed from the street and a buffer between open space zones and neighbouring residential and special purpose zones.</p> <p>Option 2 will achieve greater clarity for plan users than doing nothing and therefore is more effective. It provides a balanced middle ground between options 1 and 3, which best reflects the scale and types of issues being addressed.</p> <p>While guidance material could be produced regarding 'other</p>	<p>The time and monetary costs associated with forming part of the plan change; compared to option 1 of maintaining the status quo. This on balance though is not sound justification not to proceed. Especially given there are multiple aspects to be addressed, where issues have been identified.</p>	<p>The key benefit under option 2 is more clarity for plan users, with these amendments.</p> <p>For example, inserting linking text to height and explicitly mentioning the rolling height method will ensure there is a clear linkage to the defined term 'height', providing clarity to plan users.</p> <p>Another example is the clarification that a swimming pool or tank sitting either more than 1m above the ground level or over 25,000l capacity it becomes a building. This will prevent anomalies where tall but narrower tanks do not trigger being a building for example and will ensure standards such as height and height in relation to boundary may be triggered where situated within yards.</p> <p>The changes will mean that where a</p>

	<p>constructions' in relation to verandahs and bridges, it is considered that ambiguity will to a degree remain. It is more appropriate and effective to be deleted.</p> <p>Given the significant variance in meaning between 'and' versus 'or' it is not appropriate to default all qualifying dimensions or standards to one of the two options. For some line items within Table J1.4.1 'or' is not appropriate, and the two points being triggered is necessary. Otherwise there could be a significant number of situations where consent is triggered where there is not a sufficient adverse effect to be considered. Addressing each line item on a case by case basis is therefore the most effective and efficient option.</p> <p>Some changes are very minor but assist with consistency in language, such as pluralising of sign.</p> <p>One of the key purposes of the plan change is considering amendments to provisions that are ambiguous or unclear. The amendments proposed to the definition of building align with this. In relation to AUP objectives the changes proposed through option 2 are not inconsistent with any of the RPS directives for (B1 – B11).</p>		<p>tank is within a yard, this provides the ability for mitigation conditions to be imposed through the consenting process, such as partially or fully screened by complying fencing, the planting of shrubs or managing the colour palette of the tank if in sensitive environments.</p> <p>In relation to new aspects, providing for specified small-scale parks infrastructure assets as exclusions, provides the opportunity for the council Community Facilities and Parks Departments to spend and/or reallocate resources that have been going into preparing and processing resource consents into implementation works. Alternatively, there is the opportunity for budget savings more generally. This in turn is a saving to rate payers.</p>
<p>Option 3:</p> <p>Undertake significant further amendments to the definition of building. This option may involve adding further structures to Table J1.4.1 and</p>	<p>The definition of building (and also separately structure) is proposed to be defined through the National Planning Standards. While this will not likely have to be enacted into the AUP for a number of years from</p>	<p>The definition of building is already wide encompassing and is one of the most widely used terms through the AUP. Changes to provide for a lot of other types of structures as exclusions through this process</p>	<p>This may provide a more lenient framework for some plan users in terms of particular works triggering consent. It is however, questionable that</p>

<p>those listed structures excluded as buildings altogether. Alternatively, amendments to the definition could look to significantly simplify the definition; or take a significant change such as to make separate definitions for 'building' and 'structure'. This may involve steps such as removing qualifiers into standard or rules within provisions, instead of in Chapter J1.</p>	<p>when the Standards are gazetted, it is not efficient or effective to substantially review the definition to this extent as it will change nation-wide in due course. Given the list of structure caveats are already lengthy, it is undesirable for it to significantly expand further. This option is not as effective or efficient as option 2, in the current context.</p>	<p>could have significant unintended consequences and negative ramifications for plan implementation, if amended too much. The list of exclusions is already very extensive. Proposed amendments under this option have therefore been limited to specific types of assets and infrastructure within Open Space Zones.</p> <p>The issues identified have not suggested that this level of amendment is warranted. The cost would therefore be that amendments are disproportionate to the issues.</p> <p>Options such as, separating out the definitions of 'building' and 'structure' may lead to a policy shift, which would not be desirable for this definition, in the context of the subject plan change.</p>	<p>this results in beneficial wider environment outcomes overall.</p> <p>Depending how a new definition is worded, this may result in a shorter definition, with less exclusions embedded directly within the definition. (A number of these would instead however still need to be set out in standards or rules.</p>
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Conclusion

It is considered that the amendments to the definition of building contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It provides a balanced solution to achieve a clearer overall definition of the current framework for the definition of building.
- Amendments are to improve existing sections and limits the amount of new structures contained within Table J1.4.1. This is considered important both to avoid a policy shift and unintended consequences for a highly used definition across the AUP.
- The alternative of not addressing these matters (option 1) may lead to interfering with the implementation of the plan, which is undesirable.
- Achieves this by clarifying how the multiple qualifying standards or dimensions are to be read.
- Clarifies how the dimension for height is measured.
- Removes the unclear provision for roof mounted chimneys being an exclusion to a building.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.2 Theme 2: Food and beverage

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Food and beverage</i>

Status quo and problem statement

There are issues with the definition of 'food and beverage'. This relates to the use of the words 'sites', as well as the food and beverage needing to be the 'primary business'. The use of these two words results in significant limitations to what is able to be encompassed under this definition.

The AUP includes the following definition of food and beverage:

Food and beverage

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

Includes:

- *restaurants and cafes;*
- *food halls; and*
- *takeaway food bars.*

Excludes:

- *retail shops; and*
- *supermarkets.*

This definition is nested within the Commerce nesting table.

The use of the word 'site' has a specific meaning within the context of the AUP, being a defined term in Chapter J1. While one commercial site may comprise one premise or one activity per site, this is often not the case and does not recognise where multiple tenancies may be used for different uses.

In relation to the word 'primary business' this is a very subjective term; which creates confusion when used in definitions. It is not clear whether primary would be based on the size (i.e. metres squared) of the site or the gross floor area of a building or premise. Furthermore, this would be very difficult to apply with businesses where there is an equal split of two activities (i.e. a book shop and café in one) on a site. There is no guidance in other parts of the AUP, such as, Chapter C (General rules) to assist. While this issue was identified in relation to the issues it causes in the Business - City Centre Zone - Residential

Precinct, the term food and beverage is an activity used through business relates zones and also links to sections such as, parking standards in Chapter E27.

Based on the current wording, a hotel for example, including a bar and/or restaurant would not be considered a site where the primary business is selling food or beverages, as this is an ancillary aspect of the main business. Likewise, this would apply to a site where a sushi shop is proposed, where there are multiple tenancies within the site, all with different types of uses such as, a post office, retail store selling clothing, and a hair dresser. In this example, the sushi shop would not fall under the definition of food and beverage, as it is situated within the same legal site as the various other premises and is not the primary business on the site. Even more so if it is a mixed-use development with substantial residential above. In this example, the sushi shop will instead fall under the definition of 'accessory activities', however accessory activities are often not provided for in activity tables. It is considered more appropriate under the food and beverage definition.

Regardless of whether food and beverage is the primary business on the site, the portion of the site which relates to the activity of food and beverage should be subject to this definition, and associated standards and activity table provisions; regardless of whether there are multiple other activities on the site.

Outline of the proposal

The options to address the problem identified above are:

Option 1: Retain the definition of food and beverage as it is – status quo.

Option 2: Amend the definition of food and beverage to delete reference to 'sites', as well as delete requiring food and beverage to be 'the primary business'. Amend the definition of food and beverage with alternative wording options.

This option would result in changes being made to the term 'sites' with an alternative word such as, places, premises, shops, or activities.

This would result in the following amendments to the definition:

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

Includes:

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

Excludes:

- *retail shops; and*
- *supermarkets*

Evaluating the proposal against its objectives

In relation to AUP objectives, no one specific objective is overly applicable, but the most closely related is the RPS objective for commercial and industrial growth (B2.5.1 - Commercial and industrial growth objectives), followed by the specific business zone specific objectives. For example, H14.2.(1) for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone sets out:

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.

The key aspect here being the promotion of commercial activity.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain the definition of food and beverage as it is – status quo.</p>	<p>This leaves significant ambiguity for what constitutes the primary business, which is not effective or easily understood by plan users. This also means a number of proposals do not trigger particular standards, such as parking requirements, which may differ from more general retail parking standards/rules.</p>	<p>To retain the current definition would mean ambiguity remains. This can result in customer inquiries, which can result in inefficient use of time and resources for both the council and customers.</p> <p>Not addressing this avoids costs associated with forming part of the plan change process.</p>	<p>A few plan users who may find that the current wording can be used to their advantage if other activities have lesser tests for standards, such as parking or floor area requirements. Using the plan in this way is not however considered appropriate.</p> <p>Another benefit is that there are not new or revised provisions for plan users to have to become familiar with and understand.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of food and beverage to delete reference to 'sites', as well as delete requiring food and beverage to be 'the primary business'.</p>	<p>This is the most effective option as it links directly and only to the core aspect which is the selling of food and beverage for immediate consumption on or off the site. It does not link it exclusively to needing to be the primary business on a site. These amendments provide clarity for plan users with the least amount of words possible.</p>	<p>There are monetary and time costs associated with this change being part of the plan change process. On balance, progressing the change is however warranted to achieve the desired outcomes.</p> <p>Applications may require consent where they previously did not, or a different activity status. Applicants may also have to apply for infringements in</p>	<p>The definition can be applied in relation to the specific activity being undertaken on an activity basis, not in relation to the overall uses on the wider site. This is important as different activities may generate different types of effects. This enables standards, such as parking requirements to be considered based on this activity of food and beverage, not a more general retail activity</p>

	<p>The selection of the word 'selling' is the most overarching of the terms scoped for consideration. It is not overly narrow in its application, Premise has been selected as a term which can apply to a range of scenarios. It is therefore the most effective word to use.</p> <p>In relation to objective B2.5.1 addressing commercial and industrial growth; the amendments under option 2 will better achieve this objective than the current wording due to the more refined approach it proposes.</p> <p>The key plan change objective this aligns with is amending provisions that are ambiguous, or unclear.</p>	<p>relation to multiple forms of retail, where depending on the circumstances they may previously not of had to.</p>	<p>for example. The benefit is that the effects of a proposal are more able to be linked to the provisions in the plan that apply.</p>
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Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of food and beverage contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It resolves the ambiguity existing in the current definition by removing both 'site' and 'primary business' and focus directly on the words 'premises' and 'selling'. The removal of these words will enable a wider application and triggering of the definition.
- This will enable development controls such as parking to be more focused on the activity of 'food and beverage', instead of falling under a more wider encompassing, generic activity such as the parking requirements for retail.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.3 Theme 3: Gross Floor Area

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Gross floor area (GFA)</i>

Status quo and problem statement

There is unclear and ambiguous language within portions of the gross floor area definition. Based on the current wording it is unclear whether the exclusion in this definition refers to the entire basement area, irrespective of use or, if it is only the plant area in a basement that is excluded from the calculation, regardless of its location within the building.

Gross floor area⁷

...

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

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

Excludes:

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

The main purpose of GFA controls is to manage building bulk and activity demand, generally in the context of commercial buildings. In addition, some exclusions are associated with the controls to incentivise design outcomes that are deemed desirable, by excluding certain areas such as, staircases, balconies, entry foyers, and plant equipment such as for air

⁷ Text of core relevance bolded.

conditioning systems. As well as below ground parking and manoeuvring areas, from the definition. Excluding these features from the measurement of GFA can incentivise delivering these outcomes as it will not impact on GFA limits.

It is noted that exclusions included in the definition already discount basement areas for stairs, escalators, which are essential to the operation of a through site link or servicing a floor used primarily for parking and loading. It also excludes basements areas used for parking, including manoeuvring areas, access aisles and access ramps. While this can cover a significant portion of spaces within a basement area, not all basements have a sole service role and may be fully or partial basement level retail space, for example.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the definition of gross floor area as it currently reads (based on the PC4 amendments).

Option 2: Amend the definition of gross floor area to clarify that plant areas within any part of a building are excluded, and in doing so remove reference to ‘including basement areas’. This option would result in the following amendments to be made to the AUP:

Excludes:

- *Basement areas used for parking...*
- *Plant areas within the building, ~~including basement areas~~...*

Option 3: Amend the definition of gross floor area to specifically exclude basements entirely from the calculation of GFA.

This option would result in the following amendments to be made to the AUP:

Excludes:

- *Basement areas used for parking...*
- *Plant areas within the building, ~~including basement areas~~...*
- *Any other spaces within the basement*

Evaluating the proposal against its objectives

An assessment against Regional Policy Statement or other plan section objectives and policies is not considered relevant to this particular definition.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
Option 1: Retain the definition of gross floor area as it included in the AUP.	It is not efficient because the definition currently causes confusion on what is and isn't excluded in	There remains confusion from plan users on whether all of a basement is to be excluded from GFA.	There are not new or revised provisions for plan users to have to become familiar with and understand. This

	<p>relation to basements, and confusion of linking this with plant areas more generally.</p> <p>It is ineffective and unnecessary to include mention of the basement in relation to plants areas as 'building' by definition encompasses basement areas, regardless of being below ground level.</p>		<p>however is not a significant benefit when weighted against the lack of clarity arising.</p> <p>While having 'including basement area' for the avoidance of doubt may have some merit, it is outweighed by the fact that this has caused more confusion than clarity given.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of gross floor area to clarify that plant areas within any part of a building are excluded, and in doing so remove reference to 'including basement areas'.</p>	<p>Provides clarification that the plant areas throughout the building are excluded but removes suggestions that basements in generality are excluded. This clarification therefore means it is not ambiguous and is therefore more effective.</p> <p>Amendments are required to clarify the intent of the outcomes sought by the AUP. This aligns with an objective of the plan change, which is to address technical issues to ensure the wording of provisions is clear and unambiguous.</p>	<p>Monetary and time costs associated with this change being part of the plan change process, compared to option 1.</p>	<p>Option 2 provides much clearer wording, in that it clarifies that plant equipment spaces anywhere in the building is excluded from the GFA calculation. This best resolves the lack of clarity in relation to whether all of the basement area is excluded. Option 2 will reduce plan interpretation inquiries in relation to this definition.</p>
<p>Option 3:</p> <p>Amend the definition of gross floor area to specifically exclude basements entirely from the calculation of GFA.</p>	<p>Less effective solution as not all basements are used for service facilities. There can be below ground level habitable premises which fall within the definition of basement which would not be appropriate to exclude from GFA.</p>	<p>While based on the current wording it can exclude a significant portion of spaces within a basement area, not all basements have specifically service roles and can include fully or partial basement level retail space for example. For this reason, it is not appropriate to exclude basements in generality from the GFA.</p>	<p>This more blanket approach may be considered by some plan users to be easier to use the definition when calculating GFA. It can be difficult to group all the various excluded areas within a building. This option would assist with that.</p>

Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of gross floor area contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It will best clarify that plant areas throughout the building are excluded when calculating GFA. Explicit reference to basements areas in relation to plants is not necessary, as basements by definition already form part of the building.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.4 Theme 4: Landscaped area

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision/	<i>Landscaped area</i>

Status quo and problem statement

Overview

The definition of 'landscape area' refers to any part of a site not less than 5m² in area, which is grassed or planted in trees or shrubs. The definition also sets out several types of features that can also comprise part of a landscaped area. This includes, ornamental pools, terraces or uncovered decking areas with open jointed slabs, bricks, gobi or similar type blocks, as well as, artificial lawn, which is permeable. Non-permeable pathways are also listed. Each of these features includes dimension limitations for it to fall within the parameters of the landscaped area definition. Directly beneath this list is a clause noting, "*where the total land area occupied by the feature in (1), (2), (3) and (4) above does not cover more than 25 per cent of the landscaped area*".

The clause is causing implementation issues, with some proposals basing landscaped area requirements on interpreting a more permissive approach, of 25 per cent for each listed feature and some the total area of the features. The definition needs to be corrected to prevent this inappropriate application, to avoid the potential for adverse effects of a level not necessarily anticipated outside of the consenting framework.

There are also some subsequent anomalies identified with the functioning of the definition that have been reviewed in light of the issue above.

Current definition

The current AUP definition of landscaped area is:

Landscaped area

In relation to any site, means any part of that site being not less than 5m² in area which is grassed and planted in trees or shrubs and may include:

- (1) ornamental pools not exceeding 25 per cent coverage of the landscaped area;*
- (2) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one such paver does not exceed 650mm;*
- (3) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;*

(4) permeable artificial lawn; or

(5) non-permeable pathways not exceeding 1.5m in width;

and where the total land area occupied by the feature in (1), (2), (3) and (4) above does not cover more than 25 per cent of the landscaped area.

Permeable artificial lawn in the residential zones is not subject to the 25 per cent limit, except that permeable artificial lawn must not cover more than 50 percent of the landscaped area of the front yard. Permeable artificial lawn must meet the following standards:

- be permeable;
- resembles grass in colour including a mix of natural looking green tones;
- have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;
- is resistant to ultra violet degradation, weathering and ageing during its normal service life; and
- is recyclable.

Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.

Excludes any area which:

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

Applying the definition⁸

Several of the Chapter H residential zones prescribe a minimum landscaped (Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment zones)⁹. The application of this definition relates to a standard for a minimum landscaped area based on a percentage of the net site area of the site, and in some zones also a percentage of the front yard that must be comprise landscaped area, in accordance with the definition.

⁸ Section J.1.(5) sets out that, “where a list is preceded by the word “includes”, that list is not limited to the matters listed”. In the context of the subject definition, ‘may include’ is set out, further clarifying other aspects can constitute part of the landscaped area.

⁹ Relevant sections: Single House - H3.6.11. Landscaped area; Mixed Housing Suburban – H4.6.10. Landscaped area; Mixed Housing Urban- H5.6.11. Landscaped area and; Terrace Housing and Apartment- H6.6.12. Landscaped area.

The requirements for landscaped areas decrease as the residential zoning intensity increases to recognise the smaller area available surrounding the more compact building footprint, however, it is not considered that this was envisioned to enable a complete lack of natural features in relation to what constitutes the definition of landscaped area. In the Single House Zone and Mixed Housing Suburban Zone for example, the landscaped area requirement is for 40 per cent of the net site area and at least 50 per cent of the front yard (Standards H3.6.11 and H4.6.10). If 25 percent of the required landscaped area is not met this requires consent for not meeting the landscaped area standard of the zone (or also precinct or overlay, if applicable).

Where the definition enables features other than grass, trees and shrubs to constitute part of the landscaped area, this is counter to achieving an appropriate level of residential amenity.

The current wording does not align with the purpose of the landscape area control or associated standards. This is evident in that a landscaped area could consist of 25 percentage from an ornamental pool, a further 25 per cent from gobi block pavement, another 25 percent from an area of timber decking and potentially any remaining landscaped area from permeable artificial lawn (meeting dimension and other specified requirements within the definition), alongside paths less than 1.5 metres. If this interpretation is applied both individually and cumulatively, this would result in an entire landscaped area made up of hard material.¹⁰ This illustrates that there is an issue with the potential for a of loss of residential amenity.

Where landscaped areas are identified as a standard within a zone (or overlay or precinct), trees and scrubs and other forms of planting are an important part of creating and maintaining amenity, both for enhancing visual appearance, and giving a natural balance to the built form. Features such as, bricks, gobi blocks and ornamental pools are harder visual and physical forms of landscaping than greenery. Amenity is the core driver behind the landscaped area definition. This amenity can be in relation to how the site is viewed from the streetscape as well as on-site, for the internalised amenity to occupants. It is not desirable for landscaping to consist solely of semi-hard landscaping features, a key element is for this to be alongside softer landscaping, in the form of plantings and/or grass. To enable providing for nearly all semi-hard landscaping under the definition leaves the site void of necessary greenery, while still meeting the associated landscaped area standard.

Four issues are addressed below relating to specific aspects of the landscaped area definition. These are split into addressing the pluralising of feature, inconsistencies within the definition, ground cover plants not being included, as well as other anomalies.

¹⁰ It is noted that the proceeding text in the definition recognises that artificial lawn meeting the specified aspects in the definition are not limited to the 25 per cent, other than if there is a front yard requirement for landscaping.

Issue 1: feature instead of features¹¹

The word 'feature' within this sentence is problematic. Feature is used in the singular and as a result, this leads to interpretation issues where each of the features set out in points (1) – (4) of the definition, could be read as being able to take up to 25 per cent of the landscaped area each, as opposed to collectively 25 per cent. Particularly for points (2), paved with open jointed slabs, bricks or gobi and (3) terraces or uncovered decks.

Without the pluralising of feature, the result if applied in this way, is that significant portions, if not all the landscaped area could be made up of no grass or plantings, instead relying solely on decks, bricks, pathways and ornamental pools (within the specified dimension parameters). The listed features are forms of semi- hard manufactured landscaping.

To achieve the best form of visual and user amenity, the landscaped area needs to be considered alongside softer forms of landscaping in the form of grass and vegetation. The current singular reference to 'feature' could lead to unanticipated and unforeseen negative outcomes for visual amenity, both internally to site occupants and visually beyond the site, in residential zones such as, the Single House and Mixed Housing Suburban Zones.

It is understood that the current approach of the Resource Consents Department is to interpret 25 per cent across the four features collectively however, proposals come forward interpreting this incorrectly.

Issue 2: inconsistencies and contradictions

There is a specific clause in the definition which provides for artificial grass in residential zones, allowing it to not be subject to the 25 per cent limit.

...

Permeable artificial lawn in the residential zones is not subject to the 25 per cent limit, except that permeable artificial lawn must not cover more than 50 percent of the landscaped area of the front yard. Permeable artificial lawn must meet the following standards:

- *be permeable;*
- *resembles grass in colour including a mix of natural looking green tones;*
- *have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;*
- *is resistant to ultra violet degradation, weathering and ageing during its normal service life; and*
- *is recyclable.*

¹¹ While Chapter J1.1(4) Interpretations, sets out that "words used in the singular include the plural and words in the plural include the singular"; this becomes very difficult when applied in the subject context, where the two present substantially different interpretations. While this is applied as a general principle for interpreting definitions, it is not found to be applicable or sensible in the context of the subject use of the word 'feature', within the definition of landscaped area.

Its inclusion within the list of features to not cover more than 25 per cent of the landscaped area is therefore confusing and inconsistent. Given that landscaped areas is a development control relating only to several residential zones, and there is already explicit provision for it to exceed 25 per cent of the landscaped area in residential zones further down in the definition (provided it meets particular parameters), there is no need to refer to it within the matters limited to 25 percent of the landscaped area.

Point (1) in relation to ornamental pools also prescribes that the pool(s) must not exceed 25 per cent coverage of the landscaped area. This is also contradictory to the collective 25 per cent from the identified features.

Issue 3: ground cover plants not included

Across a number of the Business Zones in H8 – H17, there is a ‘landscaping’ provision (not defined in Chapter J). In the Business - Neighbourhood Centre Zone (H12) for example, Standard H12.6.5. Landscaping, requires that the landscaping must “*comprise a mix of trees, shrubs or ground cover plants (including grass).*”

The additional wording of ‘ground covered plants’ is however not included within the definition of landscaped area. Its inclusion in the definition of landscaped area would assist in recognising and clarifying that a wider diversity of plantings which provide ground coverage can form the landscaped area.

Issue 4: Other Anomalies

Given the listed features that are able to count towards the 25 per cent minimum landscaped area, several anomalies have also been identified through reviewing the initial issue relating to ‘feature’. This includes two superfluous words which do not assist in clarifying or describing preceding or proceeding words. These are the words ‘being’ in the phrase ‘being not less than 5m²’ and the word ‘such’ within point (2). These unnecessary words further the difficulties in understanding and applying the definition.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Retain the definition of landscaped area as it is (status quo).

Option 2: An alternative non-regulatory option is an interpretation or practice note providing direction to consenting officers on the intended reading of the definition in relation to considering all the named features under points (1) – (4)/(5) not covering more than 25 per cent of the landscaped area.

Option 3: Amend the definition of landscaped area in order to address a number of issues with the current wording, as outlined above.

In order to implement this option, the following specific changes are summarised as:

- 1) Amend to pluralise feature to read as 'features' instead of 'feature'. In conjunction, further clarify this through inserting the word 'collectively' within the sentence.
- 2) Delete reference within point (1) to ornamental pools 'not exceeding 25 per cent coverage of the landscaped area'.
- 3) Delete superfluous words 'being' in point (1) and 'such' in point (2).
- 4) Delete current point (4), 'permeable artificial lawn' on the basis that it is not subject to the 25 per cent limit, based on the proceeding text.
- 5) Pluralise 'feature' under point 5 and insert 'collectively' to clarify the 25 per cent relates to the total from the listed features.

The amendments as described above would read as:

Landscaped area

In relation to any site, means any part of that site ~~being~~ not less than 5m² in area which is grassed and planted in trees, ~~or~~ shrubs, or ground cover plants and may include:

(1) ~~ornamental pools; not exceeding 25 per cent coverage of the landscaped area;~~

(2) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one ~~such~~ paver does not exceed 650mm;

(3) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;

(4) ~~permeable artificial lawn; or [deleted]~~

(5) non-permeable pathways not exceeding 1.5m in width;

~~and where the total land area occupied by one or more of the features in (1), (2), (3) and (5) above does not collectively cover more than 25 per cent of the landscaped area.~~

...

Option 4: Remove the 25 per cent requirement for certain forms of landscaping from the definition and embed it within the landscaping standards in the relevant residential zones (as well as any relevant precincts or overlays).

Evaluating the proposal against its objectives

The most relevant objectives are those of the residential zones which set out the landscaped area standards. The objectives set out in H3.2.(3) (Single House Zone), H4.2.(3) Objectives (Mixed Housing Suburban), H5.2(3) (Mixed Housing Urban) and H6.2(3) all recognise the

need for development to provide “*quality on-site residential amenity for residents and for adjoining sites and the street*”. Furthermore, for the Mixed Housing Suburban Zone, policy H.4.3. (2) (c) recognises landscaping even more specifically. It looks to: “*achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by: requiring sufficient setbacks and landscaped areas*”. Likewise, for the Single House Zone, policy H3.3(b) “*requires development tobe of a height and bulk and have sufficient setbacks and landscaped areas to (b)maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting*”.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain the definition of landscaped area as it is (status quo).</p>	<p>This will not prevent applicants who prepare a development proposal based on interpreting the definition of landscaped area in an unintended way. It may still mean it remains debated and therefore is not the most effective or efficient option.</p>	<p>To retain the current wording would mean further resource (both time and money) is likely spent on interpretation and debate by plan users. This could also result in uncertainty, inconsistency and variability in the outcomes of the landscaped area provisions.</p> <p>The risk of not acting means there may be plan users who try to suggest that each of the features are allowed to take up 25 per cent of the landscaped area each because of the word ‘feature’ instead of ‘features’. If this approach is applied it could result in unintended adverse amenity effects. This could lead to an outcome that does not align with the policy direction of the AUP in some residential zones.</p>	<p>There are not new or revised provisions for plan users to have to become familiar with and understand. On balance however, this is not a strong justification to not address the issue.</p>
<p>Option 2:</p> <p>An alternative non-regulatory option is an interpretation or practice note providing direction to</p>	<p>The alternative of a guidance or practice note, which does not currently exist, may go some way to assisting plan users, but is not generally a public document.</p>	<p>Practice notes and interpretation notes are currently for internal plan users to council only. This therefore does not sufficiently provide the direction that is required for</p>	<p>Does not require forming part of the plan change, which mean there are not time and costs associated with this process, compared to option 1.</p>

<p>consenting officers on the intended reading of the definition, in relation to considering all the named features under points (1) – (4)/(5) not covering more than 25 per cent of the landscaped area.</p>		<p>external plan users at this time, which is where it is needed most. This is a significant negative aspect of option 2.</p>	
<p>Option 3: (Preferred)</p> <p>Amend the definition of landscaped area in order to address a number of issues with the current wording, as outlined above.</p>	<p>The proposed amendments to the definition are consistent with ensuring the relevant residential zone objectives are achieved, and without these changes may not be as successful in being able to accord with these objectives. In particular for achieving a, <i>“quality on-site residential amenity for residents and for adjoining sites and the street”</i>.</p> <p>In accordance with the objectives of the plan change, the amendment aims to amend provisions that are ambiguous or unclear.</p>	<p>For those plan users currently submitting applications based on each of these features comprising 25 per cent individually, this will no longer be an avenue. For these plan users this will be seen as a cost.</p> <p>Monetary and time costs associated with this change being part of the plan change process, in comparison do no change.</p> <p>In the THAB zone for example, new developments may not be likely to meet the requirement that landscape features not comprise more than 25 per cent of the site. There is not however, an overly high risk or issue as all new developments in the THAB zone require consent as a restricted discretionary activity. The landscaped area is therefore considered as part of the assessment against the criteria, and is not a significant cost.</p>	<p>Clarification that the calculation of the features cannot amount collectively to more than 25 per cent of the total landscaped area required provides clarity. This should result in less time spent on interpretation by plan users. The proposed amendments remove ambiguity and introduce greater certainty for users. This is turn helps to improve the performance of the AUP whilst retaining the current policy direction for this topic. It will enhance the application of the definition of landscaped area.</p>
<p>Option 4:</p> <p>Remove the 25 per cent requirement for certain forms of landscaping from the definition and embed it within the</p>	<p>Requires the 25 per cent limit for specific features to be produced across several zones (as well as Special Character Residential Overlay and several precincts</p>	<p>Duplication of content into every zone, overlay or precinct which sets out landscaped area requirements.</p>	<p>Easier to customise if seeking variations in the landscaping limitations between zones.</p>

landscaping standards in the relevant residential zones (as well as any relevant precincts or overlays).	which include landscaped area standards. This is not as efficient or effective as embedding it within the definition.		
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The scale of properties affected by this proposed amendment is all properties where works are proposed which have an impact on landscaped areas. This covers properties in the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Buildings Zones. It also includes several the area specific precincts across the region and overlays such as, the Special Character Overlay – Residential and Precincts such as, Hobsonville Point. Modifications to this definition therefore does have the potential to affect a significant number of properties across the region when undertaking site alterations affecting the landscaped area in particular new developments or re-landscaping. On the other hand, retaining the current definition could have wide reaching adverse effects which are not negligible in some of the residential zones. On balance, the potential for adverse outcomes outweighs that this relates to the application of landscaped area across multiple residential zones, making option 3 the preferred option.

Conclusion

Option 3 is the preferred solution.

It is considered that the amendments to the definition of landscaped area contained in option 3 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- The pluralising of feature’s’ in relation to limiting certain landscaping features set out in points (1) – (4) of the definition of landscaped area, clarifies that the total land area occupied by the named features does not cover more than 25 per cent of the landscaped area collectively.
- Specific wording refinements also remove anomalies to ensure the definition can work in practice.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.5 Theme 5: Net internal floor area

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Net internal floor area</i>

Status quo and problem statement

The definition of 'net internal floor area' includes reference within its exclusions, to 'required storage space'. Required storage space was removed from the AUP activity tables and removed as a standard within medium density residential zones due to the recommendations made by the IHP Recommendations Version of the AUP.¹² Its retention in this definition is now superfluous.

The definition in the AUP currently reads as:

Net internal floor area

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

Excludes:

- *balconies or decks;*
- *parking;*
- *garages; and*
- *required storage space.*

Background context

In the Proposed AUP, required storage space was a development control contained in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Buildings Zones, which required a specific area and volume of storage space to be provided.¹³ Its purpose was to ensure sufficient space for the storage of everyday household items and bulky items, such as, bicycles, in medium and higher density zones.

In terms of the use of the definition of net internal floor area more generally, it relates to minimum dwelling size standards and other standards such as outdoor living space. In so

¹² Evidence presented to the Auckland Unitary Plan Independent Hearings Panel. Topics 059,060,062,063 Residential objective and policies, activities, development controls and controls and assessment. Planning - Attachment 4 - Summary of Key Issue Raised in Submissions on Residential zones. p 9. And evidence presented to the Auckland Unitary Plan Independent Hearings Panel. Topics 059,060,062,063 Residential objective and policies, activities, development controls and controls and assessment. Planning -Attachment 2 Council's proposed track change provisions. P 48-49,63-64,79-80,88.

¹³ The Proposed Auckland Unitary Plan. Part 4 – Definitions and Chapter H: Zones.

far as it relates to required storage space, this is contained within the definition of net internal floor area to clarify and recognise it does not form part of the area included in the calculation.

The only remaining exception of the use of the phrase 'required storage space' specifically within a standard, is within one Special Housing Area (**SHA**) Precinct (Franklin 2), which still reflects the removal of a requirement for storage space.^{14 15}

Furthermore, while removed as a standard with specific dimension requirements for medium density residential zones, storage space is included in the assessment criteria for the Mixed Housing Suburban and Mixed Housing Urban Zones. This enables consideration of the extent to which a dwelling provides secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.¹⁶ This was incorporated as a result of an appeal relating to the permitted threshold for residential housing in the Mixed Housing Suburban and Mixed Housing Urban zones, which included criteria for consideration of application exceeding the permitted threshold.¹⁷

Outline of the proposals

The key proposals to address the problem identified above are:

Option 1: Retain definition of required storage space within the listed exclusions of the net internal floor area definition.

Option 2: Amend the definition of net internal floor area to remove reference to required storage space within the exclusions (and associated sequential grammar changes).

Consequentially, as well as deleting 'required storage space' and the associated bullet point, the above amendment results in the need to remove the word 'and' after garages and shift the 'and' further up to after 'parking'. The semi colon after garage also needs to be removed and replaced with a full stop. Both these additional amendments are required for grammatical accuracy and are very minor consequential amendments. This option seeks to amend the definition as follows:

Net internal floor area

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

¹⁴ As a SHA it is subject to specific legislation. In addition, precincts do not form part of the current set of plan changes, and therefore it is not possible to remove this provision for storage within this SHA at this time. As noted in information page for SHAs (non-statutory), "*Some text in these operative precincts refer to provisions in the proposed Auckland Unitary Plan notified 30 September 2013 (the Notified Version). For all these references, the Notified Version will apply*".

¹⁵ Auckland Unitary Plan Operative in Part. Chapter I: Precincts. Special Housing Areas. Franklin 2. Part. 4.19 (Storage).

¹⁶ H5 Residential – Mixed Housing Urban Zone. H5.8.2. Assessment criteria (e) (iii).

¹⁷ Adams & Ors v Auckland Council. Decision No. [2018] NZEnvC 008.

Excludes:

- balconies or decks;
- parking; and
- garages; ~~and~~
- ~~required storage space.~~

Option 3: Amend the definition of net internal floor area to remove reference to required storage space within the exclusions. Also delete the only remaining standard relating to required storage space, within the Special Housing Area, Franklin 2 Precinct.

The amendments as described above to *Chapter 1: Precincts. Special Housing Areas. Franklin 2. Part. 4.19 (Storage)*² would read as:

~~The required storage space for each dwelling must include a single covered storage space within internal dimensions of at least 2m³.~~

Evaluating the proposal against its objectives

The most relevant objective relates to medium to higher density zoned housing having “Development [which] provides quality on-site residential amenity for residents and the street”. Objectives are contained in H6.2(3) for the Terrace Housing and Apartment Zone, H5.2.(3) for Mixed Housing Urban, and H4.2.(3) for Mixed Housing Suburban.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Retain definition of required storage space within the listed exclusions of the net internal floor area definition.</p>	<p>This option results in the retention of a small amount of content which no longer has a correlation with the general AUP standards and rules. While it is set out as an exclusion within the definition this still is superfluous and unnecessary text, making its inclusion inefficient.</p>	<p>Retaining the reference to required storage space means that redundant and unnecessary text remains within the definition. This has the potential to possibly confuse plan users who may look for provisions relating to storage space, which now do not exist within the medium to higher density zone standards.</p>	<p>Does not require resourcing as part of the plan change in terms of forming part of a hearing and further reporting.</p>
<p>Option 2: (Preferred)</p> <p>Delete required storage space within the listed exclusions of the net internal floor area definition.</p>	<p>The deletion of the reference to required storage space is the most effective way to resolve the issue and to recognise the changes in the residential zoning</p>	<p>Monetary and time costs associated with this change being part of the plan change process.</p> <p>While there remains one reference to</p>	<p>Removes an aspect of the definition which no longer has a direct correlation in relation to net internal floor area and how it is measured; providing for a clearer definition</p>

	<p>provisions since the PAUP. Removal of superfluous text helps in ensuring the AUP is a high functioning document for plan users, in turn leading to a more effective and efficient definition.</p> <p>In relation to the objectives such as H6.2.3(3), relating to ensuring quality on-site amenity for residents and the street; the removal of this aspect of the exclusions to the definition of net internal floor area does not prevent this being achieved. In particular as there is an assessment criterion to consider storage space on a case by case basis.</p> <p>In assessing the proposed amendments against the purpose of the plan change, it aligns with the objective of amending provisions that are ambiguous or unclear.</p>	<p>required storage space within the SHA Franklin 2 Precinct, the deletion of required storage space in one definition is not anticipated to be an issue in the application of this one SHA. Removing the reference to required storage space within the exclusions for net internal floor area is not considered to pose significant risk to apply the storage standard contained in 4.19 (Storage) of the Franklin 2 SHA. The reference within the definition of net internal floor area is limited to clarifying that it is a point of exclusion. If such confusion under this one SHA is to arise this can be sufficiently addressed through consenting interpretation.</p>	<p>for readers and users.</p> <p>The change does not have high technical ramifications, and is minor in nature, but its deletion would assist with plan integrity.</p>
<p>Option 3:</p> <p>As well as deleting required storage space from the exclusions within the definition of net internal floor area, also delete the only remaining standard relating to required storage space, within the Special Housing Area, Franklin 2 Precinct.</p>	<p>It would be desirable for consistency to also delete the standard and any associated points of assessment which are currently contained within the Franklin 2 SHA. This however, sits outside the scope of the plan change, which can not directly address amendments within SHAs.</p>	<p>SHAs are subject to the Housing Accords and Special Housing Areas Act (HASHAA) legislation which have different processes for changes to SHAs. It would not be possible to amend it as part of the subject process. This requires a separate process.</p>	<p>This option ensures that there are absolutely no remaining standards in the AUP relating to required storages area.</p>

Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of net internal floor area contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- Will reflect a change which occurred through the plan development which resulted in the removal of explicitly providing for required storage spaces, which are no longer in the AUP.
- The deletion of required storage space from the definition of net internal floor area is a minor consequential amendment which will clear up any ambiguity.
- On balance, progressing this change as part of the plan change enables the issue to be easily rectified.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.6 Theme 6: Through site

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provisions	<i>Through site</i> (new definition) <i>Site</i> (consequential amendment to existing definition)

Status quo and problem statement

There is no definition of 'through site' in Chapter J1 of the AUP.

The plan distinguishes between several different types of sites based on various aspects, such as frontage dimensions, width and relationship to road(s). The definition of 'site' includes a diagram (Figure J1.4.8: Site) illustrating the application of the definition, and a number of other definitions exist for site types. These being front, corner and rear sites, as well as access site and entrance strip. There is however, no definition for 'through site'.

A definition of through site is required to achieve consistency with the other site types and align with references contained beneath the site type diagram within the definition of site. The definition of site also makes reference to specific site type definitions beneath the diagram. Inserting a definition would therefore complete the guidance within the plan on all the types of sites.

The site classification and its definition determine variables such as where yard controls are taken from, which in turn will impact upon other controls (i.e. height in relation to boundary). It is therefore critical that there is clear direction on what constitutes each site type.

A secondary issue is that there is no reference to the 'corner site' in the linking text directly below Figure J1.4.8:Site, despite it being shown in Figure J1.4.8 and being a defined term in Chapter J.

Background

Through site was a defined term in several of the legacy plans within the region. The definitions provided the same technical content, but with slight variations in wording. The two key aspects of the definition were:

- two or more road/street frontages
- not a corner site.

The definition of through site was not set out in the PAUP, Part 4 Definitions. It also does not appear to have been raised through evidence submitted to the IHP.

Outline of the proposals

The proposals to address the problem identified above are:

Option 1: Do not introduce a definition of through site and rely on interpretation and clarification of what this constitutes a through site via a practice note.

Additionally, do not provide a referencing link to 'corner site' in the text reference to site types directly below Figure J1.4.8: Site.

Option 2: Insert a new definition for 'Through site'. Following the formatting of the AUP, insert the definition under 'T' in Chapter J1.

Also amend the definition of site, to refer to 'through site' and 'corner site' in the text directly below Figure J1.4.8: Site.

The text for the new proposed definition to read as:

Through site

A site, other than a corner site, with two or more road frontages.

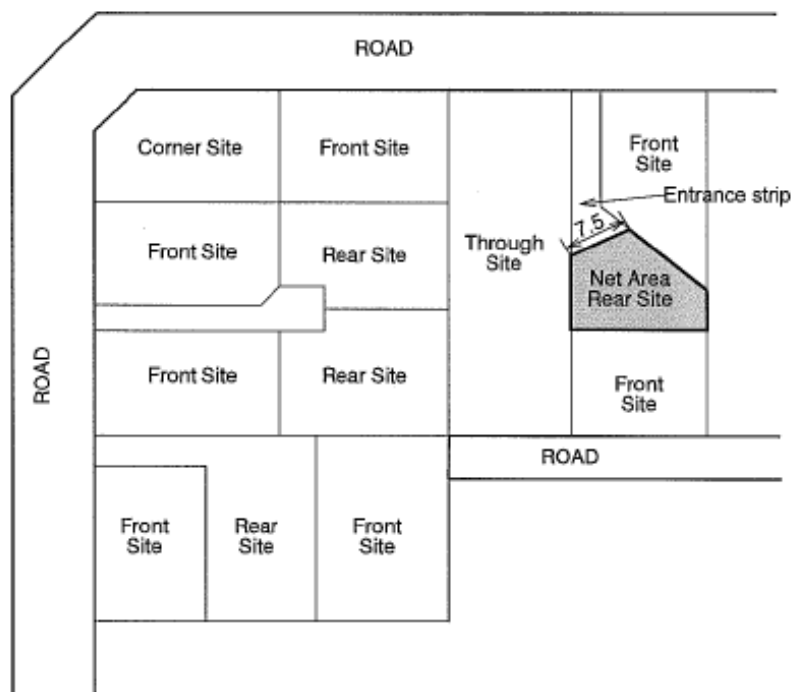
Refer to Figure J1.4.8 Site.

As well as to amend the text directly beneath the Figure J1.4.8 Site diagram, to recognise that the term through site is defined, as well as corner site.

Site

Any area of land which ...

Figure J1.4.8: Site



See also: *entrance strip, rear site, access site, front site, corner site and through site.*

The origins of the proposed definition align most directly with the terminology contained in the legacy plans, however amendments have been made from this legacy definition to align with consistency in language in the other site type definitions in the AUP.

Evaluating the proposal against its objectives

There are no highly relevant specific objectives to directly address the changes against in Chapter B - Regional Policy Statement.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Do not introduce a definition of through site and rely on interpretation and clarification of what this constitutes a through site via a practice note.</p> <p>Additionally, do not provide a referencing link to 'corner site' in the text reference to site types directly below Figure J1.4.8: Site.</p>	<p>A practice or interpretation note is generally for internal use only. This does not assist wider plan users/customers, making it partly ineffective for wider users. This also does not hold the same legal weighting should significant issues arise. It is therefore not as effective as option 2.</p>	<p>Option 1 avoids the time and resource required as part of inclusion in the plan change. In the wider scheme of the plan change however, this cost is minimal.</p> <p>Time and resource spent relaying practice/interpretation notes to applicant, customers inquiring.</p> <p>It also does not resolve the gap of having no definition of through</p>	<p>Does not involve the time and costs associated with inclusion of this proposed definition as part of the plan change.</p>

		site and therefore the issue remains.	
<p>Option 2: (Preferred)</p> <p>Insert a new definition for 'through site'. Following the formatting of the AUP, insert the definition under 'T' in Chapter J1.</p> <p>Also amend the definition of site, to refer to 'through site' and 'corner site' in the text directly below Figure J1.4.8: Site.</p>	<p>The changes required are limited to Chapter J1, inserting a new definition, based on legacy definitions, and a minor consequential change to the existing definition of site, to reference through site and ensuring for consistency a reference is made to 'corner site'. Inserting a definition is the most effective and efficient way to provide the necessary clarity. It provides the definition directly within the Plan, unlike a practice note which is outside the plan and not necessarily highly accessible. This option is therefore the most effective and efficient of the two.</p> <p>Inserting a definition for through site aligns with two of the objectives of the plan change, these being to amend the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps, and to also in relation to ambiguous or unclear provisions (with definitions being a form of provision). The inclusion of the definition is a technical amendment which does not change the policy direction, it instead provides clarification, making this option an efficient and effective solution.</p>	<p>Time and resource as part of inclusion in plan change. On balance however, this is very minor, compared to the benefit of having clarity of what a through site constitutes.</p>	<p>Plan users are provided clarity on what constitutes a through site when considering a project against multiple parts of the AUP. This option will provide clarity and help to avoid confusion for applying other associated definitions and standards on a site, such as yards (front and side) and height in relation to boundary.</p> <p>The scope of this change relates to all sites across the region which fall within the defined parameters proposed for a through site. Given that a through site needs to link up to two roads, there appears to be significantly fewer through sites, then front or rear sites, which comprise the bulk of site types. This therefore limits the overall number of sites affected.</p>

Conclusion

Option 2 is the preferred solution.

It is considered that inserting a new definition of building contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- Inserting a new definition to explicitly clarify through site will align with the other types of sites which are currently defined in Chapter J1 (being corner, front and rear sites). Its inclusion will avoid any unnecessary confusion to all plan users.
- The proposed definition draws upon legacy district plan definitions of through site, and then aligns it with the AUP format.

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

10.7 Theme 7: Workers' accommodation

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions
Specific provision	<i>Workers' accommodation</i>

Status quo and problem statement

In the rural zones, the AUP definition of 'workers' accommodation' provides for people who work on the subject site but also for those who don't work on the site but do work in the surrounding rural area. In all other zones (and precincts), the definition requires that the workers must have duties which necessitate them living on-site.

The definition reads as follow:

Workers' accommodation

A dwelling for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area.

Includes:

- *accommodation for rangers;*
- *artists in residence;*
- *farm managers and workers; and*
- *staff.*

The definition includes the phrase 'surrounding rural area' which is broad and subjective. There are no specific parameters on what distance constitutes surrounding area. It could be interpreted by plan users to include accommodation for farm or forestry plantation workers 1km away or 10km away. It could arguably also however, include accommodation for teachers at a local school, a petrol station assistance at a rural petrol station, or even a retail shop assistant in the nearby village or centre servicing the area.

A list of standards is set out H19.10.12 that apply to workers' accommodation in the rural zones. These standards however, do not assist in understanding the phrase "*surrounding rural area*". This can result in debate and uncertainty on what qualifies as surrounding rural area at the time of resource consent. This is undesirable and does not align with the principle of having as clear and unambiguous language as practicably possible.

The provision for workers accommodation in the surrounding rural area was provided for through the IHP recommendations version of the Auckland Unitary Plan.¹⁸ It was not contained within the Proposed AUP. Since the provisions have come into effect, this has been identified as difficult to implement by the Resource Consents Department, who have encountered a few consents where this issue has arisen, both in the context of proposed new workers' accommodation and the conversion of an existing building into the use of workers' accommodation.¹⁹

Outline of the proposals

The options to address the problems identified above are:

Option 1: Do not amend the definition of workers' accommodation and instead maintain the status quo. As a non-statutory option, use a practice or interpretation note for establishing what constitutes the surrounding rural area and how it should be applied.

Option 2: Amend the definition of workers' accommodation to remove provision for inclusion of people who work in the surrounding area. Replace with new text linking workers' accommodation to those specific activities set out in the Chapter J Rural Nesting Table and limit it to on-site workers.

Option 2 would link workers accommodation to the Rural nesting table (J1.3.6) which encompasses the following activities (the terms below are also further defined):

Table J1.3.6 Rural

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

¹⁸ Report to Auckland Council Hearing topics 056 and 057 Rural zones. July 2016. Section 1.2 (v).p.3.

¹⁹ Examples include resource consent applications SUB-60309055 and LUC-60067122.

<i>manufacturing</i>	
<i>Post-harvest facilities</i>	

The proposed amended wording to the definition of workers' accommodation under option 2 would read as:

Workers' accommodation

A dwelling for people whose duties require them to live onsite. ~~and in the rural zones~~ a dwelling for people who work on the site for the activities set out in Nesting Table J1.3.6. ~~or in the surrounding rural area.~~

Includes:

- accommodation for rangers;*
- artists in residence;*
- farm managers and workers; and*
- staff.*

Option 3: Amend the definition of workers' accommodation to remove the specific rural zone component of the definition all together. Apply the definition consistently across all zones, overlays or precincts.

Option 4: Amend the definition of workers' accommodation to include a specified default radius area from the site or centre point of the workers' accommodation (i.e.: 5 kilometres, or where the zone changes from rural, whichever is the lesser).

Evaluating the proposal against its objectives

The key AUP objectives to consider the proposal against is the Regional Policy Statement for Rural environment (B9). As well as, the objectives relating to the seven rural zones, contained within H19 (Rural zones), H20 (Waitākere Ranges) and H21 (Waitākere Foothills).

While the AUP recognises that dwellings will be present within rural zones, it also recognises that the rural environment can have sensitivities in relation to buildings for residential uses, both in terms of size and appearance, and impacts on the rural landscape. Zones such as, the Waitākere Ranges and Waitākere Foothills, Rural Conservation and Countryside Living Zones are particularly sensitive in this regard.

Objective B9.2.1.(1) recognises that “*Rural areas make a significant contribution to the wider economic productivity of, and food supply for, Auckland and New Zealand*”. Policy B9.2.2.(1) addresses *enabling a diverse range of activities while avoiding significant adverse effects on and urbanisation of rural areas, including within the coastal environment, and avoiding, remedying, or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.*

Providing for workers' accommodation across the surrounding rural area may go some way in assisting with rural economic productivity, but this needs to be considered against the other impacts. There are more appropriate alternative housing options for providing accommodation for workers of the rural area more generally such as, minor dwellings and second dwellings.

Objective H19.2.1.(1) recognises that *“rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions”*. The proposed changes to the definition of workers' accommodation under option 2 would still maintain recognition of the need for living, working and recreating, as well as having a range of activities and services in rural areas, but provides a more refined definition, which relates back directly to the rural activities and linking this back to the site or farm, not the wider surrounding rural area at large.

Likewise, Objective H19.2.1(2) recognises that rural production activities are provided for throughout the rural area while containing adverse environmental effects on site. The proposed refinements to the definition of workers' accommodation under option 2 would not prevent rural production activities in rural areas, instead establishing more direct language for workers associated with such activities, which assists in ensuring that adverse effects are contained on-site.

Objective H19.2.3. relating to rural character, amenity and biodiversity values sets out in H19.2.3.(1) that *“the character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities”*. The key aspect of this objective is in relation to the dynamic nature of rural production activities. Option 2 would still provide for the dynamic nature of such activities but with more refined parameters, linking workers' accommodation directly back to the rural nesting table and on-site. H19.2 Objectives and policies - all rural zones sets out under H19.2.1 Objectives -general rural (1) that: *“Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions”*. Through linking the onsite workers' accommodation to the Rural Nesting Table this maintains the strong connection relating to the rural area and its specific uses.

Summary of analysis under section 32(2) of the Act

Options	Efficiency and effectiveness	Costs	Benefits
<p>Option 1:</p> <p>Do not amend the definition of workers' accommodation and instead maintain the status quo.</p> <p>As a non-statutory option, a further practice note could be developed in relation to</p>	<p>While an interpretation or practice note could be developed, it may be difficult to apply an interpretation or practice note on what surrounding rural area constitutes, other than defaulting to a generic spatial extent such as 5 kilometres. Where surrounding rural area</p>	<p>This option avoids costs and risks of challenge associated with a plan change. This however is not a strong reason to not proceed when there are cases of unsatisfactory outcomes.</p> <p>There is the potential</p>	<p>A practice note would assist in providing some level of clarity in resource consent applications but will not be of any use in preventing accommodation beyond the site.</p> <p>Where the accommodation is not</p>

<p>what constitutes the surrounding rural area and when it should be applied.</p>	<p>should such a default radius should be set is difficult.</p> <p>Where this is more permissive to provide for workers in the surrounding area, it is questionable this provides an acceptable compromise between providing for rural productivity and economics and there needing to be a direct correlation to assisting with the economics of the subject site, as is the case with all other zones.</p>	<p>for environmental costs to what is incentivising a potential cumulative degradation of the rural landscape from bulk and location which reads as a standard dwelling, resulting from dwellings which do not provide a direct benefit or co-economic relationship with the subject site or farm. This much more indirect benefit becomes questionable and inappropriately used.</p> <p>There has been 18 months of use of the AUP to assess whether the provisions are working. The Resource Consents Department have indicated this provision is being applied for in an inappropriate manner, but there are significant difficulties in being able to push back on applications proposing accommodation for workers in the surrounding rural area, based on the current definition.</p> <p>Further time and money spent on interpretation by both Council and external District Plan users on what constitutes 'surrounding rural area'. This is considered poor use of time and money.</p>	<p>specifically providing housing for the direct workers whose duties relate to on-site, it brings into question whether a much wider rural community or rural economy benefit is appropriate. A dwelling of 120m² (minus garaging and decking) should only be applied where the benefit of proximity to work relates directly to the site or farm. Where it relates to workers beyond the site this should constitute a further dwelling (or dwelling in less common instances where there is no existing dwelling on-site).</p> <p>Also, there are no new or revised provisions for plan users to have to become familiar with and understand.</p>
<p>Option 2: (Preferred)</p> <p>Amend the definition of workers' accommodation to remove provision in the definition for inclusion of people who work in the surrounding area. Replace with new text</p>	<p>Option 2 will assist in resource consent applications where the reporting planner is left in an unresolved situation on what constitutes accommodation for workers in the surrounding area.</p>	<p>Requires certain proposals to apply for a minor household unit, a second or third dwelling, if the dwelling is for workers of the surrounding rural area not on-site or is for an activity not in the nesting table, such as,</p>	<p>Links the land use(s) the workers' accommodation is provided for to activities specified in the rural nesting table for the rural zones. The direct association for achieving prompt access to the on-site</p>

<p>linking workers' accommodation to those specific activities set out in the Chapter J Rural Nesting Table (J1.3.6) and limit it to workers on-site.</p>	<p>While some aspects of the management of workers' accommodation are managed through conditions of consent, such as, specifying a maximum number of occupants or specific type of workers use, the matter of what constitutes the surrounding rural area cannot be sufficiently addressed other than through a plan change, to remove this overly loose provision.</p> <p>In relation to objective B9.2.1.(1) and policy B9.2.2(1), providing for workers' accommodation across the surrounding rural area may go some way in assisting with rural economic productivity, but this needs to be considered against the other impacts. There are more appropriate alternative housing options for providing accommodation for workers of the rural area more generally such as, minor dwellings and second dwellings. The proposal of linking the workers' accommodation back to the Rural nesting table activities would also still ensure that the accommodation assists with relating back to the rural economy.</p> <p>The proposal aligns with the plan change objective of ensuring that the wording of provisions (definitions) is clear and unambiguous. The affect of the change relates to sites within</p>	<p>an artist in residence.</p> <p>It is possible some activities in the rural nesting table will not have a specific area suitable for workers' accommodation such as, in some quarries and some forestry planation areas, this then does not provide an ability to achieve workers' accommodation. On balance however, this is just one aspect, whereas there is a much wider group of rural activities which should be limited to restricting it to the specific subject site or farm.</p> <p>This is a change in approach from what the IHP set out for workers' accommodation in rural zones.</p>	<p>work is achieved such as, for milking cows and picking fruit or vegetables.</p> <p>The reference to the nesting table provides a much stronger link for specifically bringing it back to the original intent for workers' accommodation in rural zones.</p> <p>The change will enable a more robust definition which is much more focused to those activities that relate specifically to that site or farm.</p> <p>A dwelling of 120m² (minus garaging and decking) is a reasonable size standard dwelling, where this does not accommodate a worker on the specific site or farm, it brings in to question why it should not be considered as a second dwelling. The compass of what may constitute surrounding areas is too vast to ensure there is a direct benefit (i.e. economic/monetary benefit), that is not outweighed by potential effects on the rural landscape, that are better considered on its merits as a second dwelling, or a minor dwelling if meeting the standards of a minor dwelling.</p>
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	the seven rural zones, in particular those between 5 and 40 hectares.		
Option 3: Amend the definition of workers' accommodation to remove the specific rural zone component of the definition all together. Apply the definition consistently across all zones, overlays or precincts.	Removal of any rural zone-specific aspect within the definition would streamline the definition to a one size fits all. It would ideal and more efficient overall for the definition to be the same across all zones, precincts and overlays.	If no provision is provided for workers accommodation for workers of the surrounding area this will require applications to apply an alternative activity type, such as, a second dwelling or minor dwelling. This is a change in approach from what the IHP set out for workers' accommodation in rural zones.	This links the accommodation to the specific land use activities occurring on-site. The direct association for achieving prompt access to the on-site work is still maintained for milking cows, shearing sheep and picking fruit or vegetables.
Option 4: Amend the definition of workers' accommodation to include a specified default radius area from the site or centre point of the workers' accommodation (i.e.: 5 kilometres/ or where the zone changes from rural, whichever is the lesser).	A default radius is unlikely to assist as a one size fits all approach. Establishing what the appropriate radius is and where it is measured from is also difficult. It is not clear what evidence base could be used to establish this meter of kilometre number. For this reason, it is not considered the most effective option.	This option does not address the fact that the workers can relate to the surrounding rural area as opposed to the site, especially if this radius is defined as being very large.	There is a one size fits all for what constitutes surrounding rural area.

Conclusion

Option 2 is the preferred solution.

It is considered that the amendments to the definition of workers' accommodation contained in option 2 is the most effective and efficient for achieving the purpose of the plan change for the following reasons:

- It will assist in preventing inappropriate adverse effects from occupants who have no direct correlation to the subject on-site activity.
- It will remove the current ambiguity of what constitutes the 'surrounding rural area'. Instead, it will provide clarity through linking it to those activities most suited to the rural environment, being those in the Rural Nesting Table (J1.3.6).

The proposed amendments to Chapter J1 are shown in Attachment 1D: Definitions.

11.0 Conclusion

PC 16 seeks to amend Chapter H Zones and Chapter J Definitions in respect of the provisions identified in Attachments 1A, 1B, 1C and 1D. The proposed amendments are to address identified technical issues only and will retain the current policy direction of the plan. The main conclusions of the evaluation under Part 2 and Section 32 of the RMA are summarised below:

1. PC 16 is consistent with the purpose of sustainable management in Section 5 and with the principles in Sections 6, 7 and 8 and Part 2 of the RMA.
2. PC 16 assists the Council in carrying out its functions set out in Sections 30 and 31 of the RMA.
3. Pursuant to section 75(3)(c) of the RMA, PC 16 is consistent with the objectives and policies of the RPS.
4. The evaluation undertaken in accordance with Section 32 concluded:
 - i. The use of the existing objectives of the AUP would be the most appropriate way to achieve the purpose of the RMA.
 - ii. The amendment of Chapter H Zones and Chapter J Definitions in respect of the residential, business, open space, special purpose and other zone provisions and definitions identified in Attachments 1A to 1D is the most appropriate means of achieving the objectives identified in Section 3 of this report.
 - iii. The amendment proposed in relation to the development standards that apply in each of the residential zones, are to improve the alignment with the objectives and policies, and to improve clarity for purposes of interpretation.
 - iv. The proposed amendments to the business provisions to the of the standards and assessment criteria to improve the clarity of the provisions.
 - v. The proposed amendments to the Open Space Zones, Special Purpose – School Zone, Waitakere Foothills Zone and Waitakere Ranges Zone. Amendments are proposed to improve the alignment of the provisions with the objectives and policies.

ATTACHMENT F
PROPOSED PLAN CHANGE 16
– ATTACHMENT 1A



Attachment 1A: Proposed amendments to Chapters H1-H6 Zones: Residential of the Auckland Unitary Plan (Operative in part) version

Advice note: This attachment sets out the content of the proposed plan change with cross references to the part of the Section 32 Evaluation report which contains the explanation for the proposed amendment. The proposed additions are shown in underline and the proposed deletions are shown in ~~strike through~~. Where a proposed amendment has legal effect upon notification of the plan change under Section 86B(3) of the Resource Management Act 1991 this is shown in **grey highlight**.

H2. Residential – Rural and Coastal Settlement Zone

....

H2.6 Standards

....

H2.6.6. Height in relation to boundary

....

(2) Standard H2.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

Comment [s32 1]: Theme 5

(a)

(b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone: exceeding 2000m².

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 2]: Theme 5

(3) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H2.6.6(1) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

Comment [s32 3]: Theme 5

....

H2.6.9 Building coverage

Purpose: to manage the extent of buildings on a site to maintain and complement the rural and coastal built character of the zone and any landscape qualities and natural features.

(1) The maximum building coverage must not exceed 20 per cent of net site area or 200 400m², whichever is the lesser.

Comment [s32 4]: Theme 1

H2.6.10 Front, Side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

Comment [s32 5]: Theme 3

Comment [s32 6]: Theme 2

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place; and
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

Comment [s32 7]: Theme 3

- (1) Fences or walls or a combination of these structures (whether separate or joined together):
- a) on a side or rear boundary or within a side or rear yard must not exceed a height of 2m above ground level.
 - b) On or within the front yard, coastal protection yard, riparian
 - c) yard or lakeside yard, either:
 - (i) 1.4m in height, or
 - (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
 - (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary.

Comment [s32 8]: Theme 2 and 3

H3 Single House Zone

.....

H3.6.7 Height in Relation to Boundary

.....

(2) Standard H3.6.7(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

Comment [s32 9]: Theme 5

....

b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; exceeding 2000m².

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 10]: Theme 5

.....

(4) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H3.6.7(1) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

Comment [s32 11]: Theme 5

.....

H3.6.12 Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy or dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours, and the street or adjoining public place

Comment [s32 12]: Theme 3

(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, coastal protection yard, lakeside yard or riparian yard, either:

Comment [s32 13]: Theme 3

(i) 1.4m in height, or

(ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

.....

H4 Mixed Housing Suburban Zone

....

H4.6.5 Height in Relation to Boundary

.....

(2) Standard H4.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

Comment [s32 14]: Theme 5

....

b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; exceeding 2000m².

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 15]: Theme 5

....

(4) Where the boundary forms part of a legal right of way, entrance strip, or access site, or pedestrian access way, the control in Standard H4.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

Comment [s32 16]: Theme 4

.....

H4.6.6. Alternative height in relation to boundary

....

(3) Standard H4.6.6(2) above does not apply to a boundary adjoining any of the following:

....

b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; exceeding 2000m².

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 17]: Theme 5

....

(5) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H4.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

Comment [s32 18]: Theme 4

H4.6.11 Outlook space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings dwellings or units within an integrated residential development, boarding house or supported residential care, on the same or adjacent sites; and

Comment [s32 19]: Theme 10 - Business

....

- (7) Outlook spaces required from different rooms within the same building dwelling or unit within an integrated residential development, boarding house or supported residential care may overlap.

Comment [s32 20]: Theme 10 - Business

- (8)

- (9) Outlook spaces must:

- (a) be clear and unobstructed by buildings;
- (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in Standard H4.6.11(6) above; and
- (c) not extend over an outlook spaces or outdoor living space required by another dwelling or unit within an integrated residential development, boarding house or supported residential care.

Comment [s32 21]: Theme 10 - Business

- (10) Fences or walls within an outlook space must:

- i. not exceed 1.2m in height, or
- ii. be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.

Comment [s32 22]: Theme 7

....

H4.6.13. Outdoor living space

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is directly accessible from the principal living room, dining room or kitchen and is separated from vehicle access and manoeuvring areas.

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

....

- (c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

Comment [s32 23]: Theme 8

....

(2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:

....

(c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house.

Comment [s32 24]: Theme 8

.....

H4.6.14. Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

Comment [s32 25]: Theme 3

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place.
- minimise visual dominance effects to immediate neighbours, ~~and~~ the street or adjoining public place.

Comment [s32 26]: Theme 3

(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, coastal protection yard, riparian yard or lakeside yard, either:

Comment [s32 27]: Theme 3

(i) 1.4m in height, or

(ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

.....

H5 Residential Mixed Housing Urban Zone

.....

H5.6.5 Height in relation to boundary

(1) Buildings must not project beyond a 45 degree recession plane measured from a point 3m vertically above ground level along side and rear boundaries, as shown in Figure H5.6.5.1 Height in relation to boundary below.

(2) Standard H5.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

Comment [s32 28]: Theme 5

(a)

(b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone: ~~exceeding 2000m²~~.

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 29]: Theme 5

....

(4) Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, ~~the control in Standard H5.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, or access site~~ or pedestrian access way.

Comment [s32 30]: Theme 5

....

H5.6.6. Alternative height in relation to boundary

Purpose: to enable the efficient use of the site by providing design flexibility at upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access and minimising overlooking and privacy effects to immediate neighbours.

....

(3) Standard H5.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

Comment [s32 31]: Theme 5

....

b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone: ~~exceeding 2000m²~~.

i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 32]: Theme 5

.....

(5) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H5.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

Comment [s32 33]: Theme 4

.....

H5.6.7 Height in relation to boundary adjoining lower intensity zones

(1) Where sites.....

(2) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H5.6.7(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(3) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plan is:

- a) no greater than 1.5m² in area and no greater than 1m in height; and
- b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

Comment [s32 34]: Theme 6

H5.6.12 Outlook Space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings dwellings or units within an integrated residential development, boarding house or supported residential care, on the same or adjacent sites; and...

....

(7) Outlook spaces required from different rooms within the same building dwelling or unit within an integrated residential development, boarding house or supported residential care, may overlap.

Comment [s32 35]: Theme 10 - Business

....

(9) Outlook spaces must:

- (a) be clear and unobstructed by buildings; and
- (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in 0.6.12(6) above; and
- (c) not extend over an outlook spaces or outdoor living space required by another dwelling or unit within an integrated residential development, boarding house or supported residential care.
- (d) Fences and walls within an outlook space must:

Comment [s32 36]: Theme 10 - Business

- i. not exceed 1.2m in height, or
- ii. be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.

Comment [s32 37]: Theme 7

H5.6.14. Outdoor living space

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is directly accessible from the principal living room, dining room or kitchen and is separated from vehicle access and manoeuvring areas.

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

.....

- (c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

Comment [s32 38]: Theme 8

.....

- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:

.....

- (c) is accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house.

Comment [s32 39]: Theme 8

.....

H5.6.15 Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, ~~or~~ rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

Comment [s32 40]: Theme 3

- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

- (a) Within the front yard, coastal protection yard, riparian yard or lakeside yard, either:

Comment [s32 41]: Theme 3

- (i) 1.4m in height, or

- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
- (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

H6 Residential – Terraced Housing and Apartment Buildings Zone

.....

H6.6.6 Height in relation to boundary

....

- (1) ~~Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin another site in the same zone, or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, b~~

Comment [s32 42]: Theme 6

Buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.1 Height in relation to boundary below.

- (2) Standard H6.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:
- (a)
 - (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; ~~exceeding 2000m²~~
 - i) that are greater than 2000m²; and
 - ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 43]: Theme 5

(3)...

- (4) Where the boundary forms part of a legal right of way, entrance strip, ~~or~~ access site or pedestrian access way, the control in Standard H6.6.6(1) applies from the farthest boundary of that legal right of way, entrance strip, ~~or~~ access site or pedestrian access way.

Comment [s32 44]: Theme 4

.....

H6.6.7. Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone

.....

- (4) Standards H6.6.7 (2) and (3) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

....

- (b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone; ~~exceeding 2000m²~~
 - i) that are greater than 2000m²; and

ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary.

Comment [s32 45]: Theme 5

.....

(6) Where the boundary forms part of a legal right of way, entrance strip, or access site or pedestrian access way, the control in Standard H6.6.7(2) applies from the farthest boundary of that legal right of way, entrance strip, or access site or pedestrian access way.

Comment [s32 46]: Theme 4

H6.6.8 Height in relation to boundary adjoining lower intensity zones

(1) Where sites.....

(4) Where the boundary forms part of a legal right of way, entrance strip or access site or pedestrian access way, the control in Standard H6.6.8(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plan is:

- a) no greater than 1.5m² in area and no greater than 1m in height; and
- b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

Comment [s32 47]: Theme 6

H6.6.13 Outlook Space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings dwellings or units within an integrated residential development, boarding house or supported residential care, on the same or adjacent sites; and

.....

(7) Outlook spaces required from different rooms within the same building dwelling or unit within an integrated residential development, boarding house or supported residential care may overlap.

Comment [s32 48]: Theme 10 - Business

.....

(9) Outlook spaces must:

- (a) be clear and unobstructed by buildings; and
- (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(2) above; and
- (c) not extend over an outlook spaces or outdoor living space required by another dwelling or unit within an integrated residential development, boarding house or supported residential care.
- (d) Fences or walls within an outlook space must:

Comment [s32 49]: Theme 10 - Business

- i. not exceed 1.2m in height, or
- ii. be at least 50 per cent visually open as viewed perpendicular from the glazing of the habitable room.

Comment [s32 50]: Theme 7

H6.6.15 Outdoor living space

....

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² that comprises ground floor and/or balcony/roof terrace space that:

.....

- (c) is directly accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

Comment [s32 51]: Theme 7

.....

- (6) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:

....

- (c) is directly accessible from the principal living room, dining room or kitchen of the dwelling, supported residential care unit or boarding house; and

Comment [s32 52]: Theme 8

.....

H6.6.16 Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, or rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place;
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

- (a) Within the front yard, coastal protection yard, riparian yard or lakeside yard, either:

- (i) 1.4m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

Comment [s32 53]: Theme 3

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

.....

Assessment

H1.8. Assessment – restricted discretionary activities

H1.8.1. Matters of discretion

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

(1) for supported residential care accommodating up to 10 people

.....

(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

.....

(iii) location and design of parking and access; and

Comment [s32 54]: Theme 9

.....

(2) for minor dwellings:

(a) the effects on the landscaped character, landscape qualities and natural features of the zone; and

Comment [s32 55]: Theme 11

.....

(3) for buildings that do not comply with Standard H1.6.4 Building height; Standard 1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; and Standard 01.6.7 Building coverage:

.....

(d) the effects on the landscape character, landscape qualities and natural features of the zone;

Comment [s32 56]: Theme 11

.....

H1.8.2. Assessment criteria

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

(1) for supported residential care accommodating up to 10 people

.....

(d) location and design of parking and access:

Comment [s32 57]: Theme 9

(i) whether adequate parking and access is provided or required.

.....

H2.8. Assessment – restricted discretionary activities

H2.8.1 Matters of discretion

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

- (1) for supported residential care accommodating up to 10 people

...

- (b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

....

- (iii) location and design of parking and access; and

....

Comment [s32 58]: Theme 9

H2.8.2 Assessment criteria

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

- (1) for supported residential care accommodating up to 10 people

...

- (d) location and design of parking and access:

- (ii) whether adequate parking and access is provided or required.

.....

Comment [s32 59]: Theme 9

H3.8. Assessment – restricted discretionary activities

H3.8.1 Matters of discretion

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

(1) for dairies up to 100m² gross floor area per site; and healthcare facilities up to 200m² gross floor area per site:

(a) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

....

(iii) location and design of parking and access; and

Comment [s32 60]: Theme 9

.....

(2) for buildings that do not comply with Standard H3.6.6 Building height; ...

....

(d) the effects on the ~~rural and coastal~~ suburban built character of the zone;

Comment [s32 61]: Theme 11

.....

H3.8.2. Assessment criteria

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

(1) for dairies up to 100m² gross floor area per site; and healthcare facilities up to 200m² gross floor area per site:

.....

(c) location and design of parking and access:

Comment [s32 62]: Theme 9

(i) whether adequate parking and access is provided or required.

.....

H4.8. Assessment – restricted discretionary activities

H4.8.1 Matters of discretion

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

- (1) for supported residential care accommodating greater than 10 people....
 - (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
 - ...
 - (iii) location and design of parking and access; and
 -

Comment [s32 63]: Theme 9
- (2) for four or more dwellings per site:
 - (a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:
 -
 - (iii) location and design of parking and access.
 -

Comment [s32 64]: Theme 9
- (3) for integrated residential development:
 - (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
 - ...
 - (iii) location and design of parking and access; and
 -

Comment [s32 65]: Theme 9
- (4) for buildings that do not comply with Standard H4.6.4 Building height; ...
 - (d) the effects on the ~~rural and coastal~~ suburban built character of the zone;
 -

Comment [s32 66]: Theme 11

H4.8.2. Assessment criteria

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

- (1) for supported residential care accommodating greater than 10 people...
 - ...
 - (d) location and design of parking and access:

Comment [s32 67]: Theme 9

H5.8. Assessment – restricted discretionary activities

H5.8.1. Matters of discretion

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

- (1) for supported residential care accommodating greater than 10 people....
...
 - (b) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
...
 - (iii) location and design of parking and access; and
.....
- (2) for four or more dwellings per site:
 - (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
...
 - (iii) location and design of parking and access.
...
- (3) for integrated residential development:
 - (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
...
 - (iii) location and design of parking and access; and
.....
- (4) for buildings that do not comply with Standard H5.6.4 Building height;
...
 - (d) the effects on the rural and coastal urban built character of the zone;
.....

Comment [s32 68]: Theme 9

Comment [s32 69]: Theme 9

Comment [s32 70]: Theme 9

Comment [s32 71]: Theme 11

H5.8.2. Assessment criteria

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

(1) for supported residential care accommodating greater than 10 people....

....

(d) location and design of parking and access:

.....

Comment [s32 72]: Theme 9

H6.8. Assessment – restricted discretionary activities

H6.8.1. Matters of discretion

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

- (1) for supported residential care accommodating greater than 10 people ...

....

- (b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

...

- (iii) location and design of parking and access; and

Comment [s32 73]: Theme 9

...

- (2) for dwellings:

- (a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:

....

- (iii) location and design of parking and access.

Comment [s32 74]: Theme 9

.....

- (3) for integrated residential development:

- (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

...

- (iii) location and design of parking and access; and

Comment [s32 75]: Theme 9

.....

- (4) for buildings that do not comply with Standard H6.6.5 Building height; ...

.....

- (d) the effects on the ~~rural and coastal~~ urban built character of the zone;

Comment [s32 76]: Theme 11

....

H6.8.2. Assessment criteria

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

- (1) for supported residential care accommodating greater than 10 people

...

- (d) location and design of parking and access:

Comment [s32 77]: Theme 9

(i) whether adequate parking and access is provided or required.

....

(2) for dwellings:

....

(j) infrastructure and servicing

.....

(k) The extent to which the necessary storage and waste collection and recycling facilities is provided in locations conveniently accessible and screened from streets and public open spaces.

Comment [s32 78]: Theme 12

(l) traffic:

(i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.

(ii) H6.8.2 (2)(l)(i) is not considered where the development is located adjacent to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

Comment [s32 79]: Theme 10

(3) for integrated residential development:

.....

(k) traffic:

(i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.

(ii) H6.8.2 (3)(k)(i) is not considered where the development is located adjacent to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

Comment [s32 80]: Theme 10

....

ATTACHMENT G
PROPOSED PLAN CHANGE 16
– ATTACHMENT 1B



Attachment 1B: Proposed amendments to Chapters H8-H17 Zones: Business of the Auckland Unitary Plan (Operative in part) version

Advice note: This attachment sets out the content of the proposed plan change with cross references to the part of the Section 32 Evaluation report which contains the explanation for the proposed amendment. The proposed additions are shown in underline and the proposed deletions are shown in ~~strike through~~. Where a proposed amendment has legal effect upon notification of the plan change under Section 86B(3) of the Resource Management Act 1991 this is shown in **grey highlight**.

H8. Business – City Centre Zone

...

H8.6. STANDARDS

...

H8.6.12. Bonus floor area ratio – light and outlook

Comment [s32 1]: Theme 11

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, public open space and nearby sites;
- ~~sunlight~~ and outlook around buildings; and
- views through the city centre.

...

- (4) ~~To qualify for the bonus~~ On sites identified as special height area on Map H8.11.3, the building must comply with Standard H8.6.24 below to qualify for the bonus.

...

H8.6.17. Bonus floor area - public open space

...

- (4) ~~Where required by Standard H8.6.26~~ located on a site subject to Map H8.11.6 Verandahs, provide a verandah along the street for the full length of the public open space in accordance with Standard H8.6.26(4) – (7).

Comment [s32 2]: Theme 6

...

H8.6.20. Bonus floor area - works of art

Comment [s32 3]: Theme 12

...

- (3) The bonus floor area available is assessed at the following ratio:

...

(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:

...

- (iii) areas contained within a building occupied by ~~pedestrian facilities~~ through site links 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.~~ any entrance foyer/lobby or part of

it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m.

...

H8.6.27. Minimum floor to floor height

...

- (1) The ground floor of a new building and alterations and additions that change the floor to floor height 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 and any alterations and additions that change the floor to floor height above ground floor must be at least 3.6m where those floors will accommodate non-residential activities.

Comment [s32 4]: Theme 3

...

H8.6.28. Wind

Purpose: mitigate the adverse wind effects generated by high-rise buildings.

- (1) A new building and additions to existing buildings that increase the height of any part of the building must not cause:

Comment [s32 5]: Theme 3

...

H8.6.31. Street sightlines

...

- (2) Buildings or structures must not locate within the sightlines identified in Appendix 9 Business – City Centre Zone sight lines, except as otherwise provided for in Table E26.2.3.1 Activity table in E26 Infrastructure and Standard H8.6.26. Verandahs.

Comment [s32 6]: Theme 2

H8.6.32. Outlook Space

Comment [s32 7]: Theme 9

Purpose:

- ensure a reasonable standard of visual and acoustic privacy between different dwellings, and units in visitor accommodation and boarding houses, including their outdoor living space, on the same or adjacent sites; and
- ...
- (1) ~~The This 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~~ these rooms 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.

...

(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);

...

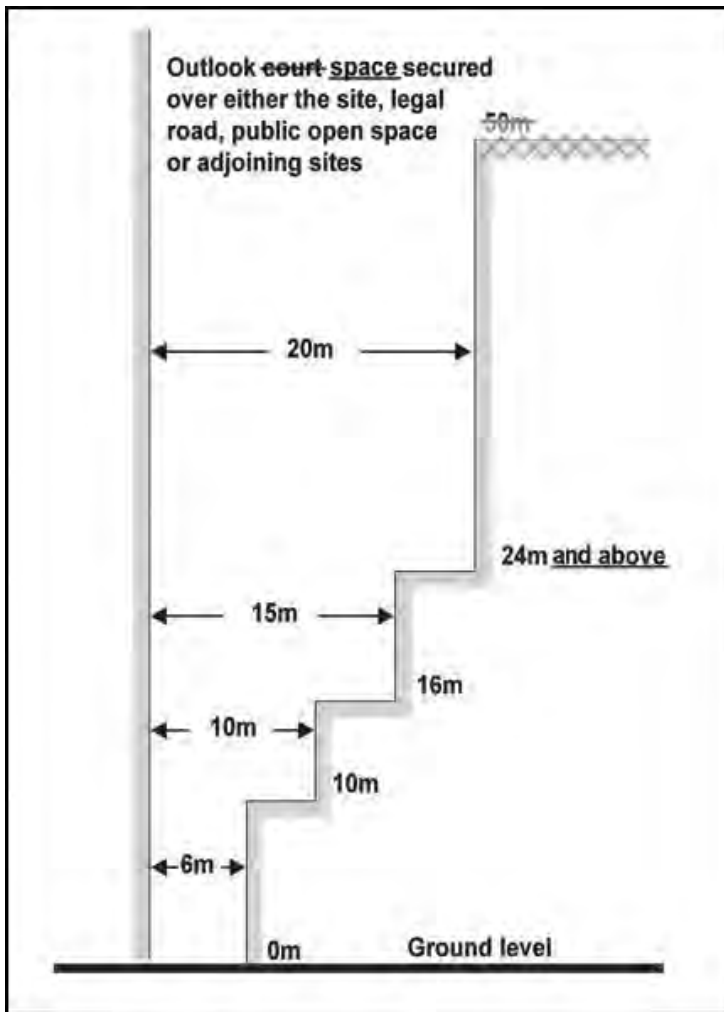
(6) In the situation where an outlook space is provided over a legal road narrower than the width ~~specified in Figure H8.6.32.2~~ required by Standard H8.6.32(3), the street width is deemed to satisfy the minimum outlook space requirement.

...

Figure H8.6.32.2 Outlook space

[Amend the figure as shown below to remove reference to outlook 'court' and change to outlook 'space']

[Amend the figure as shown below to say 24m and above and remove 50m annotation]



...

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:

...

- (9) infringement of minimum floor to floor height ground floor activities, building frontage alignment and height and verandahs standards:

Comment [s32 8]: Theme 7

...

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:

...

Creating a positive frontage

(vi) *[deleted]*

~~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;~~

Comment [s32 9]: Theme 8

...

Variation in building form/visual interest

...

(xv) whether blank walls ~~should~~ are avoided on all levels of building frontages to streets and public open spaces;

...

(xixa) the extent to which glazing is provided on street and public open space frontages and the benefits it provides in terms of:

- the attractiveness and pleasantness of the street and public open space and the amenity for people using or passing through that street or space;
- the degree of visibility that it provides between the street and public open space and the building interior; and
- the opportunities for passive surveillance of the street and public open space from the ground floor of buildings.

Comment [s32 10]: Theme 1

...

(b) ~~design and scale~~ form and design of buildings adjoining historic heritage places:

Comment [s32 11]: Theme 5

(i) buildings adjoining ~~or in close proximity to~~ a scheduled historic heritage place:

...

(c) design of parking, access and servicing:

...

(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 activities.

Comment [s32 12]: Theme 17

...

(d) design and layout of dwellings, visitor accommodation and boarding houses:

...

- (ii) the extent to which visitor accommodation and boarding houses are designed to achieve a reasonable standard of internal amenity. Taking into account:

...

- the provision of larger indoor or outdoor living spaces whether communal or exclusive to the dwelling visitor accommodation and boarding houses is more important for units that are not self-contained.

Comment [s32 13]: Theme 17

...

- (iv) whether a waste management plan:

...

- provides clear management policies to cater for different waste management requirements of the commercial tenancy and residential apartments activities;

Comment [s32 14]: Theme 17

...

- (9) infringement of minimum floor to floor height (ground floor), building frontage alignment and height and verandahs standards:

Comment [s32 15]: Theme 7

...

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:

...

- (6) residential activities:

Comment [s32 16]: Theme 4

- (a) internal and on-site amenity;

...

H8.9.2.2. Assessment criteria

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

...

(6) residential activities:

Comment [s32 17]: Theme 4

(a) internal and on-site amenity:

- (i) the extent to which the residential development provides a high standard of internal amenity and on-site amenity for occupants of the dwellings residential development.
- (ii) To demonstrate this, and in order for the bonus floor space to be awarded for residential activities, dwellings, residential developments must comply with all of the relevant standards applying to residential development and be consistent with the assessment criteria for residential developments.

In some circumstances it may be appropriate to award the bonus floor space where the development (or part thereof) does not comply with the relevant standards for dwellings. In this instance, the development applicant will need to demonstrate that an equal or better standard of amenity can be achieved when compared with a development that complies with the relevant standards complying development.

(7) infringements to bonus floor area standards:

...

H9. Business – Metropolitan Centre Zone

...

H9.6. STANDARDS

All activities listed as permitted, controlled and restricted discretionary in Table 0.4.1 Activity table must comply with the following standards.

....

H9.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access~~ manage shadowing effects of building height ~~on to public open space, excluding streets and nearby sites;~~
- manage visual dominance effects;

Comment [s32 18]: Theme 13

...

H9.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H9.6.9. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 0.6.9.1 and Figure 0.6.9.1 below;

...

H9.6.10 Outlook space

Purpose:

- ensure a reasonable standard of visual and acoustic privacy between different dwelling, and units in an integrated residential development, visitor accommodation and boarding houses, 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 This standard below applies to new buildings containing~~ dwelling, units in an integrated residential development, visitor accommodation and boarding houses, and buildings that are converted to dwellings, units in an integrated residential development, 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~~ these rooms 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.

...

- (5) The outlook space may be over:

Comment [s32 19]: Theme 13

Comment [s32 20]: Theme 3

Comment [s32 21]: Theme 9

(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 H9.6.10.1);

...

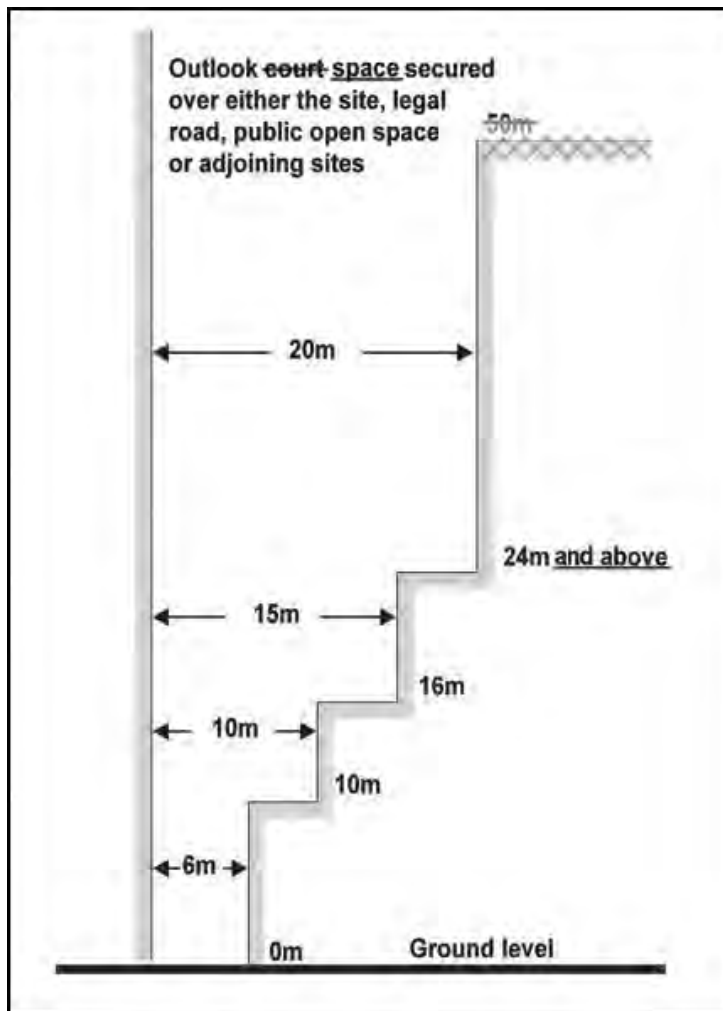
(6) In the situation where an outlook space is provided over a legal road narrower than the width specified in Figure H9.6.32.2 required by Standard H9.6.10(3), the street width is deemed to satisfy the minimum outlook space requirement.

...

Figure H9.6.10.2 Outlook space

[Amend the figure to remove reference to outlook 'court' and change to outlook 'space']

[Amend the figure to say 24m and above and remove 50m annotation]



...

H.10. Business – Town Centre Zone

...

H10.6 STANDARDS

...

H10.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on to public open space, excluding streets and nearby sites;
- manage visual dominance effects;

...

H10.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply

...

H10.6.9 Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H9.6.9.1 and Figure H9.6.9.1 below;

...

H10.6.10. Outlook space

...

- (3) The minimum dimensions for a required outlook space are as follows:
 - (a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or supported residential care visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

Comment [s32 22]: Theme 13

Comment [s32 23]: Theme 13

Comment [s32 24]: Theme 3

Comment [s32 25]: Theme 10

(b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

(8) Outlook spaces required from different rooms within the same ~~building~~ dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

(10) Outlook spaces must:

...

(c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H11. Business – Local Centre Zone

H11.6. STANDARDS

All permitted and restricted discretionary activities in Table H11.4.1 Activity table must comply with the following standards.

...

H11.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on to public open space, excluding streets ~~and nearby sites;~~
- manage visual dominance effects;

...

H11.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and

Comment [s32 26]: Theme 13

Comment [s32 27]: Theme 13

- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H11.6.7. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m must not cause:

Comment [s32 28]: Theme 3

- (a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H11.6.7.1 and Figure H11.6.7.1 below;

...

H11.6.8 Outlook Space

Comment [s32 29]: Theme 10

...

- (3) The minimum dimensions for a required outlook space are as follows:

- (a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or ~~supported residential care unit~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

- (b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

- (8) Outlook spaces required from different rooms within the same building dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

- (10) Outlook spaces must:

...

- (c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H12. Business – Neighbourhood Centre Zone

...

H12.6. STANDARDS

All activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table must comply with the following standards

...

H12.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on ~~to public open space,~~ excluding streets ~~and nearby sites;~~
- manage visual dominance effects;

Comment [s32 30]: Theme 13

...

H12.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply

Comment [s32 31]: Theme 13

...

H12.6.7. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H12.6.7.1 and Figure H12.6.7.1 below;

Comment [s32 32]: Theme 3

H12.6.8 Outlook Space

Comment [s32 33]: Theme 10

...

- (3) The minimum dimensions for a required outlook space are as follows:
 - (a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or ~~supported residential care~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

(b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

(8) Outlook spaces required from different rooms within the same ~~building~~ dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

(10) Outlook spaces must:

...

(c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H13. Business – Mixed Use Zone

H.13.6 STANDARDS

All permitted and restricted discretionary activities in Table H13.4.1 Activity table must comply with the following standards.

...

H13.6.1. Building height

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and nearby sites;
- manage visual dominance effects;

...

H13.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access~~ manage shadowing effects of building height on to public open space, excluding streets and nearby sites;

Comment [s32 34]: Theme 13

Comment [s32 35]: Theme 13

- manage visual dominance effects on neighbouring zones where lower height limits apply.

...

H13.6.8. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m must not cause:

Comment [s32 36]: Theme 3

- (a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H13.6.8.1 and Figure H13.6.8.1 below;

...

H13.6.9 Outlook space

Comment [s32 37]: Theme 10

...

- (3) The minimum dimensions for a required outlook space are as follows:

- (a) a principal living room of a dwelling, or unit in an integrated residential development or main living and dining area within a boarding house or ~~supported residential care unit~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and
- (b) all other habitable rooms of a dwelling, or unit in an integrated residential development or a bedroom within a boarding house or ~~supported residential care unit~~ visitor accommodation must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

...

- (8) Outlook spaces required from different rooms within the same building dwelling or different rooms within the same unit in an integrated residential development, visitor accommodation or boarding house may overlap.

...

- (10) Outlook spaces must:

...

- (c) not extend over an outlook spaces or outdoor living space required by another dwelling, or unit in an integrated residential development, visitor accommodation or boarding house.

...

H14 Business – General Business Zone

...

H14.6. STANDARDS

All permitted and restricted discretionary activities in Table H14.4.1 Activity table must comply with the following standards

...

H14.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on to public open space, excluding streets and nearby sites;
- manage visual dominance effects;

Comment [s32 38]: Theme 13

...

H14.6.2 Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

Comment [s32 39]: Theme 13

...

H14.6.6. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

(1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m must not cause:

Comment [s32 40]: Theme 3

- (a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table H14.6.6.1 and Figure H14.6.6.1 below;

...

H15. Business – Business Park Zone

H15.6 STANDARDS

All permitted and restricted discretionary activities in Table H15.4.1 Activity table must comply with the following standards.

...

H15.6.1. Building height

Purpose:

- manage the effects of building height;
- ~~allow reasonable sunlight and daylight access to public open space, excluding streets and nearby sites;~~ manage shadowing effects of building height on ~~to public open space,~~ excluding streets and nearby sites;
- manage visual dominance effects; and

Comment [s32 41]: Theme 13

H15.6.2. Height in relation to boundary

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to public open space excluding streets, and neighbouring zones; and
- manage visual dominance effects on neighbouring zones where lower height limits apply.

Comment [s32 42]: Theme 13

H15.6.6. Wind

Purpose: mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m 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 H15.6.6.1 and Figure H15.6.6.1 below;

Comment [s32 43]: Theme 3

H15.6.7 Outlook space

Comment [s32 44]: Theme 10

- (3) The minimum dimensions for a required outlook space are as follows:
 - (a) a principal living room ~~of a dwelling~~ or main living and dining area within a boarding house or ~~supported residential care~~ visitor accommodation must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and
 - (b) all other habitable rooms ~~of a dwelling~~ or a bedroom within visitor accommodation or a boarding house ~~or supported residential care unit~~ must have an outlook space with a minimum dimension of 3m in depth and 3m in width.
- (8) Outlook spaces required from different rooms within the same building unit in visitor accommodation or a boarding house may overlap.

...

(10) Outlook spaces must:

...

(c) not extend over an outlook spaces or outdoor living space required by another unit in visitor accommodation or a boarding house dwelling.

H16. Business – Heavy Industry Zone

...

H16.6. STANDARDS

All activities listed as permitted and restricted discretionary in Table H16.4.1 must comply with the following permitted activity standards.

H16.6.1. Building height

Purpose:

- manage the effects of building height including visual dominance; and
- allow reasonable sunlight and daylight access to manage shadowing effects of building height on public open spaces excluding streets, the subject site and nearby sites.

Comment [s32 45]: Theme 18

...

H17. Business – Light Industry Zone

...

H17.6 STANDARDS

...

H17.6.1. Building height

Purpose:

- manage the effects of building height including visual dominance; and
- allow reasonable sunlight and daylight access to manage shadowing effects of building height on public open spaces excluding streets, the subject site and nearby sites.

Comment [s32 46]: Theme 18

...

ATTACHMENT H
PROPOSED PLAN CHANGE 16
– ATTACHMENT 1C



Attachment 1C: Proposed amendments to Chapters H7, H20, H21, H29 Zones of the Auckland Unitary Plan (Operative in part) version

Advice note: This attachment sets out the content of the proposed plan change with cross references to the part of the Section 32 Evaluation report which contains the explanation for the proposed amendment. The proposed additions are shown in underline and the proposed deletions are shown in ~~striketrough~~. Where a proposed amendment has legal effect upon notification of the plan change under Section 86B(3) of the Resource Management Act 1991 this is shown in grey highlight.

H7. Open Space

....

H7.9. Activity table

....

H7.9.1. Activity Table – Open Space Zones

Activity	Activity Status				
	Conservation Zone	Informal Recreation Zone	Sport and Active Recreation Zone	Civic Spaces Zone	Community Zone
...					
Development					
...					
(A51)	Jetties or boat ramps	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>

Comment [s32 1]: Theme 1

....

H29 Special Purpose School Zone

....

H29.6. Standards

....

H29.6.2 Building height

- (1) Buildings (excluding floodlights) must not be greater than the height specified in Table H29.6.2.1 Building height unless Standard H29.6.7 applies.

Comment [JC2]: Theme 10

Table H29.6.2.1 Building height

Building location	Maximum building height
Buildings less than 20m from a boundary with a site in residential zones (except the Residential – Terrace Housing and Apartment Buildings Zone), open space zones, or the Future Urban Zone	12m
Buildings greater than or equal to 20m from a boundary with a site in a residential zone (other than Residential – Terrace Housing and Apartment Buildings Zone) or open space zones, or the Future Urban Zone	16m
Buildings in all other locations	16m

- (2) Floodlights must comply with the following:
- (a) poles must not exceed 16m in height;
 - (b) pole diameter shall be no more than 1m at the base of the pole, tapering to no more than 300mm at its maximum height; and
 - (c) the pole must be recessive in colour.

.....

H20. Rural – Waitākere Foothills Zone

.....

H20.6. Standards

.....

H20.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and
- opportunity for reverse sensitivity effects to arise
- the effects on streams to maintain water quality and provide protection from natural hazards.

Comment [s32 3]: Theme 3

- (1) For sites with a net site area of less than 4000m², the minimum depth of front, side and rear yards is 3m.
- (2) For sites with a net site area greater than 4000m², the minimum depth of front, side and rear yards is 10m.
- (3) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H20.6.3.1 Minimum Yard Setback Requirements below.

Table H20.6.3.X Minimum Yard Setback Requirements

Yard	Minimum depth
<u>Front, side and rear yards for sites with a net site area of less than 4000m²</u>	<u>3m</u>
<u>Front, side and rear yards for sites with a net site area greater than 4000m²</u>	<u>10m</u>
<u>Riparian yard</u>	<u>20m from the edge of permanent and intermittent streams</u>

.....

H20.6.10 Minor dwellings

The following standards apply to minor dwellings:

- (1) a minor dwelling must not be located on a site with a minimum net site area of 1500m²;
- (2) there must be no more than one minor dwelling per site;
- (3) the minor dwelling must be constructed to have colour reflectivity limited to the following:
 - (a) between 0 and 40 per cent for exterior walls; and
 - (b) between 0 and 25 per cent for roofs;

Comment [s32 4]: Theme 4

.....

H21. Rural – Waitakere Ranges Zone

...

H21.6.3 Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the rural character and amenity values enjoyed by occupiers of adjoining properties; and
- opportunity for reverse sensitivity effects to arise
- the effects on streams, lakes and the coastal edge to maintain water quality and provide protection from natural hazards.

Comment [s325]: Theme 3

- (1) The minimum depth of front, side and rear yards is 10m.
- (2) For sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay, the minimum depth of front, side and rear yards is 3m.
- (3) A building that does not comply with Standard H21.6.3(1) is a restricted discretionary activity provided that it has front, side and rear yards of a depth of not less than 3m.
- (4) A building with front, side and rear yards of a depth less than 3m is a discretionary activity.
- (5) A building, or parts of a building, must be set back from the relevant boundary by the minimum depth listed in Table H21.6.3.1 Minimum Yard Setback Requirements below.

Table H21.6.3.X Minimum Yard Setback Requirements

Yard	Minimum depth
<u>Front, side and rear yards</u>	<u>10m</u>
<u>Front, side and rear yards for sites located within Overlay Subdivision Plan 7a-7g – Bush Living (Ranges) identified in D12 Waitākere Ranges Heritage Area Overlay</u>	<u>3m</u>
<u>Riparian yard</u>	<u>20m from edge of permanent and intermittent streams</u>
<u>Lake yard</u>	<u>30m</u>
<u>Coastal protection yard or as otherwise specified for the site in Appendix 6</u> <u>Coastal protection yard</u>	<u>50m</u>

ATTACHMENT I
PROPOSED PLAN CHANGE 16
– ATTACHMENT 1D



Attachment 1D: Proposed amendments to Chapter J1: Definitions of the Auckland Unitary Plan (Operative in part) version

Advice note: This attachment sets out the content of the proposed plan change with cross references to the part of the Section 32 Evaluation report which contains the explanation for the proposed amendment. The proposed additions are shown in underline and the proposed deletions are shown in ~~strikethrough~~. Where a proposed amendment has legal effect upon notification of the plan change under Section 86B(3) of the Resource Management Act 1991 this is shown in **grey highlight**.

J1.1. Definitions

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A

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Average floor area

Comment [A1]: Business Theme 14
Comment [A2]: Business Theme 14

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

Includes:

- for sites with a gross site area of 2,000m² or less, where the horizontal area at any floor level totals less than 20 per cent of the site area, the horizontal area at that level shall be deemed to be 20 per cent of the site area for the purpose of calculating average floor area; or and
- for sites with a gross site area greater than 2,000m², where the horizontal area at any floor level totals less than 400m², the horizontal area at that level shall be deemed to be 400m² for the purpose of calculating average floor area.

Excludes:

- basement space;
- approved pedestrian amenities and facilities through site links and works of art; and
- ~~an entrance lobby/foyer which is a primary means of public access to a building, open to the public and accessed directly from a public open space.~~
- any entrance foyer/lobby or part of it including any void forming an integral part of it, provided that entrance foyer/lobby is publicly accessible, accessed directly from a street or public open space and has an overhead clearance of at least 6m.

...

B

...

Building

Comment [A3]: Definitions Theme 1

Any permanent or temporary structure.

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

Table J1.4.1: Buildings

Type of structure	Qualifying dimension or standard (for height the rolling height method is to be
-------------------	---

Proposed amendments to J1 Definitions

	used)
Decks, steps or terraces	Over 1.5m high in height
Fences or walls	Over 2.5m high in height
Flagpoles, masts or lighting poles	Over 7m higher than its point of attachment or base support or Has a Cross-sectional dimension does not width at any point exceeding 1.2m
Grandstands, stadia or other structures that provide seating or standing accommodation (whether or not open or covered or enclosed)	Over 1m high in height
Retaining walls or breastwork	Over 1.5m high in height or located within 1.5m of the boundary of a road or public place
Satellite dishes	Over 1m diameter
Stacks or heaps of materials	Over 2m high in height and In existence for more than one month
Free-standing signs	Over 1.5m high in height
Swimming pools, or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs	Over 1m high in height from ground level, inclusive of the height of any supporting structure or More than 25,000l capacity Supported directly by the ground or supported not more than 1m above the ground
<u>Tanks including retention tanks</u>	Over 1m in height from ground level, inclusive of the height of any supporting structure or <u>More than 25,000l capacity, where any part of the tank is above ground level</u>
Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground	Over 1.5m high In use for more than 32 days in any calendar year
Verandahs, and bridges or other constructions over any public open space	Above ground level

Proposed amendments to J1 Definitions

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

and excludes the following types of structures:

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

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

...

F

...

Floor area ratio

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

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

In calculating floor area ratio, the net site area:

Proposed amendments to J1 Definitions

- excludes any part of the site which is made up of an interest in any airspace above or subsoil below a road, and
- includes any part of the site which is a vehicle access way.

Comment [A4]: Residential Theme 4

...

Food and beverage

Comment [A5]: Definitions Theme 2

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

Includes:

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

Excludes:

- retail shops; and
- supermarkets.

This definition is nested within the Commerce nesting table.

...

...

Front boundary

Comment [A6]: Residential Theme 5

The boundary line on a site which adjoins a road.

Excludes:

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

G

...

Gross floor area

Comment [A7]: Definitions Theme 3

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

...

Excludes:

- basement areas used for parking including manoeuvring areas, access aisles and access ramps;
- plant areas within the building, ~~including basement areas;~~

Proposed amendments to J1 Definitions

- basement areas for stairs, escalators and elevators essential to the operation of a through site link or servicing a floor used primarily for parking and loading;

...

L

Landscaped area

In relation to any site, means any part of that site ~~being~~ not less than 5m² in area which is grassed and planted in trees, ~~or~~ shrubs, or ground cover plants and may include:

Comment [A8]: Definitions Theme 4

- (1) ornamental pools; ~~not exceeding 25 per cent coverage of the landscaped area;~~
- (2) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one ~~such~~ paver does not exceed 650mm;
- (3) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;
- (4) ~~permeable artificial lawn; or [deleted]~~
- (5) non-permeable pathways not exceeding 1.5m in width;

~~and~~ where the total land area occupied by one or more of the features in (1), (2), (3) and (5) above does not collectively cover more than 25 per cent of the landscaped area.

...

M

Mean street level

Comment [A9]: Business Theme 15

...

The following qualifications apply ~~to sites with more than one frontage and corner sites:~~

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

N

...

Net internal floor area

Comment [A10]: Definitions Theme 5

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

Excludes:

- balconies or decks;
- parking; and
- garages; ~~and~~
- ~~required storage space.~~

...

P

...

Pedestrian circulation space

Comment [A11]: Business Theme 16

Pedestrian circulation space applies to a covered public area which:

- a) contains a minimum horizontal measurement of 5m; and
- b) has a minimum vertical dimension of 2.5m between the finished ceiling and the floor of the pedestrian area, and which is unobstructed and clear of buildings, retail kiosks and retail display cases.

Includes:

- escalators, ramps and stairs within the pedestrian circulation space;
- decorative features such as fountains and planting within the pedestrian circulation space; and
- stages or display areas for free public entertainment associated with any integrated retail development.

Excludes:

- seating areas for food courts/eating area;
- any space leased for retail display or sales purposes; and
- any space for entertainment which is either leased or subject to a charge.

...

Proposed amendments to J1 Definitions

S

...

Site

Any area of land which ...

...

See also: entrance strip, rear site, access site, front site, corner site and through site.

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T

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Through site

A site, other than a corner site, with two or more road frontages.

Refer to Figure J1.4.8 Site.

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W

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Workers' accommodation

A dwelling for people whose duties require them to live onsite, ~~and in the rural zones~~ a dwelling for people who work on the site for the activities set out in Nesting Table J1.3.6 or in the surrounding rural area.

Includes:

- accommodation for rangers;
- artists in residence;
- farm managers and workers; and
- staff.

Comment [A12]: Definitions Theme 6

Comment [A13]: Definitions Theme 6

Comment [A14]: Definitions Theme 7