

I hereby give notice that a hearing by commissioners will be held on:

**Date:** Thursday 20 and Friday 21 June 2019  
**Time:** 9.30am  
**Meeting Room:** Council Chambers  
**Venue:** Ground Level, Auckland Town Hall  
301-303 Queen Street, Auckland

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**HEARING REPORT**

**PLAN CHANGE 14 – VOLUME ONE**

**(to be heard at the same time as plan change 16)**

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**COMMISSIONERS**

**Chairperson** Rebecca Macky  
**Commissioners** David Hill  
Karyn Sinclair  
Russell Karu

**Tanisha Hazelwood**  
**HEARINGS ADVISOR**

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## **WHAT HAPPENS AT A HEARING**

At the start of the hearing, the Chairperson will introduce the commissioners and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

### **Scheduling submitters to be heard**

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing attendance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

### **The Hearing Procedure**

The usual hearing procedure (as specified in the Resource Management Act) is:

- The reporting officer may be asked to provide a brief overview of the plan change.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
- Should you wish to present written information (evidence) in support of your application or your submission please ensure you provide the number of copies indicated in the notification letter.
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing.
- After the applicant and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.
- The chairperson then generally closes the hearing and the applicant, submitters and their representatives leave the room. The hearing panel will then deliberate "in committee" and make its decision by way of formal resolution. You will be informed in writing of the decision and the reasons for it.

**A NOTIFIED PLAN CHANGE TO THE AUCKLAND COUNCIL UNITARY PLAN**

<b>TABLE OF CONTENTS</b>		<b>PAGE NO.</b>
<b>VOLUME ONE</b>		
<b>Reporting officer's report</b>		7-150
<b>Appendix 1</b>	Recommended amendments to PC14	151-244
<b>Appendix 2</b>	Qualifications and experience of reporting officer and contributing author's	245-252
<b>Appendix 3</b>	Section 32 Evaluation Report	253-580
<b>VOLUME TWO</b>		
<b>Appendix 4</b>	Summary of decisions requested, further submissions and planners' recommendations	581-618
<b>Appendix 5</b>	Submissions and further submissions	619-904
<b>Appendix 6</b>	Noise expert recommendations	905-920

**Reporting officer, Marilyn Ford**

Reporting on proposed Plan Modification 14 to improve 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).

<b>PLAN CHANGE 14 SUBMITTERS:</b>	
Page 621	Ports of Auckland Limited
Page 631	Heritage New Zealand Pouhere Taonga
Page 636	New Zealand Transport Agency
Page 638	Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd
Page 651	Oil Companies(Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd)
Page 659	Scentre (New Zealand) Limited
Page 667	oOh!Media Street Furniture New Zealand Limited
Page 671	Better Living Landscapes Ltd and Parallax Surveyors Ltd
Page 674	Woolworths NZ Limited
Page 687	Tūpuna Maunga o Tāmaki Makaurau Authority
Page 695	Civix Limited
Page 704	Whakatiwai Plantation Limited

Page 715	New Zealand Defence Force
Page 722	Te Arai South Partners, Te Arai South Holdings Limited, Te Arai North Limited and Tara Iti Holdings NZ.
Page 724	Federated Farmers of New Zealand
Page 729	Outdoor Media Association of New Zealand
Page 737	Housing New Zealand Corporation
Page 753	Sentinel Planning Limited
Page 758	Vector Limited
Page 776	KiwiRail Holdings Limited (KiwiRail)
Page 781	Transpower
Page 788	NEIL (Heritage Land Limited and North Eastern Investments Limited)

**PLAN CHANGE 14 FURTHER SUBMITTERS:**

Page 841	Chorus New Zealand Limited Spark New Zealand Trading Limited and Vodafone New Zealand Limited
Page 843	Moir Hill Forestry Ltd
Page 845	Heritage NZ Pouhere Taonga
Page 853	Clearmont Media Limited
Page 858	New Zealand Defence Force
Page 861	Tūpuna Maunga Authority
Page 870	Vector Limited
Page 882	New Zealand Transport Agency
Page 886	Housing New Zealand Corporation
Page 895	Federated Farmers of New Zealand
Page 898	Oil Companies
Page 901	Transpower New Zealand Ltd







## Hearing Report – Proposed Plan Change 14:

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)

**Report to:** Hearing Commissioners

**Hearing date:** 20, 21, 24 June 2019

**File topic:** Hearing report – Proposed Plan Change 14:  
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)

**File reference:** U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC014 - PC017 - Enhancements\PC 14 Auckland Wide and Overlays Plan Change\03 Notified\s42A input\04\_FINAL\PC14\_Section 42A.docx

**Lead report author:** Marilyn Ford, Planner, Auckland-wide Planning

**Report approvers:** Phill Reid, Manager, Auckland-wide Planning

**Report produced:** 22 May 2019

## Summary of Proposed Plan Change 14 (PC14)

<b>Plan subject to change</b>	Auckland Unitary Plan Operative in part (2016) version
<b>Number and name of change</b>	Proposed Plan Change 14: Improving consistency of provisions in Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2, Appendix 17 of the Auckland Unitary Plan (Operative in part)
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Council-initiated proposed plan change.
<b>Committee date of approval (or adoption) for notification</b>	6 November 2018 (Planning Committee)
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	This plan change introduces the amendments within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices of the Unitary Plan.
<b>Date draft proposed plan change was sent to iwi for feedback</b>	21 August 2017
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	29 November 2018 – 31 January 2019 Publicly notified
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received (excluding withdrawals)</b>	22
<b>Date summary of submissions notified</b>	28 February
<b>Number of further submissions received (numbers)</b>	12
<b>Legal Effect at Notification</b>	Yes – some of the rules had legal effect at the time of notification under RMA s 86B(3) (see the notified PC14 documents)
<b>Main issues or topics emerging from all submissions</b>	Proposed amendments were discussed by topic and theme in the s32A report <ul style="list-style-type: none"> <li>• Eighty-two themes were included at notification</li> <li>• Proposed amendments associated with four of the notified themes have been withdrawn</li> <li>• Submissions were received on 49 of the notified themes, including topics: <ul style="list-style-type: none"> <li>o Natural heritage</li> <li>o Historic heritage</li> <li>o Natural resources</li> <li>o Infrastructure</li> <li>o Transport</li> <li>o Built Environment and Temporary activities</li> <li>o Environmental risk</li> </ul> </li> <li>• Thirty-two of the notified themes did not receive any specific submission points.</li> </ul>



# Hearing Report – Proposed Plan Change 14

## Contents

1	Executive summary .....	4
2	Introduction .....	6
	Decision-making considerations .....	6
3	Code of conduct .....	7
4	Background .....	7
	Existing plan provisions .....	8
	Proposed plan change provisions.....	9
	Provisions with immediate legal effect .....	10
5	Statutory and policy framework .....	12
	Resource Management Act 1991 (RMA) .....	12
	National and Regional Planning Context .....	15
6	Consultation Undertaken .....	15
7	Notification and Submissions .....	15
	Notification details .....	15
8	Legal and Statutory Context relevant to submissions .....	16
	Statutory context .....	16
	When is a submission 'on' a plan change? .....	17
	The scope of Plan Change 14 .....	18
	Jurisdiction to make amendments arising from submissions on Plan Change 14 .....	19
	Summary regarding jurisdictional issues .....	20
9	Analysis of submissions and further submissions .....	21
9.2	Summaries of submissions and topic authors .....	21
9.3	Themes which have been withdrawn from the plan change .....	24
9.4	Themes where no submissions were received.....	24
9.5	Submissions that support PC14.....	26
9.6	Submissions that support PC14 with amendments .....	27
9.7	Submissions points seeking to amend or decline PC14 .....	30
9.8	Submissions not on a theme in Proposed Plan Change 14.....	31
10	Submissions on Natural heritage.....	39
10.1	Theme: Notable Trees Overlay.....	39
11	Submissions on Historic heritage .....	40
11.1	Theme: Chapter D17 Historic Heritage Overlay.....	40
11.2	Theme: Maintenance of trees .....	41
11.3	Theme: Addition of cremated remains in graves.....	44
11.4	Theme: Invasive testing for seismic strengthening .....	45

11.5	Theme: Interiors of buildings when identified as an exclusion.....	46
12	Submissions on Natural resources – land and water.....	48
12.1	Theme: Kauri dieback disease .....	48
12.2	Theme: Vegetation alteration or removal.....	50
12.3	Theme: Technical publications .....	57
12.4	Theme: Land disturbance where archaeological site or feature applies.....	59
12.5	Theme: Stormwater runoff from impervious areas .....	62
12.6	Theme: Stormwater runoff from lawfully established impervious areas.....	64
12.7	Theme: Regional and district land disturbance objectives and policies.....	66
13	Submissions on Natural resources – air quality .....	67
13.1	Theme: Discharges to air from motor vehicles.....	67
13.2	Theme: Adverse effects of discharges to air.....	69
13.3	Theme: Fire and Emergency .....	69
14	Submissions on Infrastructure .....	74
14.1	Theme: Dipole antennas .....	74
14.2	Theme: Height of whip antennas in the road reserve.....	75
14.3	Theme: Pole mounted transformers .....	77
14.4	Theme: Electricity storage facilities – bulk .....	83
14.5	Theme: Distribution substation noise.....	83
14.6	Theme: Electricity storage facilities - noise .....	85
14.7	Theme: Above ground electricity lines .....	88
14.8	Theme: Vegetation management, coastal and riparian areas.....	92
14.9	Theme: Vegetation clearance for signs and traffic signals .....	94
14.10	Theme: Traffic signal height in volcanic viewshafts & height sensitive areas .....	95
14.11	Theme: Auckland War Memorial Museum Viewshaft Overlay.....	96
14.12	Theme: Depth of earthworks .....	97
14.13	Theme: Earthworks within the Historic Heritage Overlay .....	98
14.14	Theme: Works near the Historic Heritage Overlay.....	100
14.15	Theme: Pumping stations.....	101
14.16	Theme: National Grid Corridor Overlay .....	102
14.17	Theme: Vegetation management – regional and district functions.....	105
14.18	Theme: Infrastructure – Policy alignment.....	106
14.19	Theme: Vegetation management – existing infrastructure in significant ecological areas.....	107
14.20	Theme: Vegetation management – new service connections in significant ecological areas .....	108
15	Submissions on Transport.....	112
15.1	Theme: Vehicle access corridor width .....	112
15.2	Theme: Vehicle crossings and activities in the road reserve.....	114
15.3	Theme: Combined vehicle crossings .....	118

15.4	Theme: Auckland Transport approval for vehicle crossings .....	118
15.5	Theme: Shared parking .....	121
15.6	Theme: Accessible car parking spaces .....	122
15.7	Theme: Parking rates for minor dwellings.....	123
16	Submissions on Built environment and temporary activities .....	125
16.1	Theme: Billboards on street furniture in the road reserve .....	125
16.2	Theme: Freestanding billboards .....	126
16.3	Theme: Traffic and pedestrian safety .....	129
16.4	Theme: Noise events in public places .....	130
16.5	Theme: Noise and vibration from works in the road.....	132
17	Submissions on Environmental risk.....	134
17.1	Theme: Agrichemicals and vertebrate toxic agents .....	134
17.2	Theme: Natural hazards and flooding.....	136
18	Conclusion .....	141
19	Recommendations .....	141
20	Signatories .....	141
	Appendices.....	142
	Appendix 1 – Recommended amendments to PC14.....	143
	Appendix 2 – Qualifications and experience.....	144
	Appendix 3 – Section 32 evaluation report.....	151
	Appendix 4 – Summary of decisions requested and further submissions .....	152
	Appendix 5 – Copies of submissions and further submissions .....	188
	Appendix 6 – Noise expert recommendations .....	189

# 1 Executive summary

- 1.1 Proposed Plan Change 14 (PC14) has been initiated by Auckland Council (council) to address technical issues in the Auckland-wide and overlays provisions of the Auckland Unitary Plan (AUP). It is one of a series of four plan changes, each focusing on different parts of the plan. PC14 introduces amendments within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Appendix 2, Appendix 17 and the GIS Viewer of the Auckland Unitary Plan - Operative in part (AUP).
- 1.2 The amendments in the plan change address issues relating to the themes that are set out in the Section 32 Evaluation Report for the plan change (Appendix 3). The amendments amend provisions that are ambiguous or unclear; amend provisions to achieve alignment where there are current gaps or misalignment; and improve integration of different provisions. The amendments do not change the policy direction of the AUP.
- 1.3 The plan change was notified on 29 November 2018. The closing date for submissions was 31 January 2019. Twenty-two submissions were received. The withdrawal of proposed amendments associated with four of the notified themes under clause 8D or the Act was notified on 15 April 2019. The submissions relate to 49 of the 82 themes discussed in the s32 Evaluation Report. The Council's Summary of Decisions Requested was publicly notified on 28 February 2019 and further submissions closed on 14 March 2019. Twelve further submissions were received.
- 1.4 In preparation for the hearing on PC14, this report has been prepared in accordance with section 42A of the RMA.
- 1.5 This report considers the issues raised by submissions and further submissions on PC14. The discussion and draft recommendations in this report are intended to assist the Hearing Commissioners, and those persons or organisations that lodged submissions on the plan change. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
- 1.6 This report has been prepared by multiple authors and draws on information provided by a number of technical experts, these are summarised at section 2.2, and in detail in section 9.2 of this report.
- 1.7 This report also forms part of council's ongoing reporting obligations relating to plan development, which include the consideration of the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, and the consideration of issues raised in submissions on PC14.
- 1.8 The recommended amendments to PC14 relate to the different themes as set out in the section 32 report, with further amendments proposed in this report to the following themes:

#### Historic Heritage

- Maintenance of trees
- Addition of cremated remains in graves
- Invasive testing for seismic strengthening

#### Natural Resources

- Land disturbance where archaeological site or feature applies
- Discharges to air from motor vehicles
- Fire and emergency

#### Infrastructure

- National Grid Corridor Overlay
- Height of whip antennas in the road reserve
- Above ground electricity lines
- Distribution substation noise
- Pumping stations
- Vegetation management, coastal and riparian areas

#### Transport

- Auckland Transport approval for vehicle crossings
- Vehicle corridor width

#### Environmental risk

- Agrichemicals and vertebrate toxic agents
- Natural hazards and flooding

- 1.9 The authors recommend that PC14 be approved with amendments in response to submissions, as shown in Appendix 1.

## 2 Introduction

### Decision-making considerations

- 2.1 This report is prepared under section 42A of the Resource Management Act 1991 (RMA) to assist the Hearing Commissioners in considering the issues raised by submissions on PC14.
- 2.2 This report considers the issues raised in submissions, the relief sought and then makes recommendations about whether to accept or reject each submission, in full or in part. Where appropriate, this report groups submissions that address the same subject matter.
- 2.3 The recommendations set out in this report have been made in terms of the most appropriate methods of achieving the purpose of the RMA. Any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioners. The Hearing Commissioners are required to consider all submissions and evidence presented at the hearing.
- 2.4 The Hearing Commissioners have been delegated full responsibility by Auckland Council's Regulatory Committee to determine the council's decisions on submissions on PC14 under section 34 of the RMA. The Hearing Commissioners will not be making a recommendation to the council, but will be making a decision directly.
- 2.1 This report has been prepared by the following authors. The qualifications and experience of the authors are set out in Appendix 2.

<b>Lead Report Author:</b>	Marilyn Ford, Planner
<b>Contributing Author:</b>	Todd Elder, Planner
<b>Contributing Author:</b>	Emma Rush, Senior Advisor Special Projects
<b>Contributing Author:</b>	Jeremy Wyatt, Principal Planner
<b>Contributing Author:</b>	Sanjay Bangs, Planner

### 3 Code of conduct

- 3.1 The authors confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that we agree to comply with it. We confirm that we have considered all the material facts that we are aware of that might alter or detract from the opinions that we express, and that this report is within our area of expertise, except where stated that we rely on the evidence of another person.

### 4 Background

- 4.1 PC14 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 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)
- 4.2 PC14 introduces amendments within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions, Chapter M Appendix 2, Appendix 17 and the GIS Viewer of the Auckland Unitary Plan - Operative in part (AUP).
- 4.3 The proposed amendments address identified technical issues only and are intended to retain the current policy direction of the plan. The amendments proposed in PC14 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.
- 4.4 A draft plan change was approved by the Planning Committee on 6 November 2018 for public consultation for a six-week period from 29 November 2018 to 31 January 2019.

## Existing plan provisions

- 4.5 The decisions version of the proposed Auckland Unitary Plan (PAUP Decision Version) was notified in August 2016, with the AUP becoming operative in part on 15 November 2016.
- 4.6 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. The scale of such a combined planning exercise has never before been undertaken in New Zealand.
- 4.7 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.
- 4.8 As a result of the nature of the layered provisions of the AUP, plan users<sup>1</sup> and Auckland Council planning staff have been identifying a number of technical issues affecting 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.
- 4.9 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 on 28 September 2017. The decisions on PC4 were notified on 14 June 2018.
- 4.10 At the conclusion of the preparation of PC4 the council was left with a list of 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.
- 4.11 The series of proposed follow up plan changes, which PC14 is part of, have 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.

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<sup>1</sup> Council's resource consents department and external planning practitioners involved in consenting processes as well as the property owners themselves.



- 4.12 A process was established to determine the final content of the proposed plan changes. Quality assurance was included in the review and recommendation stages of the process. This was to ensure that the issues remained within the determined scope of the proposed plan changes and assessments were conducted in accordance with section 32 of the RMA (i.e. for its appropriateness to existing objectives in the Unitary Plan and the purpose of the RMA).

### **Proposed plan change provisions**

- 4.13 The key objective of the proposed plan changes is to address technical issues within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices of the AUP to ensure:
- 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.
- 4.14 The identified technical issues in the AUP have the potential to create confusion for plan users. The uncertainty or ambiguity created by the identified technical issues can cause users of the AUP to interpret these provisions differentially. This can lead to varying outcomes that do not line up with the intent of the provisions, increased risk of litigation and processes that impede the functioning of the AUP.
- 4.15 The outcomes sought through the proposed plan changes are to address these technical issues to remove ambiguity in the AUP. The amendment of technical issues will not, by themselves, result in any substantive changes to the policy direction of the plan.
- 4.16 A technical issue is where a change is required so that the AUP will function in the way it was intended. The impacts of the proposed amendments to address the identified issues are not dissimilar to the intended outcomes envisioned during the Independent Hearings Panel (IHP) process or when the Unitary Plan became operative in part.
- 4.17 Many of the technical issues and anomalies within the proposed plan changes relate to a specific part of the AUP that is causing ambiguity. Other technical issues relate to the integration of provisions across the AUP. It is essential to the effectiveness of the AUP that it promotes the purpose of the RMA 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.
- 4.18 The proposed plan changes are not altering the outcomes of any of the objectives and policies of the AUP, and nor are they proposing any amendments to the Regional Policy Statement (**RPS**).

## Provisions with immediate legal effect

- 4.19 Sections 86B to 86G of the RMA specify when a rule in a proposed plan has legal effect.
- 4.20 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.
- 4.21 Rules in a plan change have immediate legal effect from the date of notification, 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.
- 4.22 Table 4.1 below identifies the rules that are in PC14 and will have immediate legal effect on and from the date on which PC14 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.
- 4.23 The remaining proposed amendments to rules<sup>2</sup> in PC14 will not have legal effect until the decision on PC14 is notified.

**Table 4.1 - List of proposed amendments in PC14 that will have immediate legal effect on and from the date on which the PC14 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 12 Submissions on Natural resources – land and water	Rules protect or relate to water.

<sup>2</sup> Note that PC14 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
E14 D14	All	Themes in 13 Submissions on Natural resources – air quality	Rules protect or relate to air
E11, E12	All All	Themes in 12 Submissions on 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	12.1 Theme: Kauri dieback disease	Rules protect areas of significant indigenous vegetation and rules protect areas of significant habitats of indigenous fauna
D17	All	Themes in <b>Error! Reference source not found. Error! Reference source not found.</b>	Rules protect historic heritage
E26	Rules in Activity table E26.11.3.1 for Volanic viewshafts and height sensitive areas	[withdrawn]	[withdrawn]
E26 D19	E26.12.3 Activity table D19.4 Activity Table	14.11 Theme: Auckland War Memorial Museum Viewshaft Overlay	Protects historic heritage
E26	E26.2.3.1(A51A)	14.15 Theme:Pumping stations	Protects or relates to water
E26	Rules in Activity table E26.2.3.2 for Historic Heritage Overlay	14.14 Theme:Works near the Historic Heritage Overlay	Protects historic heritage
E26	Rules in Activity table E26.3.3.1 for SEAs	14.18 Theme:Infrastructure – Policy alignment 14.19 Theme:Vegetation management – existing infrastructure in significant ecological areas 14.20 Theme: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)

AUP Chapter	Change proposed to rule	Theme outlining proposed change	Reason for immediate legal effect
E26	E26.6.5.2(17)(a)  Rules in Activity table E26.6.3.1  Rules in Activity table E26.7.3.1	14.12 Theme:Depth of earthworks  14.13 Theme:Earthworks within the Historic Heritage Overlay	Protects historic heritage  Rules protect or relate to soil (for soil conservation)
D14.	All	Themes in 10 Submissions on Natural heritage	Rules protect historic heritage

## 5 Statutory and policy framework

5.1 The RMA requires that unitary authorities consider a number of statutory and policy matters when developing proposed plan changes. PC14 was developed with regard to the relevant statutory and policy matters. The submissions on PC14 were also considered under the relevant statutory and policy matters. The following section summarises this statutory and policy framework.

### Resource Management Act 1991 (RMA)

5.2 The Section 32 Evaluation Report (Appendix 3) sets out the relevant provisions of the RMA that have been considered relevant to PC14.

5.3 The AUP, which comprises a RPS, a regional plan, a regional coastal plan and a district plan for the Auckland region, contains objectives, policies, rules and other methods that are of regional and district significance. In seeking to correct technical issues within the AUP, PC14 will give effect to the regional policy statement provisions of the AUP.

5.4 All of sections 30, 31, 32, 63, 65, 66, 67, 68, 69, 70, 70A, 70B, 72, 73, 75, 76, 79, 80, 86B-86G and Part 2 of the RMA are relevant, along with Schedule 1.

5.5 I consider that the relevant RMA provisions have been identified in section 3 of the Section 32 Evaluation Report and I do not repeat these in this report.

5.6 Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified version of PC14 since the Section 32 Report was completed. All amendments to the notified version of PC14 recommended in this report have been assessed in accordance with section 32AA.

5.7 The mandatory requirements for plan preparation have been comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society*

*Incorporated and Others v North Shore City Council* (Decision A078/2008)<sup>3</sup>, where the Court set out the following measures for evaluating objectives, policies, rules and other methods. This is outlined in Box 5.1 below.

5.8 In *Appealing Wanaka Inc v Queenstown Lakes District Council*, the Environment Court suggested that, apart from the formal requirements as to what a plan must (and may) contain, the sections outlined above impose three sets of positive obligations when preparing or changing a plan, being:

- to ensure the plan or change accords with the council's functions, including management of the effects of development, use and protection of natural and physical resources in an integrated way;
- to give proper consideration to Part 2 of the RMA and the lists of relevant statutory documents; and
- to evaluate the proposed plan or change under section 32 of the RMA.

5.9 The principles set out in the above decisions have been applied by Auckland Council in relation to PC14, along with any legislative amendments made to the relevant provisions of the RMA.

**Box 5.1 - Mandatory requirements for plan preparation**

A. General requirements
<p>1. A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.</p> <p>2. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.</p> <p>3. When preparing its district plan (change) the territorial authority shall:</p> <ul style="list-style-type: none"><li>(a) have regard to any proposed regional policy statement;</li><li>(b) not be inconsistent with any operative regional policy statement.</li></ul> <p>4. In relation to regional plans:</p> <ul style="list-style-type: none"><li>(a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and</li><li>(b) must have regard to any proposed regional plan on any matter of regional significance etc.</li></ul> <p>5. When preparing its district plan (change) the territorial authority must also:</p>

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<sup>3</sup> *Subsequent cases have updated the Long Bay summary, including Colonial Vineyard v Marlborough District Council [2014] NZEnvC 55.*

- have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
- take into account any relevant planning document recognised by an iwi authority; and
- not have regard to trade competition;

6. The district plan (change) must be prepared in accordance with any regulation (there are none at present);

7. The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.

#### B. Objectives [the section 32 test for objectives]

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

#### C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;

10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:

the benefits and costs of the proposed policies and methods (including rules); and

the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

#### D. Rules

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

#### E. Other statutes:

12. Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:

- the Hauraki Gulf Marine Park Act 2000;
- the Local Government (Auckland) Amendment Act 2004.

## National and Regional Planning Context

5.10 In addition to the statutory evaluation required under the RMA, there are a number of other Acts, regulations, national directives, policies and plans that are of relevance to PC14. Section 4 of the Section 32 Evaluation Report (contained in Appendix 3) outlines the relevant national and regional planning documents that are relevant to PC14. The Section 32 Evaluation Report noted the relevance of these documents to the plan change and found PC14 to be consistent with the statutory requirements. I support and agree with the assessment presented in the Section 32 Evaluation Report, and therefore do not repeat these in this report.

## 6 Consultation Undertaken

6.1 A summary of consultation undertaken as part of the preparation of PC14 is outlined in section 5.2 of the Section 32 Evaluation Report, attached in Appendix 3 of this report.

## 7 Notification and Submissions

### Notification details

7.1 The notification period and total number of submissions received is outlined below:

<b>Date of public notification of material incorporated by reference</b>	8 November 2019
<b>Closing date for submissions on material to be incorporated by reference</b>	22 November 2019
<b>Number of submissions received on material incorporated by reference</b>	1
<b>Date of public notification for submissions</b>	29 November 2018
<b>Closing date for submissions</b>	31 January 2019
<b>Number of submissions received</b>	22
<b>Date of public notification for further submissions</b>	28 March 2019
<b>Closing date for further submissions</b>	14 March 2019

<b>Number of further submissions received</b>	12
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- 7.2 Twenty submissions were received before the closing date. One submission was withdrawn in part and two late submissions received. The total number of submissions received is 22. The two late submissions have not affected the processing of PC14 and waivers were granted pursuant to section 37A of the RMA.
- 7.3 PC14 Summary of Decisions Requested (SDR) along with Further Submissions spreadsheet is attached as Appendix 4 to this report. Copies of the 22 submissions and 12 further submissions are attached as Appendix 5 to this report.

## 8 Legal and Statutory Context relevant to submissions

- 8.1 A detailed analysis of the jurisdiction for changes sought by submissions and/or any specific legal issues associated with submissions has been included in the section of this report that addresses submissions. However, Auckland Council's broad approach to jurisdiction is outlined in this section, which has been prepared with the assistance of the council's lawyers.

### Statutory context

- 8.2 The council must act in accordance with the Resource Management Act 1991 when preparing or changing a policy statement or plan. The starting point is that a policy statement or plan must be prepared by the relevant local authority 'in the manner set out in Schedule 1' to the Act.<sup>4</sup>
- 8.3 Schedule 1 of the Act indicates that the submission and appeal process in relation to a plan change is confined in scope.<sup>5</sup> Submissions must be on the plan change in support of or in opposition to particular provisions and cannot raise matters unrelated to what is proposed. If a submitter seeks changes to the proposed plan, then the submission should set out the specific amendments sought. The publicly notified summary of submissions enables others who may be affected by the amendments sought in submissions to participate either by opposing or supporting those amendments, but such further submissions cannot introduce additional matters. The council's decisions must be in relation to the provisions and matters raised in submissions, and any appeal from a decision of a council must be in respect of identified provisions or matters.

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<sup>4</sup> Resource Management Act 1991, ss 60(1), 64(1) and 73(1).

<sup>5</sup> See the discussions of the scheme of the Act for the preparation of, and appeals on, plan changes in

*Federated Farmers of New Zealand (Inc) Mackenzie Branch v Mackenzie District Council (No 6) [2013] NZEnvC 257, (2013) 17 ELRNZ 402 at [24]-[51]; and Environmental Defence Society Inc v Otorohanga District Council [2014] NZEnvC 70 at [11].*



- 8.4 If required, the Environment Court's role then is to hold a hearing into the provision or matter referred to it and make its own decision on that within the same framework as the council.
- 8.5 Two jurisdictional issues arise in this context, first in respect of when a submission is 'on' a plan change, and second in respect of the council's jurisdiction to make changes to the plan arising from submissions on PC14. Each of these jurisdictional issues is discussed further below.

### **When is a submission 'on' a plan change?**

- 8.6 Under Schedule 1, cl 6(1) persons described in the clause 'may make a submission on' a plan change. If a submission is not 'on' the plan change, the council has no jurisdiction to consider it.
- 8.7 The leading authorities on the question of when a submission is 'on' a plan change are the High Court's decisions in *Clearwater Resort Ltd v Christchurch City Council*,<sup>6</sup> and *Palmerston North City Council v Motor Machinists Ltd*.<sup>7</sup> In *Motor Machinists* the High Court referred to its earlier decision in *Clearwater* and confirmed that a two-limbed test must be satisfied:
- (a) for a submission to be on a plan change it must address the proposed plan change itself, that is it must address the alteration of the status quo brought about by that change;<sup>8</sup> and
  - (b) it must also be considered whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective response to those additional changes in the plan change process.<sup>9</sup>
- 8.8 In *Motor Machinists* the High Court described the first limb as the 'dominant consideration',<sup>10</sup> involving consideration of both 'the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration.'<sup>11</sup> The Court noted two potential ways of analysing this.<sup>12</sup> One way is to ask whether the submission raises matters that should have been addressed in the s32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Another way is to ask whether the management

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<sup>6</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

<sup>7</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, [2014] NZRMA 519.

<sup>8</sup> At [80].

<sup>9</sup> At [82].

<sup>10</sup> At [80].

<sup>11</sup> At [80].

<sup>12</sup> At [81].

regime for a particular resource is altered by the plan change. If it is not then a submission seeking a new management regime for that resource is unlikely to be 'on' the plan change.

- 8.9 In relation to the second limb the Court noted that overriding the reasonable interests of people and communities 'by a submissional side-wind would not be robust, sustainable management'.<sup>13</sup> Given the other options available, which include seeking resource consent, seeking a further public plan change, or seeking a private plan change, the Court determined that 'a precautionary approach to jurisdiction imposes no unreasonable hardship'.<sup>14</sup> The Court however noted that there is less risk of offending the second limb in the event that a change is merely consequential or incidental, and adequately assessed in the existing s 32 analysis.<sup>15</sup>

#### **The scope of Plan Change 14**

- 8.10 Section 2.2 of the section 32 Evaluation Report for PC14 noted that the scope of the plan change is limited to addressing the technical issues as outlined in section 6 of that report. These issues are compromising the ability of plan users to efficiently interpret the AUP, and to ensure the subject provisions give effect to the objectives and policies of the AUP.

- 8.11 PC14 introduces amendments within Chapters D, E, J and Appendices 2 and 17 of the AUP to address identified technical issues only. The plan change intends to retain the current policy direction of the AUP. Broadly, the amendments proposed in PC14 are to:

- (a) amend provisions that are ambiguous or unclear;
- (b) amend provisions to achieve vertical and horizontal alignment across the plan; and
- (c) improve integration of different chapters within the plan.

- 8.12 PC14 proposed amendments to the rules and other methods for a range of topics and issues, which are grouped according to their plan topic, and further set out according separate themes (as described in the s32 report) where submissions have been received.

- 8.13 The broad structure of the s32 report is as follows;

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<sup>13</sup> At [82].

<sup>14</sup> At [82].

<sup>15</sup> At [83].

- Natural Heritage
- Historic Heritage
- Natural Resources
  - Land and water
  - Air quality
- Infrastructure
- Transport
- Built Environment and Temporary Activities
- Environmental risk.

8.14 It can therefore be seen that while PC14 proposes changes to a wide range of plan provisions, its scope is confined to technical issues identified at a certain point in time. There may be other issues with the relevant chapters that were not addressed because they were determined to involve a policy shift, or because they have been identified after the relevant list of issues was finalised. Such issues are outside the scope of PC14.

#### **Jurisdiction to make amendments arising from submissions on Plan Change 14**

8.15 Under Schedule 1, cl 10 the council must give a decision on the provisions and matters raised in submissions on PC14.

8.16 In *Countdown Properties (Northlands) Ltd v Dunedin City Council* the High Court considered a number of issues arising out of the plan change process under the Act, including the decision-making process in relation to submissions under cl 10.<sup>16</sup>

8.17 The High Court rejected the submission that the scope of the local authority's decision-making power under cl 10 is limited to no more than accepting or rejecting a submission.<sup>17</sup> In rejecting this submission the Court observed:<sup>18</sup>

*Councils customarily face multiple submissions, often conflicting, often prepared by persons without professional help. We agree with the Tribunal that councils need scope to deal with the realities of the situation. To take a legalistic view that a council can only accept or reject the relief sought in any given submission is unreal. As was the case here, many submissions traversed a wide variety of topics; many of these topics were addressed at the hearing and all fell for consideration by the council in its decision.*

8.18 Ultimately the Court confirmed that the paramount test is whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised

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<sup>16</sup> *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 145 (HC). Despite cl 10 being amended several times since 1994, it has been held that the current language does not alter the substance of the provision or otherwise render the High Court's approach inappropriate: see *Environmental Defence Society Inc v Otorohanga District Council* [2014] NZEnvC 70 at [16].

<sup>17</sup> At 165.

<sup>18</sup> At 165.

in submissions on the plan change. The Court acknowledged that this will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions.<sup>19</sup>

8.19 Subsequent cases have clarified that the assessment of whether any amendment was reasonably and fairly raised in the course of submissions should be approached in a realistic workable fashion rather than from the perspective of legal nicety.<sup>20</sup> The 'workable' approach requires the local authority to take into account the whole relief package detailed in each submission when considering whether the relief sought had been reasonably and fairly raised in the submissions.<sup>21</sup>

8.20 In *Re an application by Vivid Holdings Ltd* the Environment Court summarised the approach to establishing jurisdiction to make amendments arising from submissions on a plan change:<sup>22</sup>

- (a) A submitter must raise a relevant 'resource management issue' in its submission;
- (b) Then, any decision of the council must be:
  - (i) fairly and reasonably within the general scope of:
    - an original submission; or
    - the proposed plan as notified; or
    - somewhere in between;
  - (ii) provided that the summary of the relevant submission was fair and accurate and not misleading.

### Summary regarding jurisdictional issues

8.21 In summary, in reaching a decision on PC14 the council will have to consider the following jurisdictional issues:

- (a) First, whether each submission is 'on' PC14 by applying the tests established by the High Court in *Clearwater* and *Motor Machinists*.
- (b) Second, whether any changes to the plan are fairly or reasonably within the general scope of:
  - (i) an original submission; or
  - (ii) Plan Change 14 as notified; or

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<sup>19</sup> At 166.

<sup>20</sup> *Royal Forest and Bird Protection Society Inc v Southland District Council* [1997] NZRMA 408 (HC) at 413.

<sup>21</sup> *Shaw v Selwyn District Council* [2001] 2 NZLR 277 (HC) at [31].

<sup>22</sup> *Re an application by Vivid Holdings Ltd* (1999) 5 ELRNZ 264 at [19].

(iii) Somewhere in between.

8.22 A critical consideration relates to fairness, and whether affected persons have been deprived of the right to be heard.<sup>23</sup> A precautionary approach is required to receipt of submissions proposing more than incidental or consequential further changes to a notified proposed plan change.<sup>24</sup>

## 9 Analysis of submissions and further submissions

9.1 The following sections of this report address the submissions and further submissions received on PC14, discuss the relief sought in the submissions and make recommendations to the Hearing Commissioners. Submissions that address the same issues and seek the same relief have been grouped together in this report under the topic headings that are shown in Table 9.1 below. A full list of the submission points, summary of relief sought, and the reporting planner's recommendation on each point is shown in Appendix 4.

### 9.2 Summaries of submissions and topic authors

**Table 9.1 – Summaries of submissions by theme and topic authors**

Section of the report	Submission Theme	Section Author
9.5	Submission points that support PC14	Marilyn Ford
9.6	Submission points that support PC14 with amendments	Marilyn Ford
9.7	Submissions points seeking to amend or decline PC14	Marilyn Ford
9.8	Submission points not on a theme in PPC14	Marilyn Ford Jeremy Wyatt Sanjay Bangs Emma Rush
	<b>Submissions on Natural Heritage</b>	
10.1	Notable Trees Overlay	Todd Elder

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<sup>23</sup> See *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [101].

<sup>24</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, [2014] NZRMA 519 at [82] and [91(c)].

<b>Section of the report</b>	<b>Submission Theme</b>	<b>Section Author</b>
	<b>Submissions on Historic Heritage</b>	
11.1	Support in full for amendments to D17 Historic Heritage Overlay	Emma Rush
11.2	Maintenance of trees	Emma Rush
11.3	Addition of cremated remains in graves	Emma Rush
11.4	Invasive testing for seismic strengthening	Emma Rush
11.5	Interiors of buildings when identified as an exclusion	Emma Rush
	<b>Submissions on Natural Resources – land and water</b>	
12.1	Kauri dieback disease	Marilyn Ford
12.2	Vegetation alteration or removal	Marilyn Ford
12.3	Technical publications	Marilyn Ford
12.4	Land disturbance where archaeological site or feature applies	Marilyn Ford
12.5	Stormwater runoff from impervious areas	Marilyn Ford
12.6	Stormwater runoff from lawfully established impervious areas	Marilyn Ford
12.7	Regional and district land disturbance objectives and policies	Marilyn Ford
	<b>Submissions on Natural Resources – air quality</b>	
13.1	Discharges to air from motor vehicles	Marilyn Ford
13.2	Adverse effects of discharges to air	Marilyn Ford
13.3	Fire and Emergency	Marilyn Ford
	<b>Submissions on Infrastructure</b>	
14.1	Dipole antennas	Jeremy Wyatt
14.2	Height of whip antennas in the road reserve	Jeremy Wyatt
14.3	Pole mounted transformers	Jeremy Wyatt
14.4	Electricity storage facilities – bulk	Jeremy Wyatt
14.5	Distribution substation noise	Jeremy Wyatt
14.6	Electricity storage facilities - noise	Jeremy Wyatt

<b>Section of the report</b>	<b>Submission Theme</b>	<b>Section Author</b>
14.7	Above ground electricity lines	Jeremy Wyatt
14.8	Vegetation management, coastal and riparian areas	Jeremy Wyatt
14.9	Vegetation clearance for signs and traffic signals	Jeremy Wyatt
14.10	Traffic signal height in volcanic viewshafts & height sensitive areas	Jeremy Wyatt
14.11	Auckland War Memorial Museum Viewshaft Overlay	Jeremy Wyatt
14.12	Depth of earthworks	Jeremy Wyatt
14.13	Earthworks within the historic heritage overlay	Jeremy Wyatt
14.14	Works near the Historic Heritage Overlay	Jeremy Wyatt
14.15	Pumping stations	Jeremy Wyatt
14.16	National Grid Corridor Overlay	Jeremy Wyatt
14.17	Vegetation management – regional and district functions	Jeremy Wyatt
14.18	Policy alignment	Jeremy Wyatt
14.19	Vegetation management – existing infrastructure in significant ecological areas	Jeremy Wyatt
14.20	Vegetation management – new service connections in significant ecological areas	Jeremy Wyatt
	<b>Submissions on Transport</b>	
15.1	Vehicle access corridor width	Sanjay Bangs
15.2	Vehicle crossings and activities in the road reserve	Sanjay Bangs
15.3	Combined vehicle crossings	Sanjay Bangs
15.4	Auckland Transport approval for vehicle crossings	Sanjay Bangs
15.5	Shared parking	Sanjay Bangs
15.6	Accessible car parking spaces	Sanjay Bangs
15.7	Parking rates for minor dwellings	Sanjay Bangs
	<b>Submissions on Built Environment and Temporary Activities</b>	
16.1	Billboards on street furniture in the road reserve	Jeremy Wyatt

Section of the report	Submission Theme	Section Author
16.2	Freestanding billboards	Jeremy Wyatt
16.3	Traffic and pedestrian safety	Jeremy Wyatt
16.4	Noise events in public places	Jeremy Wyatt
16.5	Noise and vibration from works in the road	Jeremy Wyatt
	<b>Submissions on Environmental Risk</b>	
17.1	Agrichemicals and vertebrate toxic agents	Todd Elder
17.2	Natural hazards and flooding	Todd Elder

### 9.3 Themes which have been withdrawn from the plan change

9.3.1 Some amendments included in PC14 were withdrawn after the closing of further submissions. Themes from PC14 included in the section 32 report which have been withdrawn from the plan change are set out in Table 9.2 below.

**Table 9.2 – Themes which have been withdrawn from PC14**

Themes withdrawn from PC14	Location in s32 Report
Volcanic Viewshafts – Temporary construction and safety structures	Theme 6.2.3
Volcanic Viewshafts – Buildings that intrude a viewshaft but are not visible due to the presence of a landform	Theme 6.2.4
Volcanic Viewshafts and height sensitive areas	Theme 6.6.8
Activity table and height sensitive areas	Theme 6.6.17

### 9.4 Themes where no submissions were received

9.4.1 The themes where no submissions were received are set out in Table 9.3 below. Where no submissions were received no further analysis is required beyond what is included in the Section 32 Evaluation report.

**Table 9.3 – Themes in PC14 s32 Report where no submissions were received**

Themes where no submissions received	Location in s32 report
Submissions on Natural Heritage	



<b>Themes where no submissions received</b>	<b>Location in s32 report</b>
Outstanding Natural Character and High Natural Character Overlay	Theme 6.2.1
<b>Natural Resources – land and water</b>	
Controlled new bores	Theme 6.4.1
Natural resource overlays	Theme 6.4.8
Cross references and wording in Chapter E7	Theme 6.4.9
Cross references in Chapter E2	Theme 6.4.10
River and stream minimum flow and availability	Theme 6.4.11
<b>Natural Resources – air quality</b>	
Thermal metal spraying	Theme 6.5.1
Adverse effects on air quality from discharges	Theme 6.5.3
Coffee roasting	Theme 6.5.4
Outdoor cooking or heating	Theme 6.5.5
Cement storage	Theme 6.5.6
Adverse effects of discharges to air	Theme 6.5.7
Offensive or objectionable odours/effects	Theme 6.5.8
Total rated thermal input	Theme 6.5.9
Rural fires	Theme 6.5.10
<b>Infrastructure</b>	
Dipole antennas	Theme 6.6.1
Height of whip antennas in the road reserve	Theme 6.6.2
Pole mounted transformers	Theme 6.6.3
Infrastructure regional and district rules	Theme 6.6.18
<b>Transport</b>	
Pedestrian access in residential zones	Theme 6.7.1
Vehicle access width	Theme 6.7.2
Vehicle crossings in industrial zones	Theme 6.7.4
Triggers for vehicle access standards	Theme 6.7.5
Manoeuvring and parking dimensions	Theme 6.7.9

<b>Themes where no submissions received</b>	<b>Location in s32 report</b>
Tracking curves for heavy vehicles	Theme 6.7.10
Reverse manoeuvring	Theme 6.7.11
Centre Fringe Office Control	Theme 6.7.12
Selling or leasing car parks	Theme 6.7.14
Off-road pedestrian and cycle facilities	Theme 6.7.17
Preamble to activity table	Theme 6.7.18
<b>Built environment and signs</b>	
Definition of 'public place'	Theme 6.8.4
<b>Subdivision</b>	
Waitākere Ranges and Waitākere Foothills zones	Theme 6.10.1
<b>GIS Viewer</b>	
Coastal inundation maps	Theme 6.11.1

9.4.2 All recommended amendments to PC14 are collated and shown in Appendix 1.

## 9.5 Submissions that support PC14

9.5.1 The following table summarises the submissions received on PC14 that provide general support for the plan change, or support specific amendments proposed in PC14 without any further amendments requested. Submission points relating to specific amendments are addressed in this report under the relevant theme.

**Table 9.4 – Submissions that support PC14**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
3.1	New Zealand Transport Agency	Accept the plan modification	FS06 Tūpuna Maunga Authority (Support)	Accept
7.1	oOh!Media Street Furniture New Zealand Limited	Accept the plan modification	n/a	Accept

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
7.3	oOh!Media Street Furniture New Zealand Limited	Seeks any other consequential relief that maintains the primary relief sought.	n/a	Accept
21.1	Transpower New Zealand Ltd	Seeks to approve PC14 as detailed in the attached submission, including such further, alternative or consequential relief as may be necessary to fully give effect to this submission.		Accept

## Discussion

9.5.2 The submission points in the table above support the plan change and do not seek any further amendments. The submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report.

## Recommendations on Submissions

9.5.3 I recommend that submissions 3.1, 7.1, 7.3 and 21.1 be accepted. I note that the reporting team is recommending some changes to PC14 in response to other submission points from these submitters but we are not accepting all of their suggested amendments.

9.5.4 There are no amendments associated with this recommendation in Appendix 1.

## 9.6 Submissions that support PC14 with amendments

9.6.1 The following table summarises the submissions received on PC14 that support the plan change as amended by other submission points from the submitter, provide general support for the plan change, or seek consequential changes related to the relief requested. Submission points seeking specific relief are addressed in this report under the relevant theme.

**Table 9.5 – Submissions that support PC14 with amendments**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
1.1	Ports of Auckland Limited	Accept the plan modification with amendments	n/a	Accept in part
1.2	Ports of Auckland	Seeks that the proposed changes be retained, deleted or amended,	FS08 – POAL	Accept in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
	Limited	as set out in POAL's submission (set out above and in Schedules 1 and 2)	(support)	
2.1	Heritage New Zealand Pouhere Taonga	Accept the plan modification with amendments	n/a	Accept
2.11	Heritage New Zealand Pouhere Taonga	Seeks that the provisions outlined in submission be adopted as supported or with amendments as outlined in submission and any consequential relief required to give effect to those amendments		Accept
4.1	Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd	Seek that the decisions sought as set out in the attached table are adopted, or any other such relief and/or consequential amendments that achieves an equivalent outcome.	FS09 – HNZN (oppose)	Accept in part
5.5	Oil Companies(Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd)	Seek to adopt any other such relief, including additions, deletions, consequential amendments or alternative relief necessary to give effect to these submissions as a result of the matters raised.		Accept in part
6.1	Scentre (New Zealand) Limited	Accept the plan modification with amendments	n/a	Accept in part
6.5	Scentre (New Zealand) Limited	Seeks such alternative or consequential relief as may be necessary to address Scentre's concerns.		Accept in part
9.1	Woolworths NZ Limited	Accept the plan modification with amendments	FS06 – TM Authority (oppose)	Accept in part
9.9	Woolworths NZ Limited	Seeks any other consequential and/or other changes necessary to address the matters identified in this submission.		Accept in part
10.1	Tūpuna Maunga o Tāmaki Makaurau Authority	Accept the plan modification with amendments	n/a	Accept in part
10.10	Tūpuna Maunga o Tāmaki Makaurau Authority	Any other relief that addresses the concerns of the Tūpuna Maunga Authority.	n/a	Accept in part
11.1	Civix Limited	Accept the plan modification with amendments		Accept in part
12.1	Whakatiwai Plantation	Accept the plan modification with		Accept in part

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
	Limited	amendments		
13.1	New Zealand Defence Force	Accept the plan modification with amendments		Accept in part
14.1	Te Arai South Partners, Te Arai South Holdings Limited, Te Arai North Limited and Tara Iiti Holdings NZ.	Accept the plan modification with amendments		Accept in part
17.1	Housing New Zealand Corporation	Seeks that the proposed provisions of PC14 be confirmed, deleted or amended, to address the matters raised in this submission and as set out in Attachment 1 so as to provide for the sustainable management of the Region's natural and physical resources and thereby achieve the purpose of the Act.		Accept in part
17.2	Housing New Zealand Corporation	Seeks that such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein		Accept in part
18.2	Sentinel Planning Limited	Seeks that other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.	n/a	Accept
19.1	Vector Limited	Accept the plan modification with amendments		Accept in part
19.28	Vector Limited	Seeks any other consequential amendments or relief are made to address Vector's concerns in submission		Accept in part

## Discussion

9.6.2 The submission points in the table above all support PC14 with amendments. These submission points do not seek any amendments themselves, the submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report.

## Recommendations on Submissions

9.6.3 I recommend that submissions 2.1, 2.11 and 18.2 be accepted. I note their support. I recommend that the other submissions in Table 9.5 –Submissions that support PC14 with amendments above be accepted in part. The reporting team is recommending some changes to PC14 in response to other submission points from these submitters but we are not accepting all of their suggested amendments.

9.6.4 There are no amendments associated with this recommendation in Appendix 1.

## 9.7 Submissions points seeking to amend or decline PC14

9.7.1 The following table summarises the submissions points which seek that PC14 is amended if it is not declined, or seek consequential changes related to the relief requested. Submission points seeking specific relief are addressed in this report under the relevant theme.

**Table 9.6 –Submissions seeking to amend or decline PC14**

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
8.1	Better Living Landscapes Ltd and Parallax Surveyors Ltd	Amend the plan modification if it is not declined	n/a	Reject
16.1	Outdoor Media Association of New Zealand	Amend the plan modification if it is not declined	n/a	Reject
16.4	Outdoor Media Association of New Zealand	Seeks any other consequential amendments required to give effect to the relief sought.		Reject

## Discussion

9.2 The submission points in the table above seek that PC14 is amended if it is not declined, or seek amendments to PC14, however these submission points do not seek any amendments themselves. The submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report.

## Recommendations on Submissions

9.3 I recommend that submissions 8.1, 16.1 and 16.4 be rejected. I do not agree that PC14 should be declined.

9.4 There are no amendments associated with this recommendation.

## 9.8 Submissions not on a theme in Proposed Plan Change 14

The following table summarises the submission points that do not relate to a theme in the Section 32 Evaluation Report for PC14.

**Table 9.7 – Submissions not on a theme in PC14**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
<b>Submissions on Natural Heritage (Planner - Todd Elder)</b>				
9.6	Woolworths NZ Ltd	Seeks to extend the scope of PC14 to re-evaluate and re-consider the volcanic viewshafts across the Isthmus, but specifically those viewshafts that affect the site at 510 Ellerslie-Panmure Highway, in Mount Wellington	n/a	n/a [amendments withdrawn]
11.2	Civix Limited	Seeks to relax the requirement for public notification, so that some small-scale plant / buildings / structures can exceed VVS without triggering notification.	FS06 – TM Authority (oppose) FS09 – HNZC (oppose)	n/a [amendments withdrawn]
<b>Submissions on Historic Heritage (Planner – Emma Rush)</b>				
13.2	New Zealand Defence Force	Seeks to add a notation [dp] to identify Table D17.4.1 as district plan provisions.		Reject [Out of scope]
<b>Submissions on Natural resources (Planner – Marilyn Ford)</b>				
11.8	Civix Limited	Seeks any SEA vegetation not be required to be assessed by an applicant on an adjacent site proposed for development.	FS09 – HNZC (oppose)	Reject [Out of scope]
<b>Submissions on Infrastructure (Planner – Jeremy Wyatt)</b>				

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
4.6	Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd	Seek to amend the activity table to include a note that clarifies and confirms that the Special Character Areas Overlay is not an area protecting historic heritage values in terms of Regulation 46 of the NESTF.	n/a	Reject [Out of scope]
<b>Submissions on Transport (Planner - Sanjay Bangs)</b>				
11.3	Civix Limited	Seeks to confirm requirements for surplus car-parks on site, especially where these do not meet minimum dimension / design requirements.		Reject [Out of scope]
12.2	Whakatiwai Plantation Limited	Seeks to amend E27 as set out in submission so that it is clear that this chapter amends the default maximum gradient	FS02 – Moir Hill Forestry Ltd (support) FS – HNZN (oppose)	Reject [Out of scope]
12.3	Whakatiwai Plantation Limited	Seeks to amend E38 as set out in submission to allow the consideration of roads with a gradient steeper than 1:8 as a restricted discretionary activity	FS02 – Moir Hill Forestry Ltd (support) FS – HNZN (oppose)	Reject [Out of scope]
12.4	Whakatiwai Plantation Limited	Seeks to amend E39 as set out in submission to allow the consideration of roads with a gradient steeper than 1:8 as a restricted discretionary activity	FS02 – Moir Hill Forestry Ltd (support) FS – HNZN (oppose)	Reject [Out of scope]
12.5	Whakatiwai Plantation Limited	Seeks any further, additional, alternative or consequential changes as are necessary to give effect to the intent of this submission	n/a	Reject [Out of scope]



<b>Sub. No.</b>	<b>Submitter name</b>	<b>Summary of Relief Sought</b>	<b>Further submissions</b>	<b>Planner recommendation</b>
12.6	Whakatiwai Plantation Limited	Seeks changes to E27.1 as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZN (oppose)	Reject  [Out of scope]
12.7	Whakatiwai Plantation Limited	Seeks changes to E27.1 as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZN (oppose)	Reject  [Out of scope]
12.8	Whakatiwai Plantation Limited	Seeks changes to E27.2(4) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZN (oppose)	Reject  [Out of scope]
12.9	Whakatiwai Plantation Limited	Seeks changes to E27.2(6) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZN (oppose)	Reject  [Out of scope]
12.10	Whakatiwai Plantation Limited	Seeks changes to E27.3(27) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZN (oppose)	Reject  [Out of scope]
12.11	Whakatiwai Plantation Limited	Seeks changes to E27.3(28) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)	Reject  [Out of scope]
12.12	Whakatiwai Plantation Limited	Seeks changes to E27.3(29) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)	Reject  [Out of scope]

<b>Sub. No.</b>	<b>Submitter name</b>	<b>Summary of Relief Sought</b>	<b>Further submissions</b>	<b>Planner recommendation</b>
12.13	Whakatiwai Plantation Limited	Seeks changes to E27.3(30) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)	Reject [Out of scope]
12.14	Whakatiwai Plantation Limited	Seeks changes to E27.4(A17) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZC (oppose)	Reject [Out of scope]
12.15	Whakatiwai Plantation Limited	Seeks changes to E27.4(A18) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)	Reject [Out of scope]
12.16	Whakatiwai Plantation Limited	Seeks changes to E27.8.1(15) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZC (oppose)	Reject [Out of scope]
12.17	Whakatiwai Plantation Limited	Seeks changes to E27.8.2(14) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZC (oppose)	Reject [Out of scope]
12.18	Whakatiwai Plantation Limited	Seeks changes to E38.4.5(A46) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZC (oppose)	Reject [Out of scope]
12.19	Whakatiwai Plantation Limited	Seeks changes to E38.7.3.5(1) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZC (oppose)	Reject [Out of scope]

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
12.20	Whakatiwai Plantation Limited	Seeks changes to E39.4.1(A11) as set out in submission	FS02 – Moir Hill Forestry Ltd (support)	Reject [Out of scope]
12.21	Whakatiwai Plantation Limited	Seeks changes to E39.6.1.7 as set out in submission	FS02 – Moir Hill Forestry Ltd (support)  FS – HNZC (oppose)	Reject [Out of scope]
<b>GIS / general AUP</b> (Planner – Marilyn Ford)				
11.6	Civix Limited	Seeks additional GIS layers are added to the AUP Mapping tool showing: Land Subject to instability	FS09 – HNZC (oppose)	Reject [Out of scope]
11.7	Civix Limited	Seeks additional GIS layers are added to the AUP Mapping tool showing: Land subject to contamination	FS09 – HNZC (oppose)	Reject [Out of scope]
11.9	Civix Limited	Seeks clarification on whether zoning or reserve vesting purpose takes precedence.	FS09 – HNZC (oppose)	Reject [Out of scope]
11.10	Civix Limited	Seeks a public set of practice and training notes relating to interpretations released by council where they change within council.	n/a	Reject [Out of scope]
11.11	Civix Limited	Seeks a list of likely appeal hearing / resolution dates more frequently updated / easily available on the council's website, particularly relating to various outstanding appeals of the AUP.	n/a	Reject [Out of scope]

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
22.4	NEIL (Heritage Land Limited and North Eastern Investments Limited)	Seeks that the Flood Plain, Flood Prone and Flood Sensitive mapping over 56 Fairview Avenue is updated in council GIS viewer to remove erroneous information.	n/a	Reject – out of scope -
22.5	NEIL (Heritage Land Limited and North Eastern Investments Limited)	Seeks that council updates the GIS viewer on an ongoing basis	n/a	Reject – out of scope -

## Discussion

- 9.8.1 The New Zealand Defence Force (submission 13.2) seeks that a notation be added to Table D17.4.1 Activity table – Activities affecting Category A, A\* and B scheduled historic heritage place to identify that this table as district plan provisions. Submission 13.2 notes that the other tables in D17 Historic Heritage Overlay (D17.4.2 and D17.4.3) have a notation indicating they are district plan rules.
- 9.8.2 The preamble at D17.4 Activity tables sets out the section of the Act which are the basis for the activity tables<sup>25</sup>, consistent with Chapter A1.4 of the AUP ('Identifying the different functions of provisions within the Auckland Unitary Plan').
- 9.8.3 This matter is not addressed to changes proposed in PC14, and is not assessed in the section 32 report. This submission point is considered to be out of scope of PC14, however the request will be recorded for consideration in a future plan change.

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<sup>25</sup> "Tables D17.4.1 to D17.4.3 specify the activity status of land-use activities (pursuant to section 9(3) of the Resource Management Act 1991), subdivision (pursuant to section 11 of the Resource Management Act 1991), and activities in the coastal marine area (pursuant to section 12(1), (2) or (3) of the Resource Management Act 1991) affecting scheduled historic heritage places. The most restrictive applicable rule determines overall activity status."

- 9.8.4 Submission 11.8 from Civix Limited requests that vegetation in an SEA is not required to be assessed by an applicant on an adjacent site proposed for development, and requests that council facilitates redevelopment of poor quality SEAs. These matters are not addressed to changes proposed in PC14. The matters raised in this submission point are not assessed in the section 32 report, and have a broader scope than the technical amendments proposed by PC14. It is likely that interest groups and members of the general public would wish to submit on these matters, and may be denied that opportunity should these matters be considered as part of the PC14 hearings. I consider that this submission point is out of scope of the plan change.
- 9.8.5 Submission 4.6 from Chorus, Spark and Vodafone seeks to amend E26.9.3.1 Activity table to clarify that the Special Character Areas Overlay is not an area protecting historic heritage values, in terms of Regulation 46 of the National Environmental Standards for Telecommunication Facilities 2016.
- 9.8.6 This matter is not related to any theme within PC14 and has not been considered in the section 32 evaluation, or notified for public submission. This submission is considered to be out of scope for this plan change. The council discussed the submission with the submitters' agent and it was agreed that the submitters' concerns can be resolved by way of plan interpretation rather than through a plan change. To this end the council has supplied the submitters' agent with an interpretation that supports the submitters' view.
- 9.8.7 Submissions 12.2-12.21 from Whakatiwai Plantation Limited seek changes related to roads with a gradient steeper than 1:8, which are matters outside the proposed changes in PC14. These matters have not been considered in the section 32 evaluation, or notified for public submission, and are considered to be out of scope for this plan change. The proposals can be recorded for consideration in a future plan change.
- 9.8.8 Submission 11.3 from Civix Limited seeks confirm the requirements for car parking spaces shown as part of a proposal that are surplus to the minimum parking rate requirements. These matters have not been considered in the section 32 evaluation, or notified for public submission, and are considered to be out of scope for this plan change. The proposal can be recorded for consideration in a future plan change.
- 9.8.9 Submission points 11.6 and 11.7 from Civix Limited request to non-statutory GIS layers 'Land subject to instability' and 'Land subject to contamination'. PC14 has not proposed any changes to these layers, either in their mapping, or to the plan provisions which refer to them as they sit outside the AUP. These matters are not related to any theme within PC14 and have not been considered in the section 32 evaluation, or notified for public submission. These submission points are considered to be out of scope for this plan change.
- 9.8.10 Submissions 11.9, 10 and 11 by Civix Limited in Table 9.7 above relate to process clarifications outside the AUP. These matters are not addressed to any changes

proposed in PC14 and are not assessed in the section 32 report. These matters may be able to be addressed through communication with the submitters outside of the hearing process for PC14. These submission points are considered to be out of scope for this plan change.

- 9.8.11 This matter is not related to any theme within PC14 and has not been considered in the section 32 evaluation, or notified for public submission. This submission is considered to be out of scope for this plan change. The council discussed the submission with the submitters' agent and it was agreed that the submitters' concerns can be resolved by way of plan interpretation rather than through a plan change. To this end the council has supplied the submitters' agent with an interpretation that supports the submitters' view.
- 9.8.12 Submission points 22.4 and 22.5 from NEIL in Table 9.7 above both relate to non-statutory maps in the council GIS viewer. Submission point 22.4 requests a site specific change to the Flood prone, Flood plain and Flood sensitive layers in the council GIS to "remove erroneous information". PC14 has not proposed any changes to these layers, either in their mapping, or to the plan provisions which refer to them. Submission points 22.4 and 22.5 are not on the changes proposed in PC14, and are considered out of scope.
- 9.8.13 Submissions 9.6 and 11.2 seek amendments to D14.Volcanic viewshafts and height sensitive area overlay. Changes to the volcanic viewshaft and height sensitive area provisions were withdrawn. The reason for the withdrawal is that the changes relate closely to provisions that are to be part of a further plan change, arising from the withdrawal of declaration proceedings filed by Tūpuna Maunga o Tamaki Makaurau Authority on 19 February 2019. Auckland Council has identified the need to undertake a comprehensive review of the provisions relating to Volcanic viewshafts and height sensitive areas across the Auckland Unitary Plan.
- 9.8.14 A number of other matters raised in submissions are related to the themes in the section 32 report, and the proposed amendments in PC14, but are considered to be out of scope of the plan change. These matters, and the reasons why they are considered to be out of scope are discussed in detail under the relevant themes which they relate to (for example, infrastructure matters in sections: 14.2, 14.3, 14.7 and 14.20 of this report).

### **Recommendations on submissions**

- 9.8.15 We recommend that the submissions in Table 9.7 –Submissions not on a theme in PC14 above be rejected, as they are not 'on' PC14, and are therefore out of scope.
- 9.8.16 There are no amendments associated with this recommendation, as the submission points are outside the scope of PC14.

## 10 Submissions on Natural heritage

### 10.1 Theme: Notable Trees Overlay

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

**Table 10.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.3	Housing New Zealand Corporation	Accept the plan modification with amendments	n/a	Accept

### Discussion

- 10.1.1 The proposed PC14 amendments address interpretation issues on how standard D13.6.2 should be applied. The confusion was based on the word ‘undertaken’, the intention is not to undertake trenchless methods but to enable trenchless methods.
- 10.1.2 The submission point in the table above relates to Table D13.4.1 Activity table and standard D13.6.2 in Chapter D13. Notable Trees Overlay in the AUP.
- 10.1.3 A grammatical correction was made to D13.4.1 Activity table the equivalent notable tree provisions in Chapter E26. Infrastructure. It is considered that the correction would improve the usability of the plan by making it clear how the standards should be applied.
- 10.1.4 Submission 17.3 supports the proposed amendments and seeks to retain the provisions as proposed in PPC14 in relation to D13.4.1 and D13.6.2. The support has been noted.

### Recommendations on submissions

- 10.1.5 I recommend that submission 17.3 be accepted in that it supports the amendment proposed through PC14.
- 10.1.6 There are no amendments associated with this recommendation in Appendix 1.

## 11 Submissions on Historic heritage

### 11.1 Theme: Chapter D17 Historic Heritage Overlay

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

**Table 11.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.5	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to Table D17.4.1 Activity Table – Activity A1, A2, A4, A9A, A9B, A12 and A12A.	n/a	Accept

### Discussion

- 11.1.1 PC14 proposed to amend some provisions in Chapter D17 Historic Heritage Overlay (Historic Heritage Overlay or overlay) to ensure the plan provisions are clear and are able to be implemented consistently. PC14 proposes to amend four rules in Table D17.4.1 to clarify the activity status when the interior of a scheduled building is identified in Schedule 14.1 as an exclusion. In addition, PC14 proposes the addition of three rules in Table D17.4.1 to provide for new permitted activities, and to amend D17.6 Standards to describe the permitted activity standards for the new rules.
- 11.1.2 The submission point in the table above supports the amendments proposed in PC14 to the Historic Heritage Overlay.
- 11.1.3 Housing New Zealand Corporation (Housing NZ) (submission 17.5) seeks the retention of the provisions as proposed in PC14 in relation to Table D17.4.1 Activity table. Housing NZ supports the amendments because they provide further clarification on the existing AUP provisions in terms of the extent of the protection of scheduled historic heritage places and the features of places.

### Recommendations on submissions



11.1.4 I recommend that submission 17.5 be accepted because it supports the amendments proposed in PC14, and those amendments provide clarification to the provisions of the Historic Heritage Overlay and will assist with the implementation of the overlay rules.

11.1.5 While it is recommended that submission 17.5 be accepted, there are other submissions that seek amendments to the amendments to D17 Historic Heritage Overlay proposed in PC14. The recommendation to accept submission 17.5 is subject to the amendments recommended and shown in Appendix 1. The reasons for these recommendations are discussed in the relevant sections of this report below.

11.1.6 There are no specific amendments associated with this recommendation in Appendix 1.

## 11.2 Theme: 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

**Table 11.2 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.2	Heritage New Zealand Pouhere Taonga	Supports the permitted activity standard for trimming and alteration of trees in D17.4.1 (A9A) and seeks further clarification of the status of unidentified trees in areas scheduled for historic heritage.	FS05 New Zealand Defence Force (support) FS06 Tūpuna Maunga o Tāmaki Makaurau Authority (support)	Accept
10.6	Tūpuna Maunga o Tāmaki Makaurau Authority	Accept in part the amendments to Chapter D17 Historic Heritage Overlay.	n/a	Accept
10.7	Tūpuna Maunga o Tāmaki Makaurau	Make consequential amendments to Chapter D17 Historic Heritage Overlay, as set out in Table	FS03 Heritage New Zealand Pouhere Taonga (support in part)	Accept in part

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
	Authority	1: Additional amendments proposed by the Tūpuna Maunga Authority.	FS09 Housing New Zealand Corporation (oppose)	
17.6	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to D17.6.5A.	n/a	Accept

## Discussion

- 11.2.1 PC14 proposed to amend the Historic Heritage Overlay provisions by adding a new activity to Table D17.4.1 Activity table and associated standard to D17.6 to provide for the trimming and alteration of trees identified in Schedule 14.1 as a permitted activity.
- 11.2.2 The submission points in the table above support or support in part the addition of activity A9A to Table D17.4.1 and the addition of permitted activity standard D17.6.5A to the overlay.
- 11.2.3 Heritage New Zealand Pouhere Taonga (Heritage NZ) (submission 2.2) supports the permitted activity standard A9A and the associated standard D17.6.5A for the trimming and alteration of trees, but seeks further clarification of the status of unidentified trees in scheduled historic heritage places or areas.
- 11.2.4 The Tūpuna Maunga o Tāmaki Makaurau Authority (the Maunga Authority) (submission 10.6) supports the provisions in the plan change that provide for minor and appropriate trimming of trees identified in Schedule 14.1. The Maunga Authority seeks further amendment to clarify that trees and vegetation not identified in Schedule 14.1 are not subject to the rules and standards in the Historic Heritage Overlay (submission 10.7). The Maunga Authority seeks an additional activity in Table D17.4.1 and the amendment of standard D17.6.4 to clarify that the removal of trees and vegetation not specifically identified in Schedule 14.1 is permitted within the Historic Heritage Overlay.
- 11.2.5 Housing NZ (submission 17.6) seeks that the permitted activity standard D17.6.5A is retained as proposed.
- 11.2.6 The submissions from Heritage NZ and the Maunga Authority raise the issue of clarity around which trees within the AUP's Historic Heritage Overlay are features of the overlay and are therefore subject to the rules and standards in the overlay.
- 11.2.7 A scheduled historic heritage place can comprise of an individual feature, or can encompass multiple features and/or properties. The features of a scheduled place may include trees, gardens and/or plantings, as well as built features and/or archaeological features.

- 11.2.8 The Resource Management (Simplifying and Streamlining) Amendment Act 2009 inserted new sections into the RMA (being sections 76(4A) and 76(4B)). These provisions prohibit blanket tree protection rules in district plans except in areas within a reserve or an area subject to a conservation management plan or strategy, and require councils to specifically identify notable trees for protection in a plan, either individually or as part of a definable group. The relevant provisions were further amended under the Resource Management Amendment Act 2013. to align with the original policy intent of the earlier changes.
- 11.2.9 Schedule 14.1 Schedule of Historic Heritage (Schedule 14.1) includes information for each scheduled historic heritage place including columns for the place name and/or description, address, legal description, and a primary feature or features (the primary feature forms the fundamental basis for scheduling a historic heritage place). Some historic heritage places included in Schedule 14.1 have specific trees and/or vegetation either included in the place name/description column or listed as a primary feature of the place.
- 11.2.10 Given sections 76(4A) to 76(4D) of the RMA, I consider it is appropriate that trees and vegetation specifically identified in Schedule 14.1 are subject to the provisions of the overlay. Other trees and vegetation not specifically identified in Schedule 14.1 may be removed, trimmed or altered without the requirement of a resource consent (except where additional rules for archaeological sites and features apply).
- 11.2.11 I therefore support in principle the amendment proposed by Maunga Authority, being the insertion of a new activity into Table D17.4.1 and the amendment of standard D17.6.4. I agree that these amendments clarify that trees and vegetation not identified in Schedule 14.1 are not subject to the rules and standards in Historic Heritage Overlay. However, I consider the wording proposed for the new activity by the Maunga Authority should be amended to include trimming and alteration, as well as removal.
- 11.2.12 I consider the addition of a new activity to clarify that trees and vegetation not identified in Schedule 14.1 are not subject to the rules and standards in the Historic Heritage Overlay addresses the clarification sought in submission 2.2 from Heritage NZ.
- 11.2.13 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The amendments to Table D17.4.1 Activity table to clarify that trees and vegetation not identified in Schedule 14.1 are not subject to the Historic Heritage Overlay rules is a modification to the approach outlined in the Section 32 evaluation report (Theme 6.3.1 Option (2)). I support the further amendment recommended because it is effective and efficient because it more clearly sets out the rules relating to the removal and maintenance of trees and vegetation within the Historic Heritage Overlay. The further amendment proposed will reduce costs, and increase benefits, in terms of the clarity of the AUP in relation to the rules relating to trees and vegetation within the Historic Heritage Overlay.

## Recommendations on submissions

11.2.14 I recommend that submission points 2.2, 10.6 and 17.6 be accepted because they support the amendments proposed in PC14, and those amendments provide clarification to the provisions of the Historic Heritage Overlay and will assist with the implementation of the overlay rules.

11.2.15 I recommend that submission 10.7 be accepted in part because the amendments sought provide additional clarification to the rules relating to the trimming, alteration and removal of trees and vegetation within the Historic Heritage Overlay.

11.2.16 The amendments associated with this recommendation are set out in Appendix 1.

### 11.3 Theme: Addition of cremated remains in graves

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

**Table 11.3 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.3	Heritage New Zealand Pouhere Taonga	Supports permitted activity standard for modification of grave ledgers in D17.4.1 (A9B).	n/a	Accept

## Discussion

11.3.1 PC14 proposed to amend the Historic Heritage Overlay provisions by adding a new activity to Table D17.4.1 Activity table and associated standard to D17.6 to provide for the modification of a grave ledger to allow the insertion of cremated ash remains as a permitted activity.

11.3.2 The submission point in Table 11.3 supports the addition of activity A9B to Table D17.4.1 and permitted activity standard D17.6.5A. The new activity and standard relate to the modification of grave ledgers to allow the insertion of cremated ash remains.

- 11.3.3 Heritage NZ (submission 2.3) supports the proposed amendments as the new activity status and standard remove the need for unnecessary resource consent applications for the continued use of grave ledgers for the purpose for which they exist.
- 11.3.4 The recommendation on Theme 6.3.1 above, requires a consequential change to the numbering of the activity of modifying a grave ledger to allow the insertion of cremated ash remains, from A9B to A9C. In addition, there is a numbering error in D17.6.5B that requires correcting.

### Recommendations on submissions

- 11.3.5 I recommend that submission 2.3 be accepted because it supports the amendments proposed in PC14, and those amendments provide clarification to the provisions of the Historic Heritage Overlay and will assist with the implementation of the overlay rules.
- 11.3.6 The amendments associated with this recommendation are set out in Appendix 1.

### 11.4 Theme: Invasive testing for seismic strengthening

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

**Table 11.4 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.4	Heritage New Zealand Pouhere Taonga	Supports the permitted activity standard for the modification of buildings for seismic strengthening scheduled in Schedule 14.1 and associated standard D17.6.6A.	n/a	Accept

## Discussion

- 11.4.1 PC14 proposed to amend the Historic Heritage Overlay provisions by adding a new activity to Table D17.4.1 Activity table and associated standard to D17.6 to provide for modifications to buildings, structures or features of a scheduled historic heritage place for the purpose of invasive seismic investigation as a permitted activity.
- 11.4.2 The submission point in the table above supports the addition of activity A12A to Table D17.4.1 and the addition of permitted activity standard D17.6.6A to the overlay. The new activity and standard relate to the modification of buildings, structures and features of a scheduled historic heritage place for invasive seismic investigation.
- 11.4.3 Heritage NZ (submission 2.4) supports the proposed amendments as the new activity status and standard provide a more accessible pathway for building owners to undertake the initial steps for the necessary seismic strengthening of their buildings without resource consent.
- 11.4.4 There is a numbering error in D17.6.6A that requires correcting.

## Recommendations on submissions

- 11.4.5 I recommend that submission 2.4 be accepted because it supports the amendments proposed in PC14, and those amendments provide clarification to the provisions of the Historic Heritage Overlay and will assist with the implementation of the overlay rules.
- 11.4.6 The amendments associated with this recommendation are set out in Appendix 1.

## 11.5 Theme: Interiors of buildings when identified as an exclusion

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

**Table 11.5 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.5	Heritage New Zealand	Supports amendment to clarify activity status of interiors identified as	n/a	Accept

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
	Pouhere Taonga	exclusions in Schedule 14.1.		

## Discussion

11.5.1 PC14 proposed to amend the Historic Heritage Overlay provisions by amending rules (A1), (A2) and (A4) to clarify that where the interior of a building is identified in Schedule 14.1 as an exclusion, the demolition or relocation of the interior is a permitted activity not a controlled activity.

### *The submission point in*

11.5.2 Table 11.5 supports the amendments to Table D17.4.1 for the purpose of clarifying the permitted activity status for alterations to interiors that are identified as an exclusion in Schedule 14.1.

## Recommendations on submissions

11.5.3 I recommend that submission 2.5 be accepted because it supports the amendments proposed in PC14, and those amendments provide clarification to the provisions of the Historic Heritage Overlay and will assist with the implementation of the overlay rules.

11.5.4 There are no specific amendments associated with this recommendation in Appendix 1.

## 12 Submissions on Natural resources – land and water

### 12.1 Theme: 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 Standards for ancillary forestry earthworks E15.6.1 Deadwood removal, E26.3.4

**Table 12.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
15.1	Federated Farmers of New Zealand	Seeks to retain the proposed policy and permitted activity standards for E11.3(6A), E11.6.3(4) & E11.6.4(15).	FS10 – Federated Farmers (support)	Accept

### Discussion

12.1.1 The changes PC14 proposed to the kauri dieback provisions in Chapter E11 were to add new policy (6A) to Chapter E11 Land disturbance – Regional;

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

12.1.2 and to add new standards E11.6.3(4) and E11.6.4(15) to Chapter E11 (same standard wording);

*(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.*

12.1.3 The following standard was also proposed in PC14 to replace the existing deadwood removal standard, but no submission points have specifically addressed the kauri dieback provisions in Chapter E15 Vegetation management and biodiversity.



### **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**

- 12.1.4 The above changes were proposed in order to close gaps in standards and policies, remove ambiguity and remove exemptions for some plan users<sup>26</sup>.
- 12.1.5 Standards for permitted earthworks and vegetation removal in the AUP are intended to prevent the continued spread of kauri dieback disease through the movement of soil and vegetative material as a means of protecting the regions biodiversity.
- 12.1.6 Gaps in how these standards are applied throughout the AUP mean that the standard for land disturbance around kauri trees only applies ‘earthworks’<sup>27</sup>, and not to ‘ancillary farming earthworks’ or ‘ancillary forestry earthworks’, and that standard E15.6.1(1) for ‘deadwood removal’ of kauri trees 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.
- 12.1.7 Submission point 15.1 in Table 12.1 above supports the changes proposed to the AUP regarding the kauri dieback disease theme in the Land disturbance – regional chapter of the AUP, as the omission of these provisions from the AUP-decisions version was the result of an oversight.
- 12.1.8 Further submission FS10 from Federated Farmers supports their primary submission point, but qualifies it;  
*“Support for the proposed policy and permitted activity standards continues, however, it has become apparent: that the Council may lack the jurisdiction to include the provision in the Plan; and that the provision may not be for an appropriate resource management purpose.”*

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<sup>26</sup> Note that in most cases forestry activities will be regulated by the NESPF, and standards explicitly for ancillary forestry earthworks will not apply.

<sup>27</sup> Regional land disturbance standard E11.6.2(6) and standards for infrastructure earthworks E26.5.5.2(8), E26.6.5.2(13).

12.1.9 The amendments proposed are to address the gaps identified in the s 32 report. The proposed amendments are consistent with relevant objectives and policies of the AUP as follows;

- RPS objective B7.2.1(2) <sup>28</sup>;
- Auckland-wide objective E15.2(2) <sup>29</sup>;
- Auckland-wide policies E15.3(5), (8) <sup>30</sup>;
- SEA Overlay objective D9.2(1) <sup>31</sup>;
- SEA Overlay policy D9.3(4) <sup>32</sup>.

12.1.10 No other submissions were received on the proposed changes regarding kauri dieback disease in PC14.

### Recommendations on submissions

12.1.11 I recommend that submission 15.1 be accepted. This submission supports the proposed changes in PC14.

12.1.12 There are no amendments associated with this recommendation within Appendix 1.

## 12.2 Theme: Vegetation alteration or removal

Chapter of the AUP	Chapter J Definitions
Sub-section of the AUP	J1 Definitions

<sup>28</sup> 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.

<sup>29</sup> Auckland-wide objective E15.2(2); Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring.

<sup>30</sup> 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.

<sup>31</sup> 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.

<sup>32</sup> 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.

Specific provision/s	New proposed definition – Vegetation alteration or removal
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**Table 12.2 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
13.5	New Zealand Defence Force	Seeks to amend the definition of “Vegetation Alteration or Removal” to clarify whether it includes “works within the protected root zone”.	FS07 – Vector Ltd (support) FS10 – Fed Farmers NZ (oppose)	Reject
15.5	Federated Farmers of New Zealand	Seeks to amend the definition of “vegetation alteration or removal” as set out in submission	FS07 – Vector Ltd (support)	Reject
17.26	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to the inclusion of the definition for ‘vegetation alteration or removal’	FS07 – Vector Ltd (support)	Accept
19.26	Vector Limited	Seeks a definition of Vegetation alteration or removal as currently proposed is included in Chapter J1.41 as set out in submission	n/a	Accept

## Discussion

12.2.1 PC14 proposed to add a new definition for the activity ‘vegetation alteration or removal’ in order to clarify for plan users what this activity includes, and to ensure that the full spectrum of activities relating to vegetation alteration or removal are captured by the relevant provisions. The definition proposed for ‘vegetation alteration or removal’ in PC14 is as follows;

*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.*

- 12.2.2 The submission points in Table 13.1 seek to retain the new definition as notified, or to amend the proposed definition to seek greater clarity or refine the definition’s meaning.
- 12.2.3 The New Zealand Defence Force seek that this definition is further refined to clarify whether it includes works within the protected root zone (as managed in the Chapter E26 infrastructure provisions).
- 12.2.4 The proposed definition explicitly includes “roots” in what is considered to be part of vegetation for the purposes of the definition. This is also discussed within the Status quo and problem statement for theme 6.4.3 Vegetation alteration or removal in the s32 report<sup>33</sup>;
- “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. “*
- 12.2.5 To clarify this discussion, the proposed new definition **is** intended to encompass roots. Any cutting, damaging etc of roots (or crown pruning) is considered to fall within the wider definition of ‘vegetation alteration or removal’.
- 12.2.6 The AUP includes two definitions which are relevant to this submission. These are ‘Protected root zone’ and ‘Works within the protected root zone’ (below).

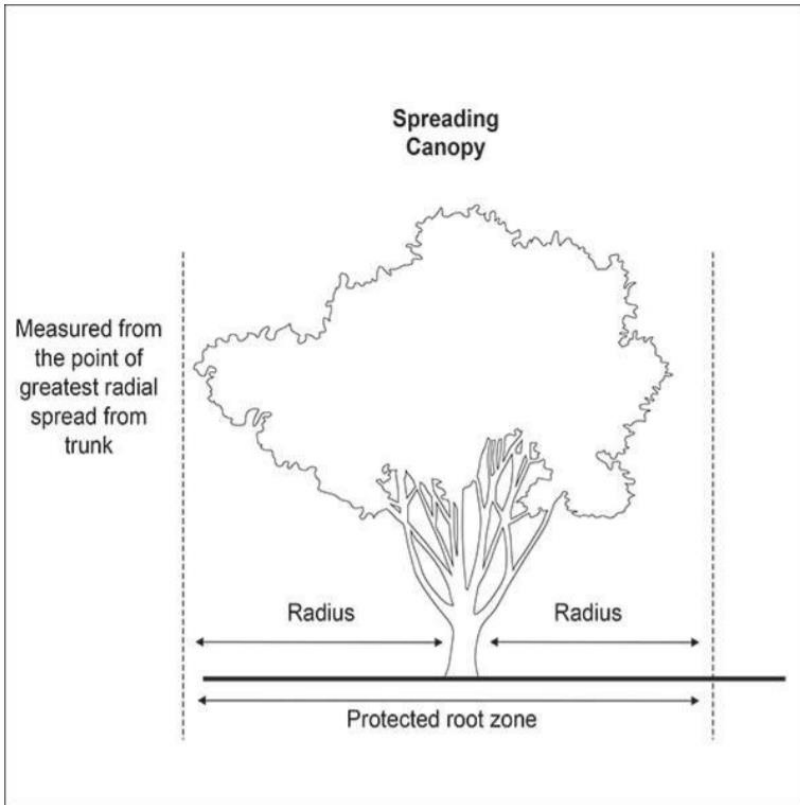
**Protected root zone**

*The circular area of ground around the trunk of a protected tree, the radius of which is the greatest distance between the trunk and the outer edge of the canopy. For columnar crown species the protected root zone is half the height of the tree.*

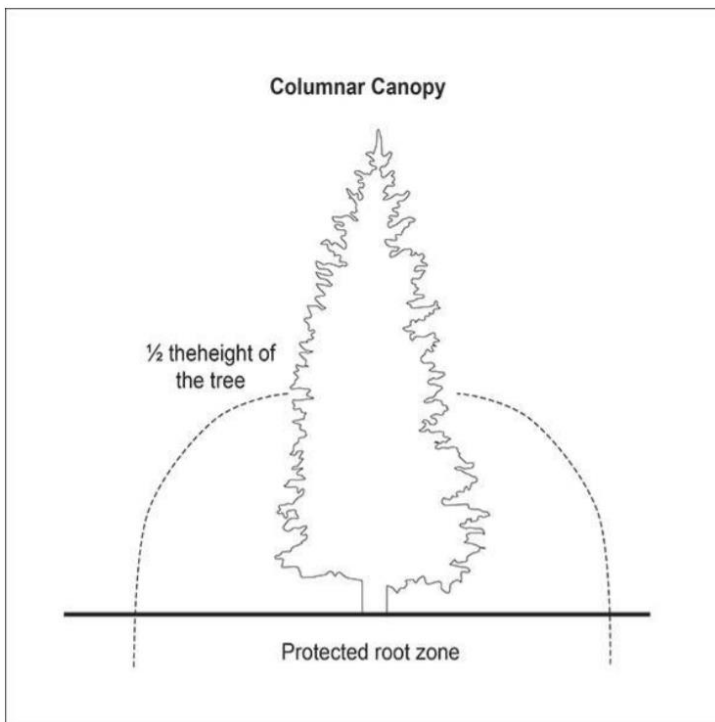
**Figure J1.4.5 Protected root zone A**

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<sup>33</sup> Section 32 Evaluation Report – Proposed Plan Change 14, 28 November 2019, p. 61



**Figure J1.4.6 Protected root zone B**



...

**Works within the protected root zone**

*Carrying out work within the protected root zone.*

*Includes:*

- *excavation;*
- *depositing of materials;*
- *construction activity;*
- *installation of services;*
- *discharge or dispersal of any toxic substance;*
- *placement of any weed control membrane; and*
- *storage of vehicles, machinery, or materials.*

12.2.7 While 'damaging, cutting, destroying or removing any part of vegetation' within the defined 'Protected root zone', is a subset of the definition for 'Vegetation alteration or removal' proposed in PC14, the term 'Works within the protected root zone' is not a subset of this activity, and encompasses a wider range of activities than are managed by the provisions of Chapter E15 Vegetation management. These include land disturbance, installation of infrastructure and discharges to land. These activities are managed by provisions in other chapters of the AUP. As there are occasions where the works proposed will fall into both activities, and occasions where they do not, I do not consider it appropriate to categorically include or exclude them from the new definition proposed in PC14.

12.2.8 Federated Farmers of New Zealand seek that this definition is amended by adding the following to the list of exclusions;

*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.:*
- *pest plant removal;*
- *In rural zones, the alteration or removal of any vegetation that is less than 20 years old.*

12.2.9 While the activity 'pest plant removal' can be considered to be a subset of the proposed 'Vegetation alteration or removal', this activity is for a specific biosecurity purpose, and is specifically permitted by the AUP where appropriate.

- 12.2.10 The term 'Pest plant removal' is a defined term in the AUP, and while it can be considered to be a subset of the definition 'Vegetation alteration or removal' proposed in PC14, it is intended to address specific instances where what may more broadly be considered 'vegetation alteration or removal' is being undertaken for biosecurity reasons. In cases of doubt about whether a resource consent is required or not, the AUP provides for 'Pest plant removal' as a permitted activity where appropriate. The AUP also provides for a number of activities more specific than 'vegetation alteration or removal' as a permitted activity. Excluding one of these from the defined term, and not others could result in further confusion about the relationship between the more general and specific activities provided for in Chapter E15 of the AUP.
- 12.2.11 I do not consider that altering the proposed definition to exclude pest plan removal is either necessary, or clarifies the proposed definition.
- 12.2.12 With regard to vegetation which is younger than 20 years old, I consider that this requested change is a substantive departure from the existing approach in the AUP, and would require a shift in the policy direction of the AUP. This requested change would not only alter the reach of the existing provisions as they apply to indigenous vegetation, and vegetation in sensitive environments Auckland-wide, but also to provisions expressly for scheduled Significant ecological areas and other overlays scheduled in the AUP. In coastal environments this change would be contrary to the NZCPS Policy 11, and would provide inadequate protection for dynamic and recovering environments.
- 12.2.13 The objectives of the AUP include the protection of existing vegetation, i.e. objectives;
- 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."*
- 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."*
- 12.2.14 They also relate to the restoration and enhancement of biodiversity values within Significant Ecological Area Overlay areas, and generally, for example, objectives;
- D9.2(2) "Indigenous biodiversity values of significant ecological areas are enhanced."*
- E15.2(2) "Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring."*
- 12.2.15 I consider that the changes to the definition requested are inconsistent with the objectives of the AUP, as they do not enable the protection of areas of significant biodiversity (objective D9.2(1) ), or the maintenance or enhancement of ecosystem



service and biodiversity values in sensitive environments (objective E15.2(1) )and do not meet the purpose of the Act.

12.2.16 Housing New Zealand Corporation (HNZC) is generally supportive of the new definition as proposed in PC14 and Vector Limited (Vector) is in support of the new definition as proposed.

### Recommendations on submissions

12.2.17 I recommend that submission points 13.5 and 15.5 be rejected, as they do not improve the clarity of the AUP, and are not effective or efficient ways to achieve the objectives of the AUP.

12.2.18 I recommend that submissions 17.26 and 19.26 are accepted. These support the proposed changes in PC14.

12.2.19 There are no amendments associated with this recommendation within Appendix 1.

### 12.3 Theme: 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 E9.6.1.3, E9.6.1.4, E9.6.2.1 and E9.6.2.2

**Table 12.3 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.8	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to E9 and Appendix 17 and the inclusion of the 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)' in the AUP.	n/a	Accept
17.9	Housing New Zealand	Seeks to retain the provisions as proposed in PC14 in relation to E11	n/a	Accept

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
	Corporation	and Appendix 17 and the inclusion of the 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)' in the AUP.		
22.2	NEIL (Heritage Land Limited and North Eastern Investments Limited)	Oppose the removal of TP10	n/a	Reject

## Discussion

- 12.3.1 PC14 proposes to replace references to TP90<sup>34</sup> with references to GD05<sup>35</sup> in 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), and to replace references to TP10<sup>36</sup> with GD01<sup>37</sup> in permitted activity standards E9.6.1.3(2), and E9.6.1.4(1), and controlled activity standards E9.6.2.1(4) and E9.6.2.2(2).
- 12.3.2 One submission point in Table 12.3 relating to GD01 (replacement of TP10) is supportive of, and one is opposed to the proposed change.
- 12.3.3 The change proposed by PC14 is to ensure that the appropriate standards that council expects activities to meet are clearly available to plan users. GD05 and GD01 provide specific guidance for plan users on what is considered to be best practice for land disturbance and stormwater management respectively. Not updating the references to these documents in the AUP may result in plan users referring to, and planning their activities around outdated standards, and confusion about which documents should apply.
- 12.3.4 Submission point 17.9 in Table 12.3 above is supportive of this proposed change to GD05 (replacement of TP90).

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<sup>34</sup> *Technical Publication 90: Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region*, 1999

<sup>35</sup> *Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities*

<sup>36</sup> *Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003)*

<sup>37</sup> *Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region*

## Recommendations on submissions

- 12.3.5 I recommend that submissions 17.8 and 17.9 be accepted and that the amendments proposed in PC14 are retained, for the reasons set out in the section 32 report.
- 12.3.6 I recommend that submission 22.2 is rejected as it is not the most effective way to meet the objectives of the AUP as outlined in the s32 report.
- 12.3.7 There are no amendments associated with this recommendation within Appendix 1.

### 12.4 Theme: 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.

**Table 12.4 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.6	Heritage New Zealand Pouhere Taonga	Supports amendment to clarify activity status of earthworks scheduled for archaeological features in E12.4.2 and seeks further amendment to clarify activity status where the new column is blank.	FS05 – NZDF (support) FS06 – TM Authority (support) FS09 – HNZN (oppose)	Accept
10.8	Tūpuna Maunga o Tāmaki Makaurau Authority	Accept in part the amendments to Table E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay)	FS09 – HNZN (oppose)	Accept
10.9	Tūpuna Maunga o Tāmaki Makaurau Authority	Make further amendments to Table E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay)	FS09 – HNZN (oppose)	Accept in part
17.10	Housing New Zealand Corporation	Seeks to delete all amendments proposed in Table E12.4.2 Activity table – overlays.	FS03 – HNZNPT (oppose) FS06 – TM Authority (oppose)	Reject

## Discussion

12.4.1 PC14 proposes changes to Table E12.4.2 Activity table - overlays (except Outstanding Natural Features) as indicated below (for the full markup refer to PC14 and Attachment A to the s32A report);

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	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	Sites and Places of Significance to Mana Whenua Overlay		
<b>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</b>						
(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 <sup>2</sup>	RD	<u>RD</u>
(A18)	Earthworks for interments in a burial ground, cemetery or <u>urupā</u> (within the	P	P	P	P	

Comment [AC43]: Theme 6.4.5 - Land disturbance where archaeological site or feature applies

- 12.4.2 Three submission points in Table 12.4 support, or support in part the proposed changes and seek various further amendments and one seeks to delete the proposed amendment.
- 12.4.3 Heritage NZ supports the clarification of the activity status of earthworks in areas scheduled for archaeological features, but considers that the amendment proposed in PC14 potentially creates confusion where the proposed new column is blank. Heritage NZ seeks that the new column is populated with the appropriate activity status, or “N/A” to further clarify this for plan users. Further submissions FS05 (New Zealand Defence Force) and FS06 (Tūpuna Maunga Authority) are in support of this submission and FS09 (Housing New Zealand Corporation) is opposed to this submission.
- 12.4.4 Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Authority) support the principle of clarifying the activity status of this land disturbance, as they consider that the relationship of the Chapter E12 and Chapter D17 provisions for historic

heritage overlays is unclear, and have received contradictory advice from council in the past.

- 12.4.5 The Tūpuna Authority seeks a further change to the title of the new column proposed to Table E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay) to resolve this. The Tūpuna Authority have proposed the alternative title read;

*“Additional Rules for Archaeological Sites or Features apply as listed in Schedule 14.1 Schedule of Historic Heritage Schedule, Statements and Maps”*

- 12.4.6 The Tūpuna Authority seeks the same amendment to the proposed new column as Heritage NZ so that cells in this column are not left blank, and also seeks the removal of notations 2 in rows (A29) and (A32) as the corresponding Note 2 at the bottom of Table E12.4.2 is shown as deleted.
- 12.4.7 Further submission FS09 (Housing New Zealand Corporation (HNZC)) on submission points 10.8 and 10.9 are opposed to these submission points as the Corporation has lodged an appeal with the Environment Court on amendments proposed to rules (A32) and (A33) in Table E12.4.2 as they are proposed to apply to Special Character Areas Overlay - Residential: Isthmus C undertaken through PC4 to the AUP.
- 12.4.8 The HNZC are opposed to the changes proposed to Table E12.4.2, as they have a live appeal against a change to this part of the plan made in PC4. HNZC seeks that no changes are made to this part of the plan until the appeal has been resolved. However, as discussed above the appeal is against changes to rules (A32) and (A33) as they are proposed to apply in PC4 to the Special Character Areas Overlay - Residential: Isthmus C.
- 12.4.9 Further submissions FS03 (Heritage NZ Pouhere Taonga) and FS06 (Tūpuna Maunga Authority) are opposed to submission point 17.10 in Table 12.4 above.
- 12.4.10 I agree that including n/a in the new column where no activity status applies improves its legibility (this is also consistent with the drafting of additional column for Special Character Area Residential Isthmus C proposed in PC 4).
- 12.4.11 Changes to the proposed new column heading requested by the Tūpuna Authority improve its clarity and correct an unintended spelling mistake in the column.
- 12.4.12 The removal of the note “2” at activities (A29) and (A32) is a change that should have been made earlier, via PC4 I consider that this is a drafting omission, overlooked due to the small font of the note, and propose correction via Schedule 1, cl16 of the Act.
- 12.4.13 I agree with the Tūpuna Authority and Heritage NZ that the changes proposed in PC14 should be progressed as they do not directly relate to the HNZC appeal on amendments undertaken through PC4.

12.4.14 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment improves the accuracy and clarity of the changes proposed in the notified plan change. These changes improve the effectiveness and efficiency of the provisions to achieve the objectives of the plan because they improve the plan clarity and internal consistency. The benefits of this further change is to improve the plan administration, and reduce the risk of losing historic heritage through inappropriate activities.

### Recommendations on submissions

12.4.15 I recommend that submissions 2.6 and 10.8 be accepted, and that submission 10.9 be accepted in part as they further improve the legibility of the AUP.

12.4.16 I recommend that submission 17.10 is rejected, as it does not address an existing issue with the interpretation of the provisions, and is not the most efficient way to achieve the objectives of the AUP.

12.4.17 The amendments associated with this recommendation are set out within Appendix 1.

### 12.5 Theme: 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)

**Table 12.5 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
22.1	NEIL (Heritage Land Limited and North Eastern Investments Limited)	Oppose the proposed wording changes to the plan [also coded to theme: Stormwater runoff from lawfully established impervious areas]	n/a	Reject

### Discussion

12.5.1 PC14 proposes an amendment to standard E8.6.4.1(3) in the AUP. The current wording refers to table E10.6.3.1.1, which applies to Stormwater management

areas - Flow 1 and Flow 2 (SMAF)<sup>38</sup>, but does not specify what the requirements are outside SMAF areas, making compliance with the standard problematic. PC14 proposed to amend the standard as follows;

**E8.6.4.1. Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m<sup>2</sup> 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).

12.5.2 This proposed change clarifies the application of the standard, by referring specifically to the SMAF 1 requirements in table E10.6.3.1.1(1) (the same standard that currently applies to controlled activities under E8.6.3.1(1) ), and also explicitly including the flexibility of standard E10.6.3.1.1(2).

The submission in

12.5.3 Table 12.5 opposes the changes proposed to standard E8.6.4.1(3) for stormwater runoff from impervious areas (note that this submission point is also coded to theme: Stormwater runoff from lawfully established impervious areas).

12.5.4 The submitter is opposed to the changes as their property is located within the SMAF1 layer, and *“The effects of the plan changes on the AC GIS viewer in terms of present inaccuracies are undefined in the AEE.”*<sup>39</sup>

12.5.5 The proposed change is a text change only and will have no impact on the mapping of the SMAF 1 or SMAF 2 layers, nor will it have any effect on the provisions that apply to land which is within those mapped layers. The proposed change only clarifies which standards are to apply where the land is *outside* SMAF1 and SMAF2 areas. As discussed above, it is unclear how to confirm compliance with this standard under the current wording.

## Recommendations on submissions

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<sup>38</sup> Refer to the background for Stormwater management area – Flow 1 and Flow 2 (E10.1) for descriptions of these areas.

<sup>39</sup> Submission point 22.1, Page 3.

12.5.6 I recommend that submissions 22.1 be rejected, as it does not rectify an existing issue with the clarity of the plan, as outlined in the s32 report.

12.5.7 There are no amendments associated with this recommendation within Appendix 1.

## 12.6 Theme: Stormwater runoff from lawfully established impervious areas

<b>Chapter of the AUP</b>	E Auckland-wide
<b>Sub-section of the AUP</b>	Chapter E8 Stormwater - Discharge and diversion
<b>Specific provision/s</b>	E8.6.2.1

**Table 12.6 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
5.1	Oil Companies(Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd)	Adopt the amendments to standard E8.6.2.1 as notified.	n/a	Accept
9.8	Woolworths NZ Limited	Seeks to retain the proposed amendments to Standard E8.6.2.1 to clarify when diversions of stormwater to an authorised stormwater network are permitted under the AUP.	n/a	Accept
13.3	New Zealand Defence Force	Seek to retain the wording as proposed in PC14 for E8.6.2.1	n/a	Accept
17.7	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to E8.6.2.1.	n/a	Accept
22.1	NEIL (Heritage Land Limited and North Eastern Investments Limited)	Oppose the proposed wording changes to the plan [also coded to theme: Stormwater runoff from impervious areas]	n/a	Reject

### Discussion

12.6.1 The proposed change in PC14 makes the following amendment to the wording of standard E8.6.2.1;



*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).~~*

12.6.2 With respect to standard E8.6.2.1, a lack of clarity in the present wording is misapplied in some cases to require resource consent, rather than provide for a permitted activity.

12.6.3 Submission point 22.1 in Table 12.6 opposes the changes proposed to standard E8.6.2.1 for stormwater runoff from lawfully established impervious areas (also discussed above in 12.5 Theme: Stormwater runoff from lawfully established impervious areas). The submitter is opposed to the changes as their property is located within the SMAF1 layer, and *“The effects of the plan changes on the AC GIS viewer in terms of present inaccuracies are undefined in the AEE.”*<sup>40</sup>

12.6.4 The proposed change is a text change only and will have no impact on the mapping of the SMAF 1 or SMAF 2 layers, nor will it have any effect on the provisions that apply to land which is within those mapped layers. The proposed change only clarifies the application of a permitted activity.

12.6.5 The other four submission points in the table above support the proposed changes to standard E8.6.2.1 in order to clarify the application of the standard.

### **Recommendations on submissions**

12.6.6 I recommend that submissions 22.1 be rejected, as it does not rectify an existing issue with the clarity of the plan, as outlined in the s32 report.

12.6.7 I recommend that submissions 5.1, 9.8, 13.3 and 17.7 are accepted and that the amendments proposed in PC14 are retained. As set out in the section 32 report, this resolves the misinterpretation of the current wording, improving the efficiency of plan administration.

12.6.8 There are no amendments associated with this recommendation within Appendix 1.

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<sup>40</sup> Submission point 22.1, Page 3.

## 12.7 Theme: 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)

**Table 12.7 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.7	Heritage New Zealand Pouhere Taonga	Supports amendment to accidental discovery policies E11.3(2)(c) and E12.3.2(b).	FS06 – TM Authority (support)	Accept

### Discussion

- 12.7.1 The changes proposed through PC14 are to amend objectives E11.2(1) and E12.2(1) as follows “*avoids, remedies ~~and/or~~ mitigates adverse effects*”; and to amend policies E11.3(2)(c) and E12.3(2)(b) to read; “*avoid, remedy ~~and/or~~ mitigate adverse effects*” respectively.
- 12.7.2 These changes are intended to improve the legibility of the AUP, and better align with the more specific provisions for land disturbance in Chapters E11 and E12.
- 12.7.3 Submission point 2.7 in Table 12.7 above supports the proposed amendment to policies E11.3(2)(c) and E12.3.2(b) as it is not possible to avoid items that have been accidentally discovered and therefore the policy as previously worded could be impossible to comply with.
- 12.7.4 Further submission FS06 (Tūpuna Maunga Authority) is in support of this submission point.
- 12.7.5 There were no other submissions or further submissions received on this theme.

### Recommendations on submissions

- 12.7.6 I recommend that submission 2.7 be accepted and that the amendments proposed in PC14 are retained, for the reasons set out in the section 32 report.
- 12.7.7 There are no amendments associated with this recommendation within Appendix 1.

## 13 Submissions on Natural resources – air quality

### 13.1 Theme: 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)

**Table 13.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
1.3	Ports of Auckland Limited	Seeks that such further, consequential or alternative relief as may be necessary to fully give effect to the relief sought in this submission	n/a	Accept in part
1.4	Ports of Auckland Limited	Seeks to delete the amendment to Table E14.4.1 Activity Table (A114) and retain the status quo.	FS05 – NZDF (support) FS11 – Oil Companies (support)	Accept in part (further amendments proposed)

### Discussion

13.1.1 PC14 proposes the following change to activity A14.4.1(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).*

13.1.2 This proposed change was intended to address a gap in the permitted activity, whereby nuisance effects from mobile sources such as dust generated, or tyre smoke from burn-out competitions would be permitted with no applicable standards.

13.1.3 By adding the words ‘the engines of’ to the rule, those other discharges would be subject to the permitted activity standards under the catchall activity (A1) Activities meeting the permitted activity standards and not provided for by any other rule.

13.1.4 In submission point 1.4 in Table 13.1 above, Ports of Auckland Limited (POAL) has opposed this proposed amendment as the proposed change will apply this standard to discharges to air other than from the engines of mobile sources and may require resource consent under other rules. As it relates to vessels (including boats), the proposed amendment is inconsistent with the Resource Management (Marine Pollution) Regulations 1998 which authorise discharges of contaminants that are

incidental to the normal operations of ships and provide that rules must not be included in a regional coastal plan that relate to discharges covered by the Regulations.

- 13.1.5 Further submissions from NZDF and the Oil Companies both support the POAL submission point, as the amendment in PC14 could have the unintended consequence of restricting discharges to air from vessels that are generated during the normal operation of ships, contrary to the Resource Management (Marine Pollution) Regulations.
- 13.1.6 The intention of the amendment proposed in PC14 was to close a loophole specific to motor vehicles, and the discussion in the section 32 report is clear on this matter. The addition of the text ‘the engines of’ to the activity is intended apply to motor vehicles only, however I consider that there is the potential to read this addition as “the engines of: motor vehicles, aircraft, vessels...” and have the unintended consequence of conflicting with the Marine Pollution Regulations as raised in the submissions in the table above.
- 13.1.7 I therefore consider that the following further amendments to activity E14.4.1(A114) will close the gap in the AUP outlined in the s32 report, and rectify potential conflict with the Marine Pollution Regulations;

*Discharges to air from the engines of motor vehicles, or from 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).*

- 13.1.8 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment improves the notified changes in PC14, by more specifically applying them to land-based activities as intended. This resolves potential conflict with the Marine Pollution Regulations, and is a more efficient option for meeting the objectives of the AUP, in particular objective E14.2(2). The benefits of this further change are to clarify the intent of the plan, and to enable compliance action to take place where necessary.

### **Recommendations on submissions**

- 13.1.9 I recommend that submission 1.4 be accepted in part, as I consider that alternative drafting can rectify the potential conflict with the Marine Pollution Regulations, and effectively meet the purpose of the Act.
- 13.1.10 The amendments associated with this recommendation are set out within Appendix 1.

## 13.2 Theme: 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)

**Table 13.2 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
5.3	Oil Companies (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd)	Seeks to adopt the amendments to standard E14.6.1.1(1) as notified	n/a	Accept

### Discussion

13.2.1 In order to focus on the effects of contaminants, and improve the practicality of complying with the standard. PC14 proposed the following change to General standard E14.6.1.1(1) as follows;

*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.*

13.2.2 Submission point 5.3 from the Oil Companies in the table above supports the change to General standard E14.6.1.1(1) as the amended standard addresses the effect of contaminants, rather than the presence of the contaminant only.

13.2.3 There were no other submissions or further submissions received on this theme.

### Recommendations on submissions

13.2.4 I recommend that submission 5.3 be accepted, and that the amendments proposed in PC14 are retained, for the reasons set out in the section 32 report.

13.2.5 There are no amendments associated with this recommendation within Appendix 1.

## 13.3 Theme: 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

**Table 13.3 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
13.6	New Zealand Defence Force (NZDF)	Seeks consequential amendments to E14.6.1.15 as set out in submission	n/a	Accept in part

## Discussion

- 13.3.1 PC14 proposes to replace “the New Zealand Fire Service” with “Fire and Emergency New Zealand” within the AUP, as the New Zealand Fire Service ceased to exist on 1 July 2017 and was replaced by Fire and Emergency New Zealand<sup>41</sup>.
- 13.3.2 Changes are proposed to rule E14.4.1(A96), standards E14.6.1.15(3) (as shown below) and E14.6.1.20(3), as well as equivalent / consequential amendments to rules D14.4.1(A5) and D14.4.1(A10), and to the definition for ‘Temporary Activity’ in Chapter J.

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<sup>41</sup> *Fire and Emergency New Zealand Act 2017.*

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 [AC60]:  
Theme 6.5.10 - Rural fires

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 [AC61]:  
Theme 6.5.11- Fire and Emergency

13.3.3 NZDF submission point 13.6 in Table 13.3 above supports the proposed change to standard E14.6.1.15, subject to a further amendment, which is to add “or the New Zealand Defence Force” to clause (3) of the standard.

13.3.4 NZDF have submitted that the lack of inclusion of NZDF in standard E14.6.1.15(3) appears to be an omission, as the NZDF is included in activity (A96) and request that NZDF is included as a subsequent amendment to the proposed changes in PC14.

13.3.5 Activity E14.4.1(A96) provides for air discharges *for the purpose of fire-fighting and other emergency response* activities when carried out by Fire and Emergency New Zealand (formerly the New Zealand Fire Service), Auckland International Airport Ltd and the New Zealand Defence Force as a permitted activity, while standards E14.6.1.15(3) and E14.6.1.20(3) require that fires are supervised by Fire and Emergency New Zealand, Council fire officers, or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

13.3.6 This permitted activity is exempt from the Chapter E14 general standards at E14.6.1.1 (shown below) and there are no specific standards which apply to this activity.

*“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.”*

13.3.7 Activity E14.4.1(A97) also comes under the sub-heading ‘Discharge of contaminants into air from emergency services and the New Zealand Defence Force’ and provides for air discharges for *the purpose of emergency service training* as a permitted activity, with exceptions for High air quality areas.

13.3.8 This activity is subject to standard E14.6.1.15(3), which requires that fires are supervised by Fire and Emergency New Zealand, Council fire officers, or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

- 13.3.9 Standard E14.6.1.20(3) is the same as standard E14.6.1.15(3), and applies to activity (A129) 'Outdoor burning of any material required by Ministry for Primary Industries or designated authorities under the Health Act 1956 or Biosecurity Act 1993'.
- 13.3.10 The wording of standard E14.6.1.15(3), and specifically the suitable parties to direct/supervise permitted fires for training purposes has not changed from the equivalent notified standard which was notified in the PAUP<sup>42</sup>.
- 13.3.11 Evidence at the IHP hearings on topic 035 on behalf of the NZDF<sup>43</sup> sought that air discharges from outdoor burning for the purpose of fire emergency training or investigation carried out by NZDF be permitted in all zones, subject to standards, but did not seek any changes to the applicable standard wording.
- 13.3.12 Planning evidence on behalf of Auckland Council<sup>44</sup> at the hearings supported a permitted activity rule for permitted fire-fighting and emergency response activities – equivalent to current activity E14.4.1(A96).
- 13.3.13 Therefore, I do not consider that there has been an error in the wording of standard E14.6.1.15(3).
- 13.3.14 A consequential amendment to the AUP has already been before commissioners during the hearing for PC15 as it applies to the Coastal – General Coastal Marine Zone permitted activity F2.19.7(A64) 'Discharges from firefighting and other emergency response activities undertaken by Fire and Emergency New Zealand (including discharges of hazardous substances)'. I note that this activity, and the standard (exemption) which relates to it are for the equivalent of activity E14.4.1(A96) – that is the permitted activity for emergency fire-fighting, rather than for investigation and training, as is the case with this theme.
- 13.3.15 Following advice from Fire and Emergency NZ, I consider, that in the case of fire and emergency training it would be appropriate for the NZDF to direct and supervise fires lit for this purpose, subject to the existing clauses (1) and (2) of standard E14.6.1.15, and limited to fires lit on NZDF land.
- 13.3.16 I therefore support the further change to standard E14.6.1.15(3) as shown below.

### *Emergency Services*

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<sup>42</sup> H4.1.3.1.8 Outdoor burning.

<sup>43</sup> Statement of primary evidence of Kate Searle on behalf of the New Zealand Defence Force (Submitter 838, FS 2265), dated 19 February 2015

<sup>44</sup> Statement of primary evidence of Lauren Nicole Jones on behalf of Auckland Council, Air Quality – Auckland-wide rules, 9 February 2015, para 11.16.



#### **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~~ the New Zealand Defence Force in the case of fires in defence areas (as defined in the Defence Act 1990) or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

13.3.17 In considering this submission point, it has also come to my attention that restructuring which followed the commencement of the Fire and Emergency New Zealand Act 2017 means that there are now no longer any 'Council fire officers' as referred to in standards E14.6.1.15 and E14.6.1.20, and I propose the deletion of these words as minor corrections to the AUP under schedule 1 cl20A of the Act.

13.3.18 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient because it provides for appropriate and necessary activities which discharge contaminants to air to take place without the need for resource consent when supervised by appropriate individuals, and reduces the administrative burden on plan users, it improves accuracy and administration of the plan. The benefit of this further change is improved efficiency and usability of the plan.

#### **Recommendations on submissions**

13.3.19 While I do not agree with the submitter that the relief sought corrects an omission, I recommend that submission 13.6 be accepted in part, as it improves the efficiency of the AUP in achieving the objectives of the plan.

13.3.20 Amendments associated with this recommendation are set out within Appendix 1.

## 14 Submissions on Infrastructure

### 14.1 Theme: 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)

**Table 14.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
4.2	Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd	Seeks to amend E26.2.3.1(A36) to change the whip antenna height from 650mm to 1.6m.	n/a	Reject

### Discussion

- 14.1.1 PC14 proposes to amend the provisions applying to omni-directional antennas, so that dipole antennas are included in the permitted activity rule. No changes are proposed to the permitted sizes of these omni-directional antennas. Table E26.2.3.1(A36) currently enables whip antennas to a height of 0.6m.
- 14.1.2 The submitters in Table 14.1 seek to enable the height of whip antennas to 1.6m as a permitted activity (subject to standards).
- 14.1.3 There is little point in requiring resource consents where a structure's adverse effects are likely to be minor or less than minor. However the council has little information about what whip antennas are used for, how big they are likely to be, where they are likely to be located and the potential numbers that may be required throughout Auckland. In addition, the evidence presented to the IHP by the submitters does not show a preference at that time for the permitted size of omni-directional antennas to be increased.
- 14.1.4 I do not consider it appropriate to recommend changes to the permitted size of whip antennas without further information demonstrating their likely environmental effects. The submitters may provide this as part of their evidence to the Hearing Commissioners.

## Recommendations on submissions

14.1.5 I recommend that submission 4.2 be rejected because the evidence does not currently demonstrate that the change is appropriate.

14.1.6 The amendments associated with this recommendation are set out within Appendix 1.

### 14.2 Theme: 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)

**Table 14.2 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
4.3	Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd	Seek to amend the activity standard in E26.2.5.2(3)(a) to include whip antennas to the list of exclusions for the maximum height standard in zones.	n/a	Accept

## Discussion

14.2.1 PC14 seeks to exclude omni-directional whip antennas from the measurement of height on some structures in the road reserve (E26.2.5.1(3)(b)). The submission point in Table 14.2 seeks to also exclude omni-directional whip antennas from the measurement of height within zones (E26.2.5.2(3)(a)). Lightning rods, amongst other things, are excluded from the measurement of height within zones and the submitters argue that whip antennas have a similar nature to lightning rods.

14.2.2 As part of the notified plan change, council included a proposed amendment to exclude the height of whip antennas in road reserves, but not in zones. This is because whip antennas are already excluded from the definition of height when they are located in zones (Chapter J1 Definitions);

## **Height**

...

"Excludes....

(2) *In all zones:....*

c) *Flagpoles, masts, lighting poles, aerials or antennas that do not exceed:*

i) *One third of the maximum permitted activity height for the site; or*

ii) *300mm in diameter; or*

iii) *The footprint of the building"*

14.2.3 This exclusion does not apply in roads as roads are not zoned.

14.2.4 The submitters' request seeks to exclude whip antennas from the definition of height for activities within zones. They request an amendment to E26.2.5.2(3)(a). This section deals with relatively small structures, with a maximum height of 2.5m. It is unlikely that a whip antenna would be placed on a structure of that height. On further discussion with the submitters, they have identified that they are primarily concerned about whip antennas on top of masts being included in the definition of height, so that the mast height may have to be reduced as a result. A skinny whip antenna on top of a tall mast is likely to have very minor adverse visual effects when compared with the height and bulk of the mast.

14.2.5 Mast height is addressed in E26.2.5.3(11) and allows masts up to 25m in the zones listed in Table E26.2.5.3.3. The whip antenna would be similar to a lightning rod, which is excluded from the height calculation for the mast. I consider that it is sensible to exclude whip antennas from the height of masts in a similar way to lightning rods.

14.2.6 The submitter has requested that a change be made to a specific provision and has now changed that request so that another provision be amended. This raises a scope issue. The submitter notes in their submission point that '*omni directional antennas have minor bulk and will result in negligible adverse effects over and above the bulk and support structures to which they are attached*'. I consider that the submission is broad enough to allow the submitter to amend the specific relief sought in this way.

14.2.7 I also note that while antennas are generally excluded from height in zones in the manner described above, E26.2.5.3(11) specifically overrules this general exclusion. It states '*Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3*'.... Therefore there is merit in adding the specific exclusion for whip antennas in regards to height.

14.2.8 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient because it would ensure that whip antennas that are placed on masts will be treated the same way regardless of whether they are on private land or in the road reserve. The similar structures are treated consistently, regardless of their location. This achieves the objective of enabling network utilities while minimising adverse effects, and will result in fewer resource consents, which are potentially unnecessary.

### Recommendations on submissions

14.2.9 I recommend that submission 4.3 be accepted because the visual effects of whip antennas on the top of masts is likely to be minimal.

14.2.10 The amendments associated with this recommendation are set out within Appendix 1.

### 14.3 Theme: 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)

**Table 14.3 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.3	Vector Limited	Seeks to amend the activity status of pole transformers in E26.2.5.1 Activity Table (A23), as outlined in submission	n/a	Accept
19.2	Vector Limited	Seeks to define 'rural and coastal towns' and 'serviced and unserviced villages' in Chapter J Definitions	n/a	Accept in part

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.4	Vector Limited	Seeks to amend the activity status of above ground electricity and telecommunication lines in E26.2.5.1 Activity Table (A24) and (A41), as outlined in submission	n/a	Reject

## Discussion

14.3.1 The AUP enables 'pole mounted transformers' as permitted activities in 'rural and coastal towns' and 'serviced and unserviced villages'. It is unclear where these towns and villages are, as the phrases were used in the notified plan but not defined. The proposed PC14 amendments attempt to make it clear when the permitted activity rule applies.

14.3.2 Submission points 19.3 and 19.2 in Table 14.3 directly address this matter. I consider that submission point 19.4 is out of scope. These matters are discussed below.

***Submission 19.3 Vector Limited:*** *Seeks to amend the activity status of pole transformers in E26.2.5.1 Activity Table (A23), as outlined in submission*

14.3.3 The operative wording provides for pole mounted transformers as a permitted activity in areas of the road reserve that are adjacent to residential zones in rural and coastal towns and serviced and unserviced villages. The submission seeks to extend this permitted activity status in these locations to areas of road reserve that are adjacent to open space zones.

14.3.4 The use of 'rural and coastal towns' and 'serviced and unserviced villages' had its genesis in the Auckland Plan (2012 version).. They ranged from larger settlements such as Wellsford, Waiuku and Beachlands, to very small settlements such as Awhitu, Leigh and Puhoi. The commercial areas of the larger settlements are zoned town or local centres and the smaller areas may have a neighbourhood centre or no centre zone at all.

14.3.5 Although these towns and villages vary hugely in scale, they are predominantly outside the RUB and they are generally surrounded by rural areas. I consider that residential and open space zones in these areas will have less development pressure and more of a rural amenity than areas within the RUB.

14.3.6 I consider that it is appropriate to adopt the submitter's slightly more expansive approach to also enable these structures as permitted activities in the road reserve adjacent to open space zones.

14.3.7 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient because, like residential zones in areas outside the RUB, open space zones will have more of a rural amenity than areas within the RUB. The rural amenity of areas generally surrounding these residential and open space zones outside the RUB reduces the need for a resource consent process to evaluate the effects of proposed pole mounted transformers. It is beneficial to treat pole mounted transformers in the same way in these zones.

***Submission 19.2 Vector Limited: Seeks to define 'rural and coastal towns' and 'serviced and unserviced villages' in Chapter J Definitions***

14.3.8 Auckland Council's proposed amendments to E26.2.3.1(A23) sought to make the terms 'rural and coastal towns' and 'serviced and unserviced villages' clear. Rather than use these terms, the proposed amendment refers to areas outside the RUB.

14.3.9 Submission 19.2 seeks to define rural and coastal villages and serviced and unserviced villages in Chapter J Definitions. I consider this unnecessary. 'Serviced and unserviced villages' is not used anywhere else in the AUP. 'Rural and coastal villages' is used 24 times in the plan, mostly in the Chapter B Regional Policy Statement, 3 times in district plan objectives and policies and once in the structure planning section. These references do not require a definition in the same way that a permitted activity rule does.

14.3.10 In addition, defining these terms would necessitate a list of towns and villages in Chapter J, which would have to be updated as new areas appeared or the RUB moved. This would require ongoing plan maintenance. By simply referring to urban areas outside the RUB, no ongoing plan maintenance is required in regards to the permitted activity status of pole mounted transformers.

14.3.11 It is true that some areas originally classified as rural and coastal towns and serviced and unserviced villages in the Auckland Plan are no longer outside the RUB. This is appropriate as areas inside the RUB are likely to be subject to greater intensification pressures. In areas of higher intensification, for amenity reasons I consider that a restricted discretionary activity for pole mounted transformers is appropriate.

14.3.12 I consider that referencing areas outside the RUB meets the spirit of what the submitter is trying to achieve in terms of certainty. However I do consider that PC14's proposed amendment to the operative (A23) provisions should be amended to respond to submissions 19.2 and 19.3 and make it clearer for plan users.

14.3.13 PC14 as notified proposes to delete the operative wording and replace it with;

*'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'.*

14.3.14 This wording could be misinterpreted to mean that pole mounted transformers are permitted activities in zones outside the RUB, not just in road reserve areas adjacent to those zones.

14.3.15 I propose the following amendments to the notified changes;

	Activity		Residential zones...	...	Open Space zones
...					
(A23)	Pole mounted transformer  * within areas of the Road, Unformed Road and Strategic Transport Corridor this activity shall have the same status as the adjacent zone  ** Industrial zones  <del>*** within the areas of the Roads and Unformed Roads and Strategic Transport Corridor Zone, in rural and coastal towns; and serviced and unserved villages.</del>  <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>  <u>***within areas of the road, unformed road and the Strategic Transport Corridor Zone, where the area is adjacent to the relevant zone and is located outside the RUB</u>	....	RD P***	RD <u>P***</u>	

14.3.16 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient because it more clearly explains where pole mounted transformers are a permitted activity. This improves clarity for plan users and makes administration of the plan easier.

**Submission 19.4 Vector Limited:** *Seeks to amend the activity status of above ground electricity and telecommunication lines in E26.2.5.1 Activity Table (A24) and (A41), as outlined in submission*

14.3.17 The submitter seeks to enable new above ground electricity and telecommunication lines as permitted activities in road reserve areas adjacent to residential and open space zones in rural and coastal towns and serviced and unserved villages.

14.3.18 I consider that this submission is out of scope. PC14 proposes amendments to the rules concerning pole mounted transformers but has not proposed any changes concerning above ground lines. This would include rollouts of new electricity lines



and poles. In terms of the first limb of the Motor Machinists test, in my view the subject matter of the submission is not the same management regime PC14 is addressing. A comprehensive section 32 analysis would be required to assess the appropriateness of this approach, which has not been provided. In terms of the second limb, the submitter's proposal has major implications in terms of the policy approach that seeks to underground lines in rural and coastal towns and serviced and unserviced villages. It is likely that this proposal would generate a large amount of public interest, and interested parties may be denied an effective opportunity to respond and participate.

14.3.19 In terms of a substantive response to this submission, I do not consider that the proposal is consistent with E26.2.2 Policy 9. The policy states:

*(9) Require new or major upgrades to electricity and telecommunications lines to be located underground in urban areas unless:*

*(a) there are significant operational, functional, technical or economic reasons that require an aboveground network; or*

*(b) the additional lines are part of minor upgrading to the network or are service connections.*

14.3.20 The plan has a definition of 'urban area' which reads:

*Land zoned residential or business, together with adjoining special purpose and open space zones.*

14.3.21 This means that any residential, business or open space zoned land is an urban area in any location, even if it is in a 'rural or coastal town' or 'serviced or unserviced village'. Policy 9 requires new upgrades to electricity and telecommunication lines to be located underground in these areas, unless there are significant reasons not to.

14.3.22 In my view, Policy 9 does not support classifying above ground lines as a permitted activity in these areas. PC14 does not seek to amend the AUP policy approach.

14.3.23 I note also that this matter was specifically discussed during the Unitary Plan hearings. Ms Sukhi Singh's rebuttal evidence for the council states<sup>45</sup>:

*6.10 I disagree with Mr Hay's position that no resource management purpose is served by requiring undergrounding in rural and coastal towns, or serviced or unserviced area. In my view allowing for a permitted activity status for overhead electricity and telecommunication lines would be directly contradictory to the intent*

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<sup>45</sup> Rebuttal evidence of Sukhi Singh for Auckland Council, paragraphs 6.8-6.11  
[file:///C:/Users/wyatti/Downloads/042%20Hearing%20-%20Auckland%20Council%20\(Sukhdeep%20Singh\)%20-%20Planning%20-%20REBUTTAL%20-%20LATE%20\(1\).pdf](file:///C:/Users/wyatti/Downloads/042%20Hearing%20-%20Auckland%20Council%20(Sukhdeep%20Singh)%20-%20Planning%20-%20REBUTTAL%20-%20LATE%20(1).pdf)

of Policy 7<sup>46</sup>. I appreciate that the term “rural and coastal towns, and serviced and un-serviced villages” can give the impression that these are small villages or towns, with large residential sites, but the reality is that there is a huge amount of variations within these areas. Generally, the new developments within these environments can be described as being of “urban” character located in coastal and rural context.

6.11 For example, Beachlands settlement is classified as a rural town. This particular area has been through a significant structure planning process, which will enable the expansion of this town and the resulting environment will be a very “urban environment”. Another example is Whitford village, which is currently an un-serviced village but in the future is expected to provide for smaller sites, including potential for terrace housing development. In short, there is a large variation in the scale of villages or towns being included under the umbrella of “rural and coastal towns and serviced and un-serviced villages”. Under the notified PAUP, some of these towns and villages are zoned Single House zone. Based on my past experience in planning for rural and coastal villages and serviced and un-serviced villages, it is my view that a generic application of a permitted activity status for overhead electricity and telecommunication lines has the potential to undermine both the structure planning outcomes envisaged for identified villages or towns, and the visual amenity outcomes expected within these environments.

14.3.24 The IHP recommended the inclusion of Policy 9 and a discretionary activity status for above ground electricity and telecommunication lines in residential and open space zones in rural and coastal towns and serviced and unserved villages.

14.3.25 I do not support the submitter’s request.

### **Recommendations on submissions**

14.3.26 For the above reasons I recommend that submission 19.3 be accepted, submission 19.2 be accepted in part and submission 19.4 be rejected.

14.3.27 The amendments associated with this recommendation are set out within Appendix 1.

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<sup>46</sup> Now E26.2.2 Policy 9.

#### 14.4 Theme: 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)

**Table 14.4 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.14	Vector Limited	Accept the proposed amendment to E26.2.5.2(3)(a)(iii) regarding the height of electricity storage facilities in rural zones	n/a	Accept

#### Discussion

- 14.4.1 Electricity storage facilities are not specifically mentioned in the Unitary Plan. PC14 proposes to enable these structures in rural zones to a height of three metres.
- 14.4.2 Vector Limited supports the proposed amendment to E26.2.5.2(3)(a)(iii).

#### Recommendations on submissions

- 14.4.3 I recommend that submission 19.14 be accepted. This submission supports the proposed changes in PC14.
- 14.4.4 There are no amendments associated with this recommendation within Appendix 1.

#### 14.5 Theme: 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)

**Table 14.5 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.6	Vector Limited	Seeks to amend the wording of proposed amendment to E26.2.5.3(4) about where noise from distribution substations and electricity storage facilities should be measured, as contained in submission.	n/a	Accept

## Discussion

14.5.1 Standard E26.2.5.3(4) in the operative provisions addresses how noise from distribution substations is measured. The operative wording is confusing and unclear. PC14 proposed wording to provide clarity and submission 19.6 seeks alternative wording to the notified plan change.

14.5.2 I consider that with some minor amendments (shown in blue) the submitter’s wording would be appropriate to replace the council’s notified wording:

(4) Noise from distribution substations and electricity storage facilities within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 DB LAeq;

(i) in adjoining adjacent residential areas – 6m from the distribution substation or electricity storage facility, or at the nearest residential boundary (whichever is furthest); ~~or~~ and

(ii) in adjoining adjacent rural zones – 6m from the distribution substation or electricity storage facility, or at the nearest rural notional boundary (whichever is furthest).

## Recommendations on submissions

14.5.3 I recommend that submission 19.6 be accepted because the submitter’s proposed wording provides greater clarity.

14.5.4 The amendments associated with this recommendation are set out within Appendix 1.

## 14.6 Theme: 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)

**Table 14.6 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.5	Vector Limited	Seeks to amend E26.2.5.3(2) and (3) about the noise limits applying to electricity storage facilities, as contained in submission.	n/a	Reject

### Discussion

14.6.1 Electricity storage facilities are structures that contain batteries, which are increasingly being used to address electricity supply resilience issues. There are currently no noise standards that specifically apply to these structures. PC14 proposes to apply specific noise limits to these facilities.

14.6.2 In submission 19.5 Vector Limited seeks to amend the noise limits proposed in PC14. Vector consider that the noise limits for electricity storage facilities in residential or rural zones should be the same as for substations. This means that they would be 55dB  $L_{Aeq}$  during the day and 45dB  $L_{Aeq}$  at night (see E26.2.5.3(2)), rather than 50dB  $L_{Aeq}$  during the day and 40dB  $L_{Aeq}$  at night, as proposed by PC14.

14.6.3 In support of their submission, Vector state:

*2.8 Further, Vector considers that the noise limits for electricity storage facilities should be the same as for substations. Vector disagrees with the statement in the section 32 report that lower noise limits are appropriate for electricity storage facilities on the basis that they are:*

*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.*

*Vector considers this to be incorrect for the following reasons:*

- (a) *while battery noise is primarily due to cooling fan speed of the inverters, these vary with operation. Therefore, the more power through the inverters, the greater cooling is required. Likewise, where there is no power through the inverters, the fans are not required.*
- (b) *The fans primarily operate when charging and discharging to "peak shave" which is typically one cycle of a few hours per day, or to provide back up to the feeder during a network outage. As such, the batteries operated by Vector are often idle for the majority of their operating life. When in idle, they produce minimal noise as the fans are generally not required.*

*2.9 In short, Vector's considers battery noise is materially different to that set out in the section 32 report.*

14.6.4 On behalf of the council Mr Jon Styles has provided his expert advice on this matter<sup>47</sup>. Mr Styles states:

*It is our view that the noise limits for electricity storage facilities should remain at those recommended in the s32 report, being 50dB LAeq during the day and 40dB LAeq at night. We do not consider that the Vector submission adequately characterises the nature of noise emissions from electricity storage facilities to a degree of certainty that is sufficient to rely on for the purpose of setting noise limits. To increase the certainty, demonstration of the statements made in the Vector submission and confirmation that they would always hold true would be required.*

*At paragraph 2.8(b) of their submission, Vector state that (emphasis added):*

*The fans primarily operate when charging and discharging to "peak shave" which is typically one cycle of a few hours per day, or to provide back up to the feeder during a network outage. As such, the batteries operated by Vector are often idle for the majority of their operating life. When in idle, they produce minimal noise as the fans are generally not required.*

*It is our view that this information is too uncertain to demonstrate whether or not the noise from an electricity storage facility is likely to be low for most of the time. We consider that if there was greater certainty that the noise levels would be low for the vast majority of the time for every new electricity storage facility, there may be merit in raising the noise limits. In such a situation, the higher noise limit would only be required for short periods of the day or during a network outage. We do not consider that the Vector submission provides sufficient certainty on this aspect to enable higher limits to apply to permitted activities.*

*To provide context for our views, we consider that it would be inappropriate to allow an activity to generate a noise level of 55dB LAeq all of the time during the 'day', and 45dB LAeq all of the 'night' period. Such noise levels could easily be unreasonable in terms of*

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<sup>47</sup> Jon Styles PC14 advice (see Appendix 6 – Noise expert recommendations)

s16, especially where the ambient noise levels in a receiving environment are not as high. In my experience it is very unusual for infrastructure such as substations or telecommunications facilities (operating in the same or similar fashion as electricity storage facilities) to generate noise levels up to the limits recommended in the s32 Report. Most operate very quietly for the vast majority of the time. I have been involved in several cases where noise levels have reached or marginally exceeded the noise limits sought by Vector on a consistent basis. Those cases have resulted in significant expense in noise measurements, assessments, reduction measures and litigation as a result of complaints. Setting a permitted activity status with limits as high as those sought by Vector, without any appreciable certainty that the levels will not be that high for much of the time, in our view is inappropriate.

It is our view that the noise limits should remain at the lower threshold of 40dB LAeq at night and 50dB LAeq during the day for normal use. We note that the application of the noise limits during the day permits a duration adjustment, whereby the noise levels can be up to 5dB higher than the stated limit for short periods provided that the average level over the full day is compliant. In our view, this will give Vector the flexibility to generate slightly higher noise levels (53-55dB LAeq) for 'peak shaving' during day time hours if required, provided it only occurs for no more than 4-7 hours per day. I consider that this should be sufficient to deal with Vectors concerns for normal use.

For a network outage situation, I accept that a higher set of noise limits (as sought by Vector) is possible. In these situations, the Duration Adjustment provisions may not afford any flexibility (because an outage may endure for many hours, or during the night when a Duration Adjustment is not permitted). Accordingly, I consider that the noise limits could be increased to allow only for network outages.

For normal use, I consider that the noise limits for electricity storage facilities that are set out in the s32 Report should be adopted. These are 50dB LAeq during the 'day' and 40dB LAeq and 75dB LAm<sub>ax</sub> at 'night'. I consider that an exclusion can be added at the end of the rule to state that:

*"These noise limits may be exceeded by up to 5dB during network outages."*

- 14.6.5 Based on Mr Styles' expert acoustic advice, I do not consider that the submitter's proposed noise limits are appropriate. As Mr Styles has pointed out however, there is scope through the hearing process to amend the proposed rules to take account of the situations when the electricity storage facilities are more likely to be in constant use.

### **Recommendations on submissions**

- 14.6.6 For the above reasons, I recommend that submission 19.5 be rejected.

- 14.6.7 There are no amendments associated with this recommendation in Appendix 1.

## 14.7 Theme: 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)

**Table 14.7 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.7	Vector Limited	Seeks to amend the wording of proposed amendment to E26.2.5.3(1)(b) regarding minor upgrading for above ground electricity lines, as contained in submission.	n/a	Accept
19.1 1	Vector Limited	Seeks to increase the height and diameter of replacement poles allowed under minor upgrading in zones (E26.2.5.3(1)(d)), as outlined in submission	n/a	Reject
19.1 2	Vector Limited	Seeks to increase the height and diameter of replacement poles allowed under minor upgrading in high value areas such as special character, volcanic viewshafts, Auckland War Memorial Museum Viewshaft Overlay, and Natural Ridgelines Overlay, as outlined in submission	FS06 Tūpuna Maunga Authority (oppose)	Reject
19.2 3	Vector Limited	Seeks to enable all relocation of poles up to 5m from existing location as a permitted activity under minor upgrading provisions E26.2.5.3 (1)(a), as outlined in submission	n/a	Reject
4.11	Chorus, Spark, Vodafone	Seek to delete permitted activity standard 26.12.5.1(2) (a); and add a new standard to 26.12.5.1(2) limiting the extent to which any support pole may be moved to 1m.	FS07 Vector Limited (support)	Reject



## Discussion

- 14.7.1 The minor infrastructure upgrading provisions in E26.2.5.3(1) enable utility providers to replace and upgrade utilities as a permitted activity, provided the replacement or upgrade stays within a defined envelope of effects. This envelope is set out in E26.2.5.3(1). For example, a utility provider can replace a pole that is within a certain distance of the original pole (E26.2.5.3(1)(a)), within a certain diameter that relates to the original pole (E26.2.5.3(1)(d)), or replace an antenna with certain dimensions that relates to the original antenna. E26.2.5.3(1) addresses minor infrastructure upgrading in zones and roads. Minor infrastructure upgrading for each overlay area is contained within the overlay specific provisions elsewhere in E26. Some of these provisions cross reference back to the general minor upgrading provisions in E26.2.5.3(1).
- 14.7.2 PC14 proposed minor changes to the minor upgrading provisions in E26.2.5.3(1)(b)(ii) to enable electricity lines to be bundled into one line, with a maximum diameter of 44mm. Submission 19.7 by Vector Limited relates directly to this matter.
- 14.7.3 The remaining submissions in Table 14.7 – Recommendations on submissions and further submissions relate to other parts of the minor upgrading provisions, but do not relate to PC14's proposed change regarding the number of above ground lines. I consider that these matters are out of scope. The reasons for this are discussed below, as is a brief discussion regarding the substance of the submissions in the event that the Hearing Commissioners disagree.
- Submission 19.7 Vector Limited:*** *Seeks to amend the wording of proposed amendment to E26.2.5.3(1)(b) regarding minor upgrading for above ground electricity lines, as contained in submission*
- 14.7.4 This submission seeks minor wording changes to council's proposed amendment regarding bundling of electricity lines. The submitter notes that the current proposed wording may have the unintended consequence of allowing line bundling only when four electricity lines are proposed to be bundled. The submitter proposes an amendment to ensure that where there are less than four lines, bundling can still occur.
- 14.7.5 I consider this to be a sensible amendment that avoids potential confusion. I note that a further amendment is proposed to ensure that this does not result in more than one bundled line.
- 14.7.6 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient because it ensures that the recommended provisions will address all situations in which bundling can occur. This reduces the potential for consents to be required in situations where the potential adverse effects do not justify it.

**Submission 19.11 Vector Limited:** Seeks to increase the height and diameter of replacement poles allowed under minor upgrading in zones (E26.2.5.3(1)(d)), as outlined in submission

**Submission 19.12 Vector Limited:** Seeks to increase the height and diameter of replacement poles allowed under minor upgrading in high value areas such as special character, volcanic viewshafts, Auckland War Memorial Museum Viewshaft Overlay, and Natural Ridgelines Overlay, as outlined in submission (FS06 Tūpuna Maunga Authority (oppose))

**Submission 19.23 Vector Limited:** Seeks to enable all relocation of poles up to 5m from existing location as a permitted activity under minor upgrading provisions E26.2.5.3 (1)(a), as outlined in submission

**Submission 4.11 Chorus, Spark, Vodafone:** Seek to delete permitted activity standard 26.12.5.1(2) (a); and add a new standard to 26.12.5.1(2) limiting the extent to which any support pole may be moved to 1m (FS07 Vector Limited (support))

- 14.7.7 These submissions seek to amend the provisions concerning the width, height and location of poles that are replaced under the minor infrastructure upgrading provisions. The council has not proposed to change any provisions concerning these matters. As outlined above concerning submission 19.7 and minor wording changes regarding bundling of electricity lines, PC14 proposes to amend the rules regarding bundling of above ground lines. While the pole replacement provisions and bundling of above ground lines both sit under the 'minor infrastructure upgrading' provisions in E26.2.5.3(1), they are two different matters with different effects. From a scope perspective, I consider that they are not part of the same management regime and the submission points do not address the alteration to the status quo entailed by PC14. Given that the location of electricity poles affects a huge number of households in Auckland, there is the potential for a significant number of people to be interested in this proposed change, who would not have had a chance to submit on the matter. I am therefore concerned that persons directly affected may have been excluded from participating. In my view, the submission points are therefore not 'on' PC14.
- 14.7.8 From a substantive perspective, I note that during the IHP process, the minor infrastructure upgrading provisions were largely agreed between the council and the Auckland Utility Operators Group (with the exception of controls around lines

and cross-arms). In regards to minor infrastructure upgrading Mr David Hay's primary evidence notes that<sup>48</sup>:

*'These controls are extensive and detailed but reflect the complexity of the various network utility activities that would be covered by this definition. The development of these controls by AUOG in mediation with Council involved technical input from a number of staff from the various AUOG members. It is my understanding that the controls arrived at reflect the general scope of minor infrastructure upgrading undertaken by AUOG members.'*

- 14.7.9 The minor infrastructure upgrading controls are recently operative but there are relatively significant changes proposed by the submitter. For example, submission 19.11 proposes a significant increase in pole diameter, from a 50% permitted diameter increase to 100% for a single pole, and from 100% permitted diameter increase to 300% for a double pole. Submissions 19.12 and 4.11 also seek to make similar changes in regards to 'high value areas' such as areas in volcanic viewshafts, the Auckland War Memorial Museum Viewshaft Overlay, the Natural Ridgelines overlay and the Special Character overlay. I consider that the proposed changes in submissions 19.11, 19.12 and 4.11 are beyond what would be acceptable as a permitted activity. I consider that resource consent for changes of this scale are desirable to enable assessment of visual amenity and streetscape effects. In addition, there is no S32 analysis to justify the proposed amendments.
- 14.7.10 Submission 19.23 seeks to enable pole relocation under the minor infrastructure upgrading rules of up to 5m. The operative provisions allow a pole to be moved up to 2m. 5m is only permitted for road widening, road safety or electricity clearance reasons. In my view more than doubling the distance which a replacement pole can be moved (except under the limited circumstances described) are beyond what would be acceptable as a permitted activity. I consider that resource consent for changes of this scale are desirable to enable assessment of visual amenity and streetscape effects.

### **Recommendations on submissions**

- 14.7.11 For the reasons above I recommend that that submission 19.7 from Vector Limited be accepted. I also recommend that submissions 19.11, 19.12 and 19.23, and submission 4.11 be rejected.
- 14.7.12 The amendments associated with this recommendation are set out within Appendix 1

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<sup>48</sup> David Hay primary evidence on Topic 042 Infrastructure , paragraph 8.10

## 14.8 Theme: 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

**Table 14.8 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
8.2	Better Living Landscapes and Parallax Surveyors Ltd	Seeks that term riparian margin should be reinstated throughout where it has been substituted. The other acceptable option is “riparian yard” as this is a consistent use in other areas of the plan and is clearly defined as either 10 or 20 metres.	FS07 Vector Limited (support in part); FS08 NZTA (support)	Reject
19.13	Vector Limited	Seeks that references to coastal areas and riparian areas in Activity Table E26.3.3 first bullet point are amended, as outlined in submission	n/a	Accept in part
21.4	Transpower	Seeks that E26.3.3 Activity table Preamble text regarding meaning of “coastal areas” and “riparian areas” should be amended as notified	FS07 Vector Limited (oppose);	Accept

### Discussion

14.8.1 In E26.3.3 Activity table the terms ‘coastal areas’ and ‘riparian margins’ are defined using a cross reference to E15. This cross reference is unclear and the notified amendments in PC14 seek to provide clarity about what these terms mean. They also seek to change the use of ‘riparian margins’ to ‘riparian areas’ in E26.3, as the latter term is the term used in E15.

- 14.8.2 Submission 8.2 from Better Living Landscapes seeks to maintain the use of 'riparian margin' in E26. The submitter argues that this is a defined term in the plan and as such it should be preferred to 'riparian area'.
- 14.8.3 The reason it is proposed to change the use of 'riparian margin' to 'riparian area' in E26.3 through PC14 is because the definition of 'riparian margin' is not intended to trigger the rules in question. The first bullet point in E26.3.3 Activity table notes that the user should refer to E15 Vegetation Management and biodiversity in regards to riparian margins. E15 does not have a definition of riparian margins. The activity table E15.4.1 has references to 'riparian areas' in (A11) to (A19). These encompass a range of different situations, including:
- (A13) 50m of the shore of a lake within a Natural Lake Management Areas Overlay;
  - (A14) 30m of the shore of a lake within an Urban Lake Management Areas Overlay; and
  - (A17) 10m of rural streams in the Rural – Rural Production Zone and Rural – Mixed Rural Zone.
- 14.8.4 Council's proposed change therefore seeks to correct the incorrect use of the 'riparian margins' term. I do not support submission 8.2 from Better Living Landscapes.
- 14.8.5 Submission 19.13 from Vector Limited seeks to define 'coastal areas' and 'riparian areas' in Chapter J rather than by reference to the E15 Activity table.
- 14.8.6 I agree that it would be preferential to have a defined term in Chapter J. This is the standard approach. However the E15 rules do not so much define the 'coastal areas' and 'riparian areas' terms as provide a range of different scenarios in which different rules apply (see the examples above and also E15.4.1 Activity table (A11)-(A22)). Furthermore, 'coastal areas' has 49 different references in the plan and its meaning is context specific. I do not consider that defining these terms is appropriate.
- 14.8.7 Submission 19.13 implicitly seeks to clarify the meaning of 'coastal area' and 'riparian area'. I note that there is one reference to 'riparian margin' in Activity table E26.3.3.1 that council has failed to amend in the notified plan change. To clarify the meaning of 'riparian areas', this is shown as corrected in the table below:

**Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management**

Activity	Auckland wide rules Vegetation management	Overlay rules Vegetation management				
	Rural zones, coastal areas	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]

	and riparian margins areas [rp]					
Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading						

14.8.8 Submission 21.4 from Transpower supports the proposed amendment to E26.3.3 Activity table.

14.8.9 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient because it ensures that all references to 'riparian areas' are consistent throughout E26.3. This improves clarity for plan users.

### Recommendations on submissions

14.8.10 For the reasons above I recommend that submission 8.2 be rejected, submission 19.3 be accepted in part, and submission 21.4 be accepted.

14.8.11 The amendments associated with this recommendation are set out within Appendix 1.

### 14.9 Theme: 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)

**Table 14.9 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
20.2	Kiwirail	Seeks to retain E26.3.5.2	n/a	Accept

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
		Vegetation alteration or removal proposed clause (8)		

### Discussion

14.9.1 PC14 proposed to amend the provisions relating to vegetation clearance around signs and traffic signals.

14.9.2 Kiwirail supports the proposed amendment to E26.3.5.2(8).

### Recommendations on submissions

14.9.3 I recommend that submission 20.2 be accepted. This submission supports the proposed changes in PC14.

14.9.4 There are no amendments associated with this recommendation within Appendix 1.

### 14.10 Theme: 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)

**Table 14.10 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
10.4	Tūpuna Maunga Authority	Amendments to E26.11.3.1 are supported	FS07 – Vector Limited (oppose)	Accept

### Discussion

14.10.1 The submission point in Table 14.10 has been summarised in a general way. The actual submission '*supports the amendments to:... b) Chapter E26 Infrastructure,*

*E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay*.

14.10.2 This support includes the proposed amendments to E26.11.3 Activity table (A162) and E26.11(7)(b) regarding traffic signal height. The remaining amendments that had been proposed to E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay have been withdrawn by the council.

### **Recommendations on submissions**

14.10.3 I recommend that submission 10.4 be accepted. This submission supports the amendments proposed in PC14.

14.10.4 There are no amendments associated with this recommendation within Appendix 1.

### **14.11 Theme: 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

**Table 14.11 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.1 5	Vector Limited	Accept the addition to Activity Table E26.12.3 – Auckland War Memorial Museum Viewshaft Overlay, as proposed in PC14	n/a	Accept

### **Discussion**

14.11.1 PC14 proposed to amend the Auckland War Memorial Museum Viewshaft Overlay provisions to make it clear that the provisions do not apply to structures that do not infringe the viewshaft floor.



14.11.2 Vector Limited supports the proposed amendment to E16.12.3 Activity table.

### Recommendations on submissions

14.11.3 I recommend that submission 19.15 be accepted. This submission supports the proposed changes in PC14.

14.11.4 There are no amendments associated with this recommendation within Appendix 1.

### 14.12 Theme: Depth of earthworks

Chapter of the AUP	Chapter E Auckland-wide
Sub-section of the AUP	E26 Infrastructure
Specific provision/s	E26.6.5.2(3) E26.6.5.2(16) E26.6.5.2(17)(c) E26.7.5.2(3)

**Table 14.12 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.1 6	Vector Limited	Accept the amendment to E26.6.5.2 – Depth of Earthworks, as proposed in PC14	n/a	Accept
2.8	Heritage NZ Pouhere Taonga	Supports amendment to standards for depth of earthworks within a HH overlay in E26.6.5.2(16) and E26.6.5.2(17)(c).	FS07 Vector Limited (support);	Accept

### Discussion

14.12.1 PC14 proposed to amend provisions relating to when a resource consent is required in regards to the depth of earthworks. The proposed changes to several overlay areas seek to make it clear that no consent is required when earthworks exceed 0.6m in depth, provided that the earthworks are less than 10m<sup>2</sup> and 5m<sup>3</sup>. In addition, the proposed changes remove the 0.6m depth limit in the Historic Heritage

overlay, because archaeological heritage effects are controlled by an additional resource consent process.

14.12.2 Vector Limited and Heritage NZ support the proposed amendments to the provisions identified above.

### Recommendations on submissions

14.12.3 I recommend that submission points 19.16 and 2.8 be accepted. These support the proposed changes in PC14.

14.12.4 There are no amendments associated with this recommendation within Appendix 1.

### 14.13 Theme: 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)

**Table 14.13 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.9	Heritage NZ Pouhere Taonga	Support amendment to standard E26.6.5.2(17)(a) for earthworks within 20m of a building or structure within a HH overlay.	FS07 Vector Limited (support in part)	Accept
19.20	Vector Limited	Seeks to amend to add 'minor upgrading' to E26.6.5.2(17) in regards to earthworks in the Historic Heritage Overlay, as outlined in submission	FS03 Heritage NZ Pouhere Taonga (oppose)	Reject

### Discussion

14.13.1 PC14 proposes to amend the wording for earthworks associated with network utilities in the Historic Heritage overlay (E26.6.5.2(17)(a)). Currently the standard enables earthworks for bridges, retaining walls and tunnels within 20m of a scheduled historic place. The intention of the rule is to enable earthworks for smaller scale projects, not those associated with bridges, tunnels and retaining

walls. Earthworks for these larger structures may have adverse effects on heritage structures and values.

- 14.13.2 The notified change seeks to enable earthworks in the Historic Heritage Overlay for road maintenance and minor upgrading of road network activities. Submission 2.9 from Heritage NZ supports this proposed amendment. Submission 19.20 from Vector Limited seeks to also enable earthworks for 'minor infrastructure upgrading' through this amendment.
- 14.13.3 In the Historic Heritage overlay, earthworks for road network activities do not require a Vibration Management Plan to show that they will not affect adjacent heritage places. However the actual road network activity itself does require a Vibration Management Plan (E26.8.5.1(5)). The plan change also proposes that road network activities for the construction of road pavement (excluding footpaths) that are located outside the Historic Heritage Overlay, but are within 20m of any building listed as a primary feature within the Historic Heritage Overlay, will require a Vibration Management Plan (E26.2.5.4(4)).
- 14.13.4 An underground pipe replacement activity within the Historic Heritage Overlay is likely to be a permitted activity if it meets the minor infrastructure upgrading provisions in E26.2.5.3(g), (h) and (i). Earthworks for the underground pipe replacement may have adverse vibration effects on heritage places. If both the earthworks and the actual pipe replacement activity will be a permitted activity, any vibration effects may not be adequately addressed.
- 14.13.5 I note that there is a general requirement to avoid vibration effects in E25.6.30. This should be applied to all works and theoretically should prevent adverse vibration effects on scheduled buildings and structures.
- 14.13.6 However if both earthworks for minor infrastructure upgrading and the pipe replacement are both permitted activities, the development may not be subject to any analysis in terms of its potential vibration effects. This is despite the general requirement in E25.6.30 and the potential adverse effects that could occur if they are not mitigated. Arguably therefore, earthworks for minor infrastructure upgrading within the Historic Heritage overlay should also require the provision of a Vibration Management Plan if it is to be enabled as a permitted activity within the overlay.
- 14.13.7 In light of this, I do not recommend enabling earthworks for minor infrastructure upgrading in the Historic Heritage Overlay as a permitted activity. I consider that the potential adverse vibration effects on scheduled historic heritage places and structures are too great where the effects are not managed.
- 14.13.8 For context, the vibration management measures are typically straightforward. We would normally recommend that if high-vibration works are proposed, (such as temporary piling, compaction, rock breaking or the use of heavy tracked plant):
- a. A precondition survey of the parts of the building close to the works;
  - b. Vibration monitoring at the commencement of the high-vibration works;

- c. Machinery operators are aware of the need to minimise vibration as far as practicable, mainly through careful use of machinery; and
- d. Consultation with the owners of the affected building to advise them of the measures proposed (a to c), the duration and timing of works and a contact person should any concerns about damage arise.

**Recommendations on submissions**

14.13.9 For the reasons above I recommend that submission 2.9 be accepted and submission 19.20 be rejected.

14.13.10 There are no amendments associated with this recommendation in Appendix 1.

**14.14 Theme: 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)

**Table 14.14 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
2.10	Heritage NZ Pouhere Taonga	Supports new PA standard E26.2.5.4(4) requiring vibration management plans within 20m of primary features scheduled in 14.1	n/a	Accept

**Discussion**

14.14.1 PC14 proposes to add a requirement for a Vibration Management Plan for road network activities adjacent to the Historic Heritage Overlay.

14.14.2 Heritage NZ supports the proposed amendment to E26.2.5.4(4).

**Recommendations on submissions**

14.14.3 I recommend that submission 2.10 be accepted. This submission supports the proposed changes in PC14.

14.14.4 There are no amendments associated with this recommendation in Appendix 1.

#### 14.15 Theme: Pumping stations

Chapter of the AUP	Chapter E Auckland-wide
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

**Table 14.15 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.2 1	Vector Limited	Accepts proposed amendments to E26.2.5.5 – Pumping stations in principle, as outlined in submission	n/a	Accept
17.1 2	Housing New Zealand	Seeks to retain the provisions as proposed in PC14 in relation to Table E26.2.3.1(A51A)	n/a	Accept
17.1 3	Housing New Zealand	Seeks to replace the word 'pumping station' with 'pump stations' in E26.2.5.5	n/a	Accept
17.1 4	Housing New Zealand	Seeks to replace the word 'pumping station' with 'pump stations' in E26.2.6	n/a	Accept
17.1 5	Housing New Zealand	Seeks to replace the word 'pumping station' with 'pump stations' in E26.2.7	n/a	Accept

#### Discussion

14.15.1 PC14 proposes to amend the provisions applying to pump stations so that they are consistent with the provisions applying to substations that are located in buildings. The two types of structures have similar environmental effects.

14.15.2 All submitters on this theme support the proposed change in principle. Housing New Zealand also seeks a wording change to ensure consistent language is used throughout the plan. The notified wording includes the words ‘pump stations’ in some areas and ‘pumping stations’ in others. Housing New Zealand submits that ‘pump stations’ should be used in all locations.

14.15.3 It is sensible to use consistent language throughout the plan, where possible, to avoid unnecessary uncertainty. The amendment proposed is for clarification purposes and is not a substantive change.

### Recommendations on submissions

14.15.4 I recommend that submissions 19.21, 17.12, 17.13, 17.14, and 17.15 be accepted.

14.15.5 The amendments will change the word ‘pumping’ to ‘pump’ in five locations:

- E26.2.5.5(2)(d);
- E26.2.6.2(3)(b) and (c);
- E26.2.7.2(2)(a) and (b).

14.15.6 The amendments associated with this recommendation are set out within Appendix 1.

### 14.16 Theme: 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

**Table 14.16 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
5.2	Oil companies (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd)	Seeks to amend D26.1 as shown in submission to reinforce that any changes to the National Grid Corridor which affect a new area will only apply following a plan change to amend the overlay.	FS07 Vector Limited (support); FS12 Transpower NZ Limited (support)	Accept in part

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.1 1	Housing New Zealand	Seeks amendments to D26.4 to require notification of affected persons and to add additional text for clarity.	FS07 Vector Limited (support); FS12 Transpower NZ Limited (oppose)	Accept in part
19.1 8	Vector Limited	Seeks that D26.1 – National Grid Corridor Overlay is confirmed as proposed in PC14	FS09 Housing New Zealand Ltd (oppose)	Accept in part
21.2	Transpower	Seeks that Chapter D26 be amended as notified	FS07 Vector Limited (support); FS09 Housing New Zealand (oppose)	Accept in part

## Discussion

- 14.16.1 PC14 proposes additional text to D26 National Grid Corridor Overlay so that when transmission lines are undergrounded or moved, or substations are altered or removed, the overlay can be automatically removed from properties no longer affected by the overlay.
- 14.16.2 The original submission points in Table 14.16 generally support this initiative. However both the Oil Companies and Housing New Zealand seek the inclusion of additional text to make it clear that any new land area affected by the overlay cannot be automatically updated. A plan change to add the overlay to new properties should be required.
- 14.16.3 The thrust of the submissions is to make the plan as clear as possible. I agree that additional wording will be helpful to plan users in this respect. I consider that the majority of the submitters' proposed changes are appropriate but the proposed amendments require some amended text to place them in context. This is set out in the recommendations below.
- 14.16.4 Housing New Zealand has also sought an additional wording change. The notified provisions provide that where the overlay will no longer apply to a location or area, the maps can be automatically updated after Transpower New Zealand has advised the council in writing that the provisions are no longer required for that location or area. Housing New Zealand submits that affected property owners should also be advised in writing.
- 14.16.5 Transpower has made a further submission (FS12) opposing this aspect of Housing New Zealand's submission. In doing so Transpower note that it has Electricity Act obligations to notify affected property owners of work on the site and that no further notice is necessary.

- 14.16.6 The National Grid Corridor Overlay often applies to sites adjacent to the sites on which Transpower's assets are actually located. In this event it may be that Transpower does not have to provide notice under the Electricity Act to these adjacent landowners. If this is the case, I consider that it is useful to advise property owners that the overlay will be removed from their property, as they may not otherwise be aware of it.
- 14.16.7 Property owners may have plans for their property that the overlay would otherwise hinder. Advising them that the overlay will be removed from their property is good planning practice. For this reason I support Housing New Zealand's proposed addition in this regard, with some amendments for clarity. If Transpower's consultation obligations under the Electricity Act would cover all affected parties, then this addition could be removed.
- 14.16.8 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient because it more clearly sets out the procedure when a section of the overlay is removed from a piece of land, and will notify all affected property owners when this occurs. It also avoids potential confusion by clearly stating that a plan change will be required to apply the overlay to new areas of land. This improves clarity for plan users and reduces potential confusion that may arise during plan administration.

### **Recommendations on submissions**

- 14.16.9 For the above reasons I recommend that submissions 19.18 and 21.2 be accepted, and submissions 5.2 and 17.11 be accepted in part.
- 14.16.10 I recommend that the notified changes be amended as follows:

#### ***D26.1 Overlay description***

...

*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.*

*The location of the National Grid Corridor Overlay must be updated if any National Grid line, support structure or substation is **added, relocated or removed.** ~~or if the site boundary of a substation reduces in size.~~ The overlay's location will be updated automatically on sites where the overlay will no longer apply. However a plan change under Schedule One of the RMA will still be required in circumstances where the overlay is proposed to apply to a new area or location.*

#### ***D26.4 Activity table***

...



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 **and owners of property from which the overlay will be removed** 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.

In circumstances where the National Grid Corridor Overlay is proposed to apply to a new area or location, then a plan change under Schedule One of the RMA will be required.

14.16.11 The amendments associated with this recommendation are set out within Appendix 1.

#### 14.17 Theme: 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 E26.3.7.2 Assessment criteria

**Table 14.17 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.17	Vector Limited	Seeks that E15.3.7 – Vegetation management is confirmed as proposed in PC14	n/a	Accept

## Discussion

14.17.1 PC14 proposes to add provisions regarding hazard mitigation to the matters of discretion and assessment criteria relating to regional rules (new E26.3.7.1(1)(aa) and E26.3.7.2(1)(aa)). These are currently missing from the plan.

14.17.2 Vector's submission seeks to support changes to E15.3.7. In a subsequent email dated 3<sup>rd</sup> April 2019 Vector confirmed that this reference is an error. Vector intended to support the proposed changes to E26.3.7. I have therefore considered the submission in respect of E26.3.7 as opposed to E15.3.7.

## Recommendations on submissions

14.17.3 I recommend that submission 19.17 be accepted. This submission supports the proposed changes in PC14.

14.17.4 There are no amendments associated with this recommendation in Appendix 1.

## 14.18 Theme: 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)

**Table 14.18 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.19	Vector Limited	Seeks that E26.2.2 – Infrastructure Policy alignment; is confirmed as proposed in PC14	n/a	Accept
21.3	Transpower New Zealand Ltd	Seeks that E26.2.2 Policies (7) be amended as notified	n/a	Accept

## Discussion

14.18.1 PC14 proposes to amend Policy E26.2.2.7 to ensure that references in this policy align with the regional objectives and policies in B3.2.1(3) and B3.2.2(6).

14.18.2 Vector Limited and Transpower New Zealand Limited support the proposed amendment to E26.2.2 policy 7.

### Recommendations on submissions

14.18.3 I recommend that submissions 19.19 and 21.3 be accepted. These support the proposed changes in PC14.

14.18.4 There are no amendments associated with this recommendation in Appendix 1.

### 14.19 Theme: 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)

**Table 14.19 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
20.1	KiwiRail	Seeks to retain E26.3.5.2 Vegetation alteration or removal proposed clause (7)	FS07 Vector Limited (support)	Accept
21.5	Transpower	Seeks that E26.3.5.2 Vegetation alteration or removal (7) should be amended as notified	FS07 Vector Limited (support in part)	Accept

### Discussion

14.19.1 PC14 seeks to enable an appropriate level of vegetation alteration and removal within significant ecological areas for the operation, maintenance, renewal, repair or removal of network utilities.

14.19.2 The submissions from KiwiRail and Transpower support these amendments.

14.19.3 It is noted that the discussion below under ‘14.20 Theme: Vegetation management – new service connections in significant ecological areas’ concerns standards that also relate to these proposed provisions.

## Recommendations on submissions

14.19.4 I recommend that submissions 20.1 and 21.5 be accepted. These support the proposed changes in PC14.

14.19.5 There are no amendments associated with this recommendation in Appendix 1.

### 14.20 Theme: 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)

**Table 14.20 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.2 2	Vector Limited	Seeks to amend proposed changes to E26.3.5.2 – Vegetation management, as outlined in submission	FS08 NZTA (support)	Accept in part
4.4	Chorus, Spark, Vodafone	Seek to delete activity standards E26.3.5.1 (1) and (2)	FS07 Vector Limited (support)	Reject
4.5	Chorus, Spark, Vodafone	Seek to delete activity standard E26.3.5.2 (1)	FS07 Vector Limited (support)	Reject

## Discussion

14.20.1 PC14 seeks to enable 10m<sup>2</sup> of vegetation removal for the installation of new service connections within significant ecological areas as a permitted activity.

### *Vector submission 19.22*

14.20.2 Submission 19.22 from Vector Limited supports the purpose of the proposed changes discussed in '14.19 Theme: Vegetation management – existing infrastructure in significant ecological areas' above concerning vegetation alteration and removal within significant ecological areas for the operation, maintenance, renewal, repair or removal of network utilities. Vector seeks to extend these changes to enable vegetation removal for the installation of network utilities in

significant ecological areas. Vector advises that this is to provide for service connection poles.

14.20.3 The recommendation in '14.19 Theme: Vegetation management – existing infrastructure in significant ecological areas' provides for the submitter's concerns as it proposes to enable 10m<sup>2</sup> of vegetation removal for the installation of new service connections within significant ecological areas. In this regard I consider that the submission should be accepted.

14.20.4 However the submitter's proposed wording change in this theme '14.20 Theme: Vegetation management – new service connections in significant ecological areas' is to add the word 'installation' to E26.3.5.2(7)(a) and (b). This would enable up to 20m<sup>2</sup> of vegetation removal for any new utilities infrastructure as a permitted activity in significant ecological areas – not just service connections.

14.20.5 I do not consider that permitted vegetation removal for the installation of new utilities should be extended beyond the installation of service connections. There is policy support for the vegetation removal relating to service connections in Policy D9.3(5)(e) in terms of the reasonable use and management of land, which includes '*vegetation removal necessary to provide for a dwelling on a site*'. However Policy D9.3(6) seeks to avoid as far as practicable the removal of vegetation and loss of diversity in significant ecological areas from the construction of infrastructure. To achieve the outcomes sought by Policy D9.3(6), the plan currently requires a resource consent to assess the potential environmental effects of vegetation removal for new infrastructure in significant ecological areas (other than for service connections). I consider that this is the appropriate approach.

14.20.6 I consider that the submission should be accepted in part.

*Chorus, Spark and Vodafone submission 4.4*

14.20.7 Standard E26.3.5.1 regulates vegetation alteration or removal for the operation, maintenance and repair of access tracks and fences for network utilities. Standard E26.3.5.1(1) enables vegetation alteration up to 1m from an existing track. Standard E26.3.5.1(2) enables vegetation alteration on trees only up to 6m in height or 600mm in girth.

14.20.8 The submitters seek to delete these standards. The submitters argue that in practice this would require any tree removal or trimming of scale in a rural zone to obtain a resource consent. They also argue that there is no equivalent control in Chapter E15 Vegetation management and biodiversity, which addresses vegetation alteration and removal by non-infrastructure providers.

14.20.9 This submission has potential impacts on vegetation management in significant ecological areas, rural zones, coastal areas and riparian areas.

14.20.10 In relation to significant ecological areas, I do not support the submission. When an access track or fence is originally consented the area of vegetation removal will be

established. Standards E26.3.5.2(1) and (2) enable the utility provider to maintain this area. This is consistent with Policy D9.3(5)(b):

*Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land:... (b) vegetation removal to maintain existing open areas, including tracks;*

14.20.11 In my view the AUP does not intend to enable further vegetation removal of large trees or trees further than 1m from the access track or fence as a permitted activity. This is inconsistent with Policy D9.3(6) which seeks to '*avoid as far as practicable the removal of vegetation and loss of biodiversity in significant ecological areas from the construction of...access ways*'.

14.20.12 The deletion of these standards would also affect vegetation management in rural zones, coastal areas and riparian areas. I consider this aspect of the submission to be out of scope. PC14 proposes changes to the significant ecological area vegetation standards to provide clarity and align them with the policy approach. It does not amend vegetation management standards concerning access tracks and fences in rural zones, coastal areas and riparian areas. In my view, the submission point does not address the alteration to the status quo entailed by PC14. I also consider that vegetation management controls in these areas would interest many members of the public, and I am therefore concerned that persons directly affected may have been excluded from participating. In my view, the submission points are therefore not 'on' PC14 in terms of the *Motor Machinists* two limbed test.

14.20.13 Regardless of scope, from a substantive perspective I do not support the submission in regards to rural zones, coastal areas and riparian areas. Policy E15.3(6) seeks to '*Enable vegetation management to provide for the operation and routine maintenance needs of activities*'. Standards E26.3.5.1(1) and (2) enable this maintenance while setting limits to it. I consider that these limits are appropriate.

*Chorus, Spark and Vodafone submission 4.5*

14.20.14 This submission from Chorus, Spark and Vodafone seeks to delete Standard E26.3.5.2(1) which limits vegetation alteration or removal to trees less than 6m in height or 600mm in girth. This is similar to the standard under submission 4.4 discussed above in regards to access tracks and fences. Like that submission, submission 4.5 has potential impacts on vegetation management in significant ecological areas, rural zones, coastal areas and riparian areas.

14.20.15 In relation to significant ecological areas, I do not support the submission. Policy D9.3(5)(a) enables '*trimming of vegetation*' to provide for the reasonable use and management of land. It does not enable vegetation removal for infrastructure. Instead, Policy D9.3(6) seeks to '*avoid as far as practicable the removal of vegetation and loss of biodiversity in significant ecological areas from the construction of ... infrastructure*', using a range of techniques. The 6m and 600mm limits are one way of achieving Policy D9.3(6).

- 14.20.16 The deletion of these standards would also affect vegetation management in rural zones, coastal areas and riparian areas. As discussed above concerning submission 4.4, I consider this aspect of the submission to be out of scope. PC14 proposes changes to the significant ecological area vegetation standards to provide clarity and align them with the policy approach. It does not amend vegetation management standards in rural zones, coastal areas and riparian areas. In terms of the *Motor Machinists* two limbed test, I consider that the submission is not 'on' the plan change. I also consider that vegetation management controls in these areas would interest many members of the public, who would be denied an effective response to the proposed additional changes.
- 14.20.17 Regardless of scope, from a substantive perspective in regards to rural zones, coastal areas and riparian areas, the submitter advises that there is no equivalent standard which limits vegetation size clearance in Chapter E15 Vegetation management and biodiversity. Chapter E15 addresses vegetation alteration and removal by non-infrastructure providers.
- 14.20.18 My analysis of the horizontal integration between Chapters E15 and E26 in regards to these matters is that the vegetation management for existing activities is the same. For existing activities, both chapters have limits on tree alteration and removal for trees over 6m or greater than 600mm in girth.
- 14.20.19 In regards to vegetation management for new activities, the rules are the same in terrestrial significant ecological areas and in riparian areas. The greatest difference is in rural areas where E15 does not restrict tree size removal of exotic vegetation. In addition, E15 enables vegetation clearance of contiguous indigenous vegetation less than 250m<sup>2</sup> if it is undertaken over a period of less than ten years (beyond which a restricted discretionary activity resource consent is required (E15.4.1(A10)). These vegetation clearance rules do not have the 6m or 600mm size limits that apply in E26 to infrastructure activities. The E15 provisions enable a reasonable level of vegetation clearance for farming and other rural activities.
- 14.20.20 I consider that the E26 size limits that apply to both exotic and indigenous vegetation clearance limits are to encourage the installation of new infrastructure to avoid mature vegetated areas. This is consistent with Policy E15.3(6) which seeks to '*Enable vegetation management to provide for the operation and routine maintenance needs of activities*'. Standard E26.3.5.2(1) enables this maintenance while settling limits to it. I consider that these limits are appropriate.

### **Recommendations on submissions**

- 14.20.21 For the above reasons I recommend that submission 19.22 be accepted in part, and submissions 4.4 and 4.5 be rejected.
- 14.20.22 There are no amendments associated with this recommendation in Appendix 1.

## 15 Submissions on Transport

### 15.1 Theme: Vehicle access corridor width

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	E27.6.4.3.2(T151)

**Table 15.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
11.4	Civix Limited	Seeks to retain original 5.50m corridor, noting 6.50m is excessive.	n/a	Accept
17.23	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to E27.6.2.4.3.2	n/a	Reject
18.1	Sentinel Planning Limited	Seeks that the proposed requirement to provide a 6.5m corridor in Table E27.6.4.3.2 Vehicle crossing and vehicle access widths/standard E27.6.5.3.2(T151) is deleted.	n/a	Accept

### Discussion

15.1.1 PC14 proposes to amend standard E27.6.4.3.2(T151) to require vehicle access serving 10 or more car parking spaces in residential zones to be contained within a corridor clear of buildings measuring at least 6.5m in width.

15.1.2 Civix Limited and Sentinel Planning Limited seek to delete the proposed amendment. Both submitters seek to retain the 5.5m wide corridor as is currently required in the AUP(OP).

15.1.3 The reasons set out in the submissions are that:

- Requiring a 6.5m corridor is excessive, and previous consent examples have shown that a shared space can work perfectly fine (Civix);



- In relation to the corridor's function as a service strip, there are no matters for discretion or assessment criteria related to achieving this function (Sentinel);
- Additional building clearance for emergency vehicles is not necessary given a 5.5m formed width sufficiently accommodates such vehicles (Sentinel);
- Pedestrian access proposed as part of PC14 can be accommodated on the shared driveway (Sentinel);

15.1.4 I agree with the concerns raised by Civix Limited and Sentinel Planning Limited. In particular, it is accepted that despite the possibility that the additional 1m corridor width (beyond the minimum formed width) could accommodate landscaping or network utilities, there are no matters of discretion or assessment criteria in E27.8 to assess these outcomes.

15.1.5 In addition, if additional assessment provisions were proposed to address these matters, they would not be well supported by the policies of E27. The policies in E27 related to access, which primarily are E27.3(17(b) and (20), are concerned with the safety and convenience of access, rather than how the remainder of the site is utilised. New matters of discretion or assessment criteria related to the use of the corridor width for landscaping, network utilities or other purposes would not better align the provisions with these policies, and therefore would not be the most appropriate way of achieving the objectives of PC14.

15.1.6 Therefore, I consider the amendments sought by Civix Limited and Sentinel Planning Limited are the most appropriate way to achieve the objectives of PC14 and the AUP.

15.1.7 HNZC seeks to retain the provisions as proposed in PC14 in relation to Table E27.6.2.4.3.2. For the reasons outlined above, I consider that amendments are required to better achieve the objectives of PC14 and the AUP.

15.1.8 15.1.8 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendment recommended is effective and efficient as it continues to achieve to the objectives of PC14 and the Chapter E27 of the AUP without imposing additional control on vehicle access that might compromise site design efficiency and flexibility and introduce further compliance costs. The benefits of this further change are greater site design efficiencies and fewer compliance costs associated with residential development serving 10 or more car parking spaces.

### **Recommendations on submissions**

15.1.9 I recommend that submissions 11.4 and 18.1 be accepted as the amendments proposed through submissions are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.1.10 I recommend that submission 17.2 be rejected as retaining the amendments as proposed through PC14 would not be the most appropriate way of achieving the objectives of PC14 and the AUP.

15.1.11 The amendments associated with this recommendation are set out within Appendix 1.

## 15.2 Theme: Vehicle crossings and activities in the road reserve

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E38 Subdivision – Urban
<b>Specific provision/s</b>	E38.12.1(7) and E38.12.2(7)

**Table 15.2 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.2 5	Housing New Zealand Corporation	Seeks to delete the provisions as proposed in relation to E38.12.	n/a	Reject
19.2 7	Vector Limited	Seeks that E38.12.2 – Subdivision Urban is amended as outlined in submission	n/a	Reject

## Discussion

15.2.1 PC14 proposes to introduce new matters of discretion and assessment criteria within Chapter E38 Subdivision – Urban to address the effects of the design and layout of sites on transport infrastructure and facilities within roads

### **Housing New Zealand Corporation**

15.2.2 HNZC seeks to delete the proposed provisions on the basis that Policy E38.3(15) seeks only to encourage shared vehicle access, and therefore does not necessitate being supported by assessment criteria. HNZC also consider that the amendments are redundant given that criteria E38.12.2(7)(g) already requires an assessment against Policy E38.3(15), and that criteria E38.12.2(7)(a) already requires consideration of safe, legible and convenient access to the road network.

15.2.3 HNZC’s submission is discussed below in relation to the reasons set out in the submission.

'Encourage' policy

15.2.4 Policy E38.3(15) reads as follows:

*Encourage shared vehicle access by way of rear lanes where appropriate to avoid the proliferation of vehicle crossings that:*

*(a) creates adverse effects on the safety of the road and footpath;*

*(b) limits opportunities to plant street trees; or*

*(c) creates inefficiencies in the provision of on-street car parking or areas for bus stops.*

15.2.5 The use of the term 'encourage' signals that while there may not be a specific standard to give effect to the policy, Auckland Council would maintain a discretion to consider the extent that proposals provide for shared access. 'Encourage' policies are used elsewhere in the AUP and are supported by the matters of discretion and assessment criteria. For example, Policy E38.3(14) is also an 'encourage' policy but has associated matters of discretion and assessment criteria at E38.12.1(7)(i) and E38.12.2(7)(i).

15.2.6 There is a clear relationship between the proposed matter of discretion at E38.12.1(7)(k) and Policy 15 as the design and layout of sites can lead to a proliferation of vehicle crossings, which in turn has adverse effects on transport infrastructure and facilities in roads.

15.2.7 Therefore, I consider that it is appropriate for Policy E38.3(15) to be supported by assessment criteria.

Issue is addressed elsewhere in E38

15.2.8 HNZA consider that the proposed criteria are addressed elsewhere in Chapter E38. Specifically:

Criteria E38.12.2(7)(a) already requires consideration of safe, legible and convenient access to the road network; and

Clause E38.12.2(7)(g) already requires an assessment against Policy E38.3(15).

15.2.9 Clause E38.12.2(7)(a), which applies to all restricted discretionary activities, except those specified in (1) – (6), reads as:

*(a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;*

*(i) refer to Policies E38.3(1), (10), (12) and (13)*

15.2.10 Policies (1), (10), (12) and (13) relate to matters including providing street and block patterns that provide for connectivity and safe access to and from sites, limiting the creation of rear sites, and requiring subdivision to deliver sites of an appropriate size and shape for the development intended by the zone. In this context, 'safe legible and convenient access' relates primarily to the design and location of vehicle access within a site. The new criteria proposed through PC14 have a different focus, as they relate to the effect of new accessways and vehicle crossings on elements within the road reserve that hold functional and amenity values, rather than achieving safe and convenient access to and from sites. Therefore, I consider that E38.12.2(7)(a) does not address the effects of vehicle crossings on elements within the road reserve.

15.2.11 Clause E38.12.2(7)(g), which applies to all restricted discretionary activities, except those specified in (1) – (6), reads as follows.

*(g) the effects arising from any significant increase in traffic volumes on the existing road network;*

*(i) refer to Policies E38.3(15) to (17).*

15.2.12 This clause relates to activities that are expected to generate significant increases in traffic volumes. It is not clear that this clause addresses the effects of vehicle access associated with lower traffic generating activities on the road reserve, including the cumulative effects of smaller scale development on the infrastructure and facilities addressed by E38.3(15). In my view, the proposed Clause E38.12.2(7)(k) more clearly expresses the need to assess proposals of any scale on the functions of the road reserve. In addition, it is not uncommon for the assessment criteria in the AUP to make multiple references to the policies. I consider that E38.12.2(7)(g) does not address the effects of vehicle crossings on elements within the road reserve.

15.2.13 Therefore, I consider that the operative matters of discretion and assessment criteria in E38.12 do not address the matters proposed through PC14. The proposed amendments are the most appropriate way to achieve the objectives of PC14 and the AUP.

#### **Vector Limited**

15.2.14 Vector Limited supports the proposed provisions, but seeks amendments to both the matters of discretion in E38.12.1 and assessment criteria in E38.12.2 to:

Remove the reference to 'transport' so that it is clear that the provision relates to all network utilities and infrastructure within roads; and

remove 'other' from (7), as this could otherwise be interpreted to mean that (7) will only be considered where other criteria does not apply.

15.2.15 These amendments are:

(7) ~~all other~~ restricted discretionary subdivisions:

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

Deleting 'transport'

15.2.16 Ms Dorofaeff, Principal Planner for Auckland Transport, has reviewed the submissions, and considers that it is not appropriate to remove the reference to 'transport', as this links the assessment criteria to Policy 38.3(15) which does not refer more widely to infrastructure, but references the safety of roads and footpaths, street trees, on-street parking and bus stops. However, Ms Dorofaeff considers that the reference to 'transport infrastructure and facilities within roads' could be amended to 'transport infrastructure and facilities network utilities within roads'. Ms Dorofaeff also notes that network utilities are referenced in the proposed assessment criteria in E38.12.2(7)(k)(ii).

15.2.17 I agree with Ms Dorofaeff insofar as the reference to 'transport' should be retained, given this more clearly links the provisions to the outcomes sought by Policy E38.3(15). However, I consider that the reference to 'facilities' should be retained, given that:

- a. 'Facilities' encompasses street trees, and therefore better gives effect to E38.3(15)(b) which relates to retaining opportunities for street tree planting, whereas the phrase 'transport infrastructure and network utilities' does not; and
- b. Network utilities are addressed in the proposed sub-paragraph to the assessment criteria in E38.12.2(7)(k)(ii) and reference to network utilities is not required to be duplicated in the matter of discretion or the heading to the assessment criteria.

Deleting reference to 'other'

15.2.18 Ms Dorofaeff does not support the removal of 'other' from E38.12.1(7) and E38.12.2(7) given this is an existing heading, and that items (1) to (7) are specifically about subdivisions in hazard areas and subdivisions establishing an esplanade reserve. I agree with Ms Dorofaeff, and consider that the removal of the word 'other' would have broader AUP implications related to how the AUP is interpreted.

**Recommendations on submissions**

15.2.19 I recommend that submissions 17.25 and 19.27 be rejected as the amendments proposed through PC14 are the most appropriate way of achieving the objectives of PC14 and the AUP

15.2.20 There are no amendments associated with this recommendation.

### 15.3 Theme: Combined vehicle crossings

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	E27.6.4.2.1(T144) and (T146)

**Table 15.3 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.2 1	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to E27.6.2.4.2.1	n/a	Accept

#### Discussion

15.3.1 PC14 proposes to amend standards E27.6.4.2.1(T144) and (T146), which allow an exception to the minimum 2m separation distance between vehicle crossings, where two crossings are combined. The amendments seek to better clarify the meaning and application of these standards.

15.3.2 The submission of HNZN supports the proposed amendments.

#### Recommendations on submissions

15.3.3 I recommend that submission 17.21 be accepted as the amendments proposed through PC14 are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.3.4 There are no amendments associated with this recommendation.

### 15.4 Theme: Auckland Transport approval for vehicle crossings

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	E27.6.4.2

**Table 15.4 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
5.4	Oil Companies (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) (Oil Companies )	Seeks that council recognise that crossings can be repaired or replaced on a like for like basis without requiring vehicle crossing approval from Auckland Transport. This could be achieved by amending note 1 as set out in submission	n/a	Accept in part
17.2 2	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to E27.6.2.4.2.1 (Note 1)	n/a	Accept in part
19.2 4	Vector Limited (Vector)	Seeks that the proposed note in E27.6.4.2.1 – Width and number of vehicle crossings is amended as outlined in submission	n/a	Accept

## Discussion

15.4.1 PC14 proposes to introduce a new note within Standard E27.6.4.2 to clarify that new vehicle crossings or alterations to existing crossings require approval from Auckland Transport (**AT**).

### Oil Companies

15.4.2 Oil Companies considers that repairs and resealing of lawfully established crossings can be undertaken without vehicle crossing approval from AT and without further consideration of existing services. The submission seeks amendments to this effect. Specifically, Oil Companies propose the following changes shown in strikethrough and underline below:

*Note 1 – Any new vehicle crossing or alteration of an existing vehicle crossing (e.g. ~~repair, replacement,~~ widening or relocation but excluding repair or replacement where there are no other changes to the crossing) 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.*

15.4.3 Ms Dorofaeff has reviewed the submission and considers that AT approval is required for repair and replacement of vehicle crossings under legacy council

bylaws adopted by Auckland Council. However, some minor repairs, such as filling in a small pothole, may not be of concern to AT. Therefore, whilst the majority of the amendments are not supported, Ms Dorofaeff considers that the reference to 'repair' can be deleted.

- 15.4.4 I agree with Ms Dorofaeff in that it is appropriate to delete reference to 'repair' given some minor repairs do not require approval from AT. Given that approval from AT is required for replacement of crossings, I agree that 'replacement' should remain in Note 1, and consider that the additions proposed by Oil Companies in relation to replacement are not appropriate.

#### **Housing New Zealand Corporation**

- 15.4.5 HNZC support the proposed Note 1 as notified in PC14. HNZC have not made a further submission on the submissions from Oil Companies and Vector.

#### **Vector Limited**

- 15.4.6 Vector Limited supports the proposed amendment, but seeks clarification regarding the specification that the vehicle crossing must be located at least 1m from services including cesspits, street lights and power poles. Vector Limited considers that:

- clearance standards may sit more appropriately in standards and codes of practice, such as NZECP34:2001 cl 2.2.1 which provides for excavations within 2.2m of a pole;
- it is inconsistent with Auckland Council and Auckland Transport's own practice, which has historically found that a 1m clearance limit is a risk to home owners / developers, and thus requires approval from Auckland Transport; and
- the 1m requirement may not be appropriate and may not work in practice.

- 15.4.7 Ms Dorofaeff has reviewed the Vector submission and notes that the 1m clearance expectation is likely to be addressed in AT's forthcoming Transport Design Manual<sup>49</sup>, and therefore it may be more appropriate for such detail to be addressed through the vehicle crossing approval process, rather than being included in the note. Therefore, Ms Dorofaeff agrees with Vector Limited and considers that the second sentence of proposed Note 1 should be deleted.

- 15.4.8 I agree with Ms Dorofaeff. The purpose of Note 1 is to provide a clear signal that AT approval is likely to be required in relation to vehicle crossing works. The first sentence of Note 1 provides this signal. The details relating to the design,

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<sup>49</sup> Currently being prepared to replace the Auckland Transport Code of Practice



formation and location of such crossings will be appropriately contained in AT's relevant technical documents, and are therefore not required in the AUP text. Deleting the proposed 1m clearance requirement also enables greater plan flexibility should this expectation change, as these details can be updated in the AT standards without requiring a subsequent plan change to the AUP.

15.4.9 Therefore, I consider that Note 1, as proposed to be amended by submissions, is the most appropriate way of achieving the objectives of PC14 and the AUP.

15.4.10 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendments recommended are effective and efficient as they continue to give effect to the objectives of PC14 and the AUP, whilst more accurately identifying what activities will require AT approval, and providing greater plan flexibility in relation should AT's vehicle crossing clearance requirements change in the future. The benefits of these further changes is that they better clarify the meaning and application of the advice note.

### Recommendations on submissions

15.4.11 I recommend that submissions 5.4 and 17.2 be accepted in part as the amendments proposed through submissions are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.4.12 I recommend that submission 19.24 be accepted as the amendments proposed through submissions are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.4.13 The amendments associated with this recommendation are set out within Appendix 1.

### 15.5 Theme: Shared parking

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	E27.6.2(2)

**Table 15.5 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.1	Housing	Seeks to retain the	n/a	Accept

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
7	New Zealand Corporation	provisions as proposed in PC14 in relation to E27.6.2		

## Discussion

15.5.1 PC14 proposes to amend Standard E27.6.2(2), which enabled car parking spaces to be shared between activities. The amendments sought 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.

15.5.2 HNZC supports the proposed amendment.

## Recommendations on submissions

15.5.3 I recommend that submission 17.17 be accepted as the amendments proposed through PC14 are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.5.4 There are no amendments associated with this recommendation.

## 15.6 Theme: Accessible car parking spaces

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	E27.6.2(10)(a)

**Table 15.6 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.20	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to E27.6.2.4	n/a	Accept

## Discussion

15.6.1 PC14 proposes to amend Standard E27.6.2(10)(a), which relates to accessible car parking space requirements of the New Zealand Building Code D1/AS1, to convert the standard into an advice note.

15.6.2 HNZC supports the proposed amendment.

### Recommendations on submissions

15.6.3 I recommend that submission 17.20 be accepted as the amendments proposed through PC14 are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.6.4 There are no amendments associated with this recommendation.

### 15.7 Theme: Parking rates for minor dwellings

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	Tables E27.6.2.3 and E27.6.2.4

**Table 15.7 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
17.1 8	Housing New Zealand Corporation	Seeks to retain the provisions as proposed in PC14 in relation to E27.6.2.3	n/a	Accept
17.1 9	Housing New Zealand Corporation	Seeks that no minimum parking rate is applied to the minor dwellings activity in the Residential – Mixed Housing Suburban Zone and in all other areas.	n/a	Reject

### Discussion

15.7.1 PC14 proposes to amend Tables E27.6.2.3 and E27.6.2.4 to introduce minimum car parking rates for minor dwellings equivalent to the rates for Dwellings – studio or 1 bedroom that exist currently in the AUP.

15.7.2 HNZC supports the proposed amendments as they apply to Table E27.6.2.3 Parking rates – area 1. However, HNZC seeks to delete the proposed minimum parking rates for minor dwellings in Table E27.6.2.4 Parking rates – area 2. No supporting reasons are provided by HNZC.

15.7.3 The amendments to parking rates in Table E27.6.2.4 Parking rates – area 2 of interest to HNZC are:

Activity				Applies to zones and locations specified in Standard E27.6.2(5)	
<u>(T43 A)</u>	Residential	Residential – Mixed Housing Suburban Zone	<u>Minor dwellings</u>	<u>0.5 per dwelling (rounded down to nearest whole number)</u>	<u>No maximum</u>
<u>(T46 A)</u>		All other areas	<u>Minor dwellings</u>	<u>1 per dwelling</u>	<u>No maximum</u>

15.7.4 As outlined in section 6.7.16 of the Section 32 report to PC14, the purpose of the amendments is to avoid the inconsistent interpretation of parking rates for minor dwellings, and to ensure that council has the discretion to consider the effects of inadequate on-site car parking provision on the safe and efficient operation of the transport network.

15.7.5 The amendments proposed through PC14 are considered the most appropriate way to achieve this purpose. The proposed parking rates for minor dwellings align with the parking rates for one bedroom dwellings in the Mixed Housing Suburban Zone (in terms of E27.6.2.4(T43A)), and any dwelling in ‘all other areas’ (in terms of E27.6.2.4(T46A)). Minor dwellings, which are defined in the AUP as a ‘*dwelling that is secondary to a principal dwelling on the site*’, can be expected to generate a similar level of parking demand as a small dwelling. Therefore, I consider it appropriate to apply a consistent minimum parking standard across both dwellings and minor dwellings in these areas.

### Recommendations on submissions

15.7.6 I recommend that submission 17.18 be accepted as the amendments proposed through PC14 are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.7.7 I recommend that submission 17.19 be rejected as the amendments proposed through PC14 are the most appropriate way of achieving the objectives of PC14 and the AUP.

15.7.8 There are no amendments associated with these recommendations.

## 16 Submissions on Built environment and temporary activities

### 16.1 Theme: 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

**Table 16.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
7.2	oOh! Media Street Furniture NZ Limited	Seeks that PC14, as it relates to E23.6.1, E23.6.2 and E23.6.3 to introduce clearer explanations to direct which standards relate to billboards on street furniture in the road reserve, be adopted.	n/a	Accept
16.2	Outdoor Media Association of NZ Ltd	Seeks that the proposed changes to PC14 which apply to billboards on street furniture in the road reserve (Theme 6.8.1) and pedestrian and traffic safety (Theme 6.8.3) be accepted	n/a	Accept

### Discussion

16.1.1 Currently, the E23 standards that apply to billboards on street furniture in the road reserve are confusing and also incomplete in some respects. Standards apply to some signs and not others depending on where they are located, although the environmental effect of the signs are the same. PC14 proposes to introduce clarity and certainty to clearly link the activity standards that apply to each activity table or activity in each table.

16.1.2 oOh! Media Street Furniture NZ Limited and the Outdoor Media Association of NZ Ltd support the proposed amendments relevant to this theme.

## Recommendations on submissions

16.1.3 I recommend that submission point 7.2 be accepted. I also recommend that the part of submission 16.2 dealing with the proposed amendments to provisions concerning billboards on street furniture in the road reserve be accepted. These support the proposed changes in PC14.

16.1.4 There are no amendments are associated with these recommendations.

## 16.2 Theme: 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)

**Table 16.2 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
6.4	Scentre (New Zealand) Limited	Seeks to amend E23.6.1 so that the proposed changes do not apply to comprehensive development signage	n/a	Accept
9.7	Woolworths NZ Limited	Seeks to amend E23.6.1 so that the proposed changes do not apply to comprehensive development signage	n/a	Accept
16.3	Outdoor Media Association of NZ Ltd	Seeks that PC14, as it relates to the proposed amendments to E23.6 and E23.6.1 for billboards in zones (Theme 6.8.2), be rejected	FS04 Clearmont Media Ltd (support)	Reject
16.4	Outdoor Media Association of NZ Ltd	Seeks any other consequential amendments required to give effect to the relief sought.	FS04 Clearmont Media Ltd (support)	Reject
16.5	Outdoor Media Association of NZ Ltd	Seeks, as an alternative, less preferred, outcome in respect of Theme 6.8.2 that 'option 3' for Theme 6.8.2	FS04 Clearmont Media Ltd (support)	Reject

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
		(identified in the s32 Report) be adopted, and the standards under E23.6.1(20) be deleted		
16.6	Outdoor Media Association of NZ Ltd	Seeks, as an alternative, less preferred, outcome in respect of Theme 6.8.2 that any other consequential amendments required to give effect to the relief sought.	FS04 Clearmont Media Ltd (support)	Reject

## Discussion

### *Submissions 6.4 from Scentre and 9.7 from Woolworths*

- 16.2.1 PC14 proposes that the E23 Signs standards apply to restricted discretionary activities as well as permitted activities. Submissions 6.4 and 9.7 seek to ensure that the proposed amendment does not apply to comprehensive development signage. Comprehensive development signage is currently a restricted discretionary activity (Table E23.4.2(A53)).
- 16.2.2 The Signage Bylaw 2015 deals with signs that advertise goods that are sold on-site. The AUP deals with billboards, which are signs that advertise goods that are not directly related to the primary activities occurring on the site. The AUP also deals with signs that are proposed as part of a 'comprehensive development'. When a building is constructed it will often require resource consent and it makes sense to obtain consent for the related signs at the same time, using the same process. Comprehensive development signage is therefore provided for as a restricted discretionary activity under Table E23.4.2 (A53).
- 16.2.3 The proposed amendment regarding comprehensive development signage was included because it was perceived that billboards could be a subset of comprehensive development signage. As such, they should be subject to the same standards.
- 16.2.4 After considering the submission and after further consultation with council's resource consents department, I no longer consider that this is the correct approach. The resource consents department have advised that if both signs and billboards are proposed as part of a comprehensive development, consents will be required for both 'comprehensive development signage' and separately for the billboards.
- 16.2.5 In light of this there is no need to require a comprehensive development signage application to be subject to the same standards as billboards.

16.2.6 I recommend that submission point 6.4 and 9.4 be accepted.

*Submissions 16.3-16.6 from the Outdoor Media Association*

16.2.7 These submission points seek to delete the proposed amendments. A less preferred alternative is to adopt Option 3 in the Section 32 analysis. Option 3 in the Section 32 analysis proposes to delete the free standing billboard standard E23.6.1(20). 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. This causes confusion amongst plan users. The submissions argue that the proposed change is not a technical amendment and will significantly amend the structure and application of E23, and does not introduce corresponding changes to the matters of discretion or assessment criteria that would be required.

16.2.8 In my view the proposed change is not a significant amendment to the provisions. I appreciate that any standards that are breached will need to be stated as additional matters of consent in a restricted discretionary activity application. However I do not think this is unduly onerous or significant.

16.2.9 Nor is it unusual for standards to apply to restricted discretionary activities. In Chapter E27 Transport, E27.6 states that '*All activities in Table E27.4.1 must comply with the following standards*'. The activities in Table E27.4.1 range from permitted to non-complying activities.

16.2.10 Billboards that are restricted discretionary activities that do not comply with a relevant standard will remain restricted discretionary activities, according to Chapter C1.9:

*An activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity.*

16.2.11 There is no overall activity status change that results from the proposed amendment.

16.2.12 In my view, it is not necessary to amend the assessment criteria and matters of discretion. They already specifically refer to some of the standards (eg E23.8.2(2)(b)) and the remaining provisions deal generally with how the effects should be assessed if the standards are infringed.

16.2.13 The submitter also seeks Option 3 as a less preferred alternative. Option 3 would delete Standard E23.6.1(2). I do not support this approach as it fails to resolve the confusion caused by that standard.



## Recommendations on submissions

16.2.14 For the reasons above I recommend that submissions 6.4 and 9.7 be accepted, and that submissions 16.3, 16.4, 16.5 and 16.6 be rejected.

16.2.15 There are no amendments associated with this recommendation.

## 16.3 Theme: 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)

**Table 16.3 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
16.2	Outdoor Media Association of NZ Ltd	Seeks that the proposed changes to PC14 which apply to billboards on street furniture in the road reserve (Theme 6.8.1) and pedestrian and traffic safety (Theme 6.8.3) be accepted	n/a	Accept [in part?]

## Discussion

16.3.1 PC14 proposes to align the inconsistent references to ‘traffic and pedestrian safety’ in E23.1, E23.2 and E23.3. Currently, the references are inconsistently worded and confusing.

16.3.2 Outdoor Media Association of NZ Ltd supports the proposed amendments to provisions concerning pedestrian and traffic safety.

## Recommendations on submissions

16.3.3 For the reasons above I recommend that the part of submission 16.2 dealing with the proposed amendments to provisions concerning pedestrian and traffic safety be accepted in part.

16.3.4 There are no amendments associated with this recommendation.

#### 16.4 Theme: 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

**Table 16.4 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
1.5	Ports of Auckland	Seeks to adopt the amendments to Standard E40.6.5 Noise events within the City Centre and Metropolitan Centres as proposed.	n/a	Accept
14.2	Te Arai South Partners, Te Arai South Holdings Ltd, Te Arai North Limited and Tara Iti Holdings NZ	Seeks to amend Standard E40.6.4(1)(a) so that the time for pack in and pack out is for temporary activities in areas outside metropolitan and town centres is included in the six hour permitted activity event duration, as set out in submission	n/a	Reject

#### Discussion

16.4.1 The current temporary activity standards require the pack in and pack out for noise events to be included in the six hours enabled for the noise event. It is difficult to pack in and pack out in that time, in addition to holding the actual event. There are also potentially unreasonable limitations on the hours in which the pack in and pack out can take place. PC14 proposes to amend these provisions.

16.4.2 Submission 1.5 from the Ports of Auckland supports the proposed amendments.

16.4.3 Submission 14.2 from a Te Arai conglomerate expresses concerns about the proposed amendments in rural areas and seeks to delete the proposal to exclude

the pack in pack out time from the permitted 6 hour noise event period. The submitters are concerned about the relaxation of temporary activity provisions in sensitive environments.

- 16.4.4 I anticipate that the submitters' concerns are highlighted in a recent Environment Court case *Pierau vs Auckland Council* [2017] NZEnvC 90. In that case at paragraph 269 Judge Newhook '*wonder[ed] aloud for the benefit of those in the council who make planning policy, whether the permitted temporary activity rule is rather too much in "blanket" shape when it comes to sensitive receiving environments like the present.*' The case concerned a resource consent application to hold a music festival and other events on three different scales at a site in Te Arai. .
- 16.4.5 In response to the Environment Court's observations and other potential issues with Chapter E40 Temporary Activities in the AUP, the council has begun a project to assess what, if any, changes are required to E40. This work is in the formative stages and will be completed over the next year.
- 16.4.6 In the longer term the submitters' concerns can be addressed as part of the council's ongoing work programme. However, in my view including that review in PC14 is beyond the scope of the plan change, which is restricted to matters that do not involve policy shifts.
- 16.4.7 Currently, the pack in and pack out activities would be classified as construction work, which would be subject to the construction noise limits in E25.6, as required by E25.6.1(4). This permits noise levels up to 80dB LAeq during the day time, from Monday to Saturday for pack in / pack out, but limits night time noise levels to levels which should avoid sleep disturbance for most people. To preserve amenity it also limits noise levels on Sundays and public holidays. Even with the proposed changes made operative, the pack in and pack out phases would be subject to compliance with these controls.
- 16.4.8 I do not consider that the relatively minor changes proposed to the permitted activity noise events regarding the pack in and pack out times and noise thresholds will present a significant risk of enabling a similar situation to occur as a permitted activity.

### **Recommendations on submissions**

- 16.4.9 For the reasons above I recommend that submission 1.5 from the Ports of Auckland be accepted and that submission 14.2 from the Te Arai conglomerate be rejected.
- 16.4.10 There are no amendments associated with this recommendation.

## 16.5 Theme: 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

**Table 16.5 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
19.25	Vector Limited	Opposes inclusion of proposed amendment to include vibration in Construction Noise and Vibration Management Plan in E25.6.29.	This submission has been withdrawn	
11.5	Civix Limited	Seeks a similar exclusion for noise and vibration standards to apply to private land.	FS09 HNZ (oppose)	Reject

### Discussion

- 16.5.1 The AUP enables noise from specific construction activities in the road reserve to exceed noise standards for specified periods, provided a Construction Noise and Vibration Management Plan is prepared. PC14 proposes amendments to Chapter E25 to ensure that some aspects of the vibration standards can also be exceeded in these situations. This corrects an error in the AUP.
- 16.5.2 Submission 19.25 from Vector opposed the proposed changes to the noise and vibration rules in E25.6.29 and 30. Vector withdrew the submission on 3<sup>rd</sup> April 2019.
- 16.5.3 Submission 11.5 from Civix Limited seeks to extend the ability to exceed noise and vibration standards to construction that takes place on private land. The submitter argues that *'a significant number of sites within Auckland Isthmus sit onto of basalt or other rock. CNVMP should be provided at resource consent stage to avoid delays associated with RC processing'*.
- 16.5.4 I consider that this submission point is out of scope. The PC14 proposal applies to noise and vibration from construction in the road reserve. In terms of the first limb of the *Motor Machinists* test, the submitter's proposal is a major change from what is notified in PC14. Although the topic of 'noise and vibration' could be considered

part of the same management regime, the submission would extend the scope of the change so that it would apply to all land within Auckland. Such an extensive change would need to be thoroughly addressed by a section 32 analysis. In my view the submission point does not address the alteration of the status quo entailed by PC14. In terms of the second limb of the *Motor Machinists* test, it is likely that this proposal would generate a large amount of public interest, and interested parties may be denied an effective opportunity to respond and participate. I am therefore concerned that persons directly affected may have been excluded from participating. In my view, the submission points are therefore not 'on' PC14 in terms of the *Motor Machinists* two limbed test.

### **Recommendations on submissions**

16.5.5 For the reasons above I recommend that submission 11.5 be rejected.

16.5.6 There are no amendments associated with this recommendation.

## 17 Submissions on Environmental risk

### 17.1 Theme: 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

**Table 17.1 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
15.2	Federated Farmers of New Zealand	Seeks to number the current clause (c) as clause (a) in E34.6.1.2(3)	n/a	Accept in part
15.3	Federated Farmers of New Zealand	Seek to number the current clause (a) as clause (b)(i) in E34.6.1.2(3)	n/a	Accept in part
15.4	Federated Farmers of New Zealand	Seek to number the current clause (b) as clause (b)(ii) on E34.6.1.2(3)	n/a	Accept in part

### Discussion

17.1.1 Standard E34.6.1.2(3) applies to the application of agrichemicals by a handheld device that is non-motorised. The PC14 amendments are proposed to help clarify the wording. The current wording of the standard does not make it clear if a person who is operating under this standard, who holds the minimum qualifications required in Appendix 18 (of the AUP (OP)), is also required to be supervised by a person with the same qualification.

17.1.2 To limit further interpretation issues, the standard is proposed to be amended to include a third criteria to state that holders of the minimum qualification, do not require supervision or a management plan from a person holding the same qualification.

- 17.1.3 The submission points in the table above relate to amendments to Standard E34.6.1.2(3) in chapter E34. Agrichemicals and vertebrate toxic agents of the AUP (OP).
- 17.1.4 Submissions 15.2, 15.3 and 15.4 support the proposed amendment, but seek that the numbering of the standard could be improved by correcting the numbering of the three clauses in E34.6.1.2(3). The proposed amendments are:
- Number the current clause (c) as clause (a)
  - Number the current clause (a) as clause (b)(i)
  - Number the current clause (b) as clause (b)(ii)
- 17.1.5 The notified amendments currently do not align with the Auckland Unitary Plan Style Guide, which has been produced to help council staff maintain a consistent number format throughout the AUP (OP). Maintaining consistent numbering is also essential to support the duty to gather information, monitor; and keep records under section 35 of the RMA and monitoring specific developments against their associated consents.
- 17.1.6 Support for the new sub clause (c) to improve the clarification of the standard has been noted.
- 17.1.7 Section 32AA of the RMA requires a further evaluation for and changes that are proposed to the notified PC14 since the Section 32 Evaluation Report was completed. The amendments to standard E34.6.1.2(3) that are shown in Appendix 1 are modifications to the approach described in the Section 32 Evaluation Report as “option 2”. I continue to support the assessment in Table 6.9.1 in the evaluation report. The amendments made to the proposed amendments was a minor amendment change the proposed “E34.6.1.2(3)(c)” to “E34.6.1.2(3)(aa)” which is consistent with the Auckland Unitary Plan Style Guide.
- 17.1.8 This amendment will add to the efficiency and effectiveness as it is consistent with paragraph numbering amendments throughout the plan, therefore meeting the objective of the plan change. Cost will be reduced as it is consistent in the standards ordering, minimising clarification issues which will benefit plan users.

### **Recommendations on submissions**

- 17.1.9 I recommend that submissions 15.2, 15.3 and 15.4 be accepted in part. I accept the support for the amended provisions. I reject the suggested re-numbering as it is not consistent with the AUP style guide for formatting.
- 17.1.10 I recommend that Standard E34.6.1.2(3) is amended to be consistent with the Auckland Unitary Plan Style Guide.
- 17.1.11 The amendments sought in PC14 are considered to be the most appropriate way to correct the identified clarification error.

17.1.12 The amendments associated with this recommendation are set out within Appendix 1.

## 17.2 Theme: 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)

**Table 17.2 – Recommendations on submissions and further submissions**

Sub. No.	Submitter name	Summary of Relief Sought	Further submissions	Planner recommendation
13.4	New Zealand Defence Force	Seeks to amend Table E36.4.1(A39) and (A42) and Standard E36.8.2(18) to clarify whether retaining walls that do not obstruct an overland flow path require resource consent.	n/a	Accept in part
17.2 4	Housing New Zealand Corporation	Seeks amendments to the newly proposed assessment criteria, to better reflect the existing matters of discretion in E36.8.1(13).	n/a	Reject

### Discussion

17.2.1 The PC14 amended provisions are seeking to include new assessment criteria under E36.8.2 to address the matters of discretion in E36.8.1(13). Currently there is no correlating assessment criterion for E36.8.1(13) which is considered to be an identified gap in the AUP.

17.2.2 The submission points in the table above relate to Chapter E36. Environmental risk, specifically the Table E36.4.1 activity table, E36.8.1 matters of discretion and E36.8.2 assessment criteria for overland flow paths.



17.2.3 To address the identified gap, the following amendments were proposed:

- (a) Matter of discretion E36.8.1(13)(c) was amended to read as a matter of discretion and not an assessment criterion; and
- (b) New assessment criteria for restricted discretionary activity in E36.8.2, which is consistent with E36.8.1(13) and the objectives and policies of E36. Natural hazards and floods

17.2.4 The proposed amendments as notified in PC14 are intended to effectively and efficiently align the E36.8.1 matters of discretion with E36.8.2 assessment criteria. The new assessment criteria will provide a more appropriate means of assessment during the resource consenting process.

17.2.5 Submission 13.4 supports in part the amendments to E36.8.2 assessment criterion. The submitter has indicated that further clarification is needed on "... *whether retaining walls that do not obstruct an overland flow path require resource consent*". The submitter identified that this new clarification issue is in both the Table E36.4.1 activity table and E36.8.2(18) assessment criteria

17.2.6 Submission 17.24 opposes the proposed plan change amendments to E36.8.2(18). The submitter seeks the proposed amendments, which are to provide an assessment criterion for E36.8.1(13), need to better reflect the existing matters of discretion. The submitter has also indicated that the newly proposed assessment criteria be more appropriately located and renumbered '(12A)'.

#### *Evidence and reports*

17.2.7 The Proposed Auckland Unitary Plan (2013) contains assessment criteria for diverting and/ or alteration of overland flow path in *Part 3, Chapter H: Auckland-wide rules – 4.12 Flooding – 3. Assessment – Restricted discretionary activities 3.2.5 Diversion and / or alteration of overland flow path.*

- 5. Diversion and / or alteration of overland flow path
  - a. how the continuity of overland flow paths both within the site, as well as upstream and down stream will be maintained
  - b. how potential effects on other properties from the diversion or alteration is avoided or mitigated
  - c. how effects from scouring and erosion should will be mitigated
  - d. how the proposal will avoid or mitigate adverse effects on stream ecology
  - e. ensuring that, when appropriate, an easement in favour of council is created so as to limit further changes to the overland flow path.

17.2.8 Evidence by David Mead from the Unitary Plan IHP process (Planning, Auckland wide objectives, policies and rules – flooding)<sup>50</sup> sets out the amendments made and

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<sup>50</sup> David Meads Reference

rationale. A key change in this evidence was amending buildings over an overland flow path from discretionary to restricted discretionary.

17.2.9 Evidence by David Mead contains the following assessment criteria for addressing activities in overland flow paths:

*“5. Diversion, piping, alteration and/or building over of overland flow path*

- a. How the continuity of overland flow paths both within the site, as well as upstream and down stream will be maintained.*
- b. How potential effects on other properties from the diversion or alteration is avoided or mitigated*
- c. How effects from scouring and erosion should be mitigated*
- d. How the proposal will avoid or mitigate adverse effects on stream ecology*
- e. Ensuring that, when appropriate, an easement in favour of council is created so as to limit further change to the overland flow path.”*

17.2.10 It is unclear if this missing assessment criterion was intentional or a drafting oversight. The IHP Report to Auckland Council Hearing topics 022 Natural hazards and flooding and 026 General - others<sup>51</sup> has limited commentary on the assessment criteria, and only establishes that design led solutions using controlled or restricted discretionary activity status. The Proposed Auckland Unitary Plan Independent Hearings Panel Recommendations 22 July 2016 is also missing the correlating assessment criteria.

#### *Consideration of submissions*

17.2.11 There are two parts to submission 17.24 which opposes the proposed plan change amendments to E36.8.2(18). The submitter seeks:

- a) the proposed amendments, which are to provide assessment criteria for E36.8.1(13), should better reflect the existing matters of discretion;
- b) The submitter has also indicated that the newly proposed assessment criteria be more appropriately located and renumbered '(12A)'.

17.2.12 In regard to the first part of the submission, the submitter has requested the proposed PC14 amendments delete E36.8.2(18)(a), and amend E36.8.2(18)(b) to replace the word 'area' with 'rooms'.

17.2.13 I do not consider deleting the proposed criterion E36.8.2(18)(a) will better reflect the matters of discretion. This sub-paragraph ensures the overland flow path is maintained, which ensures properties down and upstream are not negatively

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<sup>51</sup> Report to Auckland Council Hearing topics 022 Natural hazards and flooding and 026 General – others (July 2016)

affected during flood events. Having the sub-paragraph in the provisions is more effective at meeting objective E36.2(5) and policy E36.3(29) and (30).

- 17.2.14 The objectives and policies stated in paragraph 17.2.14 seek to ensure that subdivision, use and development, including redevelopment, is managed to safely maintain the conveyance function of overland flow path; and require changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment.
- 17.2.15 I do consider amendments sought by submission 17.24 to the proposed E36.8.2(13)(b) to better reflect the E36.8.1(13) matters of discretion. The term 'habitable rooms' is a term consistently used throughout Chapter 'E36. Natural hazards and flooding'. Habitable rooms have a definition in *Chapter J1. Definitions* of the AUP. This approach is clearer for the plan users and improves consistency across the plan. In my opinion this is more effective at meeting the objective of the plan change.
- 17.2.16 The second part of submission 17.24 seeks to change the paragraph number from (18) to (12A) and locate the new assessment criteria under E36.8.2(12). I agree this is an appropriate amendment as it is consistent with council's AUP style guide.
- 17.2.17 Submission 13.4 supports in part the amendments to E36.8.2 assessment criteria. The submitter has indicated that further clarification is needed on "...whether retaining walls that do not obstruct an overland flow path require resource consent". The submitter identified that this new clarification issue is in both the Table E36.4.1 activity table and E36.8.2(18) assessment criterion.
- 17.2.18 I accept there is ambiguity for activities (A39) and (A42) in Table E34.4.1 as identified by the submitter; but I consider this to be an independent issue to that is identified under 'theme 6.9.2' and outside of the scope of the plan change.
- 17.2.19 In my opinion, submission 13.4 is outside the scope of PC14 as the original issue relates to adding missing assessment criteria. The proposed assessment criteria reflect the relevant rules, and do not intend to change the management regime for fences and walls and retaining walls located in overland flow paths. Therefore, in my view, the submission point does not address the alteration of the status quo entailed by PC14, and is not 'on' the plan change in terms of the *Motor Machinists* two limbed test. The request will be recorded for consideration in a future plan change.
- 17.2.20 The support in submission 13.4 for the assessment criteria has been noted.
- 17.2.21 Section 32AA of the RMA requires that a further evaluation be undertaken for changes made since the section 32 report for the proposal was completed. The further amendments will improve the effectiveness and efficiency of the AUP because:

- a) The change in numbering from (18) to (12A) is consistent with the Auckland Unitary Plan Style Guide. Therefore, ensuring formatting is consistent throughout the AUP; and
- b) The terminology 'habitable rooms' is a consistent term used throughout the chapter and the AUP, therefore improving the alignment throughout the AUP.

17.2.22 Both of these amendments will better achieve the objective of the plan change. They also better reflect the objectives and policies of Chapter E36. Natural hazards and flooding.

17.2.23 These further amendments will increase benefits, and reduce costs, as the chapter formatting and terminology is consistent with the rest of the AUP.

### **Recommendations on submissions**

17.2.24 I recommend that submissions 17.24 be accept in part:

- a) Reject the part of submission 17.24 which seeks to delete proposed amendment to sub-paragraph E36.8.2(18)(a). I consider that this does not achieve the objective of the plan and does not effectively meet the objectives and policies of E36. Natural hazards and flooding
- b) Accept the part of submission which seeks to amend E36.8.2(18)(b) as the term 'habitable rooms' is consistently used throughout the chapter. I consider that this amendment better meets the objective of the plan change.
- c) Accept the part of submission 17.24 to renumber the new assessment criteria, as it is consistent with AUP guidance for numbering. This improves the consistency throughout the plan and therefore meets the objective of the plan change.

17.2.25 I recommend that submissions 13.4 be rejected in part:

- a) Accept part of submission 13.4 which supports the inclusion of new assessment criteria under E36.8.2.
- b) Reject part of submission 13.4 which identified a potential new issue; as the new issue is outside the scope of this plan change.

17.2.26 I recommend the words: "the extent to which the overland flow path is maintained to convey stormwater runoff safely from a site to the receiving environment" which is under sub-paragraph E36.8.2(18)(a) be retained.

17.2.27 I recommend that the new assessment criteria proposed to be E36.8.2(18)(b) amended to read as "the location of habitable ~~area~~ rooms in relation to the overland flow path;"

17.2.28 I recommend the proposed number is amended with E36.8.2(18) changing to E36.8.2(12A) and place under E36.8.2(12) in the provisions. Consequentially the assessment criteria will be read as: "~~(18-12A)~~ for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path."

17.2.29 The amendments associated with this recommendation are set out within Appendix 1.

## 18 Conclusion

- 1.1 Submissions have been received in support of, and in opposition to PC14.
- 1.2 Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, the authors recommend that Plan Change 14 should be approved, subject to the amendments to the text/planning maps of the AUP as set out in Appendix 1 to this report.
- 1.3 The adoption of PC14, with its recommended amendments:
- is the most appropriate way to achieve the overall purpose of the Resource Management Act 1991;
  - is consistent with the Auckland Unitary Plan (Operative in part) Regional Policy Statement; and
  - is consistent with the Auckland Plan.

## 19 Recommendations

1. That, the Hearing Commissioners accept or reject submissions (and associated further submissions) as outlined in this report.
2. That, as a result of the recommendations on the submissions, the AUP is amended by the changes proposed by PC14 as set out in Appendix 1 to this report.

## 20 Signatories

Name and title of signatories	
Lead report author	Marilyn Ford, Planner, Auckland-wide Planning
Reviewer / approver	Phill Reid, Manager, Auckland-wide Planning

# Appendices

## List of Appendices

Appendix 1 – Recommended amendments to PC14

Appendix 2 – Qualifications and experience

Appendix 3 – Section 32 Evaluation Report

Appendix 4 – Summary of decisions requested, further submissions and planners' recommendations

Appendix 5 – Copies of submissions and further submissions

Appendix 6 – Noise expert recommendations

**PC14 - APPENDIX 1**  
**RECOMMENDED AMENDMENTS TO PC14**





# 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

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, and cross-references to the relevant submission number summarised in the Section 42A hearing report for subsequent changes.

The proposed additions are shown in underline and the proposed deletions are shown in ~~strikethrough~~. The use of '...' indicates that there is more text, but it is not being changed.

Amendments recommended in the Section 42A hearing report are shown in red underline and ~~strikethrough~~. Text which was proposed to be inserted in the notified plan change and is recommended to be removed in the hearing report is shown in red underline and 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.

## Contents

Natural heritage .....	3
D11 Outstanding Natural Character and High Natural Character Overlay .....	3
D13 Notable Trees Overlay .....	5
D14. Volcanic Viewshafts and Height Sensitive Areas Overlay .....	6
Historic heritage.....	8
D17. Historic Heritage Overlay.....	8
D19. Auckland War Memorial Museum Viewshaft Overlay .....	12
Natural resources.....	13
D1. High –use Aquifer Management Areas Overlay .....	13
D2. Quality-sensitive Aquifer Management Areas Overlay .....	14
D3. High-use Stream Management Areas Overlay .....	14
E2. Water quantity, allocation and use.....	15
E7. Taking, using, damming and diversion of water and drilling .....	15
E8. Stormwater - Discharge and diversion.....	18
E9. Stormwater quality - High contaminant generating car parks and high use roads .....	18
Natural resources.....	21
E11 Land disturbance – Regional .....	21
E12 Land disturbance – District .....	24
E14 Air quality .....	27
E15 Vegetation management and biodiversity.....	30
E17. Trees in roads.....	32
Infrastructure .....	33
D26. National Grid Corridor Overlay .....	33
E26. Infrastructure .....	35
Transport.....	57
E27 Transport.....	57
Built environment .....	69
E23. Signs .....	69
E40. Temporary activities .....	78
Environmental risk .....	80
E34. Agrichemicals and vertebrate toxic agents.....	80
E36. Natural hazards and flooding.....	81
Subdivision .....	83

E38. Subdivision – Urban .....	83
Definitions .....	85
J1. Definitions.....	85
Appendices.....	88
Appendix 2 River and stream minimum flow and availability .....	88
Appendix 17 Documents incorporated by reference .....	90

## 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 proposed amendments 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	
<b>Development</b>				
(A9)	Buildings and structures accessory to pastoral farming, cropping and other <del>forms of non-intensive forms of rural land</del> 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	
<b>Buildings, (where they intrude into a scheduled volcanic viewshaft) excluding network utilities, electricity generation facilities, broadcasting facilities and road networks}</b>			
		<b>Regionally Significant Volcanic Viewshaft</b>	<b>Locally Significant Volcanic Viewshaft</b>
...			
(A1)	Towers associated with fire stations operated by <u>the New Zealand Fire Service Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone.	RD	P
...			
<b>Buildings in a height sensitive area, excluding network utilities, electricity generation facilities, broadcasting facilities and road networks</b>			
...			
(A2)	Towers associated with fire stations operated by <u>the New Zealand Fire Service Fire and Emergency New Zealand</u> that are no higher than the height allowed as a permitted activity in the zone	RD	
...			

**Comment [s42A4]: [withdrawn]**

**Comment [AC5]:**  
Consequential Change from Chapter E14  
Theme 6.5.11 Fire and Emergency

**Comment [s42A6]: [withdrawn]**

**Comment [AC7]:**  
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 that do not intrude into a viewshaft  
scheduled in Schedule 9 Volcanic Viewshafts Schedule**

Comment [S42A8]: **[withdrawn]**

...  
**D14.6.4 Temporary construction and safety structures**

Comment [S42A9]: **[withdrawn]**

...  
**D14.8.2 Assessment criteria**

Comment [S42A10]: **[withdrawn]**



## 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
<b>Demolition or destruction</b>							
(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) of any feature	NC	NC	NC	D	D	P - where the feature is free-standing P – for interior of building(s) where identified as an exclusion

**Comment [AC11]:**  
 Theme 6.3.4 - Interiors of buildings when identified as an exclusion

							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							
<b>Relocation</b>							
(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 P – for interior of building(s) where identified as an exclusion C – where the feature is connected to a scheduled feature

...

<b>Modification and restoration</b>							
(A9)	...						
(A9A)	Trimming and alteration of trees specifically identified in Schedule 14.1	P	P	P	P	P	
(A9B)	Tree and vegetation removal, trimming and alteration, except any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic	P	P	P	P	P	P

**Comment [AC12]:**  
Theme 6.3.1 - Maintenance of trees

**Comment [S42A13]:**  
Submission 10.7 - Tūpuna Maunga o Tāmaki Makaurau

**Comment [S42A14]:**  
Submission 10.7 - Tūpuna Maunga o Tāmaki Makaurau

	<u>Heritage</u>						
<u>(A9B)</u>	Modification of a grave ledger to allow the insertion of cremated ash remains	P	P	P	P	P	
<u>(A9C)</u>							

**Comment [S42A15]:**  
Submission 2.3 – Heritage New Zealand Pouhere Taonga

...

<u>Seismic strengthening</u>							
(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 P – for interior of building(s) where identified as an exclusion C – where the feature is connected to a scheduled feature
<u>(A12A)</u>	<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 [AC16]:**  
Theme 6.3.3 - Invasive testing for seismic strengthening

...  
**D17.6. Standards**

...  
**D17.6.4 Pest plant removal, biosecurity measures, tree works and tree and vegetation removal, trimming and alteration except any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage**

**Comment [S42A17]:**  
Submission 10.7 - Tūpuna Maunga o Tāmaki Makaurau

...  
**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 specific trees identified in Schedule 14.1**

**Comment [AC18]:**  
Theme 6.3.1 - Maintenance of trees

**Comment [S42A19]:**  
Submission 10.7 - Tūpuna Maunga o Tāmaki Makaurau

- 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)-1)~~ Apertures for insertion of cremated remains must:

~~(e)-(a)~~ Be cut or drilled;

~~(f)-(b)~~ Not exceed a maximum dimension of 250mm; and

~~(g)-(c)~~ Be repaired or covered by a plaque following insertion. Repairs shall comply with standard D17.6.2. Plaques shall not exceed 0.5m<sup>2</sup>. 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 [AC20]:**  
Theme 6.3.2 - Addition of cremated remains in graves

**Comment [S42A21]:**  
Submission 2.3 – Heritage New Zealand Pouhere Taonga

**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)-1)~~ 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)-(a)~~ holes, cuts or drilling in visually obvious locations;

~~(i)-(b)~~ holes, cuts or drilling in or through original panel finishes such as but not limited to timber, pressed metal;

~~(j)-(c)~~ removal of original fabric;

~~7)-2)~~ All investigation works must be repaired/made good with the same material as the original fabric, or the closest equivalent

**Comment [AC22]:**  
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.

**Comment [AC23]:**  
Consequential Change from Chapter E26 Infrastructure  
Theme 6.6.12 Auckland War Memorial Museum Viewshaft Overlay

**Table D19.4.1 Activity table**

Activity		Activity status
<b>Development</b>		
(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

...

## 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 [AC24]:**  
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 [AC25]:**  
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 [AC26]:**  
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 [AC27]:**  
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 [AC28]:**  
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 [AC29]:**  
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.~~

**Comment [AC30]:**  
Theme 6.4.1 - Controlled new bores

...

**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 [AC31]:**  
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 [AC32]:**  
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 5,000m<sup>2</sup> 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 [AC33]:**  
Theme 6.4.6 - 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 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup>

DRAFT – SUBJECT TO CHANGE

...

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

**Comment [AC34]:**  
Theme 6.4.4 - Technical publications

(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 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup>**

(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:

**Comment [AC35]:**  
Theme 6.4.4 - Technical publications

(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**

DRAFT – SUBJECT TO CHANGE

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 5,000m<sup>2</sup>**

...

(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 [AC36]:**  
Theme 6.4.4 - Technical publications

**E9.6.2.2. Development of a new or redevelopment of an existing high use road greater than 5,000m<sup>2</sup>**

(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)'~~.

**Comment [AC37]:**  
Theme 6.4.4 - Technical publications

...

**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~~ mitigates adverse effects on the environment.

**Comment [AC38]:**  
Theme 6.4.12 - Regional and district land disturbance objectives and policies

... **E11.3. Policies [rp]**

... (2) Manage land disturbance to:

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

**Comment [AC39]:**  
Theme 6.4.12 - Regional and district land disturbance objectives and policies

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

**Comment [AC40]:**  
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 [AC41]:**  
Theme 6.4.4 - Technical publications

Note 1

**DRAFT – SUBJECT TO CHANGE**

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 [AC42]:**  
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 [AC43]:**  
Theme 6.4.4 - Kauri dieback disease

**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

**Comment [AC44]:**  
Theme 6.4.4 - Kauri dieback disease

DRAFT – SUBJECT TO CHANGE

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~~ mitigates adverse effects on the environment.

**Comment [AC45]:**  
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~~ mitigate adverse effects on accidentally discovered sensitive material; and

**Comment [AC46]:**  
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 [AC47]:** Theme 6.4.5 - Land disturbance where archaeological site or feature applies

Activity	Activity status					Additional rules for Archaeological sites or features <sup>2</sup> 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	
<b>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</b>						
(A16)	Earthworks for maintenance and repair	P	P	P	P	N/A
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals	P	P	P <sup>2</sup>	RD	RD
(A18)	Earthworks for interments in a burial ground, cemetery or	P	P	P	P	N/A

**Comment [S42A - 48]:**  
Submission 10.9 – Tūpuna Maunga o Tāmaki Makaurau Authority

**Comment [S42A - 49]:**  
Submission 2.6 – Heritage NZ and Submission 10.9 – Tūpuna Maunga o Tāmaki Makaurau Authority

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

DRAFT – SUBJECT TO CHANGE

	urupā (within the burial plot for that interment)					
(A19)	Earthworks for gardening or planting	P	P	P	P	<u>N/A</u>
<b>Driveways, parking areas and, sports fields and major recreational facilities</b>						
(A20)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	<u>N/A</u>
<b>Cultivation</b>						
(A21)	Up to 500m <sup>2</sup>	RD	P	RD	D	<u>N/A</u>
(A22)	Greater than 500m <sup>2</sup> up to 2500m <sup>2</sup>	RD	P	RD	D	<u>N/A</u>
(A23)	Greater than 2500m <sup>2</sup>	RD	P	D	D	<u>N/A</u>
<b>Irrigation or land drainage</b>						
(A24)	Works below the natural ground level	RD	P	D	D	<u>N/A</u>
<b>Farming</b>						
(A25)	Ancillary farming earthworks for maintenance of tracks	P	P	P <sup>2</sup>	P	<u>RD</u>
<b>Forestry</b>						
(A26)	Ancillary forestry earthworks for maintenance	P	P	P <sup>2</sup>	P	<u>RD</u>
<b>Temporary activities</b>						
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P <sup>2</sup>	RD	<u>RD</u>
<b>Land disturbance not otherwise listed in this table<sup>3</sup></b>						
(A28)	Up to 5m <sup>2</sup>	P	P	P <sup>2</sup>	D	<u>RD</u>
(A29)	Greater than 5m <sup>2</sup> up to 50m <sup>2</sup>	RD	P	RD <sup>2 </sup>	D	<u>N/A</u>
(A30)	Greater than 50m <sup>2</sup>	RD	RD	RD	D	<u>N/A</u>
(A31)	Up to 5m <sup>3</sup>	P	P	P <sup>2</sup>	D	<u>RD</u>
(A32)	Greater than 5m <sup>3</sup> up to 250m <sup>3</sup>	RD	P	RD <sup>2 </sup>	D	<u>N/A</u>
(A33)	Greater than 250m <sup>3</sup>	RD	RD	RD	D	<u>N/A</u>

Comment [s42A50]: CI20A

Comment [s42A51]: CI20A

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 [AC52]:**  
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 [AC53]:**  
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 [AC54]:**  
Theme 6.5.5 - 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 [AC55]:**  
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	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 [AC56]:**  
Theme 6.5.1 - Thermal metal spraying

...

Discharge of contaminants into air from dust generating processes						
(A77)	Bulk cement storage, handling, redistribution, or packaging	<del>D</del> P	P	P	P	P

**Comment [AC57]:**  
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 [AC58]:**  
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 [AC59]:**  
Theme 6.5.4 - Coffee roasting

**Comment [AC60]:**  
Theme 6.5.4 - Coffee roasting

...

Discharge of contaminants into air from mobile sources and tunnels						
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DRAFT – SUBJECT TO CHANGE

(A114)	Discharges to air from the engines of motor vehicles, or from 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 [AC61]:**  
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 [AC62]:**  
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 [AC63]:**  
Theme 6.5.7 - Adverse effects of discharges to air

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

...

**Comment [AC64]:**  
Theme 6.5.6 - Cement storage

*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 [AC65]:**  
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 [AC66]:**  
Theme 6.5.11- Fire and Emergency

**Comment [s42A67]:** CI20A

*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 [AC68]:**  
Theme 6.5.10 - Rural fires

**Comment [AC69]:**  
Theme 6.5.11- Fire and Emergency

**Comment [s42A70]:** CI20A

...

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

...

**Comment [AC71]:**  
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 [AC72]:**  
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 [AC73]:**  
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:
    - (i) 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;
    - (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.
  - (d) within the formation width of the legal road where the road adjoins any rural zone for maintaining visibility.

...

**Comment [AC74]:**  
Consequential Change from Chapter E26  
Theme 6.6.10 - Vegetation clearance for signs and traffic signals

## 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 proposed amendments for chapter D19 Auckland War Memorial Museum Viewshaft Overlay, and 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 added, relocated or removed. ~~or if the site boundary of a substation reduces in size. The overlay's location will be updated automatically on sites where the overlay will no longer apply. However a plan change under Schedule One of the RMA will still be required in circumstances where the overlay is proposed to apply to a new area or location.~~

**Comment [A75]:**  
Theme 6.6.19 - National Grid Corridor Overlay

**Comment [s42A76]:**  
Submission 5.2 – Oil companies and Submission 17.11 – Housing New Zealand Corporation

...

#### 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 **and owners of property from which the overlay will be removed** 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.

**Comment [s42A77]:**  
Submission 17.11 – Housing New Zealand Corporation

**In circumstances where the National Grid Corridor Overlay is proposed to apply to a new area or location, then a plan change under Schedule One of the RMA will be required.**

**Comment [s42A78]:**  
Submission 5.2 – Oil companies and Submission 17.11 – Housing New Zealand Corporation

**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:

**Comment [A79]:**  
Theme 6.6.21 - Infrastructure – policy alignment

...

**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.

**Comment [A80]:**  
Theme 6.6.18 - Infrastructure regional and district rules

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

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

Activity	Roads, unformed roads and the Strategic Transport Corridor Zone	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
<b>General</b>							
	...						
(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

**Comment [JW83]:** Vector submission 19.3

**Comment [A81]:**  
Theme 6.6.3 - Pole mounted transformers



- (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 [A86]:**  
Theme 6.6.2 - Height of whip antennas in the road reserve

- (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.

**Comment [A87]:**  
Theme 6.6.4 - Electricity storage facilities – bulk

...

#### **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-up to 4 electricity lines), 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6 (unless some of the electricity lines are bundled in a single bundled line, in which case the maximum number of new conductors or wires/lines must not exceed 7, less the number of electricity lines in the bundled line).
    - (iii) the provisions in E26.2.5.3(1)(b)(i) and E26.2.5.3(1)(b)(ii) above exclude service connections and lateral network connections
    - (iv) additional cross arms that do not exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m; and
    - (v) additional or replacement electricity and telecommunication lines that:
      - do not exceed 30mm in diameter; or
      - in the case of a single bundled line containing all-up to 4 electricity lines provided for under E26.2.5.3(1)(b)(ii), does not exceed 44mm in diameter. Only one bundled electricity line per span is permitted.

**Comment [A88]:**  
Theme 6.6.7 - Above ground electricity lines

**Comment [s42A89]:**  
Submission 19.7 – Vector

**Comment [s42A90]:**  
Vector submission 19.7

**Comment [s42A91]:**  
Vector submission 19.7

...

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.~~

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

~~(i) in adjacent residential areas – 6m from the distribution substation or electricity storage facility, or at the nearest residential boundary (whichever is furthest); and~~

~~(ii) in adjacent rural zones – 6m from the distribution substation or electricity storage facility, or at the nearest rural notional boundary (whichever is furthest).~~

(5) In respect of E26.2.5.3(3) and (4) above noise levels must be measured in accordance with NZS6801:2008 "Acoustics – Measurement of

**Comment [A92]:**  
Theme 6.6.6 - Electricity storage facilities - noise

**Comment [A93]:**  
Theme 6.6.6 - Electricity storage facilities - noise

**Comment [A94]:**  
Theme 6.6.5 - Distribution substation noise

**Comment [s42A95]:**  
Vector submission 19.7

**Comment [A96]:**  
Theme 6.6.6 - Electricity storage facilities - noise



environmental sound” and assessed in accordance with NZS6802:2008 “Acoustics – Environmental noise”.

...

*Height of masts and attached antennas (excludes NESTF)*

(11) Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3, excluding provision for lightning rods, omni-directional whip antennas and GPS antennas, telecommunication devices and earthpeaks.

**Comment [JW97]:** Chorus, Spark, Vodafone submission 4.3

Zone groups	Maximum height
<ul style="list-style-type: none"> <li>• Rural zones;</li> <li>• Industrial zones;</li> <li>• Strategic Transport Corridor Zone;</li> <li>• Centres zones and Business - Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone);</li> <li>• Special Purpose – Airport Zone;</li> <li>• Special Purpose – Major Recreation Facility Zone;</li> <li>• Special Purpose – Healthcare Facility and Hospital Zone;</li> <li>• Business – Business Park Zone;</li> <li>• Business – General Business Zone;</li> <li>• Coastal – Minor Port Zone (land);</li> <li>• Future Urban Zone;</li> <li>• Coastal – Marina Zone (land); and</li> <li>• Special Purpose – Quarry Zone</li> </ul>	25m

....

**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.

**Comment [A98]:**  
Theme 6.6.15 - Works near the Historic Heritage Overlay

#### 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 [A99]:**  
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 pump station must comply with the standards for the relevant zone; and

**Comment [s42A100]:**  
Submission 17.13 – Housing New Zealand Corporation

(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):

**Comment [A101]:**  
Theme 6.6.16 . Pumping stations

- (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):

**Comment [A102]:**  
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 pump station or substation;
- (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping pump station or substation; and
- (d) the extent to which fencing can be used to minimise potential health and safety hazards.

**Comment [s42A103]:**  
Submission 17.14 – Housing New Zealand Corporation

**Comment [s42A104]:**  
Submission 17.14 – Housing New Zealand Corporation

**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 [A105]:**  
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 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 [A106]:**  
Theme 6.6.16 Pumping stations

(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 pump station or substation;

**Comment [s42A107]:**  
Submission 17.15 – Housing New Zealand Corporation

(b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pumping pump station or substation; and

**Comment [s42A108]:**  
Submission 17.15 – Housing New Zealand Corporation

(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)

...

**Table 0.3.1 Activity table – Network utilities and electricity generation and vegetation management**

Activity		Auckland wide rules Vegetation management	Overlay rules Vegetation management				
		Rural zones, coastal areas and riparian margins areas [rp]	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading</b>							
(A3)	Biosecurity tree works	P	P	P	P	P	P
	....						

**Comment [A109]:**  
Theme 6.6.9 - Vegetation management, coastal and riparian areas

**Comment [s42A110]:**  
Submission 19.13 – Vector Limited

...

### 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*

**Comment [A111]:**  
Consequential change from Chapter E15  
Theme 6.4.2 - Kauri dieback disease

(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*

...

**Comment [A112]:**  
Theme 6.6.9 - Vegetation management, coastal and riparian areas

#### 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 20m<sup>2</sup> of vegetation within a significant ecological area, except within the formation width of the road.~~

~~[Deleted]~~

**Comment [A113]:**  
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

(3) Must not result in the removal of more than 50m<sup>2</sup> of vegetation within a coastal area or riparian area margin not identified as a significant ecological area.

**Comment [A114]:**  
Theme 6.6.9 - Vegetation management, coastal and riparian areas

...

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

(a) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and not result in the removal of more than 20m<sup>2</sup> of vegetation, except within the formation width of the road; or

**Comment [A115]:**  
Theme 6.6.22 - Vegetation management – existing infrastructure in significant ecological areas

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

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

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

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

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

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

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

(d) installing a service connection and must not result in the removal of more than 10m<sup>2</sup> of vegetation.

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.

**Comment [A116]:**

Theme 6.6.23 - Vegetation management – new service connections in significant ecological areas

**Comment [A117]:**

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 [A118]:**

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 [A119]:**  
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:

(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 [A120]:**  
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:~~

- (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.

**Comment [A121]:**  
Theme 6.6.20 - Vegetation management – regional and district functions

...

#### 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 [A122]:**  
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:

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

....

**Comment [A123]:**  
Theme 6.6.20 - Vegetation management – regional and district functions

**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]	
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading</b>				
	...			
(A86)	Works within the protected root zone <del>undertaken by</del> <u>to enable</u> trenchless methods at a depth greater than 1m below ground level	NA	NA	P
	...			

**Comment [A124]:**  
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:

- (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 [A125]:**  
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 [A126]:**  
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 1m<sup>2</sup>.
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.
- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

...

## E26.6 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 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, except where the excavation is less than 10m<sup>2</sup> in area and 5m<sup>3</sup> in volume.

**Comment [A127]:**  
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 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, except where the excavation is less than 10m<sup>2</sup> in area and 5m<sup>3</sup> 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 [A128]:**  
Theme 6.6.13 - Depth of earthworks

**Comment [A129]:**  
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 [A130]:**  
Theme 6.6.14 - Earthworks within the historic heritage overlay

(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 [A131]:**  
Theme 6.6.13 - Depth of earthworks

## 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 10m<sup>2</sup> and 5m<sup>3</sup>.
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of land previously disturbed, ~~except where the excavation is less than 10m<sup>2</sup> in area and 5m<sup>3</sup> in volume.~~

...

**Comment [A132]:**  
Theme 6.6.13 - Depth of earthworks

**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
<b>Network utilities and electricity generation activities that intrude into a scheduled viewshaft</b>				
...				
(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
...				

Comment [s42A133]: [withdrawn]

Comment [A134]: Theme 6.6.11 - Traffic signal height in volcanic viewshafts and height sensitive areas

**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**

...

(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.

...

**Comment [A135]:**  
Theme 6.6.11 - Traffic signal height in volcanic viewshafts and height sensitive areas



**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 [A136]:**  
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		
<b>Network utilities and electricity generation activities</b>			
	<b>Auckland War Memorial Museum Viewshaft</b>	<b>Local Public Views</b>	<b>Ridgelines</b>
...			

...

## TRANSPORT

Showing proposed amendments as tracked changes for Chapter E27 Transport.

*Consequential changes from E27 Transport can be found in proposed amendments 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 <del>adjoining the Business – City Centre Zone</del>	D
(A15)	Long-term non-accessory parking in these zones and locations: <ul style="list-style-type: none"> <li>• Business – City Centre Zone; and</li> <li>• Centre Fringe Office Control as shown on the planning maps <del>adjoining the Business – City Centre Zone</del>.</li> </ul>	NC

**Comment [AC137]:**  
Theme 6.7.18 Preamble to activity table

**Comment [AC138]:**  
Theme 6.7.12 . Centre Fringe Office Control

**Comment [AC139]:**  
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 [AC140]:**  
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 [AC141]:**  
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 [AC142]:**  
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 <sup>2</sup> GFA
(T19)	Retail	Food and beverage (excluding taverns)	1 per 30m <sup>2</sup> GFA and outdoor seating area
(T160)		Trade suppliers, garden centres and large format retail (excluding supermarkets and department stores)	1 per 45m <sup>2</sup> GFA
(T161)		Marine, retail, motor vehicle sales	No maximum
(T20)		All other retail (including supermarkets, department stores and taverns)	1 per 30m <sup>2</sup> GFA
(T162)	Commercial services	1 per 30m <sup>2</sup> 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 which do not have a separate use from the primary place of assembly shall 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 0.5 per FTE employee plus 1 visitor space per classroom

Activity			Applies to zones and locations specified in Standard 0.6.2(4)	
			Minimum rate	Maximum rate
(T25)	s	Tertiary	No minimum	0.5 per FTE employee plus 0.25 per EFT (equivalent full time) student the facility is designed to accommodate
(T26)	Medical facilities	Hospital	No minimum	1 per 40 m <sup>2</sup> 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)		<u>Minor dwellings</u>	<u>No minimum</u>	<u>No maximum</u>
(T36)		All other activities		No minimum

**Comment [AC143]:**  
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	Dwellings - studio	No minimum	No maximum
(T38)			Dwellings -	No minimum	No

Activity			Applies to zones and locations specified in Standard 0.6.2(5)		
			Minimum rate		Maximum rate
	Urban Zone	1 bedroom		maximum	
(T39)		Dwellings - two or more bedrooms	1 per dwelling	No maximum	
(T39A)		Minor dwellings	No minimum	No maximum	
(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	
(T44)	Sites within the D18 Special Character Areas Overlay – Residential and Business	Site area 500m <sup>2</sup> or less	No minimum	No maximum	
(T45)		Site area greater than 500m <sup>2</sup>	As per the underlying zoning		
(T46)	All other areas	Dwellings	1 per dwelling	No maximum	
(T46A)		Minor dwellings	1 per dwelling	No maximum	
(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:	No maximum	

**Comment [AC144]:**  
Theme 6.7.16 Parking rates for minor dwellings

**Comment [AC145]:**  
Theme 6.7.16 . Parking rates for minor dwellings

**Comment [AC146]:**  
Theme 6.7.16 Parking rates for minor dwellings

Activity		Applies to zones and locations specified in Standard 0.6.2(5)		
		Minimum rate	Maximum rate	
			(a) all employees live on the site of the home 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 [AC147]:**  
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 [AC148]:**  
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 [AC149]:**  
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 [AC150]:**  
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	No crossings permitted	No crossings permitted	No crossings permitted



	in the Business – City Centre Zone • 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 E27.6.4.1(2) and E27.6.4.1(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> <del>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</del>	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> <del>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</del>	6m

**Comment [AC151]:**  
Theme 6.7.7 Combined vehicle crossings

**Comment [AC152]:**  
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

**Comment [SB153]:** Submission 5.4 – Oil Companies (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd)

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 [s42A154]:**  
Submission 19.24 – Vector Limited

**Comment [AC155]:**  
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); <del>provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 6.5m</del> 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. 1.0m pedestrian access for rear sites which may be located within the formed driveway
(T152)	Centres, Mixed Use and all other zones	Serves nine or less parking spaces or	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

**Comment [s42A156]:**  
Submission 11.4 – Civix Limited and Submission 18.2 – Sentinel Planning Limited

**Comment [AC157]:** Theme 6.7.3 . Vehicle access corridor width

**Comment [AC158]:**  
Theme 6.7.2 Vehicle access corridor width

**Comment [AC159]:**  
Theme 6.7.1. Pedestrian access in residential zones

	not listed below	two or less loading spaces			minimum width of 3.5m
(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 [AC160]:**  
Theme 6.7.5 Triggers for vehicle access standards

**Comment [AC161]:**  
Theme 6.7.5 Triggers for vehicle access standards

**Comment [AC162]:**  
Theme 6.7.5 Triggers for vehicle access standards

**Comment [AC164]:** Theme 6.7.4 Vehicle crossings in industrial zones

**Comment [AC163]:**  
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 [AC165]:**  
Theme 6.7.17 Off-road pedestrian and cycle facilities

...

#### E27.8.2. Assessment criteria

...

(1) 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.

...

(2) 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 [AC166]:**  
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 [AC167]:**  
Theme 6.7.17 Off-road pedestrian and cycle facilities

## 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 [A168]:**  
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 [A169]:**  
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
<b>Billboards on street furniture and in road reserves</b>		
(A46)	Billboards on existing street furniture in a road reserve	P
	...	

**Comment [A170]:**  
Theme 6.8.1 Billboards on street furniture in the road reserve

**Comment [A171]:**  
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 [A172]:**  
Theme 6.8.2 Freestanding billboards

#### E23.6.1. Billboards in zones

All activities listed as permitted or restricted discretionary activities in:

**Comment [A173]:**  
Theme 6.8.2 Freestanding billboards

- Table E23.4.1 Activity Table – Billboards in zones; and
- (A51) and (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;

**Comment [JW174]:** Scentre Limited submission 6.4 and Woolworths Limited submission 9.7

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 [A175]:**  
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/m<sup>2</sup> 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/m<sup>2</sup> between sunrise and sunset; (daytime)
- (ii) 250cds/m<sup>2</sup> between sunset and sunrise (night time); and
- (iii) 250cds/m<sup>2</sup> 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 [A176]:**  
Theme 6.8.1 Billboards on street furniture in the road reserve

**Comment [A177]:**  
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 [A178]:**  
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/m<sup>2</sup> between sunrise and sunset; (daytime)~~

~~b. 250cds/m<sup>2</sup> between sunset and sunrise (night time); and~~

~~c. 250cds/m<sup>2</sup> 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 [A179]:**  
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 [A180]:**  
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 [A181]:**  
Theme 6.8.3 . Traffic and pedestrian safety

**Comment [A182]:**  
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 [A183]:**  
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 [A184]:** 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 [A185]:** 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 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).

**Comment [AC186]:**

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 [AC187]:**

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.



## 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:

~~(aa) (e)~~ 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 [s42A188]:**  
Cl16 – formatting only

**Comment [AC189]:**  
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 [AC190]:**  
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 [AC191]:**  
Theme 6.9.2 . Natural hazards and flooding

~~(12A18)~~ for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

**Comment [s42A192]:**  
Submission 13.4 – New Zealand Defence Force

- (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 rooms 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.

## 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 [AC193]:**  
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 [AC194]:**  
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 or Rural – Waitākere Ranges 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)	<del>Any other subdivision not otherwise provided for in Tables E39.4.1 or E39.4.5</del>	<del>∅</del>

**Comment [AC195]:**  
Theme 6.10.1 Waitākere Ranges and Waitākere Foothills zones

**Comment [AC196]:**  
Theme 6.10.1 Waitākere Ranges and Waitākere Foothills zones

...

## 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.

#### **Comment [AC197]:**

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 [AC198]:**

Theme 6.11.1 . Coastal inundation maps

...

## 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;

**Comment [AC199]:**  
Theme 6.8.4 Definition of 'public place'

- 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 [AC200]:**  
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 [AC201]:**  
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**

...

**Vegetation alteration or removal**

**Comment [AC202]:**  
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.

...



## 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 <sup>2</sup> (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 <sup>3</sup> (at 47 Wilson Rd site)	175 l/s	-
Other rivers and streams	85% of MALF	30% of MALF

**Comment [A203]:**  
 Theme 6.4.11 River and stream  
 minimum flow and availability

**Note<sup>1</sup>**

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.

**Note<sup>2</sup>**

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

**Note<sup>3</sup>**

Hōteo 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 [AC204]:**  
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 [AC205]:**  
Theme 6.4.4 . Technical publications

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

...



## **PC14 - APPENDIX 2**

### **QUALIFICATIONS AND EXPERIENCE OF REPORTING OFFICER AND CONTRIBUTING AUTHOR'S**



## Qualifications and experience for lead reporting author: Marilyn Ford, Planner

### **CAREER SUMMARY**

Year	Employer	Role
2015 - current	Auckland Council	Planner, Plans and Places
2012-2014	Opus International Consultants	Resource Management Planner, Environmental
2011-2012	Auckland Transport	School Transport Coordinator, Community Transport

### **QUALIFICATIONS**

Year	Institution	Qualification
2012	Massey University	Master of Resource and Environmental Planning
2001	Massey University	Bachelor of Arts (sociology, social policy)

### **AFFILIATIONS**

Year	Institution	Affiliation
2017 – current	New Zealand Planning Institute	MNZPI
2010 - 2017	New Zealand Planning Institute	Student/Graduate/Intermediate member

## Qualifications and experience for contributing author: Todd Elder, Planner

### **CAREER SUMMARY**

Month/Year	Employer	Role
August 2017 - current	Auckland Council	Planner, North West and Islands
April 2016 – August 2017	Contract Planner for Newcastle- under-Lyme Borough Council, Tamworth Borough Council, North Hertfordshire District Council.	Contract Planner
November 2013 – January 2014	MWH Global	Student Intern

### **QUALIFICATIONS**

Year	Institution	Qualification
2011 - 2014	University of Otago	Bachelor of Science (BSc), Geography and Environmental Management

### **AFFILIATIONS**

Month/Year	Institution	Affiliation
2019	New Zealand Planning Institute	Associate



**Qualifications and experience for contributing author: Emma Rush, Planner (Heritage)**

***CAREER SUMMARY***

<b>Month/Year</b>	<b>Employer</b>	<b>Role</b>
September 2014 - current	Auckland Council	Senior Advisor Special Projects – Heritage
2007 – 2009	Auckland Regional Council	Senior Planner, Policy Implementation
2002 – 2006	Department of Conservation (Auckland Conservancy)	Community Relations Officer

***QUALIFICATIONS***

<b>Year</b>	<b>Institution</b>	<b>Qualification</b>
2014	Massey University	Postgraduate Diploma in Planning
1997	Lincoln University	Bachelor of Resource Studies (Hons)

**Qualifications and experience for contributing author: Jeremy Wyatt, Principal Project Lead**

***CAREER SUMMARY***

<b>Month/Year</b>	<b>Employer</b>	<b>Role</b>
April 2019 - current	Auckland Council	Principal Project Lead, Premium Resource Consents
October 2010 – April 2019	Auckland Council	Principal Planner, Plans and Places
2005 - 2007, 2008 - October 2010	North Shore City Council	Policy Advisor

***QUALIFICATIONS***

<b>Year</b>	<b>Institution</b>	<b>Qualification</b>
2004	Auckland University	Masters of Planning Practice
1993	Otago University	B Com / LLB

## Qualifications and experience for contributing author: Sanjay Bangs, Planner

### **CAREER SUMMARY**

Month/Year	Employer	Role
2017 – 2018	Auckland Council	Planner, Central and South Planning
2017	Auckland Council	Intermediate Planner, Western Resource Consenting
2012 – 2016	Auckland Council	Planner, Unitary Plan Team, Plans & Places

### **QUALIFICATIONS**

Year	Institution	Qualification
2007 – 2010	University of Auckland	Bachelor of Planning (Hons)

### **AFFILIATIONS**

Month/Year	Institution	Affiliation
2019 –	New Zealand Planning Institute	Int.NZPI



**PC14 - APPENDIX 3**  
**SECTION 32 EVALUATION REPORT**



# 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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## Contents

1	Introduction .....	6
1.1	Scope and purpose of the report .....	6
1.2	Background to the proposed plan change .....	7
1.3	The resource management issue to be addressed .....	8
1.4	Objectives of the proposed plan change .....	8
1.5	Development and Evaluation of Options .....	9
1.6	Evaluation of Options (Evaluation 1 – Overview) .....	9
1.7	Risk of acting or not acting .....	12
2	Reasons for the proposed plan change .....	12
2.1	Reasons for the preferred option .....	12
2.2	Scope of plan change .....	13
3	Statutory evaluation under Part II and relevant sections of the Resource Management Act (RMA) .....	13
3.1	Part 2 of the RMA and relevant sections of the RMA .....	13
3.2	Other relevant sections of the RMA .....	14
3.3	Provisions with immediate legal effect .....	14
4	National and Regional Planning Context .....	16
4.1	New Zealand Coastal Policy Statement .....	16
4.2	National Policy Statements .....	17
4.3	National Environmental Standards .....	17
4.4	Other Acts .....	18
4.4.1	Hauraki Gulf Marine Park Act 2000 .....	18
4.4.2	Waitākere Ranges Heritage Area Act 2008 .....	18
4.4.3	Local Government Act 2002 .....	18
4.4.4	Local Government (Auckland Transitional Provisions) Act 2010 .....	19
4.4.5	Heritage New Zealand Pouhere Taonga Act 2014 .....	19
4.4.6	Hazardous Substances and New Organisms Act 1996 .....	19
4.4.7	Soil Conservation and Rivers Control Act 1941 .....	19
4.5	The Auckland Plan .....	20
4.6	Auckland Unitary Plan (Operative in part) .....	20
4.7	Iwi Management Plans .....	21



5	Development of Proposed Plan Change.....	21
5.1	Methodology and development of Plan Change.....	22
5.1.1	Develop the Scope of PPC14.....	22
5.1.2	Review of issues .....	22
5.1.3	Development of Proposed Amendments.....	24
5.2	Consultation Undertaken .....	24
5.2.1	Summary of general consultation undertaken.....	25
5.2.2	Consultation with iwi authorities .....	25
5.2.3	Material to be incorporated by reference.....	26
6	Evaluation approaches.....	29
6.1	Approach .....	29
6.1.1	Structure of the analysis.....	29
6.2	Natural heritage .....	34
	Theme 6.2.1 Outstanding Natural Character and High Natural Character Overlay ...	34
	Theme 6.2.2 Notable Trees Overlay .....	35
	Theme 6.2.3 Volcanic Viewshafts – Temporary construction and safety structures ..	37
	Theme 6.2.4 Volcanic Viewshafts – Buildings that intrude a viewshaft but are not visible due to the presence of a landform .....	41
6.3	Historic heritage.....	45
	Theme 6.3.1 Maintenance of trees.....	45
	Theme 6.3.2 Addition of cremated remains in graves .....	47
	Theme 6.3.3 Invasive testing for seismic strengthening.....	49
	Theme 6.3.4 Interiors of buildings when identified as an exclusion .....	51
6.4	Natural resources – land and water.....	55
	Theme 6.4.1 Controlled new bores .....	55
	Theme 6.4.2 Kauri dieback disease .....	56
	Theme 6.4.3 Vegetation alteration or removal .....	61
	Theme 6.4.4 Technical publications .....	67
	Theme 6.4.5 Land disturbance where archaeological site or feature applies .....	69
	Theme 6.4.6 Stormwater runoff from impervious areas .....	72
	Theme 6.4.7 Stormwater runoff from lawfully established impervious areas .....	74
	Theme 6.4.8 Natural resource overlays .....	77
	Theme 6.4.9 Cross references and wording in Chapter E7 .....	78
	Theme 6.4.10 Cross references in Chapter E2 .....	80
	Theme 6.4.11 River and stream minimum flow and availability .....	82

Theme 6.4.12	Regional and district land disturbance objectives and policies .....	83
6.5	Natural resources – air quality .....	86
Theme 6.5.1	Thermal metal spraying .....	86
Theme 6.5.2	Discharges to air from motor vehicles .....	87
Theme 6.5.3	Adverse effects on air quality from discharges .....	89
Theme 6.5.4	Coffee roasting .....	91
Theme 6.5.5	Outdoor cooking or heating .....	94
Theme 6.5.6	Cement storage .....	96
Theme 6.5.7	Adverse effects of discharges to air .....	98
Theme 6.5.8	Offensive or objectionable odours/effects .....	100
Theme 6.5.9	Total rated thermal input .....	101
Theme 6.5.10	Rural fires .....	103
Theme 6.5.11	Fire and Emergency .....	105
6.6	Infrastructure .....	107
Theme 6.6.1	Dipole antennas .....	107
Theme 6.6.2	Height of whip antennas in the road reserve .....	109
Theme 6.6.3	Pole mounted transformers .....	110
Theme 6.6.4	Electricity storage facilities – bulk .....	113
Theme 6.6.5	Distribution substation noise .....	115
Theme 6.6.6	Electricity storage facilities - noise .....	116
Theme 6.6.7	Above ground electricity lines .....	119
Theme 6.6.8	Volcanic viewshafts and height sensitive areas .....	121
Theme 6.6.9	Vegetation management, coastal and riparian areas .....	127
Theme 6.6.10	Vegetation clearance for signs and traffic signals .....	130
Theme 6.6.11	Traffic signal height in volcanic viewshafts & height sensitive areas .....	133
Theme 6.6.12	Auckland War Memorial Museum Viewshaft Overlay .....	135
Theme 6.6.13	Depth of earthworks .....	137
Theme 6.6.14	Earthworks within the historic heritage overlay .....	140
Theme 6.6.15	Works near the Historic Heritage Overlay .....	142
Theme 6.6.16	Pumping stations .....	144
Theme 6.6.17	Activity table and height sensitive areas .....	147
Theme 6.6.18	Infrastructure regional and district rules .....	148
Theme 6.6.19	National Grid Corridor Overlay .....	149
Theme 6.6.20	Vegetation management – regional and district functions .....	151

Theme 6.6.21	Infrastructure – Policy alignment .....	153
Theme 6.6.22	Vegetation management – existing infrastructure in significant ecological areas .....	157
Theme 6.6.23	Vegetation management – new service connections in significant ecological areas .....	161
6.7	Transport .....	164
Theme 6.7.1	Pedestrian access in residential zones .....	164
Theme 6.7.2	Vehicle access width .....	167
Theme 6.7.3	Vehicle access corridor width .....	169
Theme 6.7.4	Vehicle crossings in industrial zones .....	171
Theme 6.7.5	Triggers for vehicle access standards .....	172
Theme 6.7.6	Vehicle crossings and activities in the road reserve .....	174
Theme 6.7.7	Combined vehicle crossings .....	176
Theme 6.7.8	Auckland Transport approval for vehicle crossings .....	177
Theme 6.7.9	Manoeuvring and parking dimensions .....	179
Theme 6.7.10	Tracking curves for heavy vehicles .....	181
Theme 6.7.11	Reverse manoeuvring .....	182
Theme 6.7.12	Centre Fringe Office Control .....	184
Theme 6.7.13	Shared parking .....	186
Theme 6.7.14	Selling or leasing car parks .....	188
Theme 6.7.15	Accessible car parking spaces .....	190
Theme 6.7.16	Parking rates for minor dwellings .....	191
Theme 6.7.17	Off-road pedestrian and cycle facilities .....	193
Theme 6.7.18	Preamble to activity table .....	194
6.8	Built environment and temporary activities .....	196
Theme 6.8.1	Billboards on street furniture in the road reserve .....	196
Theme 6.8.2	Freestanding billboards .....	199
Theme 6.8.3	Traffic and pedestrian safety .....	203
Theme 6.8.4	Definition of ‘public place’ .....	205
Theme 6.8.5	Noise events in public places .....	208
Theme 6.8.6	Noise and vibration from works in the road .....	211
6.9	Environmental risk .....	215
Theme 6.9.1	Agrichemicals and vertebrate toxic agents .....	215
Theme 6.9.2	Natural hazards and flooding .....	217
6.10	Subdivision .....	221

Theme 6.10.1	Waitākere Ranges and Waitākere Foothills zones .....	221
6.11	GIS Viewer .....	225
Theme 6.11.1	Coastal inundation maps .....	225
7	Conclusion .....	229
8	Attachments .....	230
8.1	List of attachments .....	230

# 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 users<sup>1</sup> 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:

<sup>1</sup> 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 AUP<sup>2</sup>. Minor changes are proposed to clarify existing objectives and policies in the AUP, in order to remove ambiguity<sup>3</sup>. 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

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

<sup>3</sup> 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 rules<sup>4</sup> 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

<sup>4</sup> 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](mailto: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 changes<sup>5</sup> 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**

<sup>5</sup> 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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
<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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
<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>		<p><i>grammatical direction.</i></p>

### **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**

<b>Chapter of the AUP</b>	Chapter D Overlays
<b>Sub-section of the AUP</b>	Chapter D17 Historic Heritage Overlay
<b>Specific provision/s</b>	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 0.5m<sup>2</sup>.

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**

<b>Chapter of the AUP</b>	Chapter D Overlays
<b>Sub-section of the AUP</b>	Chapter D17 Historic Heritage Overlay
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter D Overlays
<b>Sub-section of the AUP</b>	Chapter D17 Historic Heritage Overlay
<b>Specific provision/s</b>	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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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'<sup>6</sup>, 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.

<sup>6</sup> 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 chapters<sup>7</sup>;  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

<sup>7</sup> 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,<sup>8</sup> council agreed with the submitters' that the exclusion by the IHP was not necessarily an error and therefore

<sup>8</sup> 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.<sup>9</sup> It is therefore being addressed through this plan change. In addition, these submissions provided alternative wording for the definition.<sup>10</sup> 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.*

<sup>9</sup> 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.

<sup>10</sup> 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><b>Option 1:</b></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><b>Option 2:</b></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><b>Option 3:</b></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>	<p>None</p>
<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 activities<sup>11</sup> 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 “P<sup>2</sup>” 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 “<sup>2</sup>” is easily overlooked and misunderstood. Additionally this approach is not consistent with similar provisions in another part of the AUP.

<sup>11</sup> 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)<sup>12</sup></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

<sup>12</sup> 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 5000m<sup>2</sup> 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	E Auckland-wide
<b>Sub-section of the AUP</b>	Chapter E8 Stormwater - Discharge and diversion
<b>Specific provision/s</b>	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>  <i>(1) Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.</i>  <i>(2) The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua.</i>  <i>(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></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**

<b>Option(s)</b>	<b>Effectiveness and efficiency</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	E Auckland-wide
<b>Sub-section of the AUP</b>	Chapter E2 Water quantity, allocation and use
<b>Specific provision/s</b>	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, Hōteu

##### ***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 Hōteu 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 Hōteu 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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  <i>(preferred option)</i>	<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.<sup>13</sup></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 <del>and</del>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 <del>and</del>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.

<sup>13</sup> 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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 (preferred option): 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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<sub>2.5</sub>, 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<sub>2.5</sub>. However, if the rate of PM<sub>2.5</sub> 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<sub>2.5</sub>.

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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 <i>(preferred option):</i> 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
	<p>activity.</p> <p>Greater efficiency achieved by clarifying the correct team to be advised of the activity within Council.</p>		

### **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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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	Not effective as does not provide for dipole antennas.  Less efficient as more resource consents are required.	Does not enable antennas that have broadly similar visual effects as existing whip antennas, which are already provided for.	No plan change costs.  Additional visual effects may be unacceptable to some people.
Option 2: Amend Table E26.2.3.1(A36) so that it provides for small dipole antennas as permitted activities  <i>(Preferred option)</i>	Achieves objective of enabling network utilities while minimising adverse effects.  Will result in fewer resource consents, which are potentially unnecessary.  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 mitigated.</i>	May result in greater visual effects without being subject to a resource consent process.  Plan change costs.	Treats similar structures consistently.  Additional adverse visual effects are likely to be minor.

***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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
Option 1: Status quo – no change	Effective as the status quo does provide for larger single lines to occur, subject to a resource consent process.  Not efficient as resource consent required to transfer to a single larger line when adverse effects are likely to be minor or potentially positive.	Does not enable alternative outcomes which will likely have minor adverse effects or potentially positive effects.	No plan change costs.  Settled approach will continue and resource consents can be applied for.
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 0.5m<sup>2</sup>;
- 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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>	<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>	<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>	<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>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.
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 <i>(preferred option)</i>	<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 10m<sup>2</sup> in area and 5m<sup>3</sup> in volume.*

This provision is poorly drafted. The exclusion ‘*where the excavation is less than 10m<sup>2</sup> and 5m<sup>3</sup> 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 10m<sup>2</sup> or 5m<sup>3</sup>.

This is consistent with the absence of a depth limit for other network utilities in these overlay areas, where the earthworks is less than 10m<sup>2</sup> and 5m<sup>3</sup> (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 10m<sup>2</sup> and 5m<sup>3</sup>;
  - 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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 10m<sup>2</sup> and 5m<sup>3</sup>, 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 10m<sup>2</sup> or 5m<sup>2</sup> 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 20m<sup>2</sup> in residential zones and 30m<sup>2</sup> 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 20m<sup>2</sup> or 30m<sup>2</sup> 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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.	<p>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.</p> <p>The plan does not provide guidance about adverse effects of the operation and maintenance of infrastructure in natural resources and coastal</p>	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 20m<sup>2</sup> 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 20m<sup>2</sup>. 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 20m<sup>2</sup> 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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 <sup>2</sup> . 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 20m<sup>2</sup> 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 20m<sup>2</sup> 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 10m<sup>2</sup> or 5m<sup>3</sup>. 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 10m<sup>2</sup>

### ***Evaluating the proposal against its objectives***

**Table 6.6.22 – Summary of analysis under section 32(2) of the Act**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 10m<sup>2</sup> 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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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)	<p>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.</p> <p>More efficient than the status quo as the benefits to pedestrians outweigh the potential increased compliance costs.</p>	<p>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.</p> <p>Given the proposal allows for the footpath to be accommodated within the formed access, no effects on site design efficiency or flexibility are anticipated.</p>	<p>Safer and higher amenity pedestrian access to dwellings served by rights-of-way.</p> <p>The primary benefits relate to social wellbeing of pedestrians using private driveways arising from enhanced amenity and safety.</p> <p>Long term economic benefits for landowners served by private driveways may also arise from enhanced pedestrian amenity and safety.</p>
Option 3: Amend policies and assessment criteria	<p>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.</p> <p>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.</p> <p>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.</p>	<p>Less certainty that a adequate pedestrian access will be provided, compared with Option 2.</p> <p>Extended or more complex consent processes as there is no agreed appropriate access width.</p>	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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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 zones<sup>14</sup>. 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)**

<sup>14</sup> 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)	<p>More effective in achieving Objectives E27.2(4) relating to safe and efficient access, by allowing wider vehicle crossings to accommodate heavy vehicles</p> <p>Not as effective as the status quo in achieving E27.2(5) which seeks to prioritise pedestrian safety and amenity along footpaths.</p> <p>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.</p>	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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
Option 1: Status quo	Does not 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

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E38 Subdivision - Urban
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
(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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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**

<b>Chapter of the AUP</b>	Chapter E Auckland-wide
<b>Sub-section of the AUP</b>	E27 Transport
<b>Specific provision/s</b>	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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 apply<sup>15</sup>. 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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

<sup>15</sup> 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)<sup>16</sup> – '*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;

<sup>16</sup> 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*’<sup>17</sup>; 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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>

<sup>17</sup> 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...<sup>18</sup>’. 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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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

<sup>18</sup> 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 definition<sup>19</sup>. 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 is<sup>20</sup>:

*‘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*

<sup>19</sup> 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>

<sup>20</sup> 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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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>	<p>Noise events on private land are subject to a consent process.</p>	<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><i>and the natural environment.</i></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  $L_{AO1}$  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**

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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 – others<sup>21</sup> 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

<sup>21</sup> 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 E36.8.1 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***

<b>Options</b>	<b>Efficiency and effectiveness</b>	<b>Costs</b>	<b>Benefits</b>
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
		<p>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.</p>	
<p>Option 3 – Remove the coastal inundation map from the AUP. <b>(preferred option)</b></p>	<p>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.</p>	<p>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.</p>	<p>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.</p>

### 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 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**.

## Contents

ATTACHMENT A.1 – Natural heritage .....	3
D11 Outstanding Natural Character and High Natural Character Overlay .....	3
D13 Notable Trees Overlay .....	5
D14. Volcanic Viewshafts and Height Sensitive Areas Overlay.....	6
ATTACHMENT A.2 – Historic heritage.....	10
D17. Historic Heritage Overlay.....	10
D19. Auckland War Memorial Museum Viewshaft Overlay .....	14
ATTACHMENT A.3 – Natural resources.....	15
D1. High –use Aquifer Management Areas Overlay .....	15
D2. Quality-sensitive Aquifer Management Areas Overlay .....	16
D3. High-use Stream Management Areas Overlay .....	16
E2. Water quantity, allocation and use.....	17
E7. Taking, using, damming and diversion of water and drilling .....	17
E8. Stormwater - Discharge and diversion.....	20
E9. Stormwater quality - High contaminant generating car parks and high use roads .....	21
ATTACHMENT A.4 – Natural resources.....	23
E11 Land disturbance – Regional .....	23
E12 Land disturbance – District .....	26
E14 Air quality .....	29
E15 Vegetation management and biodiversity.....	32
E17. Trees in roads.....	34
ATTACHMENT A.5 - Infrastructure.....	35
D26. National Grid Corridor Overlay .....	35
E26. Infrastructure .....	37
ATTACHMENT A.6 – Transport.....	59
E27 Transport.....	59
ATTACHMENT A.7 – Built environment .....	71
E23. Signs .....	71
E40. Temporary activities.....	80
ATTACHMENT A.8 – Environmental risk .....	82
E34. Agrichemicals and vertebrate toxic agents.....	82
E36. Natural hazards and flooding.....	83
ATTACHMENT A.9 - Subdivision.....	85



E38. Subdivision – Urban .....	85
ATTACHMENT A.10 - Definitions.....	87
J1. Definitions.....	87
ATTACHMENT A.11 - Appendices .....	90
Appendix 2 River and stream minimum flow and availability .....	90
Appendix 17 Documents incorporated by reference .....	92

## 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
<b>Development</b>				
(A9)	Buildings and structures accessory to pastoral farming, cropping and other <del>forms of non-intensive forms of rural land production</del> <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)	<del>Buildings that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule</del> 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)	<del>Temporary activities construction and safety structures that comply with standard D14.6.4</del>	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 <u>the New Zealand Fire Service 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
<b>Buildings in a height sensitive area, excluding network utilities, electricity generation facilities, broadcasting facilities and road networks</b>			
(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 <del>activities</del> construction and safety structures that comply with standard <u>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 <u>the New Zealand Fire Service 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 reflectively; 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
<b>Demolition or destruction</b>							
(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

...

<b>Modification and restoration</b>							
(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>	

...

<b>Seismic strengthening</b>							
(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 0.5m<sup>2</sup>. 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
<b>Development</b>		
(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.

...

## 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

Comment [AC23]:  
Theme 6.4.10 - Cross references in Chapter E2



(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.

...

(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 5,000m<sup>2</sup> 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 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup>

...

(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 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup>

(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

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 5,000m<sup>2</sup>**

...

(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 5,000m<sup>2</sup>**

(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)'.  
...

Comment [AC33]:  
Theme 6.4.4 - Technical publications

...

## 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

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		
<b>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</b>							
(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 <sup>2</sup>	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]

	burial plot for that interment)						
(A19)	Earthworks for gardening or planting	P	P	P	P		
<b>Driveways, parking areas and, sports fields and major recreational facilities</b>							
(A20)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P		
<b>Cultivation</b>							
(A21)	Up to 500m <sup>2</sup>	RD	P	RD	D		
(A22)	Greater than 500m <sup>2</sup> up to 2500m <sup>2</sup>	RD	P	RD	D		
(A23)	Greater than 2500m <sup>2</sup>	RD	P	D	D		
<b>Irrigation or land drainage</b>							
(A24)	Works below the natural ground level	RD	P	D	D		
<b>Farming</b>							
(A25)	Ancillary farming earthworks for maintenance of tracks	P	P	P <sup>2</sup>	P		<u>RD</u>
<b>Forestry</b>							
(A26)	Ancillary forestry earthworks for maintenance	P	P	P <sup>2</sup>	P		<u>RD</u>
<b>Temporary activities</b>							
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P <sup>2</sup>	RD		<u>RD</u>
<b>Land disturbance not otherwise listed in this table<sup>3</sup></b>							
(A28)	Up to 5m <sup>2</sup>	P	P	P <sup>2</sup>	D		<u>RD</u>
(A29)	Greater than 5m <sup>2</sup> up to 50m <sup>2</sup>	RD	P	RD <sup>2</sup>	D		
(A30)	Greater than 50m <sup>2</sup>	RD	RD	RD	D		
(A31)	Up to 5m <sup>3</sup>	P	P	P <sup>2</sup>	D		<u>RD</u>
(A32)	Greater than 5m <sup>3</sup> up to 250m <sup>3</sup>	RD	P	RD <sup>2</sup>	D	<u>D</u>	
(A33)	Greater than 250m <sup>3</sup>	RD	RD	RD	D	<u>D</u>	

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

	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	<del>D</del> 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**

(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	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**

...

**Comment [AC57]:**  
Theme 6.5.6 - Cement storage

*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

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

## 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

(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)	School Zone	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Healthcare Facility and Hospital Zone, Special Purpose – Business Park Zone and Special Purpose – Tertiary Education Zone	Major Recreation Facility Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Special Purpose – Business Park Zone and Special Purpose – Tertiary Education 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, Special Purpose – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
<b>General</b>											
	...										
(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

	*** 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"> <li>• 300mm high and 130mm in diameter</li> <li>• small cell units/antennas that do not exceed a volumetric dimension of 0.25m<sup>3</sup></li> </ul> Omni-directional <u>whip or dipole</u> antennas: <ul style="list-style-type: none"> <li>• 650mm high;</li> <li>• 650mm horizontal length for dipole antennas; and</li> <li>• <u>Whip or cross rod section of 60mm</u> in diameter</li> </ul>	P	P	P	P	P	P	P	
	...								
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P	
<del>(A51A)</del>	<del>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)</del> <del>*Centres zones and Business – Mixed Use Zone</del>	<del>NA</del>	<del>P</del>	<del>P</del>	<del>C</del>	<del>P</del>	<del>C</del>	<del>RD#</del>	
(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

(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

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

(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<sub>Aeq</sub> between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and

(ii) 40 dB L<sub>Aeq</sub>/75 dB L<sub>Amax</sub> 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<sub>Aeq</sub> 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<sub>Aeq</sub> 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



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:

...

- (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

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.

**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

~~(2) Must not result in the removal of more than 20m<sup>2</sup> 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 50m<sup>2</sup> 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 20m<sup>2</sup> of vegetation, except within the formation width of the road; or~~

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

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

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

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

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

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

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

~~(d) installing a service connection and must not result in the removal of more than 10m<sup>2</sup> of vegetation.~~

~~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

~~(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:

- (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:

- (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.

**Comment [A96]:**  
Theme 6.6.20 - Vegetation management – regional and district functions

...

#### **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:

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

**Comment [A98]:**  
Theme 6.6.20 - Vegetation management – regional and district functions

....

**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]	
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading</b>				
	...			
(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:



- (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 1m<sup>2</sup>.
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.
- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

...

## E26.6 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 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~except where the excavation is less than 10m<sup>2</sup> in area and 5m<sup>3</sup> 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 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, ~~except where the excavation is less than 10m<sup>2</sup> in area and 5m<sup>3</sup> 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

(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

## 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 10m<sup>2</sup> and 5m<sup>3</sup>.
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of land previously disturbed, except where the excavation is less than 10m<sup>2</sup> in area and 5m<sup>3</sup> in volume.

...

Comment [A107]:  
Theme 6.6.13 - Depth of earthworks

**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	
<b>Network utilities and electricity generation activities that intrude into a scheduled viewshaft or are located in a height sensitive area</b>				
(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

	network <del>activities</del> <del>utilities</del>			
(A155A)	Minor upgrading of road network activities that do not comply with Standard E26.11.5.1(3)	<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)	Antennas and aerials that do not comply with Standard E26.11.5.1(5)	<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)	Road network activities comprising road lighting and associated support structures that do not comply with Standard E26.11.5.1(7)(a)	<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, <del>traffic</del> <del>signals</del> , 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 <del>E26.11.5.1(1) - (7)</del> <del>E26.11.5.1(1), (1A), (4), (6)</del> and (7)(b) and the height does not exceed 9 metres	<del>NC</del> <u>D</u>	RD	<del>NC</del> <u>D</u>
(A164A)	Network <del>utilities</del> and electricity generation facilities that are	<u>D</u>	<u>D</u>	<u>D</u>

**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

	<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:

(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

Comment [A116]:  
 Theme 6.6.8 - Volcanic Viewshafts and Height Sensitive Areas Overlay

- (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;

...



**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		
<b>Network utilities and electricity generation activities</b>			
	<b>Auckland War Memorial Museum Viewshaft</b>	<b>Local Public Views</b>	<b>Ridgelines</b>
...			

...

## 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 <del>adjoining the Business – City Centre Zone</del>	D
(A15)	Long-term non-accessory parking in these zones and locations: <ul style="list-style-type: none"> <li>• Business – City Centre Zone; and</li> <li>• Centre Fringe Office Control as shown on the planning maps <del>adjoining the Business – City Centre Zone</del>.</li> </ul>	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 <sup>2</sup> GFA
(T19)	Retail	Food and beverage (excluding taverns)	1 per 30m <sup>2</sup> GFA and outdoor seating area
(T160)		Trade suppliers, garden centres and large format retail (excluding supermarkets and department stores)	1 per 45m <sup>2</sup> GFA
(T161)		Marine, retail, motor vehicle sales	No maximum
(T20)		All other retail (including supermarkets, department stores and taverns)	1 per 30m <sup>2</sup> GFA
(T162)	Commercial services	1 per 30m <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> or less	No minimum	No maximum
(T45)		Site area greater than 500m <sup>2</sup>	As per the underlying zoning		
(T46)	All other areas	Dwellings	1 per dwelling	No maximum	Comment [AC129]: Theme 6.7.16 Parking rates for minor dwellings
(T46A) ]		Minor dwellings	1 per dwelling	No maximum	
(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: <ul style="list-style-type: none"> <li>• a Vehicle Access Restriction General Control in the Business – City Centre Zone</li> </ul>	No crossings permitted	No crossings permitted	No crossings permitted



	<ul style="list-style-type: none"> <li>a Key Retail Frontage Control as shown on the planning maps</li> </ul>			
(T144)	<ul style="list-style-type: none"> <li>That part of a site subject to: <ul style="list-style-type: none"> <li>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)</li> <li>a General Commercial Frontage Control as shown on the planning maps</li> </ul> </li> </ul>	1 per 50m of frontage or part thereof	<u>2m</u> <del>Where 2m provided</del> 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> <del>Where 2m provided</del> 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) <del>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</del>	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 <del>or two or less</del>	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
<b>Billboards on street furniture and in road reserves</b>		
(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/m<sup>2</sup> 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/m<sup>2</sup> between sunrise and sunset; (daytime)
- (ii) 250cds/m<sup>2</sup> between sunset and sunrise (night time); and
- (iii) 250cds/m<sup>2</sup> 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/m<sup>2</sup> between sunrise and sunset; (daytime)~~
- ~~b. 250cds/m<sup>2</sup> between sunset and sunrise (night time); and~~
- ~~c. 250cds/m<sup>2</sup> 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.

**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
<del>(A36)</del>	<del>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</del>	NC
<del>(A37)</del>	<del>Any other subdivision not otherwise provided for in Tables E39.4.1 or E39.4.5</del>	<del>D</del>

...

**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

...

#### **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.

...

## 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;

**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.

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.

...

**Comment [AC177]:**  
Theme 6.5.11 . Fire and Emergency

**Comment [AC178]:**  
Theme 6.5.9 Total rated thermal input

**Comment [AC179]:**  
Theme 6.4.3 Vegetation alteration or removal



## 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 <sup>2</sup> (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 <sup>3</sup> (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

Note<sup>1</sup>

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.

Note<sup>2</sup>

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

Note<sup>3</sup>

Hōteo 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)

...

