

## **E1. Water quality and integrated management**

### **E1.1. Introduction**

The National Policy Statement for Freshwater Management, the New Zealand Coastal Policy Statement and this Plan seek to improve the integrated management of freshwater and the use and development of land. Chapter F Coastal of this Plan also addresses coastal water quality issues.

The quality and health of Auckland's freshwater resources is highly variable. This is due to different land use activities in catchments and past approaches to land development, use and management. Freshwater quality and ecosystem health is affected by point source and diffuse discharges from rural and urban activities.

The focus of these provisions is to avoid adverse effects as far as practicable, particularly in greenfield developments where there are greater opportunities to do so. Where it is not practicable to avoid adverse effects the provisions seek to minimise them and to reduce existing adverse effects when the opportunity is provided by redevelopment.

Some land use activities and discharges have the potential to cause greater effects on freshwater systems than others and need to be specifically managed. These include agrichemical use, landfills, contaminated land, earthworks, onsite wastewater management, wastewater networks and stormwater networks.

Land use activities, associated discharges and water takes have the potential to contaminate sources of drinking-water. The Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulation 2007 requires the Council to consider the potential effects of an activity on a registered drinking-water supply.

A key concern to Mana Whenua is the effects on the mauri of water caused by pollution of a stream, river, catchment or harbour. Stormwater and wastewater networks and wastewater treatment plants are essential prerequisites in assisting in ensuring the integrated management of land and water quality.

The Plan provides for managing the adverse effects of activities on freshwater and coastal waters. This is by reference to the National Policy Statement for Freshwater Management national bottom lines and surface water quality interim guidelines (until freshwater objectives and limits are set for each Freshwater Management Unit as required under the National Policy Statement for Freshwater Management and a plan change is completed).

The interim freshwater quality guideline will be replaced by more comprehensive water quality and quantity objectives and limits to be developed with communities in accordance with the National Policy Statement for Freshwater Management and subsequently given effect to through changes to the Plan.

### **E1.2. Objectives [rp]**

- (1) Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.
- (2) The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua.
- (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.

### **E1.3. Policies [rp/dp]**

#### *Freshwater quality and ecosystem health interim guidelines*

- (1) Manage discharges, until such time as objectives and limits are established in accordance with Policy E1.3(7), having regard to:
  - (a) the National Policy Statement for Freshwater Management National Bottom Lines;
  - (b) the Macroinvertebrate Community Index as a guideline for freshwater ecosystem health associated with different land uses within catchments in accordance with Policy E1.3(2); or
  - (c) other indicators of water quality and ecosystem health.
- (2) Manage discharges, subdivision, use, and development that affect freshwater systems to:
  - (a) maintain or enhance water quality, flows, stream channels and their margins and other freshwater values, where the current condition is above National Policy Statement for Freshwater Management National Bottom Lines and the relevant Macroinvertebrate Community Index guideline in Table E1.3.1 below; or
  - (b) enhance water quality, flows, stream channels and their margins and other freshwater values where the current condition is below national bottom lines or the relevant Macroinvertebrate Community Index guideline in Table E1.3.1 below.

**Table E1.3.1 Macroinvertebrate Community Index guideline for Auckland rivers and streams**

Land use	Macroinvertebrate Community Index guideline
Native forest	123
Exotic forest	111
Rural areas	94
Urban areas	68

Note 1

When assessing the existing Macroinvertebrate Community Index in a stream against the Macroinvertebrate Community Index guideline in Table E1.3.1 above, standard protocols for semi-quantitative sample collection should be used as described in Protocols for sampling macroinvertebrates in wadeable streams, New Zealand Macroinvertebrate Working Group Report No. 1, Stark, J.D. et al., Prepared for the Ministry for the Environment 2001.

Note 2

Where an activity crosses more than one land use or a river or stream traverses the border between two land use types at the location of the activity or the point of discharge, the lower Macroinvertebrate Community Index value shall be used.

Note 3

Refer to the planning maps for the Macroinvertebrate Community Index Control to identify the land use types for the area.

- (3) Require freshwater systems to be enhanced unless existing intensive land use and development has irreversibly modified them such that it practicably precludes enhancement.

*National Policy Statement on Freshwater Management*

The National Policy Statement on Freshwater Management requires that Policies E1.3(4) to (7) below are included in the Plan.

- (4) When considering any application for a discharge, the Council must have regard to the following matters:
  - (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of freshwater including on any ecosystem associated with freshwater; and
  - (b) the extent to which it is feasible and dependable that any more than a minor adverse effect on freshwater, and on any ecosystem associated with freshwater, resulting from the discharge would be avoided.

- (5) When considering any application for a discharge the Council must have regard to the following matters:
- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and
  - (b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.
- (6) Policies E1.3(4) and (5) apply to the following discharges (including a diffuse discharge by any person or animal):
- (a) new discharge; or
  - (b) a change or increase in any discharge of any contaminant into freshwater, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering freshwater.

Note 1

Policies E1.3(4) – (6) are policy A4 of the National Policy Statement for Freshwater Management which are required by the National Policy Statement for Freshwater Management to be incorporated in regional plan provisions under section 55 of the Resource Management Act 1991 without using the process in schedule 1. They apply until full effect has been given to the National Policy Statement for Freshwater Management. Policy E1.3(4) does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011. Policy E1.3(5) does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.

- (7) Develop Freshwater Management Unit specific objectives and limits for freshwater with Mana Whenua, through community engagement, scientific research and mātauranga Māori, to replace the Macroinvertebrate Community Index interim guideline and to give full effect to the National Policy Statement for Freshwater Management.

Note 1

Policy E1.3(7) above does not preclude the use of the Macroinvertebrate Community Index as a Freshwater Management Unit-specific objective/limit in future.

*Stormwater management*

- (8) Avoid as far as practicable, or otherwise minimise or mitigate, adverse effects of stormwater runoff from greenfield development on freshwater systems, freshwater and coastal water by:
- (a) taking an integrated stormwater management approach (refer to Policy E1.3.10);
  - (b) minimising the generation and discharge of contaminants, particularly from high contaminant generating car parks and high use roads and into sensitive receiving environments;
  - (c) minimising or mitigating changes in hydrology, including loss of infiltration, to:
    - (i) minimise erosion and associated effects on stream health and values;
    - (ii) maintain stream baseflows; and
    - (iii) support groundwater recharge;
  - (d) where practicable, minimising or mitigating the effects on freshwater systems arising from changes in water temperature caused by stormwater discharges; and
  - (e) providing for the management of gross stormwater pollutants, such as litter, in areas where the generation of these may be an issue.
- (9) Minimise or mitigate new adverse effects of stormwater runoff, and where practicable progressively reduce existing adverse effects of stormwater runoff, on freshwater systems, freshwater and coastal waters during intensification and redevelopment of existing urban areas by all of the following:
- (a) requiring measures to reduce contaminants, particularly from high contaminant-generating car parks and high-use roads;
  - (b) requiring measures to reduce the discharge of gross stormwater pollutants;
  - (c) requiring measures to be adopted to reduce the peak flow rate and the volume of stormwater flows:
    - (i) within sites identified in the Stormwater Management Area – Flow 1 and Flow 2 Control (as shown on the planning maps);
    - (ii) where development exceeds the maximum impervious area for the relevant zone; or
    - (iii) from areas of impervious surface where discharges may give rise to flooding or adversely affect rivers and streams;
  - (d) taking an integrated stormwater management approach for large-scale and comprehensive redevelopment and intensification (refer to Policy E1.3.10

below) and encourage the restoration of freshwater systems where practicable; and

- (e) ensuring intensification is supported by appropriate stormwater infrastructure, including natural assets that are utilised for stormwater conveyance and overland flow paths.

(10) In taking an integrated stormwater management approach have regard to all of the following:

- (a) the nature and scale of the development and practical and cost considerations, recognising:
  - (i) greenfield and comprehensive brownfield development generally offer greater opportunity than intensification and small-scale redevelopment of existing areas;
  - (ii) intensive land uses such as high-intensity residential, business, industrial and roads generally have greater constraints; and
  - (iii) site operational and use requirements may preclude the use of an integrated stormwater management approach.
- (b) the location, design, capacity, intensity and integration of sites/development and infrastructure, including roads and reserves, to protect significant site features and hydrology and minimise adverse effects on receiving environments;
- (c) the nature and sensitivity of receiving environments to the adverse effects of development, including fragmentation and loss of connectivity of rivers and streams, hydrological effects and contaminant discharges and how these can be minimised and mitigated, including opportunities to enhance degraded environments;
- (d) reducing stormwater flows and contaminants at source prior to the consideration of mitigation measures and the optimisation of on-site and larger communal devices where these are required; and
- (e) the use and enhancement of natural hydrological features and green infrastructure for stormwater management where practicable.

(11) Avoid as far as practicable, or otherwise minimise or mitigate adverse effects of stormwater diversions and discharges, having particular regard to:

- (a) the nature, quality, volume and peak flow of the stormwater runoff;
- (b) the sensitivity of freshwater systems and coastal waters, including the Hauraki Gulf Marine Park;

- (c) the potential for the diversion and discharge to create or exacerbate flood risks;
  - (d) options to manage stormwater on-site or the use of communal stormwater management measures;
  - (e) practical limitations in respect of the measures that can be applied; and
  - (f) the current state of receiving environments.
- (12) Manage contaminants in stormwater runoff from high contaminant generating car parks and high use roads to minimise new adverse effects and progressively reduce existing adverse effects on water and sediment quality in freshwater systems, freshwater and coastal waters.
- (13) Require stormwater quality or flow management to be achieved on-site unless there is a downstream communal device or facility designed to cater for the site's stormwater runoff.
- (14) Adopt the best practicable option to minimise the adverse effects of stormwater discharges from stormwater network and infrastructure including road, and rail having regard to all of the following:
- (a) the best practicable option criteria as set out in section 2 of the Resource Management Act 1991;
  - (b) the reasonable timeframes over which adverse effects can be avoided as far as practicable, or otherwise minimised or mitigated;
  - (c) the scale and significance of the adverse effects;
  - (d) infrastructure investment priorities and the consequences of delaying infrastructural improvements in other areas;
  - (e) the ability to prevent or minimise existing adverse effects having regard to the effectiveness and timeframes of other feasible methods, including land use controls;
  - (f) opportunities to integrate with other major infrastructure projects or works;
  - (g) the need to maintain and optimise existing stormwater networks and provide for planned land use and development; and
  - (h) operational requirements and space limitations.

*Ground soakage*

(15) Utilise stormwater discharge to ground soakage in areas underlain by shallow or highly permeable aquifers provided that:

- (a) ground soakage is available;
- (b) any risk to people and property from land instability or flooding is avoided;
- (c) stormwater quality treatment is implemented to minimise effects on the capacity and water quality of the underlying aquifer system; and
- (d) discharge to ground soakage is the most effective and sustainable option.

(16) Require land use development and drainage systems within areas underlain by peat soils to provide for stormwater discharge to ground soakage that maintains underlying water levels and the geotechnical stability of the peat soils.

#### *Wastewater*

(17) Avoid the discharge of wastewater to the coastal marine area and to freshwater, unless:

- (a) alternative methods, sites and routes for the discharge have been considered and are not the best practicable option;
- (b) Mana Whenua have been consulted in accordance with tikanga Māori and due weight has been given to section 6, section 7 and section 8 of the Resource Management Act 1991;
- (c) the affected community has been consulted regarding the suitability of the treatment and disposal system to address any environmental effects;
- (d) the extent to which adverse effects have been avoided, remedied or mitigated on areas of:
  - (i) high recreational use, or that are used for fishing or shellfish gathering;
  - (ii) areas of maintenance dredging;
  - (iii) commercial or residential waterfront development;
  - (iv) high ecological value; and
  - (v) marine farms.

#### *Wastewater treatment plants*

(18) Avoid the discharge of wastewater from wastewater treatment plants and associated structures to freshwater, unless:

- (a) alternative methods, sites and routes for the discharge have been considered and are not the best practicable option;



- (b) Mana Whenua have been consulted in accordance with tikanga Māori and due consideration has been given to section 6, section 7 and section 8 of the Resource Management Act 1991;
- (c) the affected community has been consulted regarding the suitability of the treatment and disposal system to address any environmental effects; and
- (d) the extent to which adverse effects have been avoided where practicable, or otherwise remedied or mitigated in areas of:
  - (i) high recreational use, or areas that are used for fishing or shellfish gathering;
  - (ii) commercial or residential development; and
  - (iii) significant ecological value.

*Wastewater network overflow discharges*

(19) Ensure wastewater networks are designed and operated to minimise wet weather overflows by:

- (a) requiring wastewater networks to be designed and constructed in accordance with recognised industry standards, including being sized to cater for the maximum probable development level of the area to be serviced;
- (b) requiring the management of connections to the wastewater network;
- (c) requiring wastewater networks to be managed in accordance with a network operations plan including an overflow mitigation plan with clear requirements and timeframes; and
- (d) designing and locating overflow points to minimise nuisance, damage, public health risk and adverse ecological effects.

(20) Require land use and development in areas serviced by a combined sewer network to:

- (a) avoid increasing stormwater flows to the combined sewer network, unless any increase is minor and there is no practicable alternative;
- (b) where practicable, reduce stormwater flows from existing impervious areas to the combined sewer network at the time of urban intensification, redevelopment or subdivision; and
- (c) discharge stormwater from new impervious areas and existing impervious areas to a separated stormwater system, or a suitable alternative, where one of those options is available.

(21) Progressively minimise the adverse effects of wet weather overflows from wastewater networks by:

- (a) adopting the best practicable option to reduce wet weather overflows to an average of no more than two events per discharge location per year in areas serviced by a separated wastewater network with priority for:
  - (i) receiving environments that are used for public and contact recreation activities;
  - (ii) receiving environments that are sensitive to the adverse effects of wastewater overflows;
  - (iii) areas significant to Mana Whenua; or
  - (iv) adopting the best practicable option to reduce wet weather overflows from the combined sewer network.
- (b) requiring the development and implementation of a network operations plan; as part of any network discharge consent; and
- (c) adopting wastewater overflow response procedures.

(22) Minimise the adverse effects of dry weather overflows by:

- (a) ensuring wastewater networks and combined sewer networks are operated and maintained to minimise the likelihood of dry weather overflows occurring; and
- (b) adopting wastewater overflow response procedures to minimise adverse effects and risks to public health and safety and the environment.

*On-site and small scale wastewater treatment and disposal*

(23) Enable on-site domestic-type wastewater treatment and disposal where:

- (a) there is no wastewater network available, or it is not practicable to connect into one of the network, or any existing network does not have capacity and it is not practicable to upgrade it; and
- (b) the on-site wastewater treatment results in a discharge that is of a quality and volume that avoids significant adverse effects on groundwater, surface and coastal water quality, public health and amenity.

(24) Require proposals for on-site wastewater treatment and disposal to land or water to demonstrate all of the following:

- (a) there is no practicable alternative land based disposal option;
- (b) significant adverse effects on public and environmental health, water quality and amenity values are avoided and other adverse effects are remedied or mitigated;

- (c) an assessment of the site conditions has been undertaken and the proposed system and its design are appropriate for these conditions;
  - (d) the design of the on-site wastewater system and the proposed volume of discharge will minimise the level of contaminants to the greatest extent practicable;
  - (e) that adverse effects on Mana Whenua values will be avoided; and
  - (f) that operations, management and response procedures are in place to ensure the on-going performance of the system and where systems service more than one site, responsibilities for these functions are clearly identified.
- (25) Only allow the discharge of treated wastewater to water where all the following are addressed:
- (a) there is no practicable alternative land-based disposal option;
  - (b) the effects on Mana Whenua values; and
  - (c) the discharge quality is of a standard appropriate for discharge to a waterbody and does not affect all of the following:
    - (i) the use of that waterbody for other purposes;
    - (ii) public health and amenity; and
    - (iii) ecosystem health and functioning.

*Other discharges*

- (26) Prevent or minimise the adverse effects from construction, maintenance, investigation and other activities on the quality of freshwater and coastal water by:
- (a) adopting best management practices and establishing minimum standards for the discharges; or
  - (b) where Policy E1.3(26)(a) is not practicable, have regard to the following:
    - (i) the nature, volume and concentration of the contaminants in the discharge;
    - (ii) the sensitivity of the receiving environment to the contaminants in the discharge;
    - (iii) other practicable options for the discharge, including reuse or discharge to the trade sewer; and
    - (iv) practicable measures to reduce contaminant concentrations prior to discharge or otherwise mitigate adverse effects.

## **E2. Water quantity, allocation and use**

### **E2.1. Introduction**

Demand for water already equals or exceeds availability in some surface waterbodies and aquifers. Future growth is expected to increase this demand and competition for fresh water and geothermal water. Choices then need to be made about the allocation of water for municipal water supply, industrial and rural activities, and other users.

The Plan provides for the taking and use of fresh water for domestic purposes, animal drinking and firefighting purposes which are allowed by the Resource Management Act 1991 without the need for resource consents. This is enabled by section 14 of the Resource Management Act 1991.

The objectives and policies of this section address the demand for fresh water and geothermal water with the available surface and groundwater resources while protecting the life supporting capacity of water. Improved water allocation outcomes are sought across a whole catchment or aquifer, support more efficient use of water and reduce wastage. They also address priority for future allocations of geothermal water, heat or energy.

The National Policy Statement for Freshwater Management requires that freshwater objectives are established and environmental flows and or levels set for all freshwater bodies. Water availability, flows and levels are included in Appendix 2 River and stream minimum flow and availability and Appendix 3 Aquifer water availabilities and levels to guide the assessment of resource consent applications to take and use surface water from lakes, rivers, streams, springs or wetlands, and take and use groundwater from aquifers. These guidelines will be reviewed and updated to meet the requirement of the National Policy Statement for Freshwater Management where applicable. The National Policy Statement for Freshwater Management also requires the inclusion of interim policies in the Plan to guide fresh water allocation. This is until such time as the Plan's provisions give full effect to the National Policy Statement for Freshwater Management.

### **E2.2. Objectives [rp]**

- (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.
- (2) Water resources are managed within limits to meet current and future water needs for social, cultural and economic purposes.
- (3) Freshwater resources available for use are managed and allocated in order of priority to provide for domestic and municipal water supplies, animals, and economic development.
- (4) Water resources are managed to maximise the efficient allocation and efficient use of available water.

- (5) Mana Whenua values including the mauri of water, are acknowledged in the allocation and use of water.

### **E2.3. Policies [rp]**

#### *Priority of water use*

- (1) Manage the allocation of fresh water within the guidelines provided by Appendix 2 River and stream minimum flow and availability and Appendix 3 Aquifer water availabilities and levels and give priority to making freshwater available for the following uses (in descending order of priority):
- (a) existing and reasonably foreseeable domestic and municipal water supply and animal drinking water requirements;
  - (b) existing lawfully established water users;
  - (c) uses of water for which alternative water sources are unavailable or unsuitable; and
  - (d) all other uses.
- (2) Ensure allocations support the outcomes sought by relevant objectives and policies in B7.3 Freshwater systems.
- (3) Manage the allocation of geothermal water, heat or energy within the guidelines provided by Appendix 3 Aquifer water availabilities and levels and give priority to making water, heat or energy available for (in descending order of priority):
- (a) in accordance with tikanga Māori for the communal benefit of Mana Whenua of the area;
  - (b) existing lawfully established water uses;
  - (c) heating public pools; or
  - (d) all other uses.

#### *Efficient allocation and use*

- (4) Promote the efficient allocation and use of freshwater and geothermal water by:
- (a) requiring the amount of water taken and used to be reasonable and justifiable with regard to the intended use, and where appropriate:
    - (i) municipal water supplies are supported by a water management plan;
    - (ii) industrial and irrigation supplies implement best practice, in respect of the efficient use of water for that particular activity or industry; or

- (iii) all takes (other than municipal water supplies from a dam) are limited to a maximum annual allocation based on estimated water requirements;
- (b) requiring consideration of water conservation and thermal efficiency methods;
- (c) facilitating the transfer of surface water take permits, provided the transfer is within the same surface water catchment and does not result in site-specific adverse effects;
- (d) encouraging the shared use and management of water through water user groups or other arrangements where it results in an increased efficiency in the use and allocation of water; and
- (e) providing for storage and harvesting of fresh water.

*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(11)):
  - (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*

- (6) Require proposals to take and use water from lakes, rivers, streams, springs or wetlands to demonstrate all of the following:
  - (a) the taking of surface water from any river or stream is within the guideline in Table 1 Aquifer water availabilities in Appendix 2 River and stream minimum flow and availability, except in accordance with Policy E2.3(11);
  - (b) appropriate water levels and downstream flow regimes will be maintained, including:
    - (i) low flows in rivers and streams to protect in-stream values;
    - (ii) flow variability in rivers, streams and springs;
    - (iii) water levels and flows in wetlands ensure vegetation and habitat values of the wetland are protected throughout the year;

- (iv) water levels in lakes maintain the ecological values and water quality of the lake and its shoreline stability, and enable recreational use; and
  - (v) existing lawfully established taking of water is not adversely affected;
- (c) the taking of water will be at times of the day or year that will safeguard the identified freshwater values of the water body;
- (d) intake structures will be designed, constructed, operated and maintained to avoid adverse effects on biota, including the entrainment and impingement of fish; and
- (e) there are options for implementing water conservation measures in times of water shortage.
- (7) Require all proposals to take and use groundwater from any aquifer to demonstrate that:
- (a) the taking is within the water availabilities and levels for the aquifer in Table 1 Aquifer water availabilities and Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels, except in accordance with Policy E2.3(11), and meeting all of the following:
    - (i) recharge to other aquifers is maintained; and
    - (ii) aquifer consolidation and surface subsidence is avoided.
  - (b) the taking will avoid, remedy or mitigate adverse effects on surface water flows, including the following:
    - (i) base flow of rivers, streams and springs; and
    - (ii) any river or stream flow requirements and in particular the minimum stream flow and availability in Appendix 2 River and stream minimum flow and availability.
  - (c) the taking will avoid, remedy or mitigate adverse effects on terrestrial and freshwater ecosystem habitat;
  - (d) the taking will not cause saltwater intrusion or any other contamination;
  - (e) the taking will not cause adverse interference effects on neighbouring bores to the extent their owners are prevented from exercising their lawfully established water takes;
  - (f) Policy E2.3(7)(e) above will not apply in the following circumstances:
    - (i) where it is practicably possible to locate the pump intake at a greater depth within the affected bore; or

- (ii) where it can be demonstrated that the affected bore accesses, or could access, groundwater at a deeper level within the same aquifer, if drilled or cased to a greater depth.
  - (g) the proposed bore is capable of extracting the quantity of groundwater applied for; and
  - (h) the proposal avoids, remedies or mitigates any ground settlement that may cause distress, including reducing the ability of an existing building or structure to meet the relevant requirements of the Building Act 2004 or the New Zealand Building Code, to any existing:
    - (i) buildings;
    - (ii) structures; or
    - (iii) services including roads, pavements, power, gas, electricity, water and wastewater networks and fibre-optic cables.
- (8) Consider mitigation options, where there are significant adverse effects on the matters identified in policies E2.3(6) and (7) above, including any of the following:
- (a) consideration of alternative locations, rates and timing of takes for both surface water and groundwater;
  - (b) use of alternative water supplies;
  - (c) use of water conservation methods when water shortage conditions apply;
  - (d) provision for fish passage in rivers and streams;
  - (e) wetland creation or enhancement of existing wetlands;
  - (f) riparian planting; or
  - (g) consideration of alternative designs for groundwater dewatering proposals.
- (9) Require proposals to take and use surface water and groundwater to monitor the effects of the take on the quality and quantity of the water resource and to:
- (a) measure and record water use and rate of take;
  - (b) measure and record water flows and levels;
  - (c) sample and assess water quality and freshwater ecology;
  - (d) measure and record the movement of ground, buildings and other structures; and
  - (e) monitoring should be of a type and scale appropriate for the activity.



- (10) Manage water availability, where water allocation exceeds or is close to exceeding 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 by:
- (a) not granting new consent applications to take water except where provided for by Policy E2.3(11);
  - (b) reducing existing takes over time and phasing out any over allocation by:
    - (i) encouraging voluntary reductions in water allocations; and
    - (ii) reviewing existing consents to align water allocations to the actual historical use of water, for horticultural operators this will be averaged across the full rotational cycle of the crops grown.
  - (c) exempting existing allocations for municipal water supply under Policy E2.3(10)(b)(ii) above from review where a water management plan demonstrates a necessary increase in abstraction to cater for planned urban growth;
  - (d) reviewing existing consents to require the efficient use of water; and
  - (e) accounting for takes expressly permitted in this Plan, or allowed under section 14(3)(b) of the Resource Management Act 1991.
- (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.

*Temporary water shortage, including minimum flow and groundwater conditions*

- (12) Consider the use of water shortage directions under section 329 of the Resource Management Act 1991 to impose temporary restrictions on water take, use, allocation, damming or diversion or discharge of contaminants into water

in times of serious temporary water shortage, including where a river is at or below its Table 1 River and stream minimum flow and availability specified in Appendix 2 River and stream minimum flow and availability or groundwater levels are below the Table 2 Interim aquifer groundwater levels in Appendix 3 Aquifer water availabilities and levels having regard to the following priority uses:

- (a) takes for firefighting purposes, allowed under section 14(3)(e) of the Resource Management Act 1991;
- (b) takes expressly permitted in this Plan or allowed under section 14(3)(b) of the Resource Management Act 1991;
- (c) consented or permitted takes for domestic and municipal water supply taken in accordance with a water shortage management plan in any relevant Water Management Plan;
- (d) takes for lifeline utilities, marae, residential accommodation and schools not connected to municipal water supply;
- (e) takes for perishable food processing; or
- (f) takes for irrigating water sensitive crops for human consumption.

*National Policy Statement for Freshwater Management 2014*

(13) When considering any application the Council must have regard to the following matters:

- (a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem; and
- (b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of freshwater and of any associated ecosystem resulting from the change would be avoided.

(14) Policy E2.3(13) applies to:

- (a) any new activity; and
- (b) any change in the character, intensity or scale of any established activity that involves any taking, using, damming or diverting of freshwater or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

- (15) Policies E2.3(13) and (14) do not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

Note 1

Policies E2.3(13) to (15) above are required by Policy B7 of the National Policy Statement for Freshwater Management to be incorporated in regional plan provisions under section 55 of the Resource Management Act 1991 without using the process in schedule 1 of the Resource Management Act 1991. They apply until provisions that give effect to National Policy Statement for Freshwater Management Policy B1 (allocation limits), Policy B2 (allocation), and Policy B6 (over-allocation) are operative.

- (16) Develop catchment specific limits for freshwater quantity with Mana Whenua, through community engagement, scientific research and mātauranga Māori.

*Comprehensive reviews of consents*

- (17) Require resource consents granted to take, use or dam water and to discharge contaminants to land or freshwater to be for a duration and to include a condition setting the review date(s) of the consent, that will enable the concurrent processing or review of all consents/replacement applications, as a basis for a comprehensive and integrated assessment of water quality and water quantity issues in a specific catchment and/or aquifer system.

*Damming of surface water*

- (18) Encourage the off-stream damming of water in preference to the damming of rivers or streams.
- (19) Avoid damming water in the Natural Lake Management Areas Overlay, Wetland Management Areas Overlay and Natural Stream Management Areas Overlay other than where:
- (a) these areas are in a Water Supply Management Areas Overlay and the damming is necessary for municipal water supply;
  - (b) the damming is necessary for the protection or maintenance of the natural values of the management area and there are no practicable alternative methods to achieve this protection; or
  - (c) the damming is necessary for managing hazards or the provision of infrastructure and there are no practicable alternatives to damming the water.
- (20) Require proposals to dam a river to demonstrate the following:

- (a) adverse effects on fish passage are avoided or remedied, where native fish and/or habitats actually or potentially exist upstream;
- (b) appropriate water levels and downstream flow regimes will be maintained, including:
  - (i) low flows in rivers and streams to protect in stream values;
  - (ii) downstream flow variability;
  - (iii) water levels and flows in wetlands to protect vegetation and habitat values of the wetland throughout the year; and
  - (iv) water levels in lakes to protect the ecological values and water quality of the lake, maintain shoreline stability and enable recreational use.
- (c) existing lawfully established upstream and downstream water uses are not adversely affected by the damming proposal, including those allowed by section 14(3)(b) of the Resource Management Act 1991;
- (d) Mana Whenua values associated with the wetland, lake or river are identified and the effect of the proposal on these values are assessed and taken into account;
- (e) the design, construction, operation and maintenance of the dam avoids significant adverse effects and remedies or mitigates other effects on the following:
  - (i) flooding;
  - (ii) bank or bed erosion or aggregation;
  - (iii) drainage of any property;
  - (iv) land instability;
  - (v) people and communities;
  - (vi) the habitat of fauna or flora, including wetlands, either upstream or downstream of the dam;
  - (vii) catchment conditions arising from the scale, location or number of dams in the catchment; or
  - (viii) risk of dam failure.
- (f) if applicable, recognise the Vision and Strategy for the Waikato River in Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

(21) Require proposals for new, change or replacement applications to dam a river or stream or dam water with an off-stream dam to undertake monitoring of a type and scale appropriate for the activity and its effects, including:

- (a) inspection of dam embankments and spillways;
- (b) measurement and recording of embankment internal water levels and pressures;
- (c) sampling and assessment of water quality and freshwater biota in on-stream dams; and
- (d) variable flows below on-stream dams where required.

*Surface water diversions*

(22) Require proposals to divert surface water to demonstrate the diversion will to the extent practicable avoid significant adverse effects and remedy or mitigate other adverse effects including where relevant, effects on:

- (a) existing lawfully established surface water takes including those allowed by section 14(3)(b) of the Resource Management Act 1991;
- (b) existing buildings, structures and services;
- (c) existing flood hazard risks;
- (d) river bank stability;
- (e) scheduled historic heritage places or scheduled sites and places of significance to Mana Whenua;
- (f) people and communities; and
- (g) the life supporting capacity of freshwater, ecosystem processes, and indigenous species and their ecosystems.

*Diversion of groundwater*

(23) Require proposals to divert groundwater, in addition to the matters addressed in Policy E2.3(6) and (7) above, to ensure that:

- (a) the proposal avoids, remedies or mitigates any adverse effects on:
  - (i) scheduled historic heritage places and scheduled sites and places of significance to Mana Whenua; and
  - (ii) people and communities.
- (b) the groundwater diversion does not cause or exacerbate any flooding;

- (c) monitoring has been incorporated where appropriate, including:
  - (i) measurement and recording of water levels and pressures; and
  - (ii) measurement and recording of the movement of ground, buildings and other structures.
- (d) mitigation has been incorporated where appropriate including:
  - (i) minimising the period where the excavation is open/unsealed;
  - (ii) use of low permeability perimeter walls and floors;
  - (iii) use of temporary and permanent systems to retain the excavation; or
  - (iv) re-injection of water to maintain groundwater pressures.

*Drilling holes and bores*

- (24) Require proposals to drill holes or bores to demonstrate that the location, design and construction:
  - (a) complies with the New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001);
  - (b) prevents contaminants from entering an aquifer;
  - (c) prevents cross-contamination between aquifers with different pressure, water quality or temperature;
  - (d) prevents leakage of groundwater to waste;
  - (e) avoids the destruction, damage or modification of any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua; and
  - (f) avoids disturbance of wetlands and significant ecological areas where practicable.

*Quarrying*

- (25) Enable regionally significant mineral extraction activities (extraction within groundwater and dewatering) provided that significant adverse effects are managed through considering all of the relevant policies in this section.

## **E3. Lakes, rivers, streams and wetlands**

### **E3.1. Introduction**

The management of the beds of lakes, rivers, streams and wetlands is important for the protection of natural ecological and biodiversity values, for the efficient passage of flood flows, and the retention of high water quality. Retaining the natural profile and course of a river or stream, keeping riparian vegetation and fish passage and avoiding sediment generation from bed disturbance supports the retention of freshwater ecosystems.

While the Resource Management Act 1991 defines the term 'river' as including streams, the Plan refers to both 'rivers and streams'. Stream is a more common way of describing the smaller watercourses that are characteristic of Auckland.

In rural areas bed disturbance from livestock access and the loss of smaller streams, wetlands and lake margins by land drainage and infill are the key factors affecting the quality of lakes, rivers, streams and wetlands.

In urban Auckland lakes, rivers, streams and wetlands provide an important component for the assimilation and conveyance of stormwater and form part of the overall stormwater network. Streams have also been piped and filled over to reclaim land for urban land development and have been modified to accommodate infrastructure such as roads, stormwater and wastewater networks and other utility services. Urban streams nevertheless continue to provide important ecosystem services and can provide meaningful ecological and biodiversity values.

There is a balance to be struck between the need to provide for the ongoing growth of urban Auckland, including the requirements of infrastructure, and the protection, maintenance and enhancement of lakes, rivers, streams and wetlands. It is important that development occurs in a sustainable manner which should involve, where practicable, the retention and enhancement of lakes, rivers, streams and wetlands.

The Plan identifies a number of areas where the natural values of lakes, rivers, streams and wetlands are higher than elsewhere. These areas are especially vulnerable to the adverse effects of inappropriate subdivision, use and development and require a greater level of protection. These areas are identified in the following overlays:

- D4 Natural Stream Management Areas Overlay;
- D5 Natural Lake Management Areas Overlay;
- D6 Urban Lake Management Areas Overlay;
- D7 Water Supply Management Areas Overlay
- D8 Wetland Management Areas Overlay; and
- D9 Significant Ecological Areas Overlay.

This Plan requires that permanent loss is minimised and significant modification or diversion of lakes, rivers, streams and wetlands are avoided. Where adverse effects cannot be avoided, remedied or mitigated, it may be appropriate that the residual adverse effects be offset by providing environmental benefits either onsite or offsite. In

some circumstances, the existing natural values of a lake, river, stream or wetland are so high that offsetting will be inappropriate.

An offset is an action to compensate significant residual adverse effects on ecological functioning or biodiversity arising from subdivision, use or development. Offsets would only be contemplated after appropriate avoidance, remediation, prevention and mitigation measures have been taken.

The rules in this section also implement the objectives and policies of D4 Natural Stream Management Areas Overlay, D5 Natural Lake Management Areas Overlay, D6 Urban Lake Management Areas Overlay, D7 Water Supply Management Areas Overlay, D8 Wetland Management Areas Overlay and D9 Significant Ecological Areas Overlay.

For the purpose of this section, the term 'wetland' excludes wetlands forming part of 'stormwater management devices'.

### **E3.2. Objectives [rp]**

- (1) Auckland's lakes, rivers, streams and wetlands with high natural values are protected from degradation and permanent loss.
- (2) Auckland's lakes, rivers, streams and wetlands are restored, maintained or enhanced.
- (3) Significant residual adverse effects on lakes, rivers, streams or wetlands that cannot be avoided, remedied or mitigated are offset where this will promote the purpose of the Resource Management Act 1991.
- (4) Structures in, on, under or over the bed of a lake, river, stream or wetland are provided for where there are functional or operational needs for the structure to be in that location, or traverse that area.
- (5) Activities in, on, under or over the bed of a lake, river, stream and wetland are managed to minimise adverse effects on the lake, river, stream or wetland.
- (6) Reclamation and drainage of the bed of a lake, river, stream and wetland is avoided, unless there is no practicable alternative.

### **E3.3. Policies [rp]**

#### *General*

- (1) Avoid significant adverse effects, and avoid where practicable or otherwise remedy or mitigate other adverse effects of activities in, on, under or over the beds of lakes, rivers, streams or wetlands within the following overlays:
  - (a) Natural Stream Management Areas Overlay;
  - (b) Natural Lake Management Areas Overlay;
  - (c) Urban Lake Management Areas Overlay;
  - (d) Significant Ecological Areas Overlay; and



- (e) Wetland Management Areas Overlay.
- (2) Manage the effects of activities in, on, under or over the beds of lakes, rivers, streams or wetlands outside the overlays identified in Policy E3.3(1) by:
- (a) avoiding where practicable or otherwise remedying or mitigating any adverse effects on lakes, rivers, streams or wetlands; and
  - (b) where appropriate, restoring and enhancing the lake, river, stream or wetland.
- (3) Enable the enhancement, maintenance and restoration of lakes, rivers, streams or wetlands.
- (4) Restoration and enhancement actions, which may form part of an offsetting proposal, for a specific activity should:
- (a) be located as close as possible to the subject site;
  - (b) be 'like-for-like' in terms of the type of freshwater system affected;
  - (c) preferably achieve no net loss or a net gain in the natural values including ecological function of lakes, rivers, streams or wetlands; and
  - (d) consider the use of biodiversity offsetting as outlined in Appendix 8 Biodiversity offsetting.

Note 1

When having regard to Policy E3.3(4) above, the following documents or any updated version of them should be referred to:

- Auckland Council Technical Report 2011/009: Stream Ecological Valuation (SEV): a method for assessing the ecological functions of Auckland Streams (October 2011) for guidance on how the location and extent of any offset may be calculated and assessed; and
- Guidance on Good Practice Biodiversity Offsetting in New Zealand, New Zealand Government et al, August 2014.

Neither of these reference documents has precedence. An acceptable offsetting proposal may combine elements from both documents.

- (5) Avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities in, on, under or over the beds of lakes, rivers, streams or wetlands on:
- (a) the mauri of the freshwater environment; and
  - (b) Mana Whenua values in relation to the freshwater environment.
- (6) Manage the adverse effects on Mana Whenua cultural heritage that is identified prior to, or discovered during, subdivision, use and development by:

- (a) complying with the protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
- (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
- (c) undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.

*Structures and the diversion of surface water*

- (7) Provide for the operation, use, maintenance, repair, erection, reconstruction, placement, alteration or extension, of any structure or part of any structure in, on, under, or over the bed of a lake, river, stream or wetland, and any associated diversion of water, where the structure complies with all of the following:
  - (a) there is no practicable alternative method or location for undertaking the activity outside the bed of the lake, river, stream or wetland;
  - (b) the structure is designed to be the minimum size necessary for its purpose to minimise modification to the bed of a lake, river, stream or wetland;
  - (c) the structure is designed to avoid creating or increasing a hazard;
  - (d) the structure is for any of the following:
    - (i) required as part of an activity designed to restore or enhance the natural values of any lakes, rivers, streams or wetlands and their margins, or any adjacent area of indigenous vegetation or habitat of indigenous fauna;
    - (ii) designed to maintain and/or enhance public access to, over and along any lake, river, stream or wetland and their margins;
    - (iii) necessary to provide access across a lake, river, stream or wetland;
    - (iv) associated with infrastructure;
    - (v) necessary for flood protection and the safeguarding of public health and safety; or
    - (vi) required for the reasonable use of production land.
  - (e) the structure avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai.
- (8) Enable the removal or demolition of any structure or part of any structure in, on, under, or over the bed of a lake, river, stream or wetland, and any associated diversion of water, provided adverse effects are avoided, remedied or mitigated.

*Disturbance and depositing of any substance*

- (9) Provide for the excavation, drilling, tunnelling, thrusting or boring or other disturbance, and the depositing of any substance in, on or under the bed of a lake, river, stream or wetland, where it complies with all of the following:
- (a) there is no practicable alternative method or location for undertaking the activity outside the lake, river, stream or wetland;
  - (b) the activity is required for any of the following:
    - (i) as part of an activity designed to restore or enhance the natural values of any lake, river, stream or wetland, or any adjacent area of indigenous vegetation or habitat of indigenous fauna;
    - (ii) to maintain and/or enhance public access to, over and along any lake, river, stream or wetland and associated margins;
    - (iii) to provide access across a lake, river, stream or wetland;
    - (iv) for the operation, use, maintenance, repair, development or upgrade of infrastructure;
    - (v) to restore, maintain or improve access to wharves and jetties or mooring areas, or to maintain the navigation and safety of existing channels;
    - (vi) to reduce the risk of occurrence or the potential adverse effects of flooding, erosion, scour or sediment depositing;
    - (vii) for the reasonable use of production land; or
    - (viii) to undertake mineral extraction activities and mitigation and following that, offsetting can be practicably implemented.
  - (c) the disturbance avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai.

*Planting of plants*

- (10) Enable the planting of any plant, excluding pest species, in, on, or under the bed of a lake, river, stream or wetland where it is suitable for habitat establishment, restoration or enhancement, the maintenance and enhancement of amenity values, flood or erosion protection or stormwater runoff control provided it does not create or exacerbate flooding.
- (11) Encourage the planting of plants that are native to the area.
- (12) Encourage the incorporation of Mana Whenua mātauranga, values and tikanga in any planting in, on, or under the bed of a lake, river, stream or wetland.

*Reclamation and drainage*

- (13) Avoid the reclamation and drainage of the bed of lakes, rivers, streams and wetlands, including any extension to existing reclamations or drained areas unless all of the following apply:
- (a) there is no practicable alternative method for undertaking the activity outside the lake, river, stream or wetland;
  - (b) for lakes, permanent rivers and streams, and wetlands the activity is required for any of the following:
    - (i) as part of an activity designed to restore or enhance the natural values of any lake, river, stream or wetland, any adjacent area of indigenous vegetation or habitats of indigenous fauna;
    - (ii) for the operation, use, maintenance, repair, development or upgrade of infrastructure; or
    - (iii) to undertake mineral extraction activities; and
  - (c) the activity avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai.

*Stock access to lake, river and stream beds*

- (14) Avoid more than minor adverse effects on freshwater and coastal water from livestock grazing.

*Riparian margins*

- (15) Protect the riparian margins of lakes, rivers, streams, and wetlands from inappropriate use and development and promote their enhancement to through all of the following:
- (a) safeguard habitats for fish, plant and other aquatic species, particularly in rivers and streams with high ecological values;
  - (b) safeguard their aesthetic, landscape and natural character values;
  - (c) safeguard the contribution of natural freshwater systems to the biodiversity, resilience and integrity of ecosystems; and
  - (d) avoid or mitigate the effects of flooding, surface erosion, stormwater contamination, bank erosion and increased surface water temperature.
- (16) Protect land alongside streams for public access through the use of esplanade reserves and esplanade strips, marginal strips, drainage reserves, easements or covenants where appropriate and for water quality, ecological and landscape protection purposes.

**E3.4. Activity table**

Table E3.4.1 specifies the activity status of activities in, on, under, or over the bed of lakes, rivers, streams and wetlands pursuant to sections 13 and 14 of the Resource Management Act 1991. The activity status of the associated diversion of water, depositing any substance, and incidental damming of water are also specified.

For the purpose of this section the overlays referred to in Table E3.4.1 Activity table include all of the following:

- (1) Natural Stream Management Areas Overlay;
- (2) Natural Lake Management Areas Overlay;
- (3) Urban Lake Management Areas Overlay;
- (4) Significant Ecological Areas Overlay; and
- (5) Wetland Management Areas Overlay.

This activity table does not address the modification or removal of vegetation along riparian margins, these are in E15 Vegetation management and biodiversity.

**Table E3.4.1 Activity table**

<b>Activities in, on, under or over the bed of lakes, rivers, streams (including intermittent stream) and wetlands</b>		<b>Activity status- outside overlays</b>	<b>Activity status - within overlays</b>
<b>General</b>			
(A1)	Any activities in, on, under or over the bed of lakes, rivers, streams and wetlands not otherwise provided for	D	NC
<b>Activities involving planting and the associated diversion of water</b>			
(A2)	Conservation planting complying with the standards in E3.6.1.2	P	P
(A3)	Conservation planting not complying with the standards in E3.6.1.2	RD	RD
(A4)	Planting of aquatic invasive plants	Pr	Pr
<b>Activities involving depositing any substance (other than that associated with a structure authorised by another rule in this activity table)</b>			
(A5)	Depositing any substance for the purposes of habitat enhancement or scientific research	RD	RD
(A6)	Depositing any substance excluding litter, refuse, other waste and/or contaminated material	D	NC
(A7)	Depositing litter, refuse, waste and/or contaminated material	Pr	Pr
(A8)	Depositing any substance for the purposes of providing fish passage for culverts lawfully existing on or before 30 September 2013 complying with the standards in E3.6.1.3	P	P

(A9)	Any activity not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.2 and E3.6.1.3	D	NC
<b>Activities involving disturbance and associated sediment discharge</b>			
(A10)	Channel clearance less than 100m complying with the standards in E3.6.1.5	P	D
(A11)	Channel clearance more than 100m	D	NC
(A12)	Emergency works complying with the standards in E3.6.1.6	P	P
(A13)	Extraction of material less than 50m <sup>3</sup> per year from the bed of a river or stream complying with the standards in E3.6.1.7	P	NC
(A14)	Pest plant removal complying with the standards in E3.6.1.8	P	P
(A15)	Mangrove seedling removal complying with the standards in E3.6.1.9	P	P
(A16)	Mangrove removal of up to 200m <sup>2</sup> immediately adjacent to existing lawful structures, infrastructure or drainage systems to enable their operation, use, maintenance, repair, and functioning complying with the standards in E3.6.1.9	P	P
(A17)	Mangrove removal not otherwise provided for	D	D
(A18)	Any activities not complying the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.4 – E3.6.1.9	D	NC
<b>Activities involving the diversion of a river or stream to a new course including any associated disturbance and sediment discharge</b>			
(A19)	Diversion of a river or stream to a new course and associated disturbance and sediment discharge	D	NC
(A20)	Diversion of a river or stream associated with mineral extraction activities within the H28 Special Purpose - Quarry Zone	RD	RD
<b>Works on structures lawfully existing on or before 30 September 2013 and and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water</b>			
(A21)	The operation, use, maintenance and repair of existing structures comply with the standards in E3.6.1.11	P	P
(A22)	Minor upgrades to existing infrastructure related structure complying with the standards in E3.6.1.12	P	RD
(A23)	Replacement, upgrading or extension of existing structures complying with the standards in E3.6.1.12	P	RD
(A24)	Demolition or removal of existing structures complying with the standards in E3.6.1.13	P	P
(A25)	Partial demolition or removal of structures lawfully	RD	RD

	existing on or before 30 September 2013		
(A26)	Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.10 – E3.6.1.13	D	NC
<b>New structures and the associated bed disturbance or depositing any substance, reclamation, diversion of water and incidental temporary damming of water</b>			
(A27)	Temporary structures complying with standards the in E3.6.1.15	P	D
(A28)	Structures associated with the enhancement and restoration of lakes, rivers, streams or wetlands not otherwise provided for	RD	RD
(A29)	Bridges or pipe bridges complying with the standards in E3.6.1.16	P	D
(A30)	New cables, ducts, lines or pipelines on structures lawfully existing on or before 30 September 2013 complying with the standards in E3.6.1.14	P	P
(A31)	New cables or lines that cross over a river or stream which do not require support structures in the watercourse complying with the standards in E3.6.1.17	P	RD
(A32)	Culverts or fords less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.18	P	D
(A33)	Culverts or fords more than 30m in length when measured parallel to the direction of water flow	D	NC
(A34)	Erosion control structure less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14	P	D
(A35)	Jetties, wharves, pontoons	D	D
(A36)	Maimai complying with the standards in E3.6.1.19	P	P
(A37)	Sign, navigational aid, ski lane marker or buoy complying with the standards in E3.6.1.20	P	P
(A38)	Stock fences complying with the standards in E3.6.1.14	P	RD
(A39)	Stormwater or wastewater outfall complying with the standards in E3.6.1.14	P	D
(A40)	Structure solely under the bed including any associated drilling, tunnelling, thrusting or boring complying with the standards in E3.6.1.21	P	P
(A41)	Surface water intake structure	P	D
(A42)	Swing or pile mooring complying with the standards in E3.6.1.22	P	D
(A43)	Weirs, floodgates and flow monitoring devices complying with the standards in E3.6.1.23	P	P

(A44)	Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.14 to E3.6.1.23	D	NC
<b>Reclamation and drainage and associated structures, bed disturbance or depositing any substance, diversion of water, incidental temporary damming of water, and discharges arising from the piping of a reclaimed waterbody associated with the following</b>			
(A45)	Removal or demolition of an existing reclamation or drained area complying with the standards in E3.6.1.24	P	P
(A46)	Removal or demolition of an existing reclamation or drained area that does not complying with the standards in E3.6.1.24	RD	RD
(A47)	The operation, use, maintenance and repair or replacement of a lawfully existing reclamation or drained area on or before 30 September 2013	P	P
(A48)	Extension of an existing lawful reclamation or drained area	NC	NC
(A49)	New reclamation or drainage, including filling over a piped stream	NC	NC
(A50)	Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.24	D	NC
<b>Livestock access</b>			
(A51)	Livestock access to a lake, river or stream, or wetland on production land that is grazed by a stocking rate equal to or exceeding 18 stock units per hectare complying with the standards in E3.6.1.25	P	P
(A52)	Livestock access to a lake, river or stream, or wetland on intensively grazed production land not complying with the standards in E3.6.1.25	RD	D
<b>Activities in ephemeral rivers and streams</b>			
(A53)	Any activity that is undertaken in, on, over or within the bed of an ephemeral river and streams complying with the standards E3.6.1.1	P	P
<b>Surface water activities</b>			
(A54)	Use of power-driven vessels on Lake Tomarata and Lake Spectacle during the period 1 September to 19 December (bird breeding season)	NA	Pr
(A55)	Use of power-driven vessels on Lake Slipper	NA	Pr
(A56)	Entry onto or passing across the surface water of a lake, river or wetland	P	P
(A57)	Beach and water recreation activities (including recreational fishing, shellfish gathering and game bird hunting) that do not require the long-term reservation	P	P



	of any surface water, the bed of lake, river or wetland for the exclusive use of that activity		
(A58)	Competitive water skiing, power boat racing and similar group activities using powered craft	D	NC

**Note 1**

Reclamation consents are not required when installing culverts, fords and erosion protection structures.

**Note 2**

The Auckland Council Navigational Safety Bylaw 2014 also applies to surface water activities.

**E3.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E3.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**E3.6. Standards****E3.6.1. Permitted activities**

All activities listed as a permitted activity in Table E3.4.1 Activity table must comply with all of the following permitted activity standards in E3.6.1.1 and any standards specified for the activity listed in standards E3.6.1.2 to E3.6.1.25.

**E3.6.1.1. General standards**

- (1) The activity must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) the rendering of fresh water unsuitable for consumption by farm animals; and
  - (e) any significant adverse effects on aquatic life.
- (2) The activity must not result in an increase of existing flood levels up to and including the 1 per cent annual exceedance probability (AEP) flood plain

on land or structures other than that owned or controlled by the person undertaking the activity.

- (3) The activity must not result in more than minor erosion or land instability.
- (4) Machinery must not sit directly on the wetted cross-section of the bed at the time of the work.
- (5) Explosives must not be used in the bed.
- (6) Mixing of construction materials and refuelling or maintenance of equipment must not occur within 10m of the bed and best site management practice must be used to avoid contaminant discharging into the water.
- (7) The activity must not destroy, damage or modify any sites scheduled in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay.
- (8) The activity must not prevent public access along the lake, river, stream or wetlands.

#### **E3.6.1.2. Standards for conservation planting**

- (1) The plant must be a non-invasive species in aquatic conditions.
- (2) Plantings must be species native to the area unless it is not practicable to do so.
- (3) The plant must not be a pest in a pest management strategy prepared under the Biosecurity Act 1993 or declared as an unwanted organism by a chief technical officer constituted under the same act.

#### **E3.6.1.3. Standards for depositing any substance for the purposes of providing fish passage for culverts lawfully existing on or before 30 September 2013**

- (1) Ancillary structures and any deposited material which is not a component of the fish passage provision must be removed from the bed immediately following completion of the activity.
- (2) The volume of fill material placed in the streambed shall not exceed 8m<sup>3</sup> at the entry point and 8m<sup>3</sup> at the exit point of the culvert per calendar year.
- (3) Material deposited must comply with the definition of clean fill material and must not contain significant amounts of fine material.
- (4) The activity must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream.

#### **E3.6.1.4. Standards for activities involving the disturbance and the associated sediment discharge**

- (1) All disturbance activities must not:
  - (a) divert any part of the lake, river or stream to a new course;
  - (b) result in the infilling of the existing bed; and
  - (c) lead to the instability of the bank in the immediate vicinity.
- (2) Best practice erosion and sediment control measures must be implemented.
- (3) Any materials used must not be toxic to aquatic organisms.
- (4) Debris or other material must not be re-deposited in the bed of the lake, river or stream, or within the one per cent annual exceedance probability (AEP) floodplain.
- (5) The bed must be restored to a profile that does not inhibit water flow or prevent fish passage upstream or downstream in waterbodies that contain fish.

**E3.6.1.5. Disturbance and the associated sediment discharge for channel clearance of less than 100m**

- (1) The disturbance activity must comply with the standards in E3.6.1.4 above.
- (2) The continuous length of disturbance and volume of disturbed material includes any parts of the work that may extend beyond the downstream boundary of a river, into the coastal marine area.
- (3) Any bed disturbance must not exceed 100m in length.
- (4) The volume of material disturbed must not exceed 1500m<sup>3</sup>.
- (5) A time period of two months or more must elapse before an area can be disturbed within 100m of a previously disturbed area in the same lake, river or stream.

**E3.6.1.6. Disturbance and the associated sediment discharge for emergency works**

- (1) The disturbance activity must comply with the standards in E3.6.1.4 above.
- (2) Emergency works include the clearance of trees, debris, sediment or other material deposited during storm or flood events where the material is causing or is likely to cause an immediate hazard to people or property.
- (3) Machinery must not sit directly on the wetted cross section of the bed at the time of the work, unless there is no reasonably practicable alternative.

- (4) The area of disturbance must be limited to the minimum area necessary to achieve the emergency works.

**E3.6.1.7. Disturbance and the associated sediment discharge for extraction of material less than 50m<sup>3</sup> per year from the bed of a river or stream**

- (1) The disturbance activity must comply with the standards in E3.6.1.4 above.
- (2) Extracted material must only be used on the property immediately adjoining the extraction site and must not be exported or removed from that location.
- (3) There must be no sale of the extracted material.

**E3.6.1.8. Disturbance and the associated sediment discharge for pest plant removal**

- (1) The disturbance activity must comply with the standards in E3.6.1.4 above.
- (2) The eradication or removal of the plant must comply with an approved pest management plan.
- (3) Prior to the activity starting the Council must be advised of the start and completion dates of the works.
- (4) Where monitoring is required as part of an approved pest management strategy, the Council must be provided with a copy of the monitoring information collected.

Note 1

The use of agrichemicals is subjected to provisions in Chapter E34 Agrichemicals and vertebrate toxic agents.

**E3.6.1.9. Disturbance and the associated sediment discharge for mangroves seedling removals and mangrove removal of up to 200m<sup>2</sup> immediately adjacent to existing lawful structures, infrastructure or drainage systems to enable their operation, use, maintenance, repair, and functioning**

- (1) The disturbance activity must comply with the standards in E3.6.1.4 above.
- (2) Removed vegetation must be disposed of outside the river channel and areas adjacent to the coastal marine area.

- (3) The removal must not involve any discharge of chemical herbicides into the river other than as provided for in an approved pest management strategy.
- (4) Any visible disturbance to the substrate of the river bed must be remedied or re-contoured within seven days of completion of the works.
- (5) Removal must be done by hand or by hand-held tools.
- (6) Removal must not be in areas where mangroves are serving to mitigate erosion.
- (7) Removal must not damage or disturb areas of salt marsh or seagrass.
- (8) Written advice must be provided to the Council at least 10 working days prior to the works (other than for the removal of 30m<sup>2</sup> or less of seedling by hand). The advice must include the location of the mangroves to be removed.

**E3.6.1.10. Standards for works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water**

- (1) All works on existing structures must comply with all of the following standards:
  - (a) during the activity bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure;
  - (b) best practice erosion and sediment control measures must be used to minimise any discharge of sediment, including sediment impounded behind an existing structure;
  - (c) debris or other material must not be re-deposited elsewhere in the bed of the lake, river or stream, or within the one per cent annual exceedance probability (AEP) flood plain;
  - (d) the activity must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream; and
  - (e) the activity must not compromise the structural integrity of the structure.

**E3.6.1.11. Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for the operation, use, maintenance, repair and upgrading of existing structures**

- (1) The activity must comply with the standards in E3.6.1.10 above.
- (2) For all structures, except culverts, do not prevent the passage of fish upstream and downstream in waterbodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.
- (3) For culverts do not have a perched entry or exit which prevents the passage of indigenous fish upstream or downstream in waterbodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.
- (4) Do not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream.
- (5) The structure must be maintained in a structurally sound condition at all times.
- (6) Construction material and ancillary structures must be removed from the bed following completion of the activity.
- (7) The activity must not change the area occupied by the structure.

**E3.6.1.12. Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for the replacement, upgrading or extension of structures**

- (1) The activity must comply with the standards in E3.6.1.10 above.
- (2) Structure length must comply with all of the following requirements:
  - (a) the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the length of any existing structure and the proposed extension but excludes erosion or scour management works; and
  - (b) any required erosion or scour management works must not exceed 5m in length, either side of the extended structure. Such works protruding into the bed do not require a separate consent as they are authorised under this rule.
- (3) Construction material and ancillary structures must be removed from the bed following completion of the activity.
- (4) Other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam.
- (5) The structure must not prevent the passage of fish upstream and downstream in waterbodies that contain fish.

- (6) Temporary restrictions to fish passage may occur to enable construction work to be carried out.
- (7) For modification of a dam or weir:
  - (a) the modification must not commence until as much of the impounded sediment as is reasonably practicable has been removed from behind the structure; and
  - (b) best practice endeavours must be used to minimise the discharge of sediment impounded by the structure.
- (8) For modification of a mooring:
  - (a) the mooring anchor or pile is not relocated on the bed; and
  - (b) the length of the mooring chain is not extended by more than 25 per cent.

**E3.6.1.13. Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for the demolition or removal of existing structures**

- (1) The activity must comply with the standards in E3.6.1.10 above.
- (2) The structure must be removed from the bed as far as practicable.
- (3) Any remaining sections must not be a hazard to public access, navigation or health and safety.
- (4) The bed must be restored to a profile that does not inhibit water flow or prevent the passage of fish upstream and downstream in waterbodies that contain fish.
- (5) For removal of a dam or weir:
  - (a) the modification must not commence until as much of the impounded sediment as is practicable has been removed from behind the structure; and
  - (b) best practice endeavours must be used to minimise the discharge of sediment impounded by the structure.

**E3.6.1.14. Standards for new structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water**

- (1) Structure length must comply with all of the following:
  - (a) the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the

length of any existing structure and the proposed extension but excludes erosion or scour management works;

- (b) any required erosion or scour management works must not exceed 5m in length, either side of the extended structure. Such works protruding into the bed do not require a separate consent as they are authorised under this rule; and
  - (c) a new structure must not be erected or placed in individual lengths of 30m or less where this would progressively encase or otherwise modify the bed of a river or stream.
- (2) During construction bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure.
  - (3) The structure must not prevent the passage of fish upstream and downstream in waterbodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.
  - (4) The structure must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream.
  - (5) Construction material and ancillary structures must be removed from the bed following completion of the activity.
  - (6) Other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam.
  - (7) The 1per cent annual exceedance probability (AEP) flood shall be accommodated by the structure and/or by an overland flow path without increasing flood levels up stream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity.
  - (8) Calculation of flow rates will be made using the Auckland Council Technical Publication 108: Guideline for stormwater runoff modelling in the Auckland Region, April 1999.

**E3.6.1.15. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for temporary structures**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) This activity does not need to comply with Standard E3.6.1.1(2).
- (3) The temporary structure must be in place no longer than 14 days within any six month period.



- (4) The temporary structure must accommodate a 5 per cent annual exceedance probability (AEP) flood event.
- (5) The temporary structure must occupy the minimum area necessary for its purpose.
- (6) For a temporary bridge, temporary piles may be located in the bed.

**E3.6.1.16. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for bridges or pipe bridges**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) Piles must not be located in, on or under the bed of the lake, river, stream or wetland.

**E3.6.1.17. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for new cables or lines that cross over a river or stream which do not require support structures in the watercourse**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) Structures in navigable watercourses the cable or line must not prevent navigation of vessels.

**E3.6.1.18. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for culverts or fords less than 30m in length when measured parallel to the direction of water flow**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) The 1 per cent annual exceedance probability (AEP) flood shall be accommodated by the structure and/or by an overland flow path without significantly increasing flood levels up stream or downstream of the structure.
- (3) Culverts must be constructed of inert materials with a design life of at least 50 years.

**E3.6.1.19. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for maimai**

- (1) The activity must comply with the standards in E3.6.1.14 above.

- (2) The floor area must not exceed 10m<sup>2</sup>.
- (3) The structure must be founded on piles that protrude above the normal water level.

**E3.6.1.20. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for sign, navigational aid, ski lane marker or buoy**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) Structures in navigable watercourses must not prevent navigation of vessels.

**E3.6.1.21. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for structures solely under the bed of a lake, river or wetland**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) The structure must be installed without disturbing the bed.

**E3.6.1.22. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for swing or pile mooring:**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) Structures in navigable watercourses must not prevent navigation of vessels.

**E3.6.1.23. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for weirs, floodgates and flow monitoring devices:**

- (1) The activity must comply with the standards in E3.6.1.14 above.
- (2) At all times when there is natural flow upstream of the weir an equivalent flow must be maintained downstream of the weir.
- (3) The damming of water must not result in the loss, degradation or permanent flooding of any wetland.

Note 1

The damming of water behind a weir is provided for in Chapter E7 Taking, using, damming and diversion of water and drilling.

**E3.6.1.24. Standards for the removal or demolition of a lawfully existing reclamation or drained area on or before 30 September 2013**

- (1) The Council must be notified of the proposed removal or demolition of the reclamation or drained area prior to work starting.
- (2) The reclamation or drained area must be removed from the bed as far as practicable.
- (3) Any remaining sections must not be a hazard to public access, navigation or health and safety.
- (4) The bed must be restored to a profile that does not inhibit water flow or prevent the passage of fish upstream and downstream in waterbodies that contain fish.

Note 1

Reclamation consents are not required when installing culverts, fords and erosion protection structures.

**E3.6.1.25. Standards for livestock access on production land that is grazed by a stocking rate equal to or exceeding 18 stock units per hectare**

- (1) Stock units are defined in the Farm Technical Manual – Lincoln University; Fleming, P. (Ed.); 2011.
- (2) Livestock must be excluded from any of the following:
  - (a) the full extent of any lakes, rivers, streams and wetlands, excluding any intermittent stream reaches, by 5 years after this rule becomes operative; or
  - (b) the full extent of any river or stream, including any intermittent stream reaches, by 10 years after this rule becomes operative.
- (3) Livestock is not required to be excluded from ephemeral streams on any grazed production land.
- (4) Livestock exclusion must be effective and exclusion methods may include a permanent fence or temporary hot-wire, dense vegetation and natural barriers that prevent livestock from gaining access to the waterway.

Note 1

For livestock access in the coastal marine area refer to F2 Coastal - General Coastal Marine Zone.

**E3.7. Assessment – controlled activities**

There are no controlled activities in this section.

**E3.8. Assessment – restricted discretionary activities**

**E3.8.1. 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) the effects on ecological, hydrological, recreational, cultural and natural character values (existing and potential) of the lake, river or stream or wetland, and its catchment;
  - (b) the effects on any of the values in the following overlays:
    - (i) Natural Stream Management Areas Overlay;
    - (ii) Natural Lake Management Areas Overlay;
    - (iii) Urban Lake Management Areas Overlay;
    - (iv) Wetland Management Areas Overlay; and
    - (v) Significant Ecological Areas Overlay.
  - (c) the effects on downstream lake, river or stream or wetland environments arising directly from the activity, and any effects arising from any permanent modification in stream state or function caused by the activity;
  - (d) the offsetting of significant residual adverse effects that cannot be avoided, remedied or mitigated;
  - (e) the construction methodology, including the timing and duration of the activity and erosion and sediment controls;
  - (f) the ability of aquatic fauna to utilise habitats (including refugia) and move upstream and downstream, including the relevance and provision of fish passage;
  - (g) upstream or downstream flooding effects;
  - (h) the effects on any scheduled sites in the Historic Heritage Schedule;
  - (i) the effects on Mana Whenua values, and
  - (j) alternative methods that avoid, remedy or mitigate adverse effects of any proposal.
- (2) Diversion of a river or stream associated with mineral extraction activities within the H28 Special Purpose - Quarry Zone:
  - (a) the need for the disturbance, structure, reclamation or drainage in the context of the mineral extraction activity.

### **E3.8.2. Assessment criteria**

The Council will, in addition to the relevant policies, consider the relevant assessment criteria below for restricted discretionary activities:

- (1) all restricted discretionary activities including diversion of a river or stream associated with mineral extraction activities within the H28 Special Purpose - Quarry Zone:
- (a) whether the proposal has avoided, remedied or mitigated potential adverse effects, including hydrological, hydraulic and ecological effects;
  - (b) whether any adverse effects that cannot be avoided, remedied or mitigated have been adequately off-set;
  - (c) whether the ongoing provision of, or creation of, fish passage is necessary and how it has been provided;
  - (d) whether the proposal avoids adverse effects on any scheduled historic heritage place;
  - (e) whether any adverse effects on Mana Whenua values are avoided, remedied or mitigated;
  - (f) whether any proposal avoids more than minor bank erosion, stream bed erosion, and land instability effects;
  - (g) whether any proposal retains sufficient stream flow conveyance capacity for all flows from base flow to flood flows;
  - (h) whether any planting and enhancement is established in accordance with best practice, having regard to relevant industry or Auckland Council guidelines;
  - (i) whether the natural character of the stream is maintained or enhanced;
  - (j) the extent to which the stream's ecological functions are enhanced; and
  - (k) whether any adverse effects on Mana Whenua values are avoided, remedied or mitigated.

### **E3.9. Special information requirements**

There are no special information requirements in this section.

## E4. Other discharges of contaminants

### E4.1. Background

The following provisions are regional provisions and apply to discharges of contaminants onto or into land and/or into water that are not otherwise covered by other parts of the Plan and occur or need to occur pursuant to section 15 of the Resource Management Act 1991.

Discharges directly to the coastal marine area are addressed in F2 Coastal – General Coastal Marine Zone.

### E4.2. Objectives [rp]

The objectives are located in E1 Water quality and integrated management.

### E4.3. Policies [rp]

The policies are located in E1 Water quality and integrated management.

### E4.4. Activity table

Table E4.4.1 Activity table specifies the activity status for the discharge of contaminants not otherwise covered by other parts of the Plan onto or into land and/or into water pursuant to section 15 of the Resource Management Act 1991.

**Table E4.4.1 Activity table**

Activity		Activity status
(A1)	Discharge of water and/or contaminants (including washwater) onto or into land and/or into water from any of the following activities: <ul style="list-style-type: none"> <li>(a) concrete/asphalt laying or reworking;</li> <li>(b) drilling (excluding bore development and testing);</li> <li>(c) mobile cleaners;</li> <li>(d) washing vehicles, plant or machinery;</li> <li>(e) cleaning, maintenance and preparation of surfaces of buildings, and associated structures that do not border, or span or otherwise extend over any water body;</li> <li>(f) road construction activities;</li> <li>(g) construction, repair, maintenance, upgrade or removal of any component of the stormwater or wastewater network that does not border, span or otherwise extend over any water body;</li> <li>(h) construction, repair, maintenance, upgrade or removal of network utility infrastructure that does not border, span or otherwise extend over any water body;</li> <li>(i) maintenance and cleaning of quay cranes operated by Ports of Auckland;</li> <li>(j) dust suppression;</li> <li>(k) emergency services response firefighting and training or investigation activities; or</li> <li>(l) the removal of graffiti from any structure, including those that border, span or otherwise extend over any water body</li> </ul>	P

(A2)	Discharge of water onto or into land and/or into water from any of the following: (a) testing or emptying of pipelines, tanks or bunds; (b) swimming pools, other than saltwater pools and filter backwash water; (c) bore development, testing or purging (dewatering), except for contaminated groundwater; (d) temporary or permanent discharge of diverted uncontaminated groundwater; or (e) water used for freshwater fish farming ponds, tanks or other containment structures operating without chemical additives on a continuous flow-through basis	P
(A3)	Discharge of swimming pool filter backwash onto or into land and/or into water in a manner that does not result in runoff into surface water	P
(A4)	Discharge of potable water onto or into land and/or into water for the purpose of draining pipelines or water reservoirs for inspection, repair or maintenance	P
(A5)	Discharge onto or into land and/or into water for the purpose of dewatering trenches or other excavations	P
(A6)	Discharge of dye or tracer material for investigative purposes onto or into land and/or into water	P
(A7)	Discharge of geothermal water onto or into land and/or into water from any site in Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area that complies with Standard E4.6.1 and Standard E4.6.2.7	P
(A8)	Discharge onto or into land and/or into water from the use of weapons associated with military training under the Defence Act 1990	P
(A9)	Discharge of water and/or sediment onto or into land and/or into water from produce washing in a manner that does not result in runoff into surface water	P
(A10)	Discharge of water and/or contaminants onto or into land and/or into water as a result of wet or dry abrasive blasting activities	C
(A11)	Discharge of water and/or contaminants (including washwater) onto or into land and/or into water from any of the following: (a) cleaning, maintenance and preparation of surfaces of buildings, and associated structures; (b) construction, repair, maintenance, upgrade or removal of network utility infrastructure; or (c) construction, repair, maintenance, upgrade or removal of any component of the stormwater or wastewater network	C
(A12)	Discharge of geothermal water onto or into land and/or into water from any site in the Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area that does not comply with Standard	C

	E4.6.2.7, but complies with Standard E4.6.1 and Standard E4.6.3.2	
(A13)	Discharge of geothermal water onto or into land and/or into water from any site in the Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area, that does not comply with Standard E4.6.1 and Standard E4.6.3.2	RD
(A14)	Discharge of geothermal water onto or into land and/or into water outside of Parakai and Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area	D
(A15)	Discharge of water or contaminants (including washwater) onto or into land and/or into water not complying with the relevant standards or not otherwise provided for by a rule in the Plan	D
(A16)	Discharge of contaminants associated with hydraulic fracturing onto or into land and/or into water	D

#### E4.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E4.4.1 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.
- (2) Any application for resource consent for an activity listed in Table E4.4.1 Activity table and which is not listed in E4.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### E4.6. Standards

##### E4.6.1. General standards for all permitted activities, controlled activities and restricted discretionary activities

All activities listed as permitted, controlled or restricted discretionary in Table E4.4.1 Activity table must comply with the following standards.

- (1) The discharge must not, after reasonable mixing, give rise to any of the following:
  - (a) the production of any conspicuous oil or grease film, scum or foam, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;



- (d) the rendering of freshwater unsuitable for consumption by farm animals;
  - (e) a change to the natural temperature of the receiving water by more than 3 degrees celsius;
  - (f) a change in the natural pH of the water by more than 1pH unit; and
  - (g) any significant adverse effect on aquatic life.
- (2) The discharge must not enter into any water supply catchment, or any areas identified in D8 Wetland Management Areas Overlay (excluding Wetland Management Area Number 450 Lake Pupuke), D5 Natural Lake Management Areas Overlay or D4 Natural Stream Management Areas Overlay except in the case of a discharge by a network utility operator carried out for maintenance, routine operations, or emergency works, provided there are no adverse effects on a Wetland Management Area, Natural Lake Management Area or Natural Stream Management Area.
- (3) The discharge must not cause erosion or scouring at the point of discharge or alter the natural course of the water body.
- (4) The discharge must not include washwater used for the external cleaning of a reticulated water supply system.
- (5) The discharge must be in accordance with best management practice to minimise the contaminants to the extent practicable.

#### **E4.6.2. Permitted activity standards**

All permitted activities in Table E4.4.1 Activity table must comply with the following activity specific standards as well as the general standards in Standard E4.6.1 above.

##### **E4.6.2.1. Discharge of water onto or into land and/or into water from testing or emptying of pipelines, tanks or bunds**

- (1) As far as practicable, welding residues or other debris contained within a pipeline must not be discharged to the receiving water.
- (2) Discharged water that has been chlorinated must not exceed a chlorine level of 0.02mg/L.

**E4.6.2.2. Discharge of water onto or into land and/or into water from swimming pools, other than saltwater pools and filter backwash water**

- (1) Swimming pool water must:
- (a) be directed to a wastewater network where available and the connection is approved by wastewater network operator; or
  - (b) if wastewater network disposal is not available, the swimming pool must be left uncovered and must not be dosed with chemical additives for at least 14 days before the discharge occurs.

**E4.6.2.3. Discharge of water onto or into land and/or into water from temporary or permanent discharge of diverted uncontaminated groundwater; or Discharge of water onto or into land and/or into water from water used for freshwater fish farming ponds, tanks or other containment structures operating without chemical additives on a continuous flow-through basis**

- (1) The discharge must not either by itself or in combination with other contaminants after reasonable mixing exceed the greater of the 95 per cent trigger values for freshwater (groundwater) specified in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000 Guidelines), or the natural background level.

**E4.6.2.4. Discharge of potable water onto or into land and/or into water for the purpose of draining pipelines or water reservoirs for inspection, repair or maintenance**

- (1) The discharge must not include backwash water from water treatment plants.
- (2) Discharged water that has been chlorinated must not exceed a chlorine level of 0.02mg/L.

**E4.6.2.5. Discharge onto or into land and/or into water for the purpose of dewatering trenches or other excavations**

- (1) The origin of the discharge must be limited to surface water and/or groundwater.
- (2) Appropriate sediment control measures must be implemented to ensure that the discharge does not result in any of the following:
- (a) the production of any conspicuous oil or grease film, scum or foam, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;

- (d) the rendering of freshwater unsuitable for consumption by farm animals;
- (e) a change in the natural temperature of the receiving water by more than 3 degrees celsius;
- (f) a change in the natural pH of the water by more than 1pH unit; and
- (g) any significant adverse effect on aquatic life.

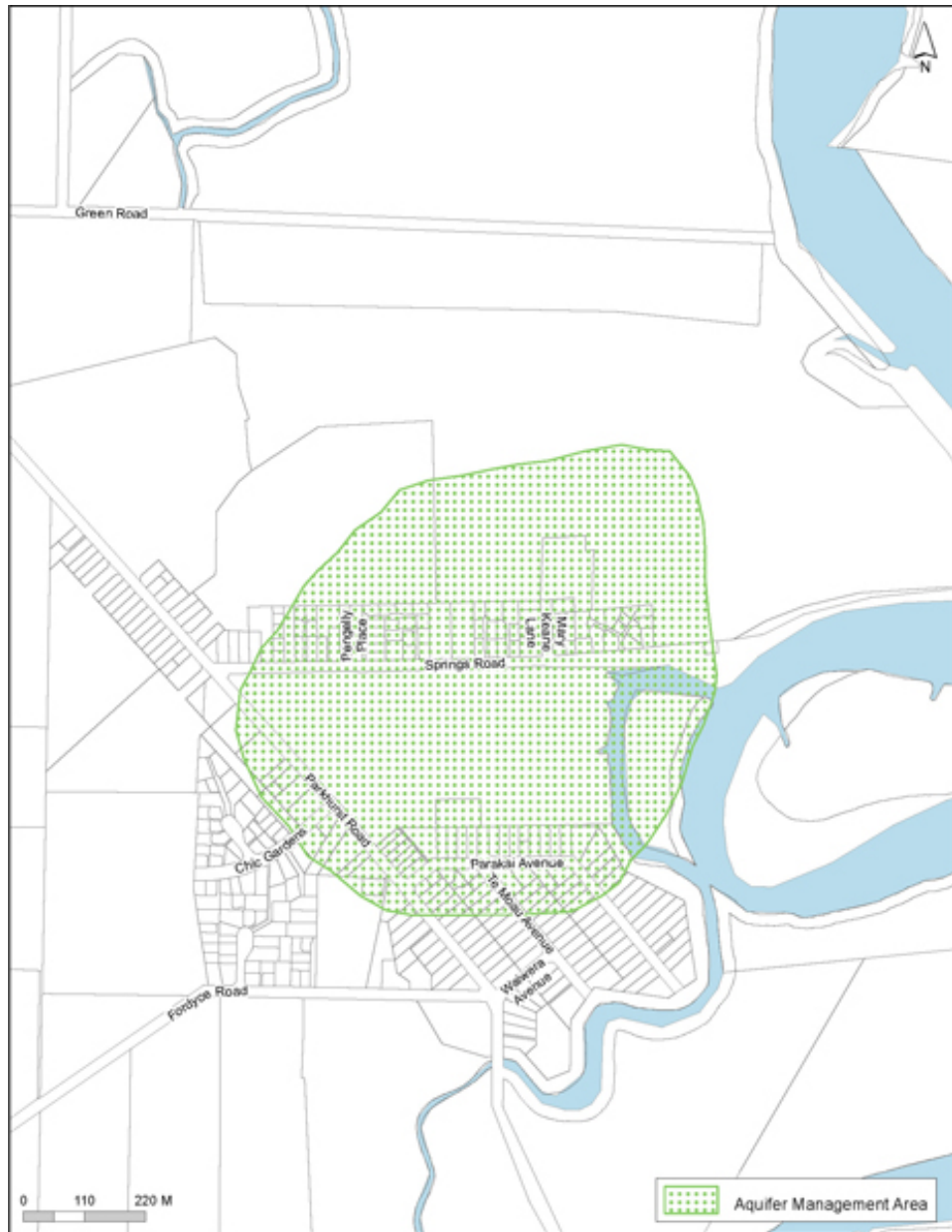
**E4.6.2.6. Discharge of dye or tracer material for investigative purposes onto or into land and/or into water**

- (1) Notice of the intended discharge must be given to the Council at least 12 hours prior to the discharge occurring.
- (2) The dye or tracer must be of a type designed for use in natural water and must be used in accordance with manufacturer's recommendations and any recognised standards and practices.

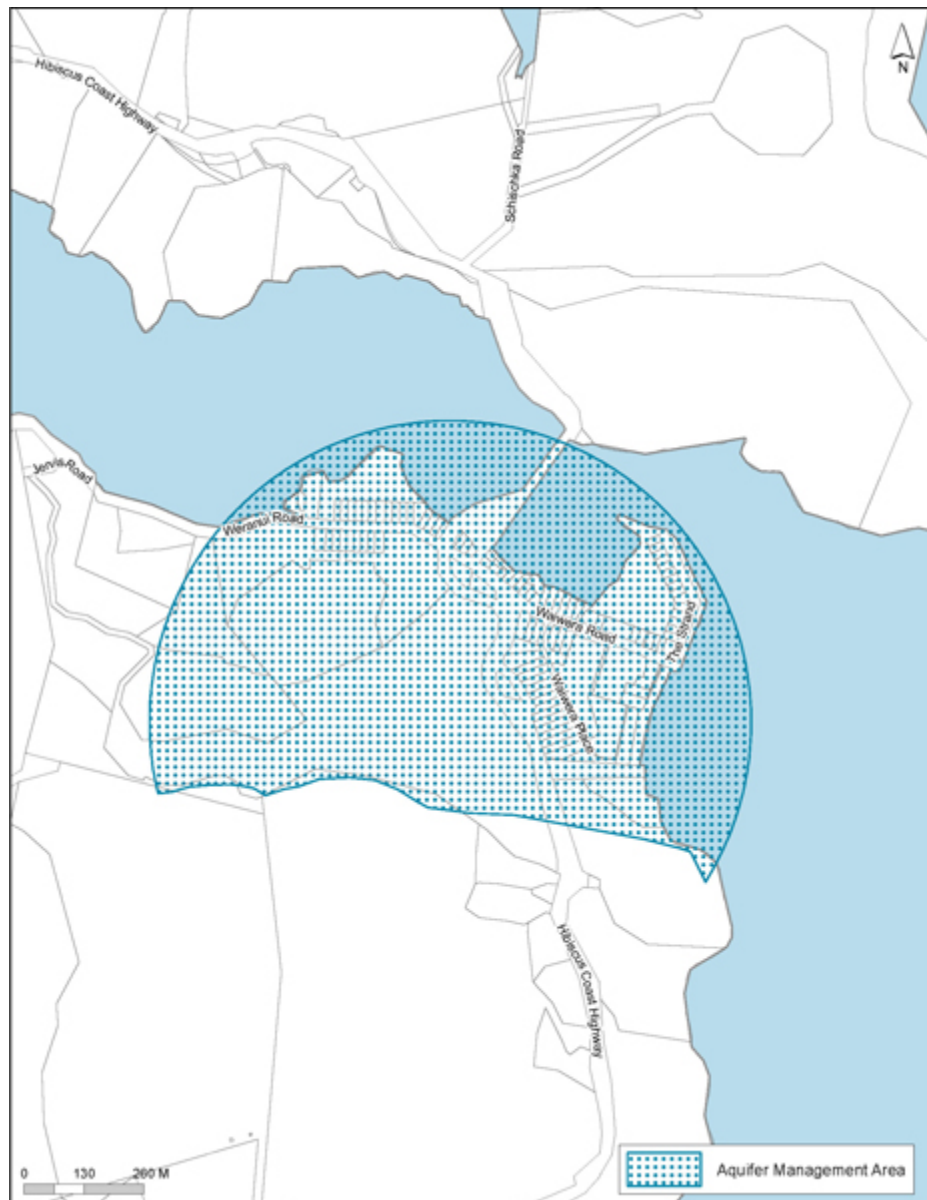
**E4.6.2.7. Discharge of geothermal water onto or into land and/or into water from any site in Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area**

- (1) Any discharge of backwash water must only take place from pools with a volume of less than 10m<sup>3</sup>.
- (2) Discharges other than backwash water must comprise geothermal water only and must not contain residual added chemicals.
- (3) The temperature of the discharge must be less than 35 degrees celsius.
- (4) The discharge must be less than 100m<sup>3</sup> per day and must not cause erosion, overland flows or nuisance to neighbouring properties.
- (5) The discharge must not be directly into any water body.
- (6) Approval must be obtained from the Council for any discharge that occurs via the public stormwater network.

**Figure E4.6.2.7.1 Parakai thermal aquifer management area**



**Figure E4.6.2.7.2 Waiwera thermal aquifer management area**



**E4.6.2.8. Discharge onto or into land and/or into water from the use of weapons associated with military training under the Defence Act 1990**

- (1) The discharge must not result in the contamination of land not designated for defence purposes above the levels specified in E30 Contaminated Land Table E30.6.1.4.1 Permitted activity soil acceptance criteria.
- (2) The discharge must not result in the contamination of groundwater used by other parties.
- (3) The discharge must not lead to contamination of surface water.

**E4.6.2.9. Discharge of water and/or sediment onto or into land and/or into water from produce washing to land in a manner that does not result in runoff into surface water**

- (1) The discharge must not contain contaminants other than sediment, and/or those contaminants generally found in agricultural soils and water.
- (2) The discharge must be land in such a manner that there is no runoff into surface water or onto other property.

**E4.6.3. Controlled activity standards**

All controlled activities in Table E4.4.1 Activity table must comply with the following activity specific standards as well as the general standards in Standard E4.6.1 above.

**E4.6.3.1. Discharge of water and/or contaminants (including washwater) onto or into land and/or into water from any of the following:**

- (a) cleaning, maintenance and preparation of surfaces of buildings, and associated structures;**
  - (b) construction, repair, maintenance, upgrade or removal of network utility infrastructure; or**
  - (c) construction, repair, maintenance, upgrade or removal of any component of the stormwater or wastewater network**
- (1) Discharges must not enter any areas identified in the Wetland Management Areas Overlay, Natural Lake Management Areas Overlay or Natural Stream Management Areas Overlay.

**E4.6.3.2. Discharge of geothermal water onto or into land and/or into water from any site in the Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area that does not comply with Standard E4.6.2.7**

- (1) The discharge must comprise geothermal water, with or without the addition of pool chemical treatments.
- (2) The discharge must not contain any filter backwash water.
- (3) The contaminant discharged must not either by itself or in combination with other contaminants exceed the 95 per cent trigger values for freshwater (groundwater) specified in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000 Guidelines).
- (4) The temperature of the discharge must be less than 35 degrees celsius.
- (5) The discharge after reasonable mixing must not change the natural temperature of the receiving water by more than 3 degrees celsius.

- (6) The discharge after reasonable mixing must not change the natural pH of the water by greater than 1pH unit.
- (7) The discharge must not cause erosion or scouring at the point of discharge or cause downstream channel erosion or alter the natural course of the water body.
- (8) The discharge must not result in significant flooding.

#### **E4.7. Assessment – controlled activities**

##### **E4.7.1. Matters of control**

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

- (1) general matters for all controlled activities:
  - (a) the volume of discharge and level of contamination;
  - (b) the method of discharge and effects arising from the method chosen;
  - (c) the provision and adequacy of equipment for the collection, treatment and disposal of any discharge; and
  - (d) monitoring requirements and duration of the consent.
- (2) for the discharge of water and/or contaminants onto or into land and/or into water as a result of wet or dry abrasive blasting activities:
  - (a) the duration of the discharge; and
  - (b) notification of affected parties prior to work starting.
- (3) for the discharge of geothermal water onto or into land and/or into water from any site in the Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area that does not comply with Standard E4.6.2.7:
  - (a) the quality of any discharge including methods for the treatment and disposal of contaminants, including pool treatment chemicals and filter backwash water;
  - (b) the location of any discharge point; and
  - (c) the rate and frequency of any discharge.

##### **E4.7.2. Assessment criteria**

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

- (1) the extent to which contaminants in the discharge and associated adverse effects are minimised and mitigated, having regard to objectives E1.2(1) – (3) and policies E1.3(1) – (6) and E1.3(26) of E1 Water Quality and Integrated Management.

#### **E4.8. Assessment – Restricted discretionary activities**

##### **E4.8.1. Matters of discretion**

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

- (1) for the discharge of geothermal water onto or into land and/or into water from any site in the Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area, that does not comply with Standard E4.6.1 and Standard E4.6.3.2:
  - (a) the quality of any discharge including methods for the treatment and disposal of contaminants, including pool treatment chemicals and filter backwash water;
  - (b) the method of discharge and adverse effects arising from the method chosen;
  - (c) the location of any discharge point;
  - (d) the rate and frequency of any discharge;
  - (e) monitoring requirements and consent duration ; and
  - (f) the effects on Mana Whenua values.

##### **E4.8.2. Assessment criteria**

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

- (1) for the discharge of geothermal water onto or into land and/or into water from any site in the Parakai or Waiwera thermal aquifer management areas as shown in Figure E4.6.2.7.1 Parakai thermal aquifer management area and Figure E4.6.2.7.2 Waiwera thermal aquifer management area, that does not comply with Standard E4.6.1 and Standard E4.6.3.2:
  - (a) whether contaminants in the discharge and associated adverse effects are minimised and mitigated having regard to objectives E1.2(1) – (3) and policies E1.3(1) – (6) and E1.3(26) of E1 Water Quality and Integrated Management;
  - (b) whether any effects on Mana Whenua values are avoided, remedied or mitigated.

#### **E4.9. Special information requirements**



There are no special information requirements in this section.

## E5. On-site and small scale wastewater treatment and disposal

### E5.1. Background

On-site wastewater systems are utilised for residential dwellings, commercial and industrial activities and facilities not serviced by a wastewater network or where the wastewater network does not have capacity to service the site. The on-site and small scale wastewater treatment and disposal provisions are regional provisions and apply to the discharge of domestic type wastewater and wastewater (excluding trade waste) via an on-site wastewater treatment system and land disposal.

This includes discharges from small communal on-site treatment and disposal systems that service more than one dwelling on different sites.

Wastewater networks/wastewater treatment plants are controlled by the relevant objectives and policies for wastewater networks in E1 Water quality and integrated management and rules for wastewater networks in E6 Wastewater network management.

Septic tanks and small package treatment plants are the most common mechanisms for treating and disposing of wastewater where there is no reticulated wastewater network. A range of treatment systems are available that treat wastewater effluent to a high quality and reduce potential adverse effects on the environment.

### E5.2. Objectives [rp]

The objectives are located in E1 Water quality and integrated management.

### E5.3. Policies [rp]

The policies are located in E1 Water quality and integrated management.

### E5.4. Activity table

Table E5.4.1 Activity table specifies the activity status for the discharge of wastewater onto or into land from on-site and small scale wastewater treatment and disposal systems pursuant to section 15 of the Resource Management Act 1991.

**Table E5.4.1 Activity table**

Activity		Activity status
(A1)	Discharge of treated domestic type wastewater onto or into land within a site via a land application disposal system	P
(A2)	Discharge of treated domestic type wastewater onto or into land via a land application disposal system that was a permitted activity and/or lawfully in existence without the need for a resource consent at the date of this rule becoming operative	P
(A3)	Discharge of treated domestic type wastewater from one dwelling without a permanent power supply onto or into land within a site via a land application disposal system	P
(A4)	Discharge of treated domestic type wastewater onto or into land via one or up to three land application disposal systems within a site, in circumstances where the systems cannot be	P

	reasonably combined	
(A5)	Discharges of up to 6m <sup>3</sup> per day of treated domestic type wastewater via a land application disposal system	RD
(A6)	Discharge of treated domestic-type wastewater and wastewater (excluding trade waste) that does not meet the relevant standards or is not provided for by any other rule in the Plan	D
(A7)	Discharge of domestic type wastewater by new deep bore disposal	Pr

### E5.5. Notification

- (1) Any application for resource consent for an activity listed in Table E5.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E5.6. Standards

#### E5.6.1. General standards for all permitted activities and restricted discretionary activities

Activities listed as permitted activities or restricted discretionary activities in Table E5.4.1 Activity table must comply with the following permitted activity standards.

- (1) The wastewater discharge must not result in contamination of ground water at a point of extraction, any surface water, a stormwater drain, a neighbouring property, or cause a public health risk.
- (2) The construction of the on-site wastewater treatment system and the resulting discharge of treated wastewater must not disturb or otherwise adversely affect any place scheduled in the Historic Heritage Overlay or any site or place in the Sites and Places of Significance to Mana Whenua Overlay.
- (3) The wastewater treatment system must be maintained by a suitably qualified on-site wastewater service provider in accordance with Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58) recommendations, the manufacturer's recommendations or the suitably qualified on-site wastewater service provider's recommendations. At a minimum, the maintenance, where relevant to the specific system, must ensure that:
  - (a) septic tank outlet filters are checked and serviced regularly at intervals as recommended by the manufacturer;
  - (b) the secondary/ tertiary treatment plant and the land application disposal system is serviced six monthly by a suitably qualified on-site wastewater service provider;

- (c) primary/ septic tank(s) and the land application disposal system are inspected no less frequently than every three years and where necessary the tank(s) are pumped out by a suitably qualified on-site wastewater service provider when sludge and scum levels occupy 50 per cent of the tank volume; and
  - (d) records of each maintenance action must be retained and made available on the site for inspection by the Council or their agents.
- (4) Reserve disposal areas must be retained in a suitable state and condition that does not prevent their use for future effluent disposal.
- (5) There must be no activities, including heavy vehicle or stock access, over the wastewater disposal area that may adversely affect the disposal area.

#### **E5.6.2. Permitted activity standards**

All permitted activities in Table E5.4.1 Activity table must comply with the following activity specific standards as well as Standard E5.6.1 above.

##### **E5.6.2.1. Discharge of treated domestic type wastewater onto or into land within a site via a treatment and land application disposal system**

- (1) The wastewater design flow and actual flow must not be greater than 2m<sup>3</sup> per day.
- (2) The ratio of site area to wastewater discharge volume must be equal to or greater than 1.5m<sup>2</sup> per litre per day.
- (3) The site must not be contained or described in a title issued under the Unit Titles Act 2010 or a cross lease form of title.
- (4) The site investigation procedures, design, installation and operation of the on-site wastewater treatment and land application disposal system must be undertaken in accordance with Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58), and must in particular give effect to all of the following:
  - (a) the site assessment practices to determine the system suitability (Chapter 5 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58). The flow allowances used to establish system design flow must be at least 120 litres/person/day for dwellings and the maximum estimated water use for all other activities as specified in Chapter 6 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58);
  - (b) a minimum of secondary treatment that is in accordance with the design criteria and parameter ranges provided in Chapter 7 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58);

- (c) the land disposal system must comprise pressure compensating dripper irrigation with an area loading rate dependant on soil category, but no greater than 5mm/day; and
- (d) the provision and maintenance of a minimum reserve land disposal area (Chapter 5 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58)).

**E5.6.2.2. Discharge of treated domestic type wastewater onto or into land via a land application disposal system that was a permitted activity and/or lawfully in existence without the need for a resource consent at the date of this rule becoming operative**

- (1) The nature of the wastewater discharge must be the same as that existing at the date this rule becomes operative.
- (2) The wastewater discharge must not exceed 2m<sup>3</sup> per day and the design flow must be no greater than that existing at the date this rule becomes operative.
- (3) At a minimum, the wastewater treatment and land application disposal system must be maintained in accordance with its original design.

**E5.6.2.3. Discharge of treated domestic type wastewater from one dwelling without a permanent power supply to land within a site via a land application disposal system**

- (1) The wastewater design flow and actual flow must not be greater than 2m<sup>3</sup> per day.
- (2) The ratio of site area to wastewater discharge volume must be equal to or greater than 1.5m<sup>2</sup> per litre per day.
- (3) The site must not be contained or described in a title issued under the Unit Titles Act 2010 or a cross-lease form of title.
- (4) The site investigation procedures, design, installation and operation of the on-site wastewater treatment and land application disposal system must be undertaken in accordance with Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58), and must in particular give effect to all of the following matters:
  - (a) the site assessment practices to determine the system suitability and design parameters (Chapter 5 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58));
  - (b) the flow allowances used to establish system design flow, must be at least 100 litres/person/day (Chapter 6 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58));

- (c) septic tanks (as standalone primary treatment units) must be fitted with an outlet filter;
- (d) the land disposal system must comprise a gravity loaded or siphon or pump dosed land application system appropriate to the soil conditions in accordance with Standard E5.6.2.3(4)(a) above;
- (e) the discharge quality standards to be achieved by the system (Chapter 7 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58); and
- (f) the provision and maintenance of a minimum reserve land disposal area (Chapter 5 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58)).

**E5.6.2.4. Discharge of treated domestic type wastewater onto or into land via one or up to three land application disposal systems within a site, in circumstances where the systems cannot be reasonably combined**

- (1) The design flow and actual flow for each system is not greater than 3m<sup>3</sup> per day.
- (2) The ratio of site area to discharge volume must be equal to or greater than 3m<sup>2</sup> per litre per day for the total combined flow of the discharge.
- (3) There must be no less than 100 per cent reserve wastewater disposal area per system available within the site.
- (4) The site investigation procedures, design, installation and operation of the on-site wastewater treatment and land application disposal system must be undertaken in accordance with Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58), and must, in particular, give effect to all of the following matters:
  - (a) the site assessment practices to determine the system suitability (Chapter 5 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58));
  - (b) the flow allowances used to establish system design flow must be at least 160 litres/person/day for dwellings and the maximum estimated water use for all other activities as specified in Chapter 6 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58);
  - (c) septic tanks (as stand-alone primary treatment units) must be fitted with an outlet filter;
  - (d) the land disposal system must comprise pressure compensating dripper irrigation or low pressure effluent distribution systems (LPED) or trenches or beds;

- (e) the discharge quality standards to be achieved by the system (Chapter 7 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58); and
- (f) the provision and maintenance of a minimum reserve land disposal area (Chapter 5 of Technical Publication 58 On-site Wastewater Systems: Design and Management Manual 2004 (TP58).

#### **E5.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **E5.8. Assessment – Restricted discretionary activities**

##### **E5.8.1. Matters of discretion**

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

- (1) for discharges of up to 6m<sup>3</sup> per day of treated domestic type wastewater via a land application disposal system:
  - (a) the quality and design flow volume of wastewater;
  - (b) the design and performance of the wastewater treatment system;
  - (c) the design of the land disposal system, the disposal method, and the rate of land application;
  - (d) the avoidance, remediation or mitigation of adverse effects on the environment arising from the design or intended operation of the wastewater treatment and disposal system;
  - (e) the provision of a suitable land application reserve area;
  - (f) the effects on Mana Whenua values; and
  - (g) the proposed consent duration and any proposed monitoring.

##### **E5.8.2. Assessment criteria**

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

- (1) for discharges of up to 6m<sup>3</sup> per day of treated domestic type wastewater via a land application disposal system:
  - (a) whether the proposed the on-site disposal of wastewater is appropriate in terms of all of the following:
    - (i) the absence of wastewater network available to the site, or the practicality of connecting to such a network;

- (ii) the on-site wastewater treatment and discharge is of a quality and volume that is suitable for the site conditions, including proximity to surface water bodies, stormwater drains and neighbouring properties;
- (iii) the on-site wastewater treatment and discharge is of a quality and volume that avoids significant adverse effects on surface water, groundwater quality, public health and amenity; and other potential adverse effects are remediated or mitigated; and
- (iv) the on-site wastewater treatment and discharge is of a quality and volume that any matters relating to the potential adverse effects of the discharge on Mana Whenua values are identified and addressed.

**E5.9. Special information requirements**

There are no special information requirements in this section.



## E6. Wastewater network management

### E6.1. Background

The following provisions are regional provisions and apply to the management and regulation of discharges of contaminants from wastewater networks via either planned or unplanned discharges of wastewater, including overflows, onto or into land and/or into water pursuant to section 15 of the Resource Management Act 1991.

These rules do not address on-site discharges of wastewater from on-site systems, or discharges of wastewater directly to the coastal marine area. Rules for these matters are addressed in E5 On-site and small scale wastewater treatment and disposal and in F2 Coastal – General Coastal Marine Zone.

### E6.2. Objectives [rp]

The objectives are located in E1 Water quality and integrated management.

### E6.3. Policies [rp]

The policies are located in E1 Water quality and integrated management.

### E6.4. Activity table

Table E6.4.1 Activity table specifies the activity status for the discharge of contaminants from wastewater networks via either planned or unplanned discharges of wastewater, including overflows, onto or into land and/or into water pursuant to section 15 of the Resource Management Act 1991.

**Table E6.4.1 Activity table**

Activity		Activity status
(A1)	Discharge of untreated wastewater overflows onto or into land and/or into water from a new wastewater network in urban areas (excluding wastewater treatment plants)	P
(A2)	Discharge of wastewater onto or into land and/or into water from wastewater networks by way of exfiltration	P
(A3)	Discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1 and is not otherwise provided for by another rule in Table E6.4.1	RD
(A4)	Discharge of untreated wastewater overflows onto or into land and/or into water from an existing separated wastewater network servicing existing urban areas (excluding wastewater treatment plants)	C
(A5)	Discharge of untreated wastewater overflows onto or into land and/or into water from an existing combined sewer network (excluding wastewater treatment plants)	RD
(A6)	Discharge of treated or untreated wastewater onto or into land and/or into water from a wastewater treatment plant	D
(A7)	Any other discharge of wastewater onto or into land and/or into water from a wastewater network	D

## **E6.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E6.4.1 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.
- (2) Any application for resource consent for an activity listed in Table E6.4.1 Activity table and which is not listed in E6.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

## **E6.6. Standards**

### **E6.6.1. General standards for all permitted activities, controlled activities and restricted discretionary activities**

Activities listed as permitted, controlled or restricted discretionary in Table E6.4.1 must comply with the following permitted activity standards.

- (1) The discharge must not, after reasonable mixing, give rise to any of the following:
  - (a) conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) the rendering of fresh water unsuitable for consumption by farm animals;  
and
  - (e) any significant adverse effects on aquatic life.

### **E6.6.2. Permitted activity standards**

All permitted activities in Table E6.4.1 Activity table must comply with the following activity specific standards as well as Standard E6.6.1 above.

#### **E6.6.2.1. Discharge of untreated wastewater overflows onto or into land and/or into water from a new wastewater network in urban areas (excluding wastewater treatment plants)**

- (1) The network must be designed and constructed so that all of the following are achieved:
  - (a) capacity is provided for at least five times the average dry weather flow from the maximum probable development of the serviced network area at the time the network is constructed;

- (b) all pump stations must be designed for a minimum of four hours storage, in the pump station or the network; and
  - (c) all pump stations must be continuously monitored by telemetry so that the wastewater network operator is immediately informed of any pump station failure or fault that may result in an overflow.
- (2) The network must be operated to prevent dry weather overflows during normal operation of the network, and the network operator must have an operational and maintenance programme in place that minimises unforeseen dry weather overflows to the environment.
  - (3) A wastewater network operations plan must be prepared, and implemented, which that provides all of the following:
    - (a) a description of the network;
    - (b) maintenance procedures and levels of service for key elements of the network;
    - (c) operational procedures including response to system failures, incidents and overflow events; and
    - (d) monitoring and reporting procedures.
  - (4) Engineered overflow points must be designed and located so that any discharges minimise nuisance, damage, public health risk and ecological effects and do not cause scouring and erosion at the point of discharge.

**E6.6.2.2. Discharge of wastewater onto or into land and/or into water from wastewater networks by way of exfiltration**

- (1) The discharge must not render any potable water source unsuitable for human consumption, as defined in the Drinking-water Standards for New Zealand 2005 (revised 2008).
- (2) The wastewater network operator must have a programme in place to determine the general extent of exfiltration within the network and identify areas of proportionally high exfiltration.
- (3) The wastewater network operator must implement an operations and maintenance programme aimed at the progressive reduction, where practicable, of wastewater exfiltration.

**E6.6.3. Controlled activity standards**

All controlled activities in Table E6.4.1 Activity table must comply with the following activity specific standards as well as Standard E6.6.1 above.

**E6.6.3.1. Discharge of untreated wastewater overflows onto or into land and/or into water from an existing separated wastewater network servicing existing urban areas (excluding wastewater treatment plants)**

- (1) A programme must be in place to reduce network overflows to an average of no more than two events per discharge location per annum by 2040.
- (2) Emergency overflow points must be designed and located so that any discharges minimise nuisance, damage, public health risk, and ecological effects and do not cause scouring and erosion at the point of discharge.
- (3) A wastewater network operations plan must be prepared, and implemented, which provides all of the following:
  - (a) a description of the wastewater network;
  - (b) maintenance procedures and levels of service for key elements of the network;
  - (c) operational procedures including response to system failures, incidents and significant overflow events; and
  - (d) monitoring and reporting procedures.
- (4) All pump stations must be continuously monitored by telemetry so that the wastewater network operator is immediately informed of any pump station failure or fault that may result in an overflow.
- (5) The wastewater network must be operated to prevent dry weather overflows during normal operation of the network, and the network operator must have an operational and maintenance programme in place that minimises unforeseen dry weather overflows to the environment.

**E6.6.4. Restricted discretionary activity standards**

All restricted discretionary activities in Table E6.4.1 Activity table must comply with the following activity specific standards as well as Standard E6.6.1 above.

**E6.6.4.1. Discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1 and is not otherwise provided for by another rule in Table E6.4.1**

- (1) A wastewater network operations plan must be prepared, and implemented, which provides all of the following:
  - (a) a description of the wastewater network;
  - (b) maintenance procedures and levels of service for key elements of the network;

(c) operations procedures including response to system failures and significant overflow events; and

(d) monitoring and reporting procedures.

(2) All pump stations must be continuously monitored by telemetry so that the wastewater network operator is immediately informed of any pump station failure or fault that may result in an overflow.

(3) The wastewater network must be operated to prevent dry weather overflows during normal operation of the networks and the network operator must have an operations and maintenance programme in place that minimises unforeseen dry weather overflows to the environment.

**E6.6.4.2. Discharge of untreated wastewater overflows onto or into land and/or into water from an existing combined sewer network (excluding wastewater treatment plants)**

(1) The network must be designed and operated so it does not overflow to prevent dry weather overflows during normal operation of the network other than in emergency overflow situations.

**E6.7. Assessment – controlled activities**

**E6.7.1. Matters of control**

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

(1) for the discharge of untreated wastewater overflows onto or into land and/or into water from an existing separated wastewater network servicing existing urban areas (excluding wastewater treatment plants):

(a) the implementation of the overflow reduction programme;

(b) the mitigation of any adverse effects associated with the discharges, including effects on potable water supplies and public health;

(c) the implementation of the wastewater network operations plan and the operations and maintenance programme;

(d) associated monitoring and reporting; and

(e) the duration of the consent and the timing and nature of reviews of consent conditions.

**E6.7.2. Assessment criteria**

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

- (1) for the discharge of untreated wastewater overflows onto or into land and/or into water from an existing separated wastewater network servicing existing urban areas (excluding wastewater treatment plants):
  - (a) the extent to which the overflow reduction programme, the network operations plan and operational and maintenance programme:
    - (i) set out the best practicable option for preventing or minimising adverse effects;
    - (ii) adequately address wastewater discharges generated as a result of potential urban growth, urban redevelopment, and land use intensification within the wastewater catchment, taking into account the growth and intensification provisions of the Plan; and
    - (iii) prevent or minimise adverse effects of wastewater overflows on public health, potable water supplies, freshwater and coastal waters.

## **E6.8. Assessment – restricted discretionary activities**

### **E6.8.1. Matters of discretion**

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

- (1) for the discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1 and is not otherwise provided for by another rule in Table E6.4.1:
  - (a) network design parameters;
  - (b) the location of emergency overflow points;
  - (c) wastewater network operations plan and the operational and maintenance programme;
  - (d) associated monitoring and reporting;
  - (e) the duration of the consent and the timing and nature of reviews of consent conditions; and
  - (f) the effects on Mana Whenua values.
- (2) for the discharge of untreated wastewater overflows onto or into land and/or into water from an existing combined sewer network (excluding wastewater treatment plants):
  - (a) the determination and implementation of the best practicable option for preventing or minimising the adverse effects of the wastewater discharges;

- (b) implementation of the wastewater network operations plan and the operational and maintenance programme;
- (c) associated monitoring and reporting;
- (d) the duration of the consent and the timing and nature of reviews of consent conditions; and
- (e) effects on Mana Whenua values.

#### **E6.8.2. Assessment criteria**

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

- (1) for the discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1 and is not otherwise provided for by another rule in Table E6.4.1:
  - (a) whether the design and operation of the network is in accordance with recognised industry standards and minimises and mitigates adverse effects particularly on public health, safety and amenity, potable water supplies, freshwater systems and coastal waters;
  - (b) whether engineered overflow points manage and mitigate risks;
  - (c) whether the operations and maintenance plans and programmes ensure the effective operation of the public wastewater network and minimise dry weather discharges; and
  - (d) whether the effects on Mana Whenua values have been avoided, remedied or mitigated.
- (2) for the discharge of untreated wastewater overflows onto or into land and/or into water from an existing combined sewer network (excluding wastewater treatment plants):
  - (a) whether the proposed best practicable option:
    - (i) prevents or minimises adverse effects particularly on public health, safety and amenity, potable water supplies, Mana Whenua values, freshwater systems and coastal waters;
    - (ii) addresses wastewater discharges generated as a result of potential urban growth, urban redevelopment, and land use intensification within the wastewater catchment, taking into account the growth and intensification provisions of the Plan; and

(iii) progressively reduces wastewater overflows and associated adverse effects, and the priorities and timeframes for doing so, having particular regard to:

- areas of contact recreation and public use;
- receiving environments that are sensitive to the adverse effects of wastewater overflows; and
- Mana Whenua values.

(iv) takes account of consultation with key stakeholders; and

(v) considers potential impacts on stormwater management.

(b) whether the operations and maintenance plans and programmes ensure the effective operation of the combined sewer network and minimise dry weather discharges; and

(c) whether the response procedures and processes in mitigating the adverse effects of wastewater overflows is effective.

#### **E6.9. Special information requirements**

There are no special information requirements in this section.



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

### **E7.1. Introduction**

Taking, using, damming and diversion of surface water and groundwater provisions in this plan apply in accordance with section 14(1) and section 14(3) of the Resource Management Act 1991. They also provide for a limited range of discharges of water under section 15 of the Resource Management Act 1991 when associated with the diversion of surface water or drainage of production land. Drilling in accordance with section 9(2) of the Resource Management Act 1991 is also addressed because it is often associated with the taking of groundwater.

This section also addresses the diversion of surface water and groundwater, and should be read in conjunction with E36 Natural Hazards and flooding and E3 Lakes, rivers, streams and wetlands, with respect to the placement of fill and structures within floodplains and waterbodies.

### **E7.2. Objectives [rp]**

- (1) Objectives are located in E1 Water quality and integrated management, E2 Water quantity, allocation and use, D3 High-use Stream Management Areas Overlay and D8 Wetland Management Areas Overlay.

### **E7.3. Policies [rp]**

- (1) Policies are located in E1 Water quality and integrated management, E2 Water quantity, allocation and use, D3 High-use Stream Management Areas Overlay and D8 Wetland Management Areas Overlay.

### **E7.4. Activity table**

Table E7.4.1 Activity table specifies the activity status in relation to the taking, using, damming and diversion of surface water and groundwater in accordance with section 14(1) and section 14(3) of the Resource Management Act 1991. Table E7.4.1 also provides for a limited range of discharges of water pursuant to section 15 of the Resource Management Act 1991 when associated with the diversion of surface water or drainage of production land. Drilling in accordance with section 9(2) of the Resource Management Act 1991 is also addressed because it is associated with the taking of groundwater.

Table E7.4.1 Activity Table

Activity		Activity status		
		All zones	High- Use Stream Management Areas Overlay	Wetland Management Areas Overlay
<b>Take and use of surface water (including from lawfully established dams)</b>				
(A1)	Up to 20m <sup>3</sup> /day of water from a lake	P	P	D
(A2)	Up to 5m <sup>3</sup> /day of freshwater from a river or spring	P	P	D
(A3)	Take and use water from a lawfully established off-stream dam	P	P	D
(A4)	Up to 5m <sup>3</sup> /day of water from a lawfully established on-stream dam	P	P	D
(A5)	Take and use of freshwater from puna wai (natural springs) within Māori Land	P	P	D
(A6)	More than 20m <sup>3</sup> /day and no more than 100m <sup>3</sup> /day of water from a lake	RD	D	NC
(A7)	Replacement of an existing resource consent to take and use surface water from a municipal water supply dam	C	C	D
(A8)	Replacement of an existing resource consent to take and use surface water for municipal water supply purposes (excluding from a municipal water supply dam)	RD	RD	D
(A9)	Take and use of surface water, including dams not meeting the permitted activity, controlled activity or restricted discretionary activity standards or not otherwise listed	D	D	D
<b>Diverting surface water and associated discharge of water</b>				
(A10)	Drainage of production land	P	P	NC
(A11)	Diversion into an artificial watercourse	P	P	NC
(A12)	The discharge of water into water associated with drainage of production land or diversion of an artificial watercourse	P	P	NC
(A13)	Diverting surface water not meeting	D	D	NC

	the permitted activity standards or not otherwise listed			
<b>Take and use of groundwater</b>				
(A14)	Up to 5m <sup>3</sup> /day when averaged over any consecutive 20-day period	P	P	P
(A15)	Up to 20m <sup>3</sup> /day, when averaged over any consecutive five-day period, and no more than 5000m <sup>3</sup> /year	P	P	P
(A16)	Pump testing a bore for seven days at an average rate of no more than 1000m <sup>3</sup> /day	P	P	P
(A17)	Dewatering or groundwater level control associated with a groundwater diversion permitted under the Unitary Plan	P	P	RD
(A18)	Infiltration and leakage into stormwater and sewer pipes	P	P	P
(A19)	Land drainage	P	P	D
(A20)	Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards or is not otherwise listed	RD	RD	RD
(A21)	Replacement of an existing resource consent to take and use groundwater for municipal water supply purposes	RD	RD	D
(A22)	Take or use of geothermal water for communal benefit of Mana Whenua in accordance with section 14(3)(c) of the Resource Management Act 1991	P	P	P
(A23)	Take and use of geothermal water for bathing use from Waiwera and Parakai geothermal aquifer	RD	RD	RD
(A24)	Take and use of geothermal water for bathing use not otherwise provided for	D	D	
(A25)	Take and use of geothermal water for non-bathing use	NC	NC	NC
(A26)	Take and use of groundwater not meeting the permitted activity or	D	D	D

	restricted discretionary activity standards or not otherwise listed			
<b>Diversion of groundwater</b>				
(A27)	Diversion of groundwater caused by any excavation (including trench) or tunnel	P	P	RD
(A28)	The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed	RD	RD	RD
<b>Damming water</b>				
(A29)	Off-stream dams	P	P	P
(A30)	On-stream dams existing as at 23 October 2001	P	P	P
(A31)	On-stream dams on intermittent streams existing as at 29 September 2013	P	P	P
(A32)	Temporary dams	P	P	P
(A33)	Weirs	P	P	P
(A34)	Replacement of existing consents for dams used for municipal water supply purposes	C	C	D
(A35)	Dams not otherwise listed or not meeting the permitted activity standards or controlled activity standards	D	D	D
<b>Drilling and Use of holes and bores</b>				
(A36)	Holes for: <ul style="list-style-type: none"> <li>• geotechnical investigation;</li> <li>• mineral exploration;</li> <li>• mineral extraction;</li> <li>• geological investigation;</li> <li>• contaminated site investigation;</li> <li>or</li> <li>• down-hole seismometers</li> </ul>	P	P	RD
(A37)	Holes or bores for: <ul style="list-style-type: none"> <li>• stormwater disposal</li> <li>• down-hole heat exchangers</li> </ul>	P	P	RD
(A38)	Bores for groundwater level or quality monitoring	P	P	RD
(A39)	Restoration, alteration or replacement of lawfully established	P	P	RD

	bores			
(A40)	Decommissioning (abandonment) of holes or bores	P	P	RD
(A41)	New bores for purposes not otherwise specified	C	C	RD
(A42)	Holes or bores not meeting the permitted activity standards or controlled activity standards or not otherwise listed	RD	RD	RD
<b>Transfers of water permits</b>				
(A43)	Transfers of surface water take permits	P	P	P
(A44)	Transfers not meeting the permitted activity standards or not otherwise listed	D	D	D

### E7.5. Notification

- (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.
- (2) Any application for resource consent for an activity listed in Table E7.4.1 Activity table and which is not listed in E7.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E7.6. Standards

#### E7.6.1. Permitted activities

All activities listed as permitted activities in Table E7.4.1 must comply with the following permitted activity standards.

##### E7.6.1.1. Take and use of surface water (including from lawfully established dams)

- (1) The water take must not be from an area scheduled in the Wetland Management Areas Overlay.
- (2) The water intake structure must be designed, constructed, operated and maintained so that:

- (a) the maximum water velocity into the entry point of the intake structure must not be greater than 0.3m/second;
  - (b) the intake screen mesh spacing must not be greater in one dimension than 1.5mm; and
  - (c) the intake screen must be located no less than 0.5m in-stream from the water's edge, or for rivers that are less than 1m wide, as far as practicable from the water's edge.
- (3) Notice on the prescribed form must be received by the Council at least 15 working days before undertaking this permitted activity, except in the case of network utility operators, in which case notice on the prescribed form must be received by the Council within 24 hours of undertaking this permitted activity.
- (4) The take and use of freshwater from puna wai (natural springs) within Māori Land must be completed in accordance with tikanga Māori and for the communal benefit of Mana Whenua.

#### **E7.6.1.2. Diverting surface water and the associated discharge of water**

- (1) The diversion of surface water and the associated discharge of water must not be located within areas identified in the Urban Lake Management Areas Overlay, the Natural lake Management Areas Overlay, the Natural Stream Management Areas Overlay or the Wetland Management Areas Overlay.
- (2) The diversion of surface water and the associated discharge of water must not cause or worsen the flooding of any property in a range of flood events.
- (3) The diversion of surface water and the associated discharge of water must not cause scouring, erosion or other instability of any land or waterbody.
- (4) The activity must not lower water levels in any wetland, except for wetlands designed and used for stormwater management by a network utility.
- (5) The diversion must not prevent the passage of fish in waterbodies containing fish.
- (6) The diversion must not adversely affect any lawfully established water take or use existing at the time the diversion begins.

- (7) For diversions of surface water within or from an artificial watercourse or drain, the diverted water must not reduce the water quality of any downstream waterbody, including effects associated with the discharge of sediment.

**E7.6.1.3. Take and use of groundwater up to 5m<sup>3</sup>/day when averaged over any consecutive 20-day period**

- (1) The groundwater take must not be geothermal water, unless it is for a purpose specified in section 14(3)(c) of the Resource Management Act 1991.
- (2) The groundwater take must not be from the Omaha Waitematā High-Use Aquifer Management Area (refer to Table D1.3.1 High-use aquifer management areas).
- (3) The groundwater take must not be for the purpose of dewatering or groundwater level control.
- (4) Notice on the prescribed form must be received by the Council 15 working days before undertaking this permitted activity.

**E7.6.1.4. Take and use of groundwater up to 5m<sup>3</sup>/day when averaged over any consecutive 20-day period and no more than 5000m<sup>3</sup>/year**

- (1) The groundwater take must not be geothermal water unless it is for a purpose specified in section 14(3)(c) of the Resource Management Act 1991.
- (2) The groundwater take must not be from the High-use Aquifer Management Areas Overlay.
- (3) The groundwater take must not be for the purpose of dewatering or groundwater level control.
- (4) The groundwater take must be located at least 100m from any other existing lawfully established groundwater take from the same aquifer.
- (5) Notice on the prescribed form must be received by the Council 15 working days before undertaking this permitted activity.

**E7.6.1.5. Take and use of groundwater for the purpose of a pumping test from a bore for up to seven days at an average rate of no more than 1000m<sup>3</sup>/day, the following must be met:**

- (1) The water take must not be geothermal water.

**E7.6.1.6. Dewatering or groundwater level control associated with a groundwater diversion permitted under Standard E7.6.1.10, all of the following must be met:**

- (1) The water take must not be geothermal water;
- (2) The water take must not be for a period of more than 10 days where it occurs in peat soils, or 30 days in other types of soil or rock; and
- (3) The water take must only occur during construction.

**E7.6.1.7. Take or use of geothermal water for communal benefit of Mana Whenua for purposes specified in section 14(3)(c) of the Resource Management Act 1991**

- (1) The geothermal water take or use must not be for commercial purposes.
- (2) The geothermal water take or use must not have an adverse effect on the environment.

**E7.6.1.8. Infiltration and leakage into stormwater and wastewater pipes, manholes, catchpits and lined channels**

- (1) The water take must not be for the purpose of dewatering or groundwater level control.

**E7.6.1.9. Land drainage**

- (1) The water take, and any associated diversion, must not be in a Natural Stream Management Areas Overlay or Wetland Management Areas Overlay.
- (2) The drainage measures must be situated less than 2m below natural ground level.

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

- (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 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.



- (2) Any excavation that extends below natural groundwater level, must not exceed:
  - (a) 1ha in total area; and
  - (b) 6m depth below the natural ground level.
- (3) The natural groundwater level must not be reduced by more than 2m on the boundary of any adjoining site.
- (4) Any structure, excluding sheet piling that remains in place for no more than 30 days, that physically impedes the flow of groundwater through the site must not:
  - (a) impede the flow of groundwater over a length of more than 20m; and
  - (b) extend more than 2m below the natural groundwater level.
- (5) The distance to any existing building or structure (excluding timber fences and small structures on the boundary) on an adjoining site from the edge of any:
  - (a) trench or open excavation that extends below natural groundwater level must be at least equal to the depth of the excavation;
  - (b) tunnel or pipe with an external diameter of 0.2 - 1.5m that extends below natural groundwater level must be 2m or greater; or
  - (c) a tunnel or pipe with an external diameter of up to 0.2m that extends below natural groundwater level has no separation requirement.
- (6) The distance from the edge of any excavation that extends below natural groundwater level, must not be less than:
  - (a) 50m from the Wetland Management Areas Overlay;
  - (b) 10m from a scheduled Historic Heritage Overlay; or
  - (c) 10m from a lawful groundwater take.

#### **E7.6.1.11. Damming water – all dams**

- (1) The dam embankment, outlets, spillways and associated structures must be designed, constructed, operated and maintained to ensure they are structurally sound, pose no undue risk to life, property or the natural environment, and are able to perform satisfactorily under all foreseeable circumstances.
- (2) The damming of water must not result in the loss, degradation or permanent flooding of any natural wetland in a range of flood events except for wetland enhancement, maintenance or restoration.

- (3) The dam must not result in significant adverse effects on flows or ecology within permanent or intermittent rivers or streams.
- (4) The dam structure must be no greater than 4m high when measured vertically from the downstream toe of the dam embankment to the highest point of the dam crest.
- (5) The dammed water must not adversely raise sub-surface or surface water levels or adversely impede drainage on adjacent properties.
- (6) The dam must be designed, constructed, operated and maintained with a flood spillway to pass a 100-year ARI flood event without overtopping the dam crest (see note 1 and 2 below) except for as provided for in Standard E7.6.1.11(7) below.
- (7) Dams for the purposes of stormwater management or flood control that are:
  - (a) designed by a suitably qualified and experienced person; and
  - (b) constructed, operated and maintained to pass the design flow; and
  - (c) designed to allow for resilient failure during over-design events.
- (8) All spillways and bypass arrangements must be constructed, terminated and maintained to minimise erosion, and the spillway(s) entry must be designed to remain free of debris at all times.
- (9) Trees or vegetation which could weaken the dam stability or prevent inspection of the dam embankment must not be allowed to grow on or near the embankment.
- (10) Stock must not be allowed to damage the crest and faces of the dam.
- (11) The dam structure and spillway must be inspected at least once every 12 months and following any operation of the flood spillway. Any damage recorded at times of inspecting, or noticed at any other time, must be remedied as soon as practicable.

Note 1

Reference should be made to the Dam Safety Guidelines – Auckland Council Technical Publication 109 and the New Zealand Dam Safety Guidelines – New Zealand Society Of Large Dams 2000 for further guidance on spillway sizing.

Note 2

Section 17 of Building Act 2004 requires dams to comply with the building code in addition to the requirements set out in these rules.

**E7.6.1.12. Damming water - off-stream dams**

- (1) All applications must meet the standards in E7.6.1.11 above.
- (2) Either the surface area of the impounded water must not exceed 5000m<sup>2</sup> or the storage volume of the impounded water must not exceed 20,000m<sup>3</sup>.
- (3) The contributing catchment area of dams constructed on or after 23 October 2001 must not exceed 20ha.
- (4) The contributing catchment area of dams constructed prior to 23 October 2001 must not exceed 40ha.
- (5) For dams constructed on or after 23 October 2001, notice on the prescribed form must be received by the Council at least 15 working days before undertaking this permitted activity, unless the dam is owned or operated by a network utility operator for stormwater management purposes and the location and design of the dam is consistent with an authorised diversion and discharge stormwater consent.
- (6) Dams constructed on or after the date of notification of the Unitary Plan must not be located within the 5 per cent annual exceedance probability (AEP) flood plain, except for dams owned or operated by a network utility operator for the purposes of stormwater management.

Note 1

Reference should be made to the Dam Safety Guidelines – Auckland Council Technical Publication 109 and the New Zealand Dam Safety Guidelines – New Zealand Society Of Large Dams 2000 for further guidance on spillway sizing.

Note 2

Section 17 of Building Act 2004 requires dams to comply with the building code in addition to the requirements set out in these rules.

**E7.6.1.13. Damming water - On-stream dams existing at 23 October 2001**

- (1) All applications must meet the standards in E7.6.1.11 above.
- (2) If the dam is to contain sediment runoff from cultivated land the dam embankment, outlets and spillways must be designed, constructed, operated and maintained to avoid significant off-site movement of soil.
- (3) The contributing catchment area must not exceed 40ha.
- (4) The surface area of the impounded water must not exceed 5000m<sup>2</sup>.
- (5) Fish passage must be provided for.

**E7.6.1.14. Damming water - Temporary dams**

- (1) All applications must meet the standards in E7.6.1.11 above.

- (2) The temporary dam must be for diverting flow around works in the bed of the river or stream.
- (3) Provision must be made for flows up to and including the 20-year average rain index (ARI) event to bypass the temporary dam with the bypass flow being returned to the bed of the river downstream of the dam.
- (4) The temporary dam must be constructed in accordance with best practice methods.
- (5) The temporary dam must be removed as soon as is practicable and no later than two weeks following completion of the works.

#### **E7.6.1.15. Damming water - Weirs**

- (1) All applications must meet the standards in E7.6.1.11 above.
- (2) At all times when there is natural flow upstream of the weir, the equivalent flow must be maintained downstream of the weir
- (3) Fish passage must be provided for in waterbodies that contain fish.

##### Note 1

Activities in the bed of a river or stream must also comply with relevant rules or consent granted under E3 Lakes, rivers, streams and wetland and E11 Land disturbance – Regional and E12 Land disturbance – District.

#### **E7.6.1.16. Drilling and Use of holes and bores**

- (1) The drilled hole or bore must not be in a Wetland Management Areas Overlay.
- (2) The drilled hole or bore must not be for the taking groundwater except for the removal of a sample(s) for groundwater quality analysis.
- (3) The drilling of the hole or bore must not destroy, damage or modify any places scheduled in the Historic Heritage Overlay.

#### **E7.6.1.17. Drilling and Use of holes and bores - holes for geotechnical, mineral exploration, mineral extraction, geological or contaminated site investigation or down-hole seismometers and holes or bores for stormwater disposal or down hole heat exchangers**

- (1) All applications must meet the standards in E7.6.1.16 above.
- (2) Other than for holes or bores for down-hole seismometers, stormwater disposal and down-hole heat exchangers, the drilled hole or bore must be decommissioned within three months of the start of drilling.

- (3) Before being decommissioned, the drilled hole or bore must be secured so that contaminants cannot enter the ground through the hole or bore.
- (4) Where more than one aquifer is penetrated, the drilled hole or investigation bore must be decommissioned on completion of the drilling investigation and the drilled hole or bore secured so there is no hydraulic connection between the aquifers.
- (5) The drilling, construction and decommissioning of the hole or bore must comply with section 1 and 2 of New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001), except that bores for stormwater disposal need not be constructed and maintained to prevent the authorised disposal of surface water entering the bore.

**E7.6.1.18. Drilling and Use of holes and bores - Bores for groundwater level or quality monitoring**

- (1) All applications must meet the standards in E7.6.1.16 above.
- (2) The drilling and construction of the bore must comply with section 1, 2, 3 and 4 of New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001).
- (3) Where more than one aquifer is penetrated, construction of the bore must not enable a hydraulic connection between the aquifers.
- (4) The Council must be notified on the prescribed council form prior to the bore being drilled and must be provided with details of the location and the purpose of the bore.

**E7.6.1.19. Drilling and Use of holes and bores - Restoration, alteration or replacement of lawfully established bores**

- (1) All applications must meet the standards in E7.6.1.16 above.
- (2) The restored, altered or replacement bore must penetrate the same aquifer as the existing bore.
- (3) The replacement bore must be installed within 10m of the existing bore.
- (4) The drilling, construction and maintenance of the bore must comply with section 1, 2, 3 and 4 of New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001).
- (5) The Council must be notified on the prescribed council form prior to the bore being drilled and must be provided with details of the location and the purpose of the bore.
- (6) The records required under section 4 of “New Zealand Standards - NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock” must be

kept and forwarded to the Council within one month of the bore being drilled.

**E7.6.1.20. Drilling and Use of holes and bores - Decommissioning (abandonment) holes or bores**

- (1) All applications must meet the standards in E7.6.1.16 above.
- (2) The decommissioning of the drilled hole or bore must comply with section 2 and 4 of “New Zealand Standards - NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock”
- (3) The Council must be notified on the prescribed council form prior to a bore being decommissioned and must be provided with details of the location of the bore.
- (4) The records required under section 4 of “New Zealand Standards - NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock” must be kept and forwarded to the Council no later than one month after the bore is decommissioned.

**E7.6.1.21. Transfers of water permits**

- (1) The transfer must be within the same catchment and to any point downstream, excluding downstream tributaries of the site in respect of which the original permit was granted.
- (2) Written notice signed by the transferor and transferee must be received by the Council five working days prior to the transfer, specifying:
  - (a) full names and addresses of transferor and transferee;
  - (b) if the whole permit is not being transferred, the portion of the water permit being transferred;
  - (c) proposed daily volume (m<sup>3</sup>/day) and rate (l/second) of water take at both sites;
  - (d) the location of the existing and new water take and use sites (shown on a map or identified by NZTM map reference);
  - (e) the date of transfer;
  - (f) description of purpose for which water is to be used; and
  - (g) whether the transfer is permanent or for a limited period and, if for a limited period, the date on which the transfer ceases.
- (3) The permit must retain the same conditions, excluding site and rate and volume for a part transfer.

- (4) The water taken under the transferred permit(s) must not exceed the rate and volume allocated by the original permit.

### **E7.6.2. Controlled Activities**

All activities listed as controlled activities in Table E7.4.1 must comply with the following controlled activity standards.

#### **E7.6.2.1. Replacement of an existing resource consent to take and use surface water from a municipal water supply dam**

- (1) At the time of application, the take is an authorised take
- (2) A water management plan has been prepared.
- (3) The downstream flow regime remains unchanged from that allowed in the existing resource consent.
- (4) The water take must not be in a Wetland Management Areas Overlay.

#### **E7.6.2.2. Replacement of existing of existing consents for dams used for municipal water supply purposes**

- (1) There are no changes to the structure of the dam.
- (2) The dam must not be High-use Stream Management Area as identified in the High-use Stream Management Areas Overlay or a Wetland Management Area as identified in the Wetland Management Areas Overlay.

#### **E7.6.2.3. Drilling and Use of holes and bores - New bores not otherwise specified**

- (1) The bore must not be in a Wetland Management Areas Overlay.
- (2) The drilling of the hole or bore must not destroy, damage or modify any places scheduled in the Historic Heritage Overlay.
- (3) The bore must be constructed to avoid contaminants entering the aquifer penetrated by the bore.
- (4) The bore must be constructed to avoid a hydraulic connection between penetrated aquifers with different pressures, water quality or temperature.
- (5) The bore must be operated and maintained to avoid the leakage of groundwater to waste.
- (6) The drilling and construction of the bore must comply with section 1, 2, 3 and 4 of “New Zealand Standards - NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock”.
- (7) The records required under section 4 of “New Zealand Standards - NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock” must be kept and forwarded to the Council no later than one month after the bore is drilled.

### **E7.6.3. Restricted discretionary activities**

All activities listed as restricted discretionary in Table E7.4.1 must comply with the following restricted discretionary activity standards.

**E7.6.3.1. Take and use of surface water (including from lawfully established dams) for more than 20m<sup>3</sup>/day and no more than 100m<sup>3</sup>/day of water from a lake**

(1) The water take from:

- (a) a lake must not be from a Wetland Management Areas Overlay or
- (b) from a High-use Stream Management Areas Overlay (the Hingaia, Mauku, Ngakaroa, Wairoa, Waitangi, Whangamaire and Whangapouri catchments).

**E7.6.3.2. Take and use of surface water (including from lawfully established dams) for replacement of an existing resource consent to take and use surface water for municipal water supply purposes (excluding from a municipal water supply dam)**

(1) Replacement of an existing resource consent to take and use surface water for municipal water supply purposes (excluding from a municipal water supply dam):

- (a) at the time of application, the take is an authorised take;
- (b) there is no increase in the rate and volume of the take from that previously authorised;
- (c) a water management plan has been prepared;
- (d) the take will not result in the guidelines provided in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability of the Plan being exceeded, except in accordance with E2 Water quantity, allocation and use, Policy E2.3(9); and
- (e) the water take must not be from a Wetland Management Areas Overlay.

(2) The water intake structure must be designed, constructed, operated and maintained so that:

- (a) the maximum water velocity into the entry point of the intake structure is no greater than 0.3m/second;
- (b) the intake screen mesh spacing are no greater in one dimension than 1.5mm; and
- (c) the intake screen is located no less than 0.5m in from the water's edge.



- (3) A water meter must be installed and maintained on the outlet of the pump so that:
- (a) the meter must measure the total daily quantity of water being taken;
  - (b) a quarterly return of water meter readings measured at daily intervals must be provided to the Council no later than 10 working days after 28 February, 30 May, 30 August and 30 November each year;
  - (c) records may be also viewed at any time during any working day by a council enforcement officer;
  - (d) the water meter must be capable of measuring to an accuracy of at least plus or minus 5 per cent and it is to read the water taken to at least 1m<sup>3</sup>; and
  - (e) the meter must be installed to the manufacturer's specifications and maintained to the specified requirements and in a working condition at all times.

#### **E7.6.3.3. Take and use of groundwater**

- (1) The water take must not be geothermal water.
- (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); and
  - (d) the take must not be from an area in the Wetland Management Areas Overlay.

### **E7.7. Assessment – Controlled activities**

#### **E7.7.1. Matters of control**

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

- (1) general:
  - (a) the effects on Mana Whenua values.
- (2) replacement of an existing resource consent to take and use surface water from a municipal water supply dam:

- (a) the maximum rate and volume of the take;
  - (b) the provision of down-stream flow regimes and ecological values;
  - (c) lawfully established down-stream takes and uses;
  - (d) water management plan;
  - (e) metering, monitoring and reporting requirements; and
  - (f) the duration of the consent and the timing and nature of reviews of consent conditions.
- (3) replacement of existing consents for dams used for municipal water supply purposes:
- (a) the design of the dam embankment, outlets, spillways and associated structures;
  - (b) maintenance and operation of the dam;
  - (c) downstream flow regimes;
  - (d) monitoring and reporting requirements; and
  - (e) the duration of the consent and the timing and nature of reviews of consent.
- (4) new bores for purposes not otherwise specified:
- (a) the location, depth and design of the bore and the design of the head works;
  - (b) effects on areas any scheduled historic heritage place;
  - (c) the provision for bore identification;
  - (d) maintenance of the bore;
  - (e) monitoring and reporting requirements; and
  - (f) the duration of the consent and the timing and nature of reviews of consent conditions.

#### **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.

- (2) replacement of an existing resource consent to take and use surface water from a municipal water supply dam:
  - (a) the adequacy of the water management plan;
  - (b) whether the proposal demonstrates appropriate downstream flow regimes will be maintained, including:
    - (i) low flows in rivers and streams to protect in-stream values;
    - (ii) flow variability in rivers, streams and springs;
    - (iii) water levels and flows in wetlands ensure the vegetation and habitat values of the wetland are protected throughout the year where relevant;
    - (iv) the requirements of existing lawfully established downstream takes and uses; and
  - (c) the extent to which the intake structures are designed, constructed, operated and maintained to minimise adverse effects on biota, including the entrainment and impingement of fish.
- (3) replacement of existing consents for dams used for municipal water supply purposes:
  - (a) the dam embankment, outlets, spillways and associated structures avoid risk to life, property or the natural environment;
  - (b) the maintenance of the dam avoids risk to life, property or the natural environment;
  - (c) the proposal demonstrates appropriate downstream flow regimes will be maintained, including:
    - (i) low flows in rivers and streams to protect in-stream values;
    - (ii) flow variability in rivers, streams and springs;
    - (iii) water levels and flows in wetlands ensure the vegetation and habitat values of the wetland are protected throughout the year where relevant;
    - (iv) the requirements of existing lawfully established downstream takes and uses; and
    - (v) provision for fish passage in rivers and streams.
- (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;
- (d) an effective programme of maintenance for the bore; and
- (e) demonstrates consultation and engagement with Mana Whenua.

## **E7.8. Assessment – Restricted discretionary activities**

### **E7.8.1. Matters of discretion**

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

- (1) general:
  - (a) the effects on Mana Whenua values.
- (2) take and use of surface water from a lake:
  - (a) the maximum rate and volume of the take;
  - (b) the location of the take;
  - (c) effects on other lawfully established takes and use of the surface waterbody;
  - (d) the imposition of restrictions at times of water shortage;
  - (e) metering (daily), monitoring and reporting requirements; and
  - (f) the duration of the consent and the timing and nature of reviews of consent conditions.
- (3) replacement of an existing resource consent to take and use surface water for municipal water supply purposes (excluding from a municipal water supply dam):
  - (a) maximum rate and volume of the take;
  - (b) the location of the take;
  - (c) downstream flow regimes;
  - (d) lawfully established down-stream takes and uses;
  - (e) the water management plan;
  - (f) metering, monitoring and reporting requirements and results; and
  - (g) the duration of the consent and the timing and nature of reviews of consent conditions.

- (4) take and use of groundwater for dewatering or groundwater level control associated with groundwater diversion:
  - (a) refer to the matters listed in E7.8.1(6)(a)-(f) below.
- (5) replacement of existing consent to take and use of groundwater for municipal supply purposes:
  - (a) the maximum rate and volume of the take;
  - (b) the location of the take;
  - (c) effects on other lawfully established groundwater and surface water takes and uses;
  - (d) mitigation measures to address any adverse effects on the aquifer;
  - (e) the water management plan;
  - (f) metering (daily), monitoring and reporting requirements; and
  - (g) the duration of the consent and the timing and nature of reviews of consent conditions.
- (6) diversion of groundwater:
  - (a) how the proposal will avoid, remedy or mitigate adverse effects:
    - (i) on the base flow of rivers and springs;
    - (ii) on levels and flows in wetlands;
    - (iii) on lake levels;
    - (iv) on existing lawful groundwater takes and diversions;
    - (v) on groundwater pressures, levels or flow paths and saline intrusion;
    - (vi) from ground settlement on existing buildings, structures and services including roads, pavements, power, gas, electricity, water mains, sewers and fibre optic cables;
    - (vii) arising from surface flooding including any increase in frequency or magnitude of flood events;
    - (viii) from cumulative effects that may arise from the scale, location and/or number of groundwater diversions in the same general area;
    - (ix) from the discharge of groundwater containing sediment or other contaminants;
    - (x) on any scheduled historic heritage place; and
    - (xi) on terrestrial and freshwater ecosystems and habitats.

- (b) the need for mineral extraction within a Special Purpose - Quarry Zone to carry out dewatering or groundwater level control and diversion and taking of groundwater in the context of mineral extraction activity.
  - (c) monitoring and reporting requirements incorporating, but not limited to:
    - (i) the measurement and recording of water levels and pressures;
    - (ii) the measurement and recording of the settlement of the ground, buildings, structures and services;
    - (iii) the measurement and recording of the movement of any retaining walls constructed as part of the excavation or trench; and
    - (iv) requiring the repair, as soon as practicable and at the cost of the consent holder, of any distress to buildings, structures or services caused by the groundwater diversion.
  - (d) the duration of the consent and the timing and nature of reviews of consent conditions;
  - (e) the requirement for and conditions of a financial contribution and/or bond; and
  - (f) the requirement for a monitoring and contingency plan or contingency and remedial action plan.
- (7) Take and use of geothermal water for bathing purposes from the Waiwera and Parakai geothermal aquifers:
- (a) maximum rate and volume of the take;
  - (b) the location of the take;
  - (c) effects on other lawfully established takes and use of the aquifer;
  - (d) metering, monitoring and reporting requirements; and
  - (e) the duration of the consent and timing and nature of reviews of consent conditions.
- (8) Drilling holes or bores not meeting the permitted or controlled activity controls:
- (a) the options to locate and design the hole or bore to avoid adverse effects on areas in the Wetland Management Areas Overlay;
  - (b) the location, depth and design of the hole or bore and the design of the head works;
  - (c) the effects on any scheduled historic heritage place;
  - (d) the provision for bore or hole identification;
  - (e) maintenance of the hole or bore;

- (f) monitoring and reporting requirements; and
- (g) the duration of the consent and the timing and nature of reviews of consent conditions.

#### **E7.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated;
  - (b) the extent to which the proposal will be consistent with the management of allocation of freshwater within the guidelines provided by Appendix 2 River and stream minimum flow and availability and Appendix 3 Aquifer water availabilities and levels, and give priority to making fresh water available for the following uses (in descending order of priority):
    - (i) existing and reasonably foreseeable domestic and municipal water supply and animal drinking water requirements;
    - (ii) existing lawfully established water users;
    - (iii) uses of water for which alternative water sources are unavailable or unsuitable;
    - (iv) all other uses
- (2) whether the proposal promotes the efficient use of freshwater and geothermal water by:
  - (a) ensuring the amount of water taken and used is reasonable and justifiable with regard to the intended use, and where appropriate:
    - (i) municipal water supplies are supported by a water management plan
    - (ii) an industrial and irrigation supply implements best practice in respect of the efficient use of water for that particular activity or industry
    - (iii) all takes (other than for municipal water supply from dams) are limited to a maximum annual allocation based on estimated water requirements
  - (b) considers water conservation and thermal efficiency methods
  - (c) encourages the shared use and management of water within a water user groups or other arrangement where it will results in an increased efficiency in the use and allocation of water.
- (3) whether the proposal to take and use water from lakes, rivers, streams, springs or wetlands demonstrates that:

- (a) the taking of surface water from any river or stream is within the guideline in Table 1 River and stream minimum flow and availability in Appendix 2 River and stream minimum flow and availability except in accordance with E2 Water quantity, allocation and use, Policy E2.3(9).
  - (b) appropriate water levels and downstream flow regimes will be maintained, including:
    - (i) low flows in rivers and streams to protect in-stream values;
    - (ii) flow variability in rivers, streams and springs;
    - (iii) water levels and flows in wetlands ensure the vegetation and habitat values of the wetland are protected throughout the year;
    - (iv) water levels in lakes maintain the ecological values and water quality of the lake and its shoreline stability, and enable recreational use (except for dams used for municipal water supply); and
    - (v) existing lawfully established taking of water is not adversely affected
  - (c) the taking of water will be at times of the day or year that will safeguard the identified freshwater values of the waterbody
  - (d) intake structures will be designed, constructed, operated and maintained to avoid adverse effects on biota, including the entrainment and impingement of fish
  - (e) there are options for implementing water conservation measures in times of water shortage.
- (4) Whether the proposal to take and use groundwater from any aquifer demonstrates that:
- (a) the take is within the water availabilities and levels for the aquifer in Table 1 Aquifer water availabilities and Table 2 Aquifer groundwater levels, in Appendix 3 Aquifer water availabilities and levels and:
    - (i) recharge to other aquifers is maintained;
    - (ii) aquifer consolidation and surface subsidence is avoided;
  - (b) the taking will avoid, remedy or mitigate adverse effects on surface water flows, including:
    - (i) base flow of rivers, streams and springs;
    - (ii) any river or stream flow requirements;
  - (c) the taking will avoid, remedy or mitigate adverse effects on terrestrial and freshwater ecosystem habitat;



- (d) the taking will not cause saltwater intrusion or any other contamination;
  - (e) the taking will not cause adverse interference effects on neighbouring bores to the extent their owners are prevented from exercising their lawfully established water takes;
  - (f) E7.8.2(5)(e) above will not apply in the following circumstances:
    - (i) where it is practicably possible to locate the pump intake at a greater depth within the affected bore;
    - (ii) where it can be demonstrated that the affected bore accesses, or could access, groundwater at a deeper level within the same aquifer, if drilled or cased to a greater depth;
  - (g) the proposed bore is capable of extracting the quantity of groundwater applied for;
  - (h) the proposal avoids, remedies or mitigates any ground settlement that may cause distress, including reducing the ability of an existing building or structure to meet the relevant requirements of the Building Act 2004 or the New Zealand Building Code, to existing:
    - (i) buildings;
    - (ii) structures; and
    - (iii) services including roads, pavements, power, gas, electricity, water supply and wastewater networks and fibre optic cables.
- (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:
- (a) consideration of alternative locations, rates and timing of takes for both surface water and groundwater;
  - (b) use of alternative water supplies;
  - (c) use of water conservation methods when water shortage conditions apply;
  - (d) provision for fish passage in rivers and streams;
  - (e) wetland creation or enhancement of existing wetlands;
  - (f) riparian planting; and
  - (g) consideration of alternative designs for groundwater dewatering proposals.
- (6) Whether the proposal to take and use surface water and groundwater will monitor the effects of the take on the quality and quantity of the freshwater resource to:

- (a) measure and record water use and rate of take;
  - (b) measure and record water flows and levels;
  - (c) sample and assess water quality and freshwater ecology; and
  - (d) measure and record the movement of ground, buildings and other structures.
- (7) Whether it is appropriate to address water availability effects where water allocation exceeds or is close to exceeding the guidelines in Table 1 River and Stream Minimum Flow and Table 2 Aquifer Groundwater Levels in Appendix 3 Aquifer water availabilities and levels by:
- (a) not granting new consent applications to take water;
  - (b) reducing existing takes over time by:
    - (i) encouraging voluntary reductions in water allocations;
    - (ii) reviewing existing consents to align water allocations to the actual historical use of water;
  - (c) reviews of existing allocations under b(ii) above must not apply to takes for municipal water supply, where a water management plan demonstrates a necessary increase in abstraction to cater for planned urban growth; and
  - (d) reviewing existing consents to require the efficient use of water.
- (8) Refuse the proposal where the take exceeds the guidelines in Table 1 River and stream minimum flow in Appendix 2 River and stream minimum flow and availability unless 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.
- (9) The matters listed in E2 Water quantity, allocation and use, Policies E2.3(13) and (14) which reflect the direction of the National Policy Statement for Freshwater Management.
- (10) Whether the proposal to divert groundwater will ensure that:
- (a) the proposal avoids, remedies or mitigates any adverse effects on:
    - (i) scheduled historic heritage places and scheduled sites; and
    - (ii) people and communities;
  - (b) the groundwater diversion does not cause or exacerbate any flooding;
  - (c) monitoring has been incorporated where appropriate, including:

- (i) measurement and recording of water levels and pressures; and
  - (ii) measurement and recording of the movement of ground, buildings and other structures;
- (d) mitigation has been incorporated where appropriate including:
- (i) minimising the period where the excavation is open/unsealed;
  - (ii) use of low permeability perimeter walls and floors;
  - (iii) use of temporary and permanent systems to retain the excavation; and
  - (iv) re-injection of water to maintain groundwater pressures;
- (11) Whether the proposal to drill holes or bores demonstrates that the location, design and construction:
- (a) complies with the New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001);
  - (b) prevents contaminants from entering an aquifer;
  - (c) prevents cross-contamination between aquifers with different pressure, water quality or temperature;
  - (d) prevents leakage of groundwater to waste;
  - (e) avoids the destruction, damage or modification of any historic heritage place; and
  - (f) avoids disturbance of wetlands.

#### **E7.9. Special information requirements**

There are no special information requirements in this section.

## **E8. Stormwater – Discharge and diversion**

### **E8.1. Background**

The stormwater provisions are broadly divided into two groups. Stormwater runoff from impervious areas is either:

- diverted and directed to a stormwater network or the combined sewer network; or
- diverted and discharged to land, water or the coastal marine area.

The rules in this section regulate the diversion and discharge of stormwater runoff from impervious areas into or onto land or into water or into the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991.

For structures and occupation within the coastal marine area refer to F2 Coastal – General Coastal Marine Zone.

### **E8.2. Objectives [rcp/rp]**

The objectives are located in E1 Water quality and integrated management and E2 Water quantity, allocation and use.

### **E8.3. Policies [rcp/rp]**

The policies are located in E1 Water quality and integrated management and E2 Water quantity, allocation and use.

### **E8.4. Activity table**

Table E8.4.1 Activity table specifies the activity status for stormwater runoff from impervious areas directed into a stormwater network or a combined sewer, or the diversion and discharge of stormwater onto or into land or into water or the coastal marine area pursuant to sections 9(2), 14 and 15 of the Resource Management Act 1991. This also includes the diversion and discharge of stormwater runoff from impervious areas onto or into land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991.

Table E8.4.1 Activity table

Activity		Activity status
<b>Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network pursuant to section 14 of the Resource Management Act 1991 [rp]</b>		
(A1)	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.	P
(A2)	Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that does not comply with Standard E8.6.2.1	RD
<b>Diversion and discharge of stormwater runoff from impervious areas onto or into land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991 [rcp/rp]</b>		
(A3)	Diversion and discharge of stormwater runoff from lawfully established impervious areas as of 30 September 2013 not directed to a stormwater network or a combined sewer network that complies with Standard E8.6.1 and Standard E8.6.2.2	P
(A4)	Diversion and discharge of stormwater runoff from impervious areas up to 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 that complies with Standard E8.6.1 and Standard E8.6.2.3.	P
(A5)	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 that complies with Standard E8.6.1 and Standard E8.6.4.1	RD
(A6)	Diversion and discharge of stormwater runoff from compacted metal surfaces ancillary to rural production activities, including hardstands and tracks, that complies with Standard E8.6.1	P
(A7)	Diversion and discharge of stormwater runoff from impervious areas up to 5,000m <sup>2</sup> outside an urban area that complies with Standard E8.6.1 and Standard E8.6.2.4	P
(A8)	Diversion and discharge of stormwater runoff from impervious areas up to 1,000m <sup>2</sup> within an urban area where a connection to a stormwater network is not possible, that complies with Standard E8.6.1	P
(A9)	Diversion and discharge of stormwater runoff from impervious areas greater than 1,000m <sup>2</sup> and up to 5,000m <sup>2</sup> within an urban area, that complies with Standard E8.6.1 and Standard E8.6.3.1	C
(A10)	All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for	D
<b>Diversion and discharge of stormwater runoff from impervious areas involving a stormwater network onto land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991 [rcp/rp]</b>		
(A11)	Diversion and discharge of stormwater runoff from an existing or a new stormwater network	D

## **E8.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E8.4.1 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.
- (2) Any application for resource consent for an activity listed in Table E8.4.1 Activity table and which is not listed in E8.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

## **E8.6. Standards**

### **E8.6.1. General standards**

All permitted activities, controlled activities and restricted discretionary activities listed in Table E8.4.1 Activity table must meet the following standards, except for activity E8.4.1(A1) Stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network.

- (1) The design of the proposed stormwater management device(s) must be consistent with any relevant precinct plan that addresses or addressed stormwater matters.
- (2) The diversion and discharge must not cause or increase scouring or erosion at the point of discharge or downstream.
- (3) The diversion and discharge must not result in or increase the following:
  - (a) flooding of other properties in rainfall events up to the 10 per cent annual exceedance probability (AEP); or
  - (b) inundation of buildings on other properties in events up to the 1 per cent annual exceedance probability (AEP).
- (4) The diversion and discharge must not cause or increase nuisance or damage to other properties.
- (5) The diversion and discharge of stormwater runoff must not give rise to the following in any surface water or coastal water:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;

- (d) the rendering of fresh water unsuitable for consumption by farm animals;  
or
- (e) any significant adverse effects on aquatic life.
- (1) Where the diversion and discharge is to ground soakage, groundwater recharge or peat soil areas any existing requirements for ground soakage, including devices to manage discharges or soakage, must be complied with.

Note 1

For the purposes of these standards “the total impervious area” includes any additional impervious areas plus existing impervious areas on the site.

**E8.6.2. Permitted activity standards**

Activities listed as a permitted activity in Table E8.4.1 Activity table must comply with the following permitted activity standards.

**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 the diversion does not increase stormwater runoff to the combined sewer network (unless the increase is approved by the combined sewer network operator).

**E8.6.2.2. Diversion and discharge of stormwater runoff from lawfully established impervious areas as at 30 September 2013 not directed to a stormwater network or a combined sewer network**

- (1) As a result of a new land use activity, a change in land use or the removal of existing stormwater management measures, stormwater flows and volumes from the existing impervious areas must not be increased above those that would result from lawfully established impervious areas existing as of 30 September 2013.
- (2) As a result of a new land use activity, a change in land use or the removal of existing stormwater treatment measures the concentration and load of contaminants in stormwater flows from existing impervious areas must not be increased above those that would result from lawfully established impervious areas existing as of 30 September 2013.
- (3) Any road ancillary area must not be used for:
  - (a) storage of roading and building materials that are not inert for more than 30 days continuously; or
  - (b) works / building yards.

- (4) Any existing stormwater management devices must not be reduced, and the location of the discharge must not change.

**E8.6.2.3. Diversion and discharge of stormwater runoff from impervious areas up to 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**

- (1) Any road ancillary area must not be used for:
  - (a) storage of roading and building materials that are not inert for more than 30 days continuously; and
  - (b) works / building yards.

**E8.6.2.4. Diversion and discharge of stormwater runoff from impervious areas up to 5,000m<sup>2</sup> outside an urban area**

- (1) The total impervious area on the site excludes unsealed or gravelled tracks.
- (2) Connection to a stormwater network is not practicable.

**E8.6.3. Controlled activity standards**

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

**E8.6.3.1. Diversion and discharge of stormwater runoff from impervious areas greater than 1000m<sup>2</sup> and up to 5000m<sup>2</sup> within an urban area**

- (1) Where stormwater runoff from an impervious area is discharged into a stream receiving environment, it must be managed by a stormwater management device and meet the following hydrology mitigation requirements:
  - (a) provide retention (volume reduction) of a minimum of 5mm runoff depth for all impervious areas; and
  - (b) provide detention (temporary storage) with a draindown period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th percentile, 24 hour rainfall event minus the retention volume for all impervious areas.
- (2) Stormwater management devices must be provided to reduce or remove contaminants from the impervious area to the maximum extent applying best practicable options.

**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**

- (1) Where stormwater runoff is directed to an existing stormwater network, including road side drainages, swales and catchpits, these must be managed and maintained to ensure effective operation and to prevent erosion, sediment generation and discharge.
- (2) Any road ancillary area must not be used for:
  - (a) storage of roading and building materials that are not inert for more than 30 days continuously;
  - (b) works / building yards.
- (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 specified in Table E10.6.3.1.1 Hydrology mitigation requirements.
- (4) Stormwater management devices must be provided to reduce or remove contaminants from stormwater runoff.

**E8.7. Assessment – controlled activities**

**E8.7.1. Matters of control**

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

- (1) for diversion and discharge of stormwater runoff from impervious areas greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup> within an urban area:
  - (a) management of adverse effects on receiving environments, buildings and property;
  - (b) management of stormwater flows and contaminants including methods to minimise contaminants and where appropriate the use of stormwater management devices;
  - (c) measures to avoid erosion, scour and flood risk;
  - (d) location of the discharge point(s) and method of discharge and disposal;
  - (e) operation and maintenance requirements;
  - (f) monitoring and reporting; and
  - (g) duration of the consent and the timing and nature of reviews of consent conditions.

### **E8.7.2. Assessment criteria**

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

- (1) for diversion and discharge of stormwater runoff from impervious areas greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup> within an urban area:
  - (a) whether adverse effects on the environment including buildings and property have been avoided or otherwise managed and mitigated through management practices;
  - (b) whether the proposal has considered any relevant stormwater network discharge consent, and/or precinct plan provisions;
  - (c) whether stormwater flows and contaminants have been minimised or managed by using stormwater management devices;
  - (d) whether the location and design of any discharge structures adequately minimise erosion and scour at the discharge point; and
  - (e) whether any requirements for soakage, where this is the stormwater runoff disposal method, or infiltration in areas underlain by peat soils, are met.

### **E8.8. Assessment – restricted discretionary activities**

#### **E8.8.1. Matters of discretion**

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

- (1) for diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that does not comply with Standard E8.6.2.1:
  - (a) measures to mitigate additional stormwater flows and potential increases in overflows from the combined sewer network, including future connection to a stormwater network should one become available;
  - (b) alternative methods of disposal;
  - (c) effects on the operation and management of the combined sewer network;
  - (d) operations and maintenance requirements;
  - (e) monitoring and reporting;
  - (f) the duration of the consent and the timing and nature of reviews of consent conditions.
- (2) for 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:

- (a) the methods proposed for the management of the adverse effects on receiving environments, including cumulative effects, having regard to:
- (i) the nature, volume and peak flow of the stormwater runoff discharge;
  - (ii) the sensitivity of the receiving environment to stormwater runoff contaminants and flows;
  - (iii) the extent to which opportunities to reduce existing adverse effects and enhance receiving environments have been identified and utilised;
  - (iv) where stormwater runoff is discharged to a stream receiving environment, the extent to which the diversion and discharge is managed to achieve the following:
    - maintain baseflow and interflow at the predevelopment conditions;
    - reduce the duration and intensity of flows which will cause erosion and habitat degradation;
    - reduce runoff volumes to pre-development conditions; and
    - utilise natural flow paths and streams to help slow down water flows; and
  - (v) the extent to which effects on marine sediment quality, are avoided, remedied or mitigated.
- (b) the measures proposed for the management of the adverse effects of the stormwater runoff diversion and discharge on receiving environments having regard to best practicable options;
- (c) the measures proposed for the implementation of stormwater management devices and other measures and programmes that give effect to the best practicable option;
- (d) the methods proposed for the management and mitigation of flood effects and flood risks, including effects on buildings and property;
- (e) the likely effectiveness of the proposed methods and measures to avoid land instability, erosion, scour and flood risk to buildings and property;
- (f) the likely effectiveness of the proposed location, design and method of the discharge in managing or mitigating potential adverse effects on the environment;
- (g) the methods proposed for the management of stormwater flow and contaminants and for the implementation of stormwater management devices and other measures;
- (h) the proposed methods for stormwater runoff disposal through soakage, or infiltration having regard to the need for managing water levels in

underlying peat soils and for ground stability, where those conditions are relevant;

- (i) the extent to which effects on Mana Whenua values are avoided remedied or mitigated;
- (j) the likely effectiveness of the proposed operations and maintenance requirements in ensuring the ongoing and long-term management of adverse effects on the environment;
- (k) the extent to which proposal for monitoring and reporting are likely to be sufficient to ensure that any performance failures are addressed without undue delay; and
- (l) the proposed duration of the consent and the timing and nature of reviews of consent conditions having regard to:
  - (i) the need to periodically reassess the consent to take account of any changes in the nature of the discharge or the receiving environment; and
  - (ii) the need to set duration and review periods having regard to efficiency and effectiveness.

#### **E8.8.2. Assessment criteria**

The Council will have regard to the following policies when considering the matters listed above:

- (1) for diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that does not comply with Standard E8.6.2.1:
  - (a) policies E1.3 (8), (9), (10), (11), (13), (14) and (20) in E1 Water quality and integrated management
- (2) for 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:
  - (a) policies E1.3(1) to (14) in E1 Water quality and integrated management.

#### **E8.9. Special information requirements**

There are no special information requirements in this section.

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

### E9.1. Background

These are regional land use rules for managing stormwater runoff quality from impervious areas pursuant to section 9(2) of the Resource Management Act 1991. They apply to the following high contaminant generating activities:

- high contaminant generating car parks; and
- high use roads.

Refer to E8 Stormwater – Discharge and diversion for additional rules applicable to the management of high containment generating activities.

The use of land and discharge of contaminants from an industrial or trade activity area is addressed in E33 Industrial and trade activities and is not controlled under this section.

### E9.2. Objectives [rp]

The objectives are located in E1 Water quality and integrated management.

### E9.3. Policies [rp]

The policies are located in E1 Water quality and integrated management.

### E9.4. Activity table [rp]

Table E9.4.1 Activity table specifies the land use or development activity status to manage the quality of stormwater runoff from impervious areas associated with high contaminant generating car parks or high use roads pursuant to section 9(2) of the Resource Management Act 1991.

**Table E9.4.1 Activity table**

Activity		Activity status
(A1)	Development of new or redevelopment of existing impervious areas for any high contaminant generating car park or high use road where stormwater runoff is directed to an existing authorised stormwater management device or system	P
(A2)	Development of a new or redevelopment of an existing high contaminant generating car park up to 1,000m <sup>2</sup>	P
(A3)	Development of a new or redevelopment of an existing high use road up to 1,000m <sup>2</sup>	P
(A4)	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>	P
(A5)	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>	P
(A6)	Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m <sup>2</sup>	C

(A7)	Development of a new or redevelopment of an existing high use road greater than 5,000m <sup>2</sup>	C
(A8)	Development of a new, or redevelopment of an existing high contaminant generating car park that does not comply with the relevant permitted or controlled activity standards	RD
(A9)	Development of a new or redevelopment of an existing, high use road that does not comply with the relevant permitted or controlled activity standards	RD

### E9.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E9.4.1 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.
- (2) Any application for resource consent for an activity listed in Table E9.4.1 Activity table and which is not listed in E9.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E9.6. Standards

#### E9.6.1. Permitted activity standards

All activities listed as permitted in Table E9.4.1 Activity table must comply with Standard E9.6.1.1 and the specified permitted activity standards for the activity.

##### E9.6.1.1. General

- (1) Any required stormwater management device or system is built generally in accordance with design specifications and is fully operational within three months of commencement of the high contaminant generating car park or high use road.
- (2) 'As built' plans for any required stormwater management device or system are provided to the Council within three months of the practical completion of the works.
- (3) Any required stormwater management device or system is operated and maintained in accordance with best practice for the device or system.

**E9.6.1.2. Development of new or redevelopment of existing impervious areas for any high contaminant generating car park or high use road where stormwater runoff is directed to an existing authorised stormwater management device or system**

- (1) This activity does not need to comply with the Standard E9.6.1.1 above.
- (2) Prior to the commencement of the activity, provide confirmation to the Council that the authorised stormwater management device(s) meets the following:
  - (a) the device is designed and authorised to accommodate and treat stormwater from the high contaminant generating car park or high use road; or
  - (b) the required treatment as set out in Standard E9.6.1.3(2) below will be achieved for the management of stormwater contaminants from the proposed high contaminant generating car park or high use road.

**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>**

- (1) The development of a new or redevelopment of an existing high contaminant generating car park must not be located in an industrial or trade activity area.
- (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); 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).
- (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); 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).
- (2) The stormwater management device must be certified by a Council-approved chartered professional engineer as meeting Standard E9.6.1.4(1) above.
- (3) An operations and maintenance plan must be established and followed to ensure compliance with all permitted activity standards. The operations and maintenance plan must be provided to the Council within three months of practical completion of works.

**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>**

- (1) The development of a new or redevelopment of an existing high contaminant generating car park must not be located in an industrial and trade activity area.
- (2) Stormwater runoff from an impervious area used for a high contaminant generating car park must be treated by stormwater management device(s).
- (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); 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).

**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); 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).

**E9.7. Assessment – controlled activities**

**E9.7.1. Matters of control**

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

- (1) for development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m<sup>2</sup>:
  - (a) the effectiveness of the stormwater management device(s) in meeting Standard E9.6.2.1(4);
  - (b) the potential for adverse effects from the discharge of contaminants on the receiving environment;
  - (c) the proposed methods for operating and maintaining the stormwater treatment processes and devices to ensure their continued and ongoing effectiveness in meeting Standard E9.6.2.1(4);
  - (d) the proposed methods for monitoring and reporting on the effectiveness of the treatment process; and

- (e) the duration of the consent and the timing and nature of reviews of consent conditions.
- (2) for the development of a new or redevelopment of an existing high use road greater than 5,000m<sup>2</sup>:
- (a) the effectiveness of the stormwater management device(s) in meeting Standard E9.6.2.2(2);
  - (b) the potential for adverse effects from the discharge of contaminants on the receiving environment;
  - (c) the proposed methods for operating and maintaining the stormwater treatment processes and devices to ensure their continued and ongoing effectiveness in meeting Standard E9.6.2.2(2);
  - (d) the proposed methods for monitoring and reporting on the effectiveness of the treatment process;
  - (e) the duration of the consent and the timing and nature of reviews of consent conditions; and
  - (f) the treatment of stormwater runoff from existing high use road impervious areas discharging to the same network.

#### **E9.7.2. Assessment criteria**

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

- (1) for development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m<sup>2</sup>:
- (a) the extent to which the proposed stormwater management device minimises adverse effects on the environment having regard to the nature and sensitivity of the receiving environment;
  - (b) whether the stormwater management device is appropriately designed, sized and operated for the site and contaminants of concern;
  - (c) whether the stormwater management device is durable and will achieve the performance requirements in the long term; and
  - (d) the extent to which operation and maintenance plans have been provided to manage the stormwater management device(s).
- (2) for the development of a new, or redevelopment of an existing high use road greater than 5,000m<sup>2</sup>:

- (a) the extent to which the proposed stormwater management device minimises adverse effects on the environment having regard to the nature and sensitivity of the receiving environment;
- (b) whether the stormwater management device is appropriately designed, sized and operated for the site and contaminants of concern;
- (c) whether the stormwater quality device is durable and will achieve the performance requirements in the long term;
- (d) the extent to which operation and maintenance plans have been provided to manage the stormwater management device(s);
- (e) whether it is practical to treat existing high use road areas discharging to the same drainage network point and being treated by the same treatment device having regard to all of the following:
  - (i) site and operational constraints;
  - (ii) requirements to provide for other utility services;
  - (iii) the function of roads as overland flow paths conveying stormwater runoff from surrounding land uses which the road controlling authority has limited ability to control;
  - (iv) safety and operational constraints of the road or discharges; and
  - (v) topographical limitations and geotechnical and structural requirements; and
- (f) the extent to which there is a requirement in the Plan to reconstruct the existing drainage network.

## **E9.8. Assessment – restricted discretionary activities**

### **E9.8.1. Matters of discretion**

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

- (1) for all restricted discretionary activities:
  - (a) the provision of and effectiveness of stormwater management device(s);
  - (b) the potential for adverse effects from the discharge of contaminants on the receiving environment;
  - (c) the proposed methods for operating and maintaining the stormwater treatment processes and devices to ensure their continued and ongoing effectiveness;

- (d) the proposed provisions for monitoring and reporting on the effectiveness of the treatment process, including monitoring and reporting on a network wide basis;
- (e) the duration of the consent and the timing and nature of reviews of consent conditions; and
- (f) any potential adverse effects on Mana Whenua arising from potential discharge of contaminants.

#### **E9.8.2. Assessment criteria**

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

- (1) for all restricted discretionary activities:
  - (a) whether the stormwater management device(s) proposed is the best practicable alternative and potential adverse effects (including cumulative effects) are appropriately minimised or mitigated, taking into consideration all of the following:
    - (i) the nature of the contaminants and associated discharge to the receiving environment;
    - (ii) the sensitivity of the receiving environment, including coastal waters, and its susceptibility to the adverse effects of the contaminants;
    - (iii) the extent to which stormwater contaminants from the site contribute to incremental and cumulative adverse effects on receiving environments including adverse effects on biodiversity, community and Mana Whenua uses and values;
  - (iv) whether it is practicable to reduce existing adverse effects including site and operational constraints; and
  - (v) whether stormwater contaminants are managed entirely onsite or whether there is an authorised stormwater management device or system in the catchment that is designed and sized to accommodate the stormwater runoff and contaminant loads and achieve appropriate mitigation.

#### **E9.9. Special information requirements**

There are no special information requirements in this section.

## **E10. Stormwater management area – Flow 1 and Flow 2**

### **E10.1. Background**

The provisions in this section apply to sites identified in the Stormwater management area control – Flow 1 and Flow 2 as shown on the planning maps. The control seeks to protect and enhance Auckland's rivers, streams and aquatic biodiversity in urban areas.

Auckland has numerous small and narrow urban rivers and streams. Despite their small size, these rivers and streams are home to much of our freshwater aquatic biodiversity and have amenity values. These values are threatened by the effects of ongoing urban development.

The creation of impervious surfaces in a catchment undergoing development increases the flow rate and volume of stormwater runoff. This change in hydrology, unless managed, can have a significant adverse effect on streams within the catchment, including accelerating river and stream erosion and bank instability, particularly in steeper upper catchment areas, and creating hydrological conditions that do not support healthy aquatic ecosystems. In developed urban catchments with large areas of impervious surface, increased runoff is one of the primary causes of degraded river and stream health, and also causes loss of land (including the undermining buildings) and amenity values.

However, in areas that are yet to be developed, or where development is at low levels, development can be enabled while also protecting and enhancing in-stream biodiversity and other river and stream values by reducing and managing stormwater runoff, and other measures such as enhancing riparian margins. Redevelopment also offers an opportunity to reduce existing adverse effects and enhance river and stream values.

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.

In Stormwater management area control – Flow 1 and Stormwater management area control – Flow 2, future development and redevelopment is still enabled, but it is subject to standards to reduce stormwater runoff to protect Auckland's aquatic biodiversity and other values from further decline and enhance them where possible.

The objectives and policies in E1 Water quality and integrated management and E2 Water quantity, allocation and use are also applicable to the provisions in this section.

### **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.

### **E10.3. Policies [rp]**

- (1) Manage stormwater runoff from impervious areas in Stormwater management area – Flow 1 and Flow 2 areas to minimise the adverse effects of stormwater runoff on rivers and streams to retain, and where possible enhance, stream naturalness, biodiversity, bank stability and other values.
- (2) Require stormwater hydrology mitigation in Stormwater management area control – Flow 1 and Flow 2 areas where there are:
  - (a) new impervious areas;
  - (b) redeveloped impervious areas; or
  - (c) entire sites where the area of development or redevelopment comprises more than 50 per cent of the site area.
- (3) Recognise that there may be limitations to the hydrology mitigation that can practicably be achieved in some circumstances, particularly in association with redevelopment, including:
  - (a) space limitations;
  - (b) requirements to provide for other utility services; and
  - (c) the function of roads as overland flow paths conveying stormwater runoff from surrounding land uses which the road controlling authority has limited ability to control.

### **E10.4. Activity table**

Table E10.4.1 Activity table specifies the land use and development activity status to manage stormwater runoff from new impervious areas and redevelopment of existing impervious areas within Stormwater management area control – Flow 1 (SMAF 1) or Stormwater management area control - Flow 2 (SMAF 2) areas pursuant to section 9(2) of the Resource Management Act 1991.

The Stormwater water management control – Flow 1 and Stormwater management area control – Flow 2 areas are identified on the planning maps.

Table E10.4.1 Activity table [rp]

Activity		Activity status
<b>Development of new or redevelopment of existing impervious areas</b>		
(A1)	Development of new or redevelopment of existing impervious areas within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that are not directed to a stream or are discharged below RL 2m.	P
<b>Development of new or redevelopment of existing impervious areas other than for a road, motorway or state highway</b>		
(A2)	Development of new or redevelopment of existing impervious areas up to 50m <sup>2</sup> within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that complies with Standard E10.6.1	P
(A3)	Development of new or redevelopment of existing impervious areas greater than 50m <sup>2</sup> within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1	RD
(A4)	Development of new or redevelopment of existing impervious areas greater than 50m <sup>2</sup> within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that do not comply with Standard E10.6.1 or Standard E10.6.4.1	D
<b>Development of new or redevelopment of existing impervious areas for a road, motorway or state highway operated by a road controlling authority or rail corridor</b>		
(A5)	Development of new or redevelopment of existing impervious areas up to 1,000m <sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that complies with Standard E10.6.2.1	P
(A6)	Development of new or redevelopment of impervious areas greater than 1,000m <sup>2</sup> and up to 5,000m <sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that complies with Standard E10.6.1 and Standard E10.6.3.1	C
(A7)	Development of new or redevelopment of existing impervious areas greater than 5,000m <sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that complies with Standard E10.6.1 and Standard E10.6.4.2	RD
(A8)	Development of new or redevelopment of existing impervious areas up to 1,000m <sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that does not comply with Standard E10.6.2.	D

(A9)	Development of new or redevelopment of impervious areas greater than 1,000m <sup>2</sup> and up to 5,000m <sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that does not comply with Standard E10.6.1 and Standard E10.6.3.1	D
(A10)	Development of new or redevelopment of existing impervious areas greater than 5,000m <sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that does not comply with Standard E10.6.1 and Standard E10.6.4.2	D

### E10.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E10.4.1 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.
- (2) Any application for resource consent for an activity listed in Table E10.4.1 Activity table and which is not listed in E10.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E10.6. Standards

#### E10.6.1. General standards

All activities listed in Table E10.4.1 Activity table, other than (A1): Development of new or redevelopment of existing impervious areas within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that are not directed to a stream or are discharged below RL 2m must meet the following standards, unless otherwise specified.

- (1) Hydrology mitigation must be provided and must meet one of the following:
  - (a) must be provided on the same site (or in the case of a road, motorway or state highway within the road reserve or land under the control of the road controlling authority) as the new or redeveloped impervious area; or
  - (b) where the hydrology mitigation requirement is provided by an authorised off-site stormwater management device or system, all of the following must be met:



- (i) the system must be designed, constructed and operated to receive and manage stormwater from the impervious area of the site; and
  - (ii) a copy of authorisation (such as a discharge consent or subdivision consent notice on title) must be provided to the Council, along with confirmation from the operator of the device or system that hydrology mitigation requirements will be achieved for the additional stormwater from the site.
- (2) Any stormwater management device or system must be built in accordance with design specifications by a suitably qualified service provider and must be fully operational prior to use of the impervious area.
- (3) 'As built' plans for any stormwater management device or system must be provided to Council within three months of practical completion of the works.
- (4) Any stormwater management device or system must be operated and maintained in accordance with best practice for the device or system.

#### **E10.6.2. Permitted activity standards**

All activities listed as a permitted activity in Table E10.4.1 Activity table must comply with the following specified permitted activity standards.

##### **E10.6.2.1. Development of new or redevelopment of existing impervious areas up to 1,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2**

- (1) This activity does not need to comply with the general standards listed in E10.6.1 above.
- (2) The new or redeveloped impervious area must be no more than 1,000m<sup>2</sup> excluding footpaths, cycleways and ancillary areas where stormwater runoff is dispersed over vegetated or grassed areas.

#### **E10.6.3. Controlled activity standards**

All activities listed as controlled activities in Table E10.4.1 Activity table must comply with the following controlled activity standard.

##### **E10.6.3.1. Development of new or redevelopment of impervious areas greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2**

- (1) Stormwater runoff must be managed to achieve one of the following:
  - (a) where the new or redeveloped impervious areas comprise no more than 50 per cent of the total site area, stormwater runoff from the new

or redeveloped impervious area must be managed to achieve the hydrology mitigation requirements specified in Table E10.6.3.1.1 Hydrology mitigation requirements; or

- (b) where the new and redeveloped impervious area comprises more than 50 per cent of the total site area, stormwater runoff from the total site area must be managed to achieve the hydrology mitigation requirements specified in Table E10.6.3.1.1 Hydrology mitigation requirements.
- (2) Any stormwater management device or system must be built generally in accordance with design specifications by a suitably qualified service provider and must be fully operational prior to use of the impervious area.
- (3) 'As built' plans for any stormwater management device or system must be provided to the Council within three months of practical completion of the works.
- (4) Any stormwater management device or system must be operated and maintained in accordance with best practice for the device or system.

**Table E10.6.3.1.1 Hydrology mitigation requirements**

Stormwater management area control	Hydrology mitigation requirements
(1) Except as provided for in (2) below the following applies:	
Stormwater management area – Flow 1	<p>(a) provide retention (volume reduction) of at least 5mm runoff depth for the impervious area for which hydrology mitigation is required; and</p> <p>(b) provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th percentile, 24 hour rainfall event minus the 5 mm retention volume or any greater retention volume that is achieved, over the impervious area for which hydrology mitigation is required.</p>
Stormwater management area – Flow 2	<p>(a) provide retention (volume reduction) of at least 5mm runoff depth for the impervious area for which hydrology mitigation is required; and</p> <p>(b) provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5 mm retention volume or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required.</p>

(2) Where:

- (a) a suitably qualified person has confirmed that soil infiltration rates are less than 2mm/hr or there is no area on the site of sufficient size to accommodate all required infiltration that is free of geotechnical limitations (including slope, setback from infrastructure, building structures or boundaries and water table depth); and
- (b) rainwater reuse is not available because:
  - (i) the quality of the stormwater runoff is not suitable for on-site reuse (i.e. for non-potable water supply, garden/crop irrigation or toilet flushing); or
  - (ii) there are no activities occurring on the site that can re-use the full 5mm retention volume of water.
- (c) the retention volume can be taken up by detention as follows:
  - (i) provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th percentile (SMAF 1) / 90<sup>th</sup> percentile (SMAF 2), 24 hour rainfall event minus any retention volume that is achieved, over the impervious area for which hydrology mitigation is required.

#### **E10.6.4. Restricted discretionary activity standards**

Activities listed as a restricted discretionary activity in Table E10.4.1 Activity table must comply with the following restricted discretionary standards.

##### **E10.6.4.1. Development of new or redevelopment of existing impervious areas greater than 50m<sup>2</sup> within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2**

- (1) Stormwater runoff must be managed to achieve one of the following:
  - (a) where the new or redeveloped impervious area comprises no more than 50 per cent of the total site area, stormwater runoff from the new or redeveloped impervious area must be managed to achieve the hydrology mitigation requirements specified in Table E10.6.3.1.1 Hydrology mitigation requirements; or
  - (b) where the new and redeveloped impervious area comprises more than 50 per cent of the total site area, stormwater from the total site area must be managed to achieve the hydrology mitigation requirements specified in Table E10.6.3.1.1 Hydrology mitigation requirements.
- (2) Except as provided in standard E10.6.4.1(3) below, hydrology mitigation required must be provided on the same site as the new and redeveloped impervious area.
- (3) Where the hydrology mitigation requirement is provided by an authorised off-site stormwater management device or system, the following must be met:

- (a) the system must be designed, constructed and operated to receive and manage stormwater from the impervious area of the site; and
  - (b) a copy of authorisation (such as a discharge consent or subdivision consent notice on title) must be provided to Council, along with confirmation from the operator of the device or system that hydrology mitigation requirements will be achieved for the additional stormwater from the site.
- (4) Any stormwater management device or system must be built generally in accordance with design specifications by a suitably qualified service provider and is fully operational prior to use of the impervious area;
- (5) 'As built' plans for any stormwater management device or system must be provided to the Council within three months of practical completion of the works; and
- (6) Any stormwater management device or system must be operated and maintained in accordance with best practice for the device or system.

**E10.6.4.2. Development of new or redevelopment of existing impervious areas greater than 5,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2**

- (1) Stormwater runoff from the new impervious areas and any existing impervious areas discharging to the same drainage network point must be managed to achieve the hydrology mitigation requirements specified in Table E10.6.3.1.1 Hydrology mitigation requirements.

**E10.7. Assessment – controlled activities**

**E10.7.1. Matters of control**

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

- (1) for development of new or redevelopment of impervious areas greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater Management Area Control – Flow 1 or Stormwater management area control – Flow 2:
- (a) the management of stormwater flow on site to achieve the stormwater hydrology mitigation requirements;
  - (b) the application of hydrology mitigation to existing road impervious areas discharging to the same drainage network points, having regard to all of the following:

- (i) site and operational constraints;
  - (ii) requirements to provide for other utility services;
  - (iii) the function of roads as overland flow paths conveying stormwater runoff from surrounding land uses which the road controlling authority has limited ability to control;
  - (iv) safety and operational constraints; and
  - (v) topographical limitations and geotechnical and structural requirements.
- (c) the availability of any authorised stormwater management device or system in the catchment designed and sized to accommodate stormwater run-off from new and redeveloped impervious area, road, motorway or state highway to achieve the stormwater hydrology mitigation requirements;
- (d) the suitability of the stormwater management device or system for the site including its ability to achieve the hydrology mitigation requirements in the long-term and the operations and maintenance requirements that are proposed;
- (e) operations and maintenance requirements;
- (f) monitoring and reporting, including monitoring and reporting on a network wide basis; and
- (g) the duration of the consent and the timing and nature of reviews of consent conditions.

#### **E10.7.2. Assessment criteria**

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

- (1) for development of new or redevelopment of impervious areas greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater Management Area Control – Flow 1 or Stormwater management area control – Flow 2
- (a) policy E10.3(1), (2) and (3); and
  - (b) policy E1.3(1), (2), (3), (4), (5), (8) and (9) in E1 Water quality and integrated management.

#### **E10.8. Assessment – restricted discretionary activities**

##### **E10.8.1. Matters of discretion**

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

- (1) for development of new or redevelopment of existing impervious areas greater than 50m<sup>2</sup> within Stormwater Management Area Control – Flow 1 or Stormwater Management Area Control – Flow 2 and development of new or redevelopment of existing impervious areas greater than 5,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2.
  - (a) the potential adverse effects including cumulative effects of increased stormwater flows on freshwater systems including effects on stream channels and stream health, natural character, biodiversity, erosion and stability and community and Mana Whenua values;
  - (b) the best practicable options for reducing existing adverse effects;
  - (c) the processes proposed for the management of stormwater flow onsite or the availability of an authorised stormwater management device or system in the catchment designed and sized to accommodate the stormwater runoff from the new and redeveloped impervious area, road, motorway or state highway and achieve appropriate hydrology mitigation; and
  - (d) the practicality and limitations of applying stormwater flow management to the site or the existing road, motorway or state highway network, taking into account site and operational constraints, the requirements for other utilities or infrastructure and the function of roads as overland flow paths conveying stormwater runoff from surrounding land uses.

#### **E10.8.2. Assessment criteria**

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

- (1) for development of new or redevelopment of existing impervious areas greater than 50m<sup>2</sup> within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 and development of new or redevelopment of existing impervious areas greater than 5,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2:
  - (a) policy E10.3(1), (2) and (3); and
  - (b) policy E1.3(1), (2), (3), (4), (5), (8) and (9) in E1 Water quality and integrated management.

#### **E10.9. Special information requirements**

There are no special information requirements in this section.

## **E11. Land disturbance – Regional**

### **E11.1. Background**

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

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

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

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

### **E11.2. Objectives [rp]**

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

### **E11.3. Policies [rp]**

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

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



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

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

#### **E11.4. Activity table**

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

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

- for network utility and road network activities, the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- for other land disturbance, the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project.

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

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

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

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

Table E11.4.1 Activity table – all zones and roads

Activity		Activity status				
		Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
<b>Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks</b>						
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P
<b>Driveways, parking areas and sports fields and major recreational facilities</b>						
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P
<b>General earthworks not otherwise listed in this table</b>						
(A3)	Up to 10,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup>	P	P	P	P	P
(A4)	Greater than 10,000m <sup>2</sup> up to	C	C	C	Refer to H28	C

	50,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup>				Special Purpose – Quarry Zone	
(A5)	Greater than 50,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup>	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A6)	Up to 2,500m <sup>2</sup> where the land has a slope equal to or greater than 10 degrees	P	P	P	P	P
(A7)	Up to 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup>	P	P	P	P	P
(A8)	Greater than 2,500m <sup>2</sup> where the land has a slope equal to or greater than 10 degrees	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A9)	Greater than 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup>	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD

(A10)	Placement of non-erodible fill	P	P	P	P	P
<b>Farming</b>						
(A11)	Ancillary farming earthworks	P	P	P	P	P
<b>Forestry</b>						
(A12)	Ancillary forestry earthworks	P	P	D	P	P

Note 1

Sediment Control Protection Area is defined as:

- (a) 100m either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50m landward of the edge of a watercourse, or wetland of 1000m<sup>2</sup> or more.

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

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

Activity	Activity status					
	Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads	
<b>Activities ancillary to erosion and sediment control</b>						
(A13)	The temporary diversion and damming of surface water and the discharge of treated sediment laden	P	P	P	P	P

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

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

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

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

**Table E11.4.3 Activity table – overlays**

Activity		Activity status	
		Significant Ecological Areas Overlay	Water Supply Management Areas Overlay
<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>			
(A15)	Earthworks for maintenance and repair	P	P
(A16)	Earthworks for the installation of fences, walking tracks and burial of marine mammals	P	P
(A17)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P
(A18)	Earthworks for gardening, planting	Refer to Note 2	Refer to Note 2

<b>Driveways, parking areas and, sports fields and major recreational facilities</b>			
(A19)	Earthworks for operation, maintenance, resurfacing and repair	P	P
<b>Cultivation</b>			
(A20)	Up to 500m <sup>2</sup>	RD	RD
(A21)	Greater than 500m <sup>2</sup> up to 2500m	D	D
(A22)	Greater than 2500m <sup>2</sup>	D	D
<b>Irrigation or land drainage</b>			
(A23)	Works below the natural ground level	RD	RD
<b>Farming</b>			
(A24)	Ancillary farming earthworks for maintenance of tracks	P	P
<b>Forestry</b>			
(A25)	Ancillary forestry earthworks for maintenance	P	P
<b>Temporary activities</b>			
(A26)	Earthworks associated with the installation of the temporary activity	P	P
<b>Land disturbance not otherwise listed in this table<sup>3</sup></b>			
(A27)	Up to 5m <sup>2</sup>	P	P
(A28)	Greater than 5m <sup>2</sup>	RD	RD
(A29)	Up to 5m <sup>3</sup>	P	P
(A30)	Greater than 5m <sup>3</sup>	RD	RD

#### Note 2

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

#### Note 3

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

### E11.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E11.4.1 Activity table – all zones and roads above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

- (2) Any application for resource consent for an activity listed in Table E11.4.1 Activity table – all zones and roads, Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water and Table E11.4.3 Activity table – overlays and which is not listed in E11.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

## **E11.6. Standards**

### **E11.6.1. Accidental discovery rule**

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, 'sensitive material' means:
  - (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;
  - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
  - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
  - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

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

- (a) immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment;
- (b) secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

*Inform relevant authorities and parties*

- (c) inform the following parties immediately of the discovery:
  - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
  - (ii) the Council in all cases;
  - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;  
and
  - (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or
  - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E11.6.1(3)(f) are met.

*Recommencement of work*

- (f) work within the area determined by the Council at step E11.6.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
  - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;



- (iii) the requirements of Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
- (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E11.6.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures must be taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
  - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
  - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
  - that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.
- (vii) resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.

#### **E11.6.2. General standards**

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

- (1) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) the rendering of fresh water unsuitable for consumption by farm animals;  
or
  - (e) any significant adverse effects on aquatic life.

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

Note 1

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

- (3) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
- (4) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.

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- (6) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that area unless being transported to landfill for disposal.
- (7) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Significant Ecological Areas Overlay shall be limited to the area of earth previously disturbed or modified.
- (8) Earthworks associated with a temporary activity within the Significant Ecological Areas Overlay shall be limited to the area of earthwork previously disturbed or modified.

### **E11.6.3. Standards for ancillary farming earthworks**

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

- (1) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;

(d) the rendering of fresh water unsuitable for consumption by farm animals;  
or

(e) any significant adverse effects on aquatic life.

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

Note 1

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

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

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

**Table E11.6.3.1 Minimum separation distance**

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

**E11.6.4. Standards for ancillary forestry earthworks**

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

- (1) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
- (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;

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

- (9) Harvesting must be planned and carried out to minimise the amount of slash discharging into any area listed in Standard E11.6.4(4)(a) and entering any area listed in Standard E11.6.4(4)(b) above.
- (10) Slash must be removed (unless it is unsafe to do so) from within areas listed in Standard E11.6.4(4)(a) above where it is blocking river flow, or is diverting river flow and causing bank erosion.
- (11) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (12) Ancillary forestry earthworks other than on sand soils must implement best practice erosion and sediment control measures for the duration of the land disturbance. Those measures must be maintained until the site is stabilised against erosion.
- (13) Ancillary forestry earthworks must be done in accordance with a harvest management plan, and other than on sand soils, an erosion and sediment control plan that confirms compliance with Standard E11.6.4(12) above and the following:
  - (a) the erosion and sediment control plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(1); and
  - (b) the harvest plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(2).

## **E11.7. Assessment – controlled activities**

### **E11.7.1. Matters of control**

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

- (1) all controlled activities:
  - (a) compliance with the standards;
  - (b) the design and suitability of erosion and sediment control measures to be implemented;
  - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
  - (d) the proportion of the catchment which is exposed;
  - (e) staging of works and progressive stabilisation;
  - (f) timing and duration of works;
  - (g) term of consent; and

- (h) potential effects on significant ecological and indigenous biodiversity values.

#### **E11.7.2. Assessment criteria**

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

- (1) all controlled activities:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the coastal marine area; and
    - (ii) ecological health including of the coastal marine area.
  - (c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
  - (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
  - (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; and
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

#### **E11.8. Assessment – restricted discretionary activities**

##### **E11.8.1. Matters of discretion**

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

- (1) All restricted discretionary activities:
  - (a) compliance with the standards;
  - (b) the design and suitability of erosion and sediment control measures to be implemented;
  - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
  - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;

- (e) the proportion of the catchment which is exposed;
  - (f) staging of works and progressive stabilisation;
  - (g) timing and duration of works;
  - (h) term of consent;
  - (i) potential effects on significant ecological and indigenous biodiversity values;
  - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;
  - (k) information and monitoring requirements; and
- (2) Additional matters of discretion for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:
- (a) cumulative effects of sedimentation within the catchment, including estuarine receiving environments; and
  - (b) potential effects on significant ecological and indigenous biodiversity values.

#### **E11.8.2. Assessment criteria**

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

- (1) All restricted discretionary activities:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the coastal marine area;
    - (ii) ecological health including of the coastal marine area;
    - (iii) riparian margins;
    - (iv) the mauri of water; and
    - (v) the quality of taiāpure or mahinga mātaītai.
  - (c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
  - (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;

- (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; and
- (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

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[ENV-2016-AKL-000243: K Vernon]

- (g) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) Additional assessment criteria for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:
- (a) whether the land disturbance proposed within a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay are undertaken so they have no adverse effect, or minor adverse effect, on the aquatic and terrestrial ecology and wildlife of the area and in particular, where relevant:
    - (i) nesting, feeding and breeding of species;
    - (ii) biological processes;
    - (iii) connections between ecosystems;
    - (iv) the diversity of species;
    - (v) the habitat of threatened or protected species, both terrestrial and aquatic;
    - (vi) rare habitat, threatened habitat or at risk habitat;
    - (vii) sand dune ecosystems;
    - (viii) buffering of indigenous ecosystems; or
    - (ix) cumulative effects.
  - (b) within the Water Supply Management Areas Overlay, how potential adverse effects on water quality within water supply catchments will be avoided, remedied or mitigated; and
  - (c) the extent to which adverse effects on ecological and indigenous biodiversity values have been avoided or minimised.

### **E11.9. Special information requirements**

- (1) An erosion and sediment control plan must include all of the following:
  - (a) a locality plan;



- (b) the description of the nature, scale, timing and duration of activities including;
  - (c) design or layout of construction, roading, the formation of any new tracking, earthworks, stabilisation and harvesting;
  - (d) the erosion and sediment control measures to be employed including the contributing catchments;
  - (e) a programme of works;
  - (f) heavy rainfall response and contingency measures; and
  - (g) maintenance and monitoring procedures.
- (2) A harvest plan must include all of the following:
- (a) title, date and north arrow;
  - (b) the harvest area boundary;
  - (c) any property boundaries in the vicinity of the harvest area;
  - (d) contours;
  - (e) location of all proposed and existing roads, tracks, landings;
  - (f) location of firebreaks, stream crossings and associated culverts;
  - (g) associated text that describes the harvesting methodology (hauler or ground-base) and proposed extraction directions;
  - (h) location of any water bodies, streams and the bed of any lake;
  - (i) location of any wetland;
  - (j) locations of any natural, cultural or heritage values identified in the overlays of the Plan;
  - (k) location of slash management and disposal areas for hauler landings;
  - (l) location of end haul disposal areas; and
  - (m) any other area relevant to managing the harvest area.

## **E12. Land disturbance – District**

### **E12.1. Background**

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

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

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

### **E12.2. Objectives**

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

### **E12.3. Policies**

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

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

#### **E12.4. Activity tables**

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

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

- for network utility the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- for other land disturbance, the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project.

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

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

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

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

Table E12.4.1 Activity table – all zones and roads

Activity		Activity status						
		Residential zones	Business zones and City Centre Zone	Future Urban Zone and rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
<b>Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks</b>								
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P	P	P
<b>Driveways, parking areas and sports fields and major recreational facilities</b>								
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P	P	P
<b>General earthworks not otherwise listed in this table <sup>1</sup></b>								
(A3)	Up to 500m <sup>2</sup>	P	P	P	P	P	P	P
(A4)	Greater than 500m <sup>2</sup> up to 1000m <sup>2</sup>	RD	P	P	P	RD	P	P
(A5)	Greater than 1000m <sup>2</sup> up to 2500m <sup>2</sup>	RD	P	RD	RD	RD	P	P
(A6)	Greater than 2500m <sup>2</sup>	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A7)	Up to 250m <sup>3</sup>	P	P	P	P	P	P	P

(A8)	Greater than 250m <sup>3</sup> up to 1000m <sup>3</sup>	RD	P	P	P	RD	P	P
(A9)	Greater than 1000m <sup>3</sup> up to 2500m <sup>3</sup>	RD	P	RD	RD	RD	P	P
(A10)	Greater than 2500m <sup>3</sup>	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A11)	Earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor	NA	C	NA	NA	NA	NA	NA
<b>Lava caves, fossils and sub-fossils</b>								
(A12)	Land disturbance that disturbs known lava caves more than 1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD

<b>Farming</b>								
(A13)	Ancillary farming earthworks	P	P	P	P	P	P	P
<b>Forestry</b>								
(A14)	Ancillary forestry earthworks	P	P	P	P	P	P	P
<b>Hauraki Gulf islands</b>								
(A15)	Hauraki Gulf islands	Refer to the Auckland Council District Plan (Hauraki Gulf Islands Section) for district activity status and E11 Land Disturbance – Regional for the relevant regional activity status						

#### Note 1

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

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

- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay;
- D11 Outstanding Natural Character and High Natural Character Overlay
- D17 Historic Heritage Overlay; and
- D21 Sites and Places of Significance to Mana Whenua Overlay.

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

Activity		Activity status				
		Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	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	P
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals	P	P	P <sup>2</sup>		RD
(A18)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P	P	P	P
(A19)	Earthworks for gardening or planting	P	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	P
<b>Cultivation</b>						
(A21)	Up to 500m <sup>2</sup>	RD	P	RD	D	D
(A22)	Greater than 500m <sup>2</sup> up to 2500m <sup>2</sup>	RD	P	RD	D	D
(A23)	Greater than 2500m <sup>2</sup>	RD	P	D	D	D
<b>Irrigation or land drainage</b>						
(A24)	Works below the natural ground level	RD	P	D	D	D
<b>Farming</b>						
(A25)	Ancillary farming	P	P	P <sup>2</sup>	P	P

	earthworks for maintenance of tracks				
<b>Forestry</b>					
(A26)	Ancillary forestry earthworks for maintenance	P	P	P <sup>2</sup>	P
<b>Temporary activities</b>					
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P <sup>2</sup>	RD
<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
(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
(A32)	Greater than 5m <sup>3</sup> up to 250m <sup>3</sup>	RD	P	RD <sup>2</sup>	D
(A33)	Greater than 250m <sup>3</sup>	RD	RD	RD	D

[CIV-2016-404-002331: Man O' War Farm Limited] – Appeal relates to ONC Overlay column and HNC and ONL Overlay column.  
 [ENV-2016-AKL-000261: Man O' War Farm Limited] – Appeal relates to ONC Overlay column and HNC and ONL Overlay column.

#### Note 2

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

#### Note 3

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

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



**Table E12.4.3 Activity table – Outstanding Natural Features Overlay**

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

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

### **E12.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E12.4.1 Activity table all zones and roads above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E12.4.1 Activity table all zones and roads Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) and Table E12.4.3 Activity table Outstanding Natural Features Overlay and which is not listed in E12.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E12.6. Standards**

#### **E12.6.1. Accidental discovery rule**

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, 'sensitive material' means:
  - (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;

- (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
  - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
  - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

*Cease works and secure the area*

- (a) immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment.
- (b) Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

*Inform relevant authorities and parties*

- (c) inform the following parties immediately of the discovery:
  - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
  - (ii) the Council in all cases;
  - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;
  - (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with

Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or

- (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of E12.6.1(3)(f) are met.

*Resumption of work*

- (f) work within the area determined by the Council at E12.6.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
  - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - (iii) the requirements of E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
  - (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
  - (v) if the discovery is a lava cave as outlined in E12.6.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures must be taken to minimise adverse effects of the works on the scientific values of the site; and
  - (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
    - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
    - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
    - that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.

- (vii) resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.

#### **E12.6.2. General standards**

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

- (1) Land disturbance within riparian yards and coastal protection yards are limited to:
  - (a) operation, maintenance and repair (including network utilities);
  - (b) less than 5m<sup>2</sup> or 5m<sup>3</sup>; for general earthworks;
  - (c) less than 10m<sup>2</sup> or 5m<sup>3</sup> for the installation of new network utilities;
  - (d) installation of fences and walking tracks; or
  - (e) burial of marine mammals.
- (2) Land disturbance must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (3) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (4) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (5) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (6) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (7) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
  - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
  - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that

- (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E12.6.2(7)(a) and E12.6.2(7)(b) above.
- (8) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
  - (b) be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure.
- (9) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
  - (b) result in a reduction in the ground to conductor clearance distances as required by New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001.
- (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (11) Earthworks (including filling) within a 100 year annual exceedance probability (AEP) flood plain:
- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m<sup>3</sup> which must not be exceeded through multiple filling operations; and
  - (b) must not result in any adverse changes in flood hazard beyond the site.
- Note1
- This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.
- (12) Earthworks (including filling) within overland flow paths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (13) Temporary land disturbance and stockpiling of soil and other materials within the one per cent annual exceedance probability (AEP) flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (14) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of Significance to

Mana Whenua must be limited to the area and depth of earth previously disturbed or modified.

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

### **E12.6.3. Standards for ancillary farming earthworks**

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

- (1) Ancillary farming earthworks for maintenance of tracks on sites identified in the Sites and Places of Significance to Mana Whenua Overlay must be limited to the area and depth of earth previously disturbed.
- (2) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
  - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
  - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that
  - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from E12.6.2(2)(a) and E12.6.2(2)(b) above.
- (3) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
  - (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
  - (b) be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure.

- (4) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
  - (a) create an unstable batter that will affect a transmission support structure;  
or
  - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

#### **E12.6.4. Standards for ancillary forestry earthworks**

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

- (1) Other than for ancillary forestry earthworks on sand soils, the Council must be notified at least 48 hours prior to the earthworks starting.
- (2) The ancillary forestry earthworks must not take place on land within a coastal fore-dune.
- (3) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (4) Ancillary forestry earthworks for maintenance shall be limited to the area and depth of earth previously disturbed or modified on a site or place identified in the Site or Place of Significance to Mana Whenua Overlay.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (6) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (7) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (8) Access to public footpaths, berms, private properties, network utilities or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (9) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (10) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (11) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
  - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and



- (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that
  - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from E12.6.4(11)(a) and E12.6.4(11)(b) above.
- (12) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
  - (b) be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure.
- (13) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
  - (b) result in a reduction in the ground to conductor clearance distances as required by New Zealand Code of Practice for Electrical Safe Distances NZECP34:2001.

## **E12.7. Assessment – controlled activities**

### **E12.7.1. Matters of control**

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

- (1) all controlled activities:
- (a) compliance with the standards;
  - (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;
  - (c) effects on the stability and safety of surrounding land, buildings and structures;
  - (d) effects on overland flow paths and flooding;
  - (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
  - (f) staging of works and progressive stabilisation;
  - (g) timing and duration of works;
  - (h) term of consent; and

- (i) potential effects on significant ecological and indigenous biodiversity values.
- (2) additional matter of control for land disturbance within the Historic Heritage Overlay:
  - (a) measures to avoid, remedy or mitigate adverse effects on the scheduled Historic Heritage Place, having regard to functional needs, technical requirements and operational constraints.
- (3) additional matter of control for earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
  - (a) effect on the relationship of Mana Whenua and their culture and traditions with wāhi tapu in the precinct, especially wāhi whenua and wāhi pito.

#### **E12.7.2. Assessment criteria**

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

- (1) all controlled activities:
  - (a) whether applicable standards are complied with;
  - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
  - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
  - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
  - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made; and
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
- (2) additional assessment criteria for land disturbance within the Historic Heritage Overlay:

- (a) the extent to which the location and depth of the land disturbance avoids, remedies or mitigates any adverse effects on the scheduled Historic Heritage Place, taking into account the functional need, technical requirements and operational constraints of the works.
- (3) additional assessment criteria for earthworks that exceeds 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
  - (a) conditions may be imposed on consents to avoid, remedy or mitigate any adverse effects of works to support Mana Whenua, including:
    - (i) a requirement to notify the Council and Mana Whenua before any earthworks start;
    - (ii) supervision of works by a Council-appointed archaeologist and Mana Whenua representatives; and
    - (iii) control how earthworks are managed, such as hand digging rather than mechanical digging.

## **E12.8. Assessment – restricted discretionary activities**

### **E12.8.1. Matters of discretion**

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

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- (1) all restricted discretionary activities:
  - (a) compliance with the standards;
  - (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;
  - (c) effects on the stability and safety of surrounding land, buildings and structures;
  - (d) effects on overland flow paths and flooding;
  - (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
  - (f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;
  - (g) staging of works and progressive stabilisation;
  - (h) information and monitoring requirements;
  - (i) timing and duration of works;

- (j) term of consent;
  - (k) potential effects on significant ecological and indigenous biodiversity values;
  - (l) risk that may occur as a result of natural hazards;
  - (m) protection of or provision of network utilities and road networks.
  - (n) potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and
  - (o) positive effects enabled through the land disturbance.
- (2) additional matters of discretion for land disturbance within overlay areas:
- (a) within the Outstanding Natural Character, High Natural Character Overlay or Outstanding Natural Landscapes Overlay:
    - (i) the objectives and policies in D10 as they relate to Outstanding Natural Landscapes and D11 as they relate to Outstanding Natural Character and High Natural Character;
    - (ii) setback from mean high water springs;
    - (iii) cumulative effects;
    - (iv) landscape, visual and amenity effects;
    - (v) mitigation of effects;
    - (vi) modification to landform;
    - (vii) vegetation clearance; and
    - (viii) Mana Whenua values.
  - (b) within the Historic Heritage Overlay:
    - (i) effects on historic heritage.
  - (c) within the Sites and Places of Significance to Mana Whenua Overlay:
    - (i) potential effects on the water quality of taiāpure or mahinga maataitai, wāhi tapu, taonga and other scheduled sites in the Sites and Places of Significance to Mana Whenua; and
    - (ii) potential effects on the values and associations of Mana Whenua with the site or place including effects on the context of the Maori cultural landscape.
  - (d) within the Outstanding Natural Features Overlay:

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

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

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

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#### **E12.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) whether applicable standards are complied with;
  - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
  - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
  - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
  - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
  - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;
  - (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;

- (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;
  - (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
  - (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
  - (l) for land disturbance near Transpower New Zealand Limited transmission towers:
    - (i) the outcome of any consultation with Transpower New Zealand Limited; and
    - (ii) the risk to the structural integrity of transmission lines.
  - (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.
- (2) additional assessment criteria for land disturbance within overlay areas:
- (a) within the Outstanding Natural Character and High Natural Character Overlay or the Outstanding Natural Landscapes Overlay:
    - (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of:
      - protected trees;
      - cliff faces/cliff tops; and
      - identified landscape features
    - (ii) the extent to which the proposal will adversely affect amenity and identified natural character values, and whether the proposed mitigation measures can ensure there will be no more than minor effects on:
      - amenity values or views, both from land and sea;
      - landscape and natural character values; and
      - people's experience and values associated with an area, including the predominance of nature and wilderness values.
    - (iii) the extent to which there are adverse visual and or ecological effects from any land disturbance, associated with creating farm tracks, driveways or other servicing requirements;

- (iv) the extent to which the activity impacts on Mana Whenua values;
- (v) the extent to which the functional need for farm tracks, driveways or other servicing requirements to be in the location proposed; and
- (vi) the objectives and policies in D10 Outstanding Natural Landscapes Overlay and D11 Outstanding Natural Character and High Natural Character Overlay.

(b) within the Historic Heritage Overlay;

- (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of heritage sites.

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

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

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

(d) within the Outstanding Natural Features Overlay:

- (i) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;
- (ii) whether the activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;
- (iii) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;

- (iv) the degree to which the feature or features have already been modified so that further modification will not cause significant additional loss of geological value;
- (v) the extent to which the proposed works will protect the feature from further damage, such as erosion protection, or remediate it from previous damage. This excludes potential damage from the activity for which consent is sought;
- (vi) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and
- (vii) the objectives and policies in D10 Outstanding Natural Features Overlay

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

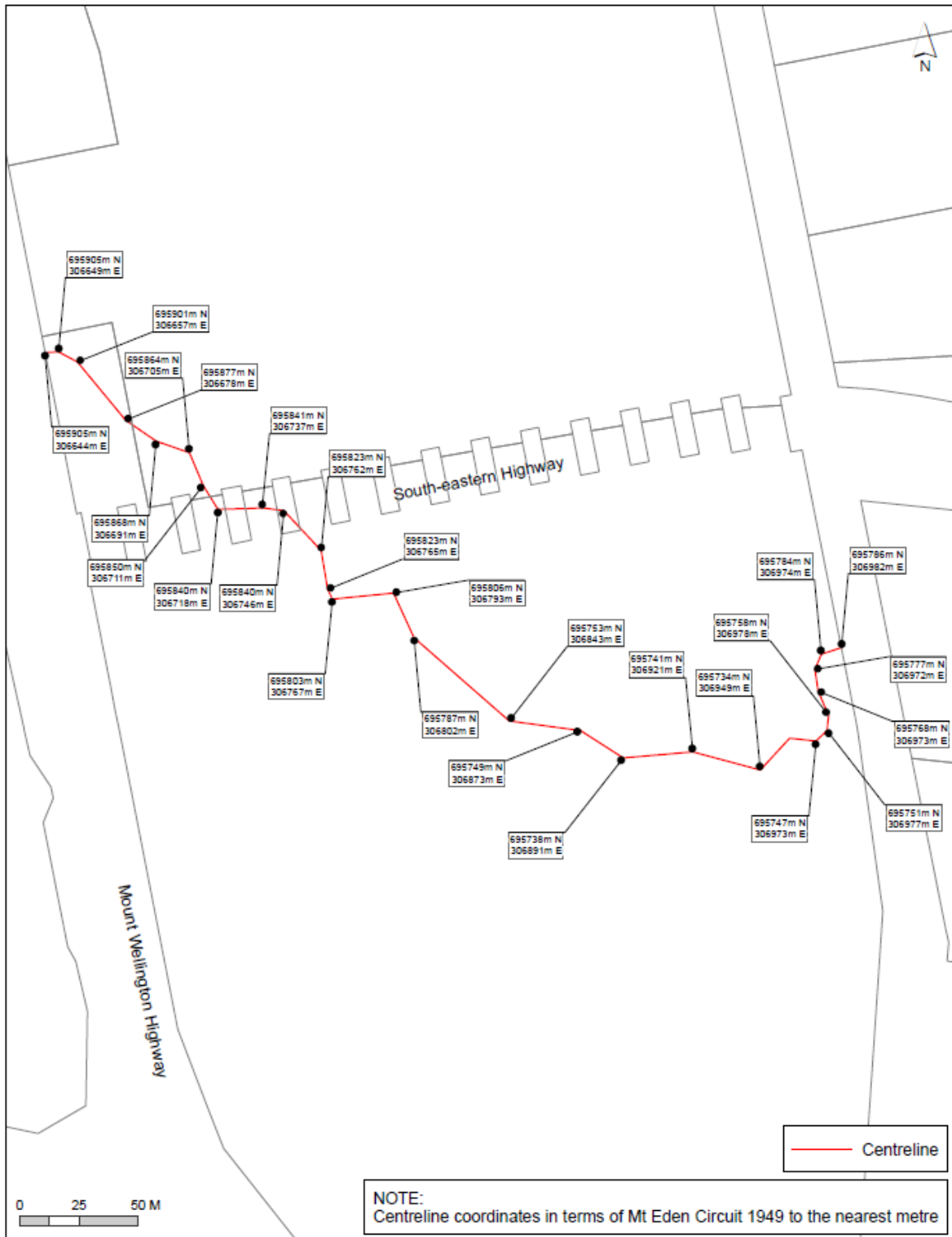
### **E12.9. Special information requirements**

There are no special information requirements in this section.

### **E12.10. Figures**



Figure E12.10.1 Limited earthworks corridor



## **E13. Cleanfills, managed fills and landfills**

### **E13.1. Background**

Cleanfills, managed fills and landfills support the use of land and the disposal of fill and waste generated by residential, commercial, industrial and rural activities in Auckland.

Cleanfills involve the deposit of natural materials such as clay, gravel, sand, soil and rock which have been excavated for areas of land which do not contain contaminants at levels greater than background concentrations, and which have no adverse effects on the environment. Managed fills involve the deposit of cleanfill material, contaminated clay, soil, rock and other inert materials that may have contaminants that exceed background concentrations. Landfills involve the disposal of material not suitable for diversion or cleanfills and managed fills.

### **E13.2. Objectives [rp]**

- (1) Cleanfills, managed fills and landfills are sited, designed and operated so that adverse effects on the environment, are avoided, remedied or mitigated.
- (2) Human health is protected from the adverse effects of operational or closed cleanfills, managed fills and landfills.

### **E13.3. Policies [rp]**

- (1) Avoid significant adverse effects and remedy or mitigate other adverse effects of cleanfills, managed fills and landfills on lakes, rivers, streams, wetlands, groundwater and the coastal marine area.
- (2) Require cleanfills, managed fills and landfills to be sited, and where appropriate, designed and constructed, to avoid the risk of land instability.
- (3) Require cleanfills, managed fills and landfills to be designed and operated in accordance with relevant industry best practice.
- (4) Avoid adverse effects from new landfills.
- (5) Manage closed managed fills and landfills (including the closure of) to:
  - (a) protect the integrity of the site including the containment of contaminants; and
  - (b) require aftercare that is appropriate to the nature and requirements of the site including the type of material that was deposited during its operative period.

### **E13.4. Activity table**

Table E13.4.1 Activity table specifies the activity status of discharges from cleanfills, managed fills and landfills pursuant to section 15 of the Resource Management Act 1991.

**Table E13.4.1 Activity Table**

<b>Activity</b>		<b>Activity status</b>
<b>Cleanfills</b>		
(A1)	Discharges from cleanfills where less than 250m <sup>3</sup> per year is deposited	P
(A2)	Discharges from cleanfills where 250m <sup>3</sup> per year or more is deposited	C
(A3)	Discharges from cleanfills where 250m <sup>3</sup> per year or more is deposited and that do not comply with Standard E13.6.2.1	RD
<b>Managed fills</b>		
(A4)	Discharges from managed fills	C
(A5)	Discharges from managed fills that do not comply with Standard E13.6.2.2	RD
(A6)	Discharges from closed managed fills	P
(A7)	Discharges from closed managed fills that do not comply with Standard E13.6.1.1	C
(A8)	Discharges from aftercare activities on closed managed fills	P
<b>Landfills</b>		
(A9)	Discharges from new landfills	NC
(A10)	Discharges from operative landfills	D
(A11)	Discharges from landfills that closed before 1 October 1991	P
(A12)	Discharges from closed landfills that do not comply with Standard E13.6.1.3 or Standard E13.6.1.4	C
(A13)	Discharges from aftercare activities on closed landfills	P

**E13.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E13.4.1 Activity table will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E13.4.1 Activity table and which is not listed in E13.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

## **E13.6. Standards**

### **E13.6.1. Permitted activities**

Activities listed as a permitted activity in Table E13.4.1 Activity table must comply with the following specified permitted activity standards.

#### **E13.6.1.1. Discharges from closed managed fills**

- (1) Discharge of contaminants to water when measured at the down-gradient edge of the closed managed fill site must not exceed the 80 per cent trigger values of Table 3.4.1 Trigger values for toxicants at alternative levels of protection of the Australian and New Zealand Environment and Conservation Council Guidelines for Fresh and Marine Water Quality 2000.

#### **E13.6.1.2. Discharges from aftercare activities on closed managed fills**

- (1) Discharges of contaminants to water must not exceed the 80 per cent trigger values of Table 3.4.1 Trigger values for toxicants at alternative levels of protection of the Australian and New Zealand Environment and Conservation Council Guidelines for Fresh and Marine Water Quality 2000.
- (2) The closed managed fill cover, if any, must be reinstated to the same or better standard.

#### **E13.6.1.3. Discharges from landfills that closed before 1 October 1991**

- (1) Discharges of contaminants to water when measured at the down-gradient edge of the closed landfill site must not exceed the 80 per cent trigger values of the Table 3.4.1 Trigger values for toxicants at alternative levels of protection of the Australian and New Zealand Environment and Conservation Council Guidelines for Fresh and Marine Water Quality 2000.

#### **E13.6.1.4. Discharges from aftercare activities on closed landfills**

- (1) Discharges of contaminants to water must not exceed the 80 per cent trigger values of Table 3.4.1 Trigger values for toxicants at alternative levels of protection of the Australian and New Zealand Environment and Conservation Council Guidelines for Fresh and Marine Water Quality 2000.
- (2) The closed landfill cover must be reinstated to the same or better standard.

### **E13.6.2. Controlled activities**

Activities listed as a controlled activity in Table E13.4.1 Activity table must comply with the following specified controlled activity standards.

**E13.6.2.1. Discharges from cleanfills where 250m<sup>3</sup> per year or more is deposited**

- (1) Cleanfills must not be sited or operated on land with a high risk of instability.
- (2) A site investigation report and site management plan must be provided to the Council and site operation records must be available for inspection by the Council.

**E13.6.2.2. Discharges from managed fills**

- (1) The concentrations of contaminants must not exceed the permitted activity levels specified in E30 Contaminated land.
- (2) Managed fills must not be sited or operated on land with a high risk of instability.
- (3) A site investigation report and site management plan must be provided to the Council and site operation records must be available for inspection by the Council.

**E13.6.2.3. Discharges from closed managed fills that do not comply with Standard E13.6.1.1**

- (1) A site investigation (closed managed fill) report and site aftercare plan must be provided to the Council.

**E13.6.2.4. Discharges from closed landfills that do not comply with Standard E13.6.1.3 or Standard E13.6.1.4**

- (1) A site investigation (closed landfill) report and aftercare plan must be provided to the Council.

**E13.7. Assessment – controlled activities**

**E13.7.1. Matters of control**

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

- (1) discharges from cleanfills where 250m<sup>3</sup> per year or more is deposited:
  - (a) the adequacy of the site investigation report including:
    - (i) appropriateness of the site.
  - (b) the adequacy of the site management plan including:
    - (i) operation of the site;
    - (ii) placement and compaction of cleanfill material;
    - (iii) daily operating procedures;
    - (iv) cleanfill acceptance controls and monitoring;

- (v) response to natural hazards and unexpected discharges; and
  - (vi) conditioning of wet material.
- (c) the adequacy of the proposed site operation records including:
- (i) load inspection records; and
  - (ii) monitoring, testing and sampling documentation.
- (2) discharges from managed fills:
- (a) the adequacy of the site investigation report including:
- (i) appropriateness of the site;
  - (ii) risk assessment; and
  - (iii) discharge and contaminant limits.
- (b) the adequacy of the site management plan including:
- (i) operation of the site;
  - (ii) placement and compaction of managed fill material;
  - (iii) managed fill acceptance criteria;
  - (iv) daily operating procedures;
  - (v) environmental controls and monitoring;
  - (vi) response to natural hazards and unexpected discharges; and
  - (vii) conditioning of wet material.
- (c) the adequacy of the proposed site operation records including:
- (i) load inspection records; and
  - (ii) monitoring, testing and sampling documentation.
- (d) siting and methods to avoid, remedy or mitigate adverse effects on lakes, rivers, streams, wetlands, groundwater and the coastal marine area.
- (3) discharges from closed managed fills that do not comply with Standard E13.6.1.1:
- (a) the adequacy of the site investigation (closed managed fill) report including:
- (i) site sampling;
  - (ii) laboratory analysis; and
  - (iii) risk assessment.
- (b) the adequacy of the site aftercare plan including:
- (i) aftercare activities to address the risk posed by the contaminants to the environment; and

- (ii) timing and standard of aftercare activities.
- (4) discharges from closed landfills that do not comply with Standard E13.6.1.3 or Standard E13.6.1.4:
- (a) the adequacy of the site investigation (closed landfill) report including:
    - (i) site sampling;
    - (ii) laboratory analysis; and
    - (iii) risk assessment.
  - (b) the adequacy of the site aftercare plan including:
    - (i) aftercare activities to address the risk posed by the contaminants to the environment; and
    - (ii) timing and standard of aftercare activities.

#### **E13.7.2. Assessment criteria**

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

- (1) discharges from cleanfills where 250m<sup>3</sup> per year or more is deposited:
  - (a) the extent to which the site investigation report, site management plan and proposed site operation records control siting and monitor the acceptance and placement of cleanfill material to avoid, remedy or mitigate known or potential adverse effects.
- (2) discharges from managed fills:
  - (a) the extent to which the proposal will avoid, remedy or mitigate any adverse effects from actual and potential discharges from the site;
  - (b) the extent to which the site investigation report and site management plan include measures to avoid, remedy or mitigate known or potential adverse effects including:
    - (i) preventative measures prior to establishment, operation or discharge;
    - (ii) site management, including how the importation of material to the site will be controlled;
    - (iii) protection of lakes, rivers, streams, wetlands, groundwater and the coastal marine area; and
    - (iv) aftercare of the managed fill.
  - (c) where managed fills are sited or operated in, on or adjacent to lakes, rivers, streams, wetlands, groundwater and the coastal marine area, whether significant adverse effects on water are avoided and other effects are remedied and mitigated.

- (3) discharges from closed managed fills that do not comply with Standard E13.6.1.1:
  - (a) the extent to which the site aftercare plan will avoid, remedy or mitigate any adverse effects from discharges from the closed managed fill.
- (4) discharges from closed landfills that do not comply with Standard E13.6.1.3 or Standard E13.6.1.4:
  - (a) the extent to which the site aftercare plan will avoid, remedy or mitigate any adverse effects from discharges from the closed landfill.

### **E13.8. Assessment – restricted discretionary activities**

#### **E13.8.1. Matters of discretion**

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

- (1) discharges from cleanfills that do not comply with Standard E13.6.2.1:
  - (b) the adequacy of the site investigation report including:
    - (i) the appropriateness of the site; and
    - (ii) risk assessment.
  - (c) the adequacy of the site management plan including:
    - (i) the operation of site;
    - (ii) the placement and compaction of cleanfill material;
    - (iii) daily operating procedures;
    - (iv) cleanfill acceptance controls and monitoring;
    - (v) response to natural hazards and unexpected discharges;
    - (vi) reporting requirements;
    - (vii) management for disposal of non-complying material; and
    - (viii) conditioning of wet material.
  - (d) the adequacy of the site operating record including:
    - (i) load inspection records;
    - (ii) monitoring, testing or sampling documentation;
    - (iii) training procedures; and
    - (iv) record of non-complying material disposal.
  - (e) the requirement for and condition of financial bond;
  - (f) the timing and nature of resource consent conditions reviews; and
  - (g) the design and construction of the cleanfill.



(2) discharges from managed fills that do not comply with Standard E13.6.2.2:

- (a) the adequacy of the site investigation report including:
  - (i) appropriateness of site;
  - (ii) discharge and contaminant limits; and
  - (iii) risk assessment.
- (b) the adequacy of the site management plan including:
  - (i) the operation of the site;
  - (ii) the placement and compaction of managed fill material;
  - (iii) managed fill acceptance criteria;
  - (iv) daily operating procedures;
  - (v) environmental controls and monitoring;
  - (vi) hazard and unexpected discharge response procedures;
  - (vii) reporting requirements;
  - (viii) management for disposal of non-complying material; and
  - (ix) conditioning of wet material.
- (c) the adequacy of the proposed site operating record including:
  - (i) load inspection records;
  - (ii) monitoring, testing or sampling documentation;
  - (iii) training procedures; and
  - (iv) record of non-complying material disposal.
- (d) the requirement for and conditions of a financial bond;
- (e) the timing and nature of resource consent conditions reviews; and
- (f) the design and construction of the managed fill.

#### **E13.8.2. Assessment criteria**

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

- (1) discharges from cleanfills that do not comply with Standard E13.6.2.1:
  - (a) the extent to which the proposal will avoid, remedy or mitigate any adverse effects from actual and potential discharges from the cleanfill;
  - (b) the extent to which the site investigation report and site management plan include measures to avoid, remedy or mitigate known or potential adverse effects including:
    - (i) preventative measures prior to establishment, operation or discharge;
    - (ii) site management, including how the importation of material to the site will be controlled; and
    - (iii) protection of lakes, rivers, streams, wetlands, groundwater and the coastal marine area.
- (2) discharges from managed fills that do not comply with Standard E13.6.2.2:
  - (a) the extent to which the proposal will avoid, remedy or mitigate any adverse effects from actual and potential discharges from the managed fill.
  - (b) the extent to which the site investigation report and site management plan include measures to avoid, remedy or mitigate known or potential adverse effects including:
    - (i) preventative measures prior to establishment, operation or discharge;
    - (ii) site management, including how the importation of material to the site will be controlled;
    - (iii) protection of lakes, rivers, streams, wetlands, groundwater and the coastal marine area; and
    - (iv) aftercare of the managed fill.

### **E13.9. Special information requirements**

There are no special information requirements in this section.

## E14. Air quality

### E14.1. Description

These provisions relate to the management of air quality. The range of residential, commercial and industrial land uses means there needs to be greater focus on the management of individual discharges to air from various sources and the separation of incompatible land uses. Industrial processes and their operation need to be recognised because they cannot avoid discharging contaminants into air. Their effects need to be managed using suitable control technology and on-site management techniques. These industries also need to be located in appropriate areas.

In Auckland's coastal marine area, air discharges are localised and usually temporary in nature.

In the rural areas, low densities of development, good on-site management practices and adequate separation are used to manage the effects of contaminants into air on human health and neighbourhood dust and odour levels.

### E14.2. Objectives [rcp/rp]

- (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.

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[ENV-2016-AKL-000222: New Zealand Starch Limited]

[ENV-2016-AKL-000225: ACI Operations New Zealand Limited, trading as O-I New Zealand]

[ENV-2016-AKL-000228: Pact Group (NZ) Limited]

[ENV-2016-AKL-000233: New Zealand Steel Limited]

- (2) Air discharges from use and development meet Auckland Ambient Air Quality Standards.

- (3) Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.

- (4) 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.

- (5) The operational requirements of light and heavy industry, other location-specific industry, infrastructure, rural activities and mineral extraction activities are recognised and provided for.

### E14.3. Policies [rcp/rp]

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[ENV-2016-AKL-000233: New Zealand Steel Limited]

- (1) Protect human health by requiring that air discharges do not cause ambient air quality to exceed the Auckland Ambient Air Quality Standards in Table E14.3.1 for the specified contaminants.
- (2) Manage the discharge of contaminants to air so that adverse effects on human health, including cumulative adverse effects, are avoided, and all other adverse effects are remedied or mitigated.
- (3) In the coastal marine area and in urban and rural zones, except for those zones and precincts subject to policies E14.3(4) to (7):
  - (a) avoid offensive and objectionable effects from dust and odour discharges and remedy or mitigate all other adverse effects of dust and odour discharges; or
  - (b) require adequate separation distance between use and development which discharges dust and odour to air and activities that are sensitive to adverse effects of dust and odour discharges, or both of the above.
- (4) In the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Future Urban Zone, Auckland Council District Plan - Hauraki Gulf Islands Rural 1-3 and Landform 1-7:
  - (a) recognise that rural air quality is generally a result of dust and odours, and other emissions generated by rural production activities;
  - (b) avoid, remedy or mitigate adverse effects of dust and odour discharges;
  - (c) provide for minor and localised elevation of dust and odour levels where the air discharge is from:
    - (i) rural production activities or rural industry; or
    - (ii) the operation of infrastructure or location specific industry; or
    - (iii) mineral extraction activities; or
    - (iv) activities undertaken by the New Zealand Defence Force for training and munitions testing; or
    - (v) for emergency services training;
  - (d) require adequate separation between use and development which discharge dust and odour and activities that are sensitive to these adverse effects.
- (5) Support the use and development in the Business – Light Industry Zone, Coastal – Minor Port Zone, the Port Precinct, Auckland Airport Precinct and Auckland Council District Plan - Hauraki Gulf Islands Commercial 5 Zone, by providing for medium dust and odour levels and avoiding, remedying or mitigating, the adverse effects of dust and odour.

- (6) Support the use and development in the Business – Heavy Industry Zone, Special Purpose – Quarry Zone and Auckland Council District Plan - Hauraki Gulf Islands Commercial 6 Zone by:
- (a) providing for higher levels of dust and odour provided that any adverse effects on human health are avoided, remedied or mitigated;
  - (b) avoiding the establishment of activities sensitive to air discharges in these zones; and
  - (c) discouraging the establishment of activities sensitive to air discharges in areas adjacent to these zones.
- (7) Avoid the discharge of contaminants to air from industrial activities in rural zones and the coastal marine area except where the activity is:
- (a) location specific, such as mineral extraction activities and mineral processing, wastewater treatment facilities, marine and port activities,
  - (b) undertaken by the New Zealand Defence Force for training and munitions testing, or for emergency services training;
  - (c) infrastructure requiring large separation distances that cannot be provided for within urban areas; or
  - (d) a rural industry.
- (8) Require discharges of contaminants to air from outdoor burning (except when associated with test and training exercises by emergency response services), to be:
- (a) avoided in urban and industrial areas and the coastal marine area; or
  - (b) minimised in rural areas; or
  - (c) minimised where it is for community or public event purposes or for cooking.
- (9) 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
  - (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.

- (10) Avoid, remedy or mitigate the adverse effects on air quality beyond the boundary of the premises where the discharge of contaminants to air is occurring, in relation to:
- (a) noxious or dangerous effects on human health, property or the environment from hazardous air pollutants; or
  - (b) overspray effects on human health, property or the environment.
- (11) Require large scale combustion sources that discharge contaminants to air to avoid, remedy or mitigate any adverse effects on aircraft safety.
- (12) Enable the use of air quality offsets in achieving compliance with relevant standards and other provisions in the plan.

**Table E14.3.1 Auckland Ambient Air Quality Standards (AAQS)**

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Contaminant	Standard	Averaging Time	Number of permissible exceedances per year
Particles less than 10 microns (PM10)	50 µg/m <sup>3*</sup>	24 hour	1
	20 µg/m <sup>3</sup>	Annual	0
Particles less than 2.5 microns (PM2.5)	25 µg/m <sup>3</sup>	24 hour	0
	10 µg/m <sup>3</sup>	Annual	0
Nitrogen dioxide (NO <sub>2</sub> )	200 µg/m <sup>3*</sup>	1 hour	9
	100 µg/m <sup>3</sup>	24 hour	0
	40 µg/m <sup>3</sup>	Annual	0
Carbon monoxide (CO)	10 mg/m <sup>3*</sup>	8 hours (running mean)	one 8-hour period
	30 mg/m <sup>3</sup>	1 hour	0
Sulphur dioxide (SO <sub>2</sub> )	350 µg/m <sup>3*</sup>	1 hour	9
	570 µg/m <sup>3*</sup>	1 hour	0
	20 µg/m <sup>3</sup>	24 hour	0
Ozone (O <sub>3</sub> )	150 µg/m <sup>3*</sup>	1 hour	0
	100 µg/m <sup>3</sup>	8 hour	0
Lead	0.2 µg/m <sup>3</sup>	3 month moving average calculated monthly	0
Benzene	3.6 µg/m <sup>3</sup>	Annual	0

Benzo[a]pyrene	0.0003 µg/m <sup>3</sup>	Annual	0
1,3-Butadiene	2.4 µg/m <sup>3</sup>	Annual	0
Formaldehyde	100 µg/m <sup>3</sup>	30 minutes	0
Acetaldehyde	30 µg/m <sup>3</sup>	Annual	0
Mercury (inorganic)	0.33 µg/m <sup>3</sup>	Annual	0
Mercury (organic)	0.13 µg/m <sup>3</sup>	Annual	0
Chromium VI	0.0011 µg/m <sup>3</sup>	Annual	0
Chromium metal and Chromium III	0.11 µg/m <sup>3</sup>	Annual	0
Arsenic (inorganic)	0.0055 µg/m <sup>3</sup>	Annual	0
Arsine	0.055 µg/m <sup>3</sup>	Annual	0

Asterisk \* = AAAQS taken from the NES

#### E14.4. Activity table

Table E14.4.1 Activity table specifies the activity status for the discharge of contaminants into air pursuant to section 15 of the Resource Management Act 1991.

Refer to other provisions in the Plan for the activity status of the related land use activity that may require resource consent.

The Strategic Transport Corridor Zone and roads, will assume the most stringent air quality requirements of the adjacent zones [rp].

Refer to the Auckland Council District Plan - Hauraki Gulf Islands Section for sites zoned as Rural 1 – 3, Landform 1 -7, Commercial 5 (Industrial) and Commercial 6 (Quarry) zones and other Hauraki Gulf Islands zones of the Hauraki Gulf Islands Section of the Auckland Council District Plan.

The spatial area to which the columns in Table E14.4.1 Activity table apply to is as follows.

- (1) Low air quality – dust and odour area (Quarry) includes the Special Purpose – Quarry Zone and Auckland Council District Plan - Hauraki Gulf Islands Section Commercial 6 Zone [rp].
- (2) Low air quality – dust and odour area (Industry) includes the Business – Heavy Industry Zone [rp].
- (3) Medium air quality – dust and odour area (Industry) includes the Business – Light Industry Zone, Coastal – Minor Port Zone, Port Precinct, Gabador Place Precinct, Boat Building Precinct, Auckland Airport Precinct, and Auckland Council District Plan - Hauraki Gulf Islands Section Commercial 5 Zone [rcp/rp].
- (4) Medium air quality – dust and odour rural area (Rural) includes the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Future Urban Zone, Auckland Council District Plan - Hauraki Gulf Islands Section Rural 1-3 and Landform 1-7 [rp].

- (5) High air quality – dust and odour area includes all other zones (including all coastal zones and Auckland Council District Plan - Hauraki Gulf Islands Section other zones) [rcp/rp].



Table E14.4.1 Activity table

Activity		Activity status				
		High air quality - dust and odour area	Medium air quality - dust and odour rural area (Rural)	Medium air quality - dust and odour area (Industry)	Low air quality - dust and odour area (Industry)	Low air quality - dust and odour area (Quarry)
<b>Discharge of contaminants into air from activities not provided for in other rules in this table</b>						
(A1)	Activities meeting the permitted activity standards and not provided for by any other rule	P	P	P	P	P
(A2)	Activities not meeting the permitted activity standards and not provided for by any other rule	D	D	D	D	D
(A3)	Activities not meeting the restricted discretionary activity standards and not provided for by any other rule	D	D	D	D	D
<b>Discharge of contaminants into air from chemical and metallurgical processes</b>						
(A4)	Any process that discharges more than 20kg/hour or 10t/year of volatile organic compounds such as large-scale application of surface coatings or printing ink without the application of heat, excluding the ventilation, displacement or dispensing of motor fuels and excluding road marking	D	D	D	D	D
(A5)	Electroplating	RD	RD	RD	RD	RD
(A6)	Fumigant for use in commercial pest control	P	P	P	P	P
(A7)	Mechanical shredding of scrap indoors, including the mechanical removal of plastic or rubber covering from cable, where discharges to air are through particulate control equipment	P	P	P	P	P
(A8)	Melting of any metal or metal alloy at a rate of no more than 100kg/hour excluding the recycling and melting of scrap metal	P	P	P	P	P

(A9)	Melting of any metal or metal alloy at a rate between 100kg/hour and 1t/hour excluding welding and jewellery manufacture	NC	RD	RD	RD	RD
(A10)	Removal of coatings from wire or cable by heating with emissions control equipment	NC	D	D	D	D
(A11)	Removal of coatings from wire or cable by heating not provided for by any other rule	Pr	Pr	Pr	Pr	Pr
(A12)	Spray application of surface coatings containing diisocyanates or hazardous organic plasticisers at an individual site not in a spray booth or at a domestic premises at an application rate no more than 2L/day	P	P	P	P	P
(A13)	Spray application of surface coatings containing diisocyanates or organic plasticisers for maintenance of infrastructure	P	P	P	P	P
(A14)	Spray application of surface coatings containing diisocyanates or organic plasticisers in a spray booth	P	P	P	P	P
(A15)	Spray application of surface coatings containing diisocyanates or organic plasticisers not meeting the permitted activity standards	RD	RD	RD	RD	RD
(A16)	Chemical processes or activities associated with small-scale operations (such as home hobby operations, and on-farm blending of fertilisers)	P	P	P	P	P
(A17)	Bodying of oils or manufacture of monomers, synthetic resins, varnishes, plastics or adhesives	D	D	D	D	D
(A18)	Storage, manufacture or use of acrylates	D	D	D	D	D
(A19)	Use of more than nine kilograms per hour of styrene	D	RD	RD	P	P
(A20)	Production of soap, grease, or surface active agents	D	D	D	D	D
(A21)	Synthesis or extraction of organic chemicals, including synthesis, extraction, blending or formulation of	D	D	D	D	D

	agricultural, or plant hormones					
(A22)	Production of inorganic chemicals, including concentration of acids or anhydrides, ammonia or alkalis	D	D	D	D	D
(A23)	Production or blending of fertilisers, including the granulation of single or mixed fertilizers	D	D	D	D	D
(A24)	Solvent manufacture or recovery	D	D	D	D	D
(A25)	Distillation, refining or other processing of petroleum or petrol products	D	D	D	D	D
(A26)	Total or partial disposal of solid or liquid substances by chemical decomposition	D	D	D	D	D
(A27)	Dry distillation of coal or lignite	D	D	D	D	D
(A28)	Production of metals or non-metals by a wet process or by means of electrical or mechanical energy	D	D	D	D	D
(A29)	Production, processing or treatment of organic or inorganic compounds	D	D	D	D	D
(A30)	Separation, dewatering through the application of heat or distillation of hydrocarbons including used (waste) oil	D	D	D	D	D
(A31)	Use of bitumen in the manufacture of products other than roading mix	D	D	D	D	D
(A32)	Carbonising or destructive distillation of hydrocarbons where the solid, liquid or gaseous products are recovered	D	D	D	D	D
(A33)	Gasification of any hydrocarbon by partial combustion with air or oxygen or reaction with steam	D	D	D	D	D
(A34)	Manufacturing of semiconductors, explosives, paints, inks or powder coatings	D	D	D	D	D
(A35)	Industrial gas manufacturing	D	D	D	D	D
(A36)	Cleaning of metal by pyrolysis	D	D	D	D	D
(A37)	Manufacture of rigid or flexible polyurethane foam using diisocyanates, or methylene chloride at a rate exceeding a total of 100 kilograms per hour	D	D	D	D	D

(A38)	Use of more than 200 kilogrammes per hour of resins	D	D	D	D	D
(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
(A40)	The extraction, including electrochemical methods of reduction, of any metal or metal alloy from its ore, oxide or other compounds	D	D	D	D	D
(A41)	The manufacture of steel, the refining of any metal, or the modification of any alloy in the molten state	D	D	D	D	D
(A42)	Melting of any metal or metal alloy with a melting capacity of more than 1t/hour	D	D	D	D	D
(A43)	Galvanizing	D	D	D	D	D
(A44)	Heating in a furnace or other appliance of any metal or metal alloy for the purpose of removing grease, oil or any other non-metallic contaminant, including drum reconditioning	D	D	D	D	D
(A45)	Removal by heating of any material from wire or cables where all emissions pass through control equipment that minimises emissions of dioxins and other hazardous air pollutants	D	D	D	D	D
(A46)	Heating or burning of tyres where all emissions pass through control equipment that minimises emissions of dioxins and other hazardous air pollutants	D	D	D	D	D
<b>Discharge of contaminants into air from combustion activities</b>						
(A47)	Emergency generators used for the purpose of generating electricity for premises during mains power unavailability (includes operation for the purpose of generator testing and maintenance)	P	P	P	P	P

(A48)	<p>Very small industrial, trade and institutional combustion sources fuelled by any one of the following:</p> <ul style="list-style-type: none"> <li>a) natural gas or liquefied petroleum gas up to a total gross heat release of 2MW; or</li> <li>b) wood (including untreated wood products such as wood chips and pellets) or diesel up to a total gross heat release of 500kW</li> </ul>	P	P	P	P	P
(A49)	<p>Small combustion sources established before 1 May 2014 fuelled by any of the following:</p> <ul style="list-style-type: none"> <li>a) natural gas or liquefied petroleum gas, with a total gross heat release of more than 2 and not exceeding 22MW; or</li> <li>b) diesel, with a total gross heat release of more than 500kW and not exceeding 10MW; or</li> <li>c) light or heavy fuel oil, excluding waste oil, not exceeding a total gross heat release of 10MW; or</li> <li>d) wood, including untreated wood products such as wood chips and pellets, with a total gross heat release of more than 500kW and not exceeding 5MW; or</li> <li>e) coal with a total gross heat release not exceeding 5MW</li> </ul>	P	P	P	P	P
(A50)	<p>Small combustion sources established from 1 May 2014 fuelled by any of the following:</p> <ul style="list-style-type: none"> <li>a) natural gas or liquefied petroleum gas, in a an external combustion engine/boiler with a total gross heat release of more than 2 and not exceeding 22MW; or</li> <li>b) diesel, in a an external combustion engine/boiler with a total gross heat release more than 500kW and not exceeding 10MW</li> </ul>	P	P	P	P	P

(A51)	<p>Medium combustion sources established from 1 May 2014 fuelled by any of the following:</p> <ul style="list-style-type: none"> <li>a) wood, including untreated wood products such as wood chips and pellets, in an external combustion engine/boiler with a total gross heat release of more than 500kW and not exceeding 2MW; or</li> <li>b) light fuel oil (excluding waste oil) in an external combustion engine/boiler not exceeding a total gross heat release of 10MW; or</li> <li>c) natural gas or liquefied petroleum gas in an internal combustion engine/generator, with a total gross heat release of more than 2 and not exceeding 10 MW; or</li> <li>d) diesel in an internal combustion engine/generator, with a total gross heat release of more than 500kW and not exceeding 10 MW</li> </ul>	C	C	C	C	C
(A52)	<p>Medium to large combustion sources fuelled by any of the following:</p> <ul style="list-style-type: none"> <li>a) natural gas or liquefied petroleum gas in an external combustion engine/boiler with a total gross heat release of more than 22 and not exceeding 33MW; or</li> <li>b) diesel or light fuel oil in an external combustion engine/boiler with a total gross heat release of more than 10 and not exceeding 20MW; or</li> <li>c) wood, including untreated wood products such as wood chips and pellets, in an external combustion engine/boiler with a total gross heat release of more than 2 and not exceeding 10MW; or</li> <li>d) natural gas, liquefied petroleum gas or diesel in an internal</li> </ul>	RD	RD	RD	RD	RD

	combustion engine/generator, with a total gross heat of more than 10 and not exceeding 20MW					
(A53)	Combustion activities not meeting the permitted, controlled or restricted discretionary activity standards	D	D	D	D	D
<b>Discharge of contaminants into air from cremation and incineration processes</b>						
(A54)	Cremation of human or animal remains, excluding the burning of animal remains covered by outdoor burning rules, where discharges to air are through an afterburner	RD	RD	RD	RD	RD
(A55)	Cremation of human or animal remains not meeting restricted discretionary activity standards	D	D	D	D	D
(A56)	Flaring of gas, excluding landfill gas, including biogas and petrochemical products	D	D	D	D	D
(A57)	Incineration of non-hazardous waste, including paper, greenwaste and untreated wood waste, and excluding outdoor burning, backyard incinerators and single chamber incinerators covered by outdoor burning rules	D	D	D	D	D
(A58)	Incineration of hazardous waste excluding high temperature incineration covered by Resource Management (National Environmental Standards for Air Quality) Regulations 2004	Pr	Pr	Pr	Pr	Pr
<b>Discharge of contaminants into air from drying and kiln processes</b>						
(A59)	The baking of clay or ceramic products, including bricks or tiles with a total on-site production capacity of more than 5t/day of finished product	NC	D	D	D	D
(A60)	Drying, curing or baking of any solvent based coatings onto a surface by application of heat at a solvent volatile organic compound(VOC) application rate of less than 20kg /hour	P	P	P	P	P

(A61)	Drying, curing or baking of any organic solvent based coating onto a surface by application of heat at a solvent VOC application rate of more than 20kg VOC/hour where discharges to air pass through an afterburner	D	RD	RD	RD	RD
(A62)	Drying, curing or baking of any organic solvent-based coating onto a surface by application of heat at a solvent VOC application rate of more than 20kg VOC/hour where discharges to air do not pass through an afterburner	NC	D	D	D	D
(A63)	Drying, curing or baking of any substance, excluding food processes and those processes covered by other rules in this section, that on heating at a rate exceeding a total on-site generating capacity of 500kW releases dust, odour or other air pollutants	D	D	D	D	D
(A64)	Heat set printing at any rate where discharges to air pass through an afterburner	RD	RD	RD	RD	RD
(A65)	Heat set printing at any rate where discharges to air do not pass through an afterburner	D	D	D	D	D
(A66)	Manufacture of synthetic wood or paper board, including hardboard, plywood or fibre board, by drying, curing or pressing wood, paper or wood or paper products through the application of heat	D	D	D	D	D
(A67)	Pulping of wood or paper products by mechanical or chemical processes, or the associated processes of bleaching or chemical or by-product recovery including recycled paper pulping	NC	D	D	D	D
(A68)	Wood or paper processing using the Kraft process	Pr	Pr	Pr	Pr	Pr



Discharge of contaminants into air from dust generating processes						
(A69)	Asbestos - extraction, processing, storage or the manufacture of products containing asbestos except where the activity is: <ul style="list-style-type: none"> <li>– associated with site remediation; or</li> <li>– removal of asbestos from existing structures; or</li> <li>– the reconditioning or placing of asbestos containing friction linings to brake or clutch assemblies; and</li> </ul> in accordance with industry best practice that is necessary to meet the requirements of the Health and Safety in Employment Act 1992	Pr	Pr	Pr	Pr	Pr
(A70)	Blasting (dry abrasive) within a permanent facility (spray booth) using abrasive material containing less than five per cent dry weight free silica	P	P	P	P	P
(A71)	Blasting (vacuum) using abrasive material containing less than five per cent dry weight free silica	P	P	P	P	P
(A72)	Blasting (sweep) using abrasive material containing less than five per cent dry weight free silica	P	P	P	P	P
(A73)	Blasting undertaken outside a permanent facility (spray booth) using abrasive material containing less than five per cent silica	RD	P	P	P	P
(A74)	Blasting (dry abrasive, vacuum or sweep) using abrasive material containing less than five per cent silica not meeting the permitted activity standards	RD	RD	RD	RD	RD
(A75)	Blasting (including dry abrasive, vacuum, and sweep) using abrasive material containing greater than five per cent silica	NC	NC	NC	NC	NC
(A76)	Cement storage, handling, redistribution, or packaging	D	P	P	P	P

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(A77)	Cement storage, handling, redistribution, or packaging that does not comply with the permitted activity standards	D	D	D	RD	RD
(A78)	Coal storage outdoors where total amount on site is not more than two tonnes	P	P	P	P	P
(A79)	Coal or coal products storage outdoors greater than two tonnes but not more than 500 tonnes; or not more than two tonnes and not meeting the general permitted activity standards	D	RD	RD	RD	RD
(A80)	Coal or coal products storage outdoors of more than 500 tonnes	D	D	D	D	D
(A81)	Demolition of buildings not meeting the general permitted activity standards	RD	RD	RD	RD	RD
(A82)	Earthworks and the construction, maintenance and repair of public roads and railways not meeting the general permitted activity standards	RD	RD	RD	RD	RD
(A83)	Manufacture of asphalt paving mix where discharges to air are through a bag filter system	D	D	RD	RD	RD
(A84)	Manufacture of asphalt paving mix where discharges are not through a bag filter system	NC	NC	D	D	D
(A85)	Manufacture of concrete at a rate up to 110 tonnes/day	P	P	P	P	P
(A86)	Manufacture of concrete at a rate of more than 110 tonnes/day where discharges to air are through a bag filter system	RD	RD	RD	RD	RD
(A87)	Manufacture of concrete at a rate of more than 110 tonnes/day where discharges to air are not through a bag filter system	D	D	D	D	D
(A88)	Other air discharges from any process that includes: a) sintering, calcining or roasting of metal ores in preparation for smelting; or b) burning of calcium or calcium	D	D	D	D	D

	<p>magnesium carbonates to produce calcium or magnesium oxides or hydroxides (including lime manufacturing); or</p> <p>c) expansion or exfoliation of mineral; or</p> <p>d) dehydration of gypsum; or</p> <p>e) the manufacture and/or melting of glass or glass products, including vitrification, with a production capacity of greater than 1t/day; or</p> <p>f) manufacture of glass or mineral wool; or</p> <p>g) manufacture of cement or cement products from raw materials; or</p>					
(A89)	Mineral extraction activities at a rate of between five and 200 tonnes/hour	NC	RD	RD	RD	C
(A90)	Mineral extraction activities at a rate exceeding 200 tonnes/ hour from any one quarrying process	NC	D	D	D	C
(A91)	Mineral extraction activities at a rate exceeding five tonnes/ hour from any one quarrying process not complying with controlled or restricted discretionary activity standards	NC	D	D	D	D
(A92)	Temporary crushing of concrete, masonry products, minerals, ores and/or aggregates on a development site using a mobile crusher at a rate of up to 60 tonnes/hour	P	P	P	P	P
(A93)	Crushing of concrete, masonry products, minerals, ores and/or aggregates (not associated with quarrying activities) at a rate: <ul style="list-style-type: none"> <li>– greater than 60 tonnes/hour; or</li> <li>– up to 60 tonnes/hour and not meeting permitted activity standards</li> </ul>	D	RD	RD	RD	RD
(A94)	Unsealed public roads	P	P	P	P	P
<b>Discharge of contaminants into air from emergency services and the New Zealand Defence Force</b>						
(A95)	Air discharges, including outdoor burning of any material, for the purpose of fire-fighting and other emergency response activities,	P	P	P	P	P

	carried out by the New Zealand Fire Service, Auckland International Airport Limited and the New Zealand Defence Force					
(A96)	Air discharges, including outdoor burning of any material, for the purpose of emergency service training	P	P	P	P	P
		High air quality area exceptions: permitted in the Rural – Countryside Living Zone in the Urban Fire District on properties greater than 1ha if a Council fire permit is obtained				
(A97)	Air discharges, including from outdoor burning of any material, for the purpose of fire emergency service training or investigation not meeting the permitted activity standards	RD	RD	RD	RD	RD
<b>Discharge of contaminants into air from food, animal or plant matter processes</b>						
(A98)	Alcoholic beverage production from fermentation of plant matter to produce up to 25 million l/ year or greater than 25 million l/year with the specified odour standards for permitted activities	P	P	P	P	P
(A99)	Alcoholic beverage production from fermentation of plant matter not meeting the permitted activity standards	RD	RD	RD	RD	RD
(A100)	Carpet manufacturing	D	D	D	D	D
(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
(A104)	Drying of milk products to produce milk powders	D	D	D	D	D
(A105)	Extraction, distillation or purification of animal or vegetable fats and oils	D	D	D	D	D

(A106)	Manufacture of animal casings	D	D	D	D	D
(A107)	Manufacture of yeast or starch	D	D	D	D	D
(A108)	Pet food manufacture by the application of heat	D	D	D	D	D
(A109)	Preservation of animal hides or skins or the removal of hair, wool or feathers, (including tanneries and fellmongeries), by chemical or heat treatment	D	D	D	D	D
(A110)	Refinement of sugars, roasting or drying of berries, grains or plant matter (except roasting of coffee covered by other rules in this table), curing by smoking, flour or grain milling, deep fat or oil frying exceeding 250kg/hour of product	D	D	D	D	D
(A111)	Rendering, reduction or drying of animal matter through the application of heat	D	D	D	D	D
(A112)	Treatment of abattoir waste or abattoir wastewater on the premises	D	D	D	D	D
(A113)	Wool scouring operations or dag crushing	D	D	D	D	D
<b>Discharge of contaminants into air from mobile sources and tunnels</b>						
(A114)	Discharges to air from 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
(A115)	Discharges to air from motor vehicle and rail tunnels established before 30 September 2013	P	P	P	P	P
(A116)	Discharges to air from motor vehicle tunnels established from 30 September 2013 with a Low or Medium Risk Rating (as assessed under Table E14.6.1.18.1 and Table E14.6.1.18.2 in Standard E14.6.1.18)	P	P	P	P	P
(A117)	Discharges to air from motor vehicle tunnels after 30 September 2013	RD	RD	RD	RD	RD

	with a High Risk Rating (as assessed under Table E14.6.1.18.1 and Table E14.6.1.18.2 in Standard E14.6.1.18)					
(A118)	Discharges to air from rail tunnels established from 30 September 2013 that only carry electric-powered locomotives	P	P	P	P	P
(A119)	Discharges to air from rail tunnels established from 30 September 2013 that carry any diesel-powered locomotives	RD	RD	RD	RD	RD
<b>Discharge of contaminants into air from motor fuel storage</b>						
(A120)	Air discharges of volatile organic compounds (including organic solvents) from: a) dispensing of motor fuels; or b) ventilation or displacement of air or vapour from storage tanks containing motor fuels; or c) ventilation or displacement of air or vapour from motor fuel tankers (excluding petrol vapour)	P	P	P	P	P
(A121)	Air discharges of volatile organic compounds (including organic solvents) from the ventilation or displacement of air or vapour from motor fuels storage tanks or tankers, or from the dispensing of motor fuels that does not comply with the permitted standards	RD	RD	RD	RD	RD
(A122)	Petrol storage greater than one million litres on-site	RD	RD	RD	RD	RD
<b>Discharge of contaminants into air from outdoor burning</b>						
(A123)	Burning of waste, including: a) municipal, commercial, institutional, domestic or industrial wastes; or b) wood that is painted or chemically treated; or c) plastic (including agrichemical containers and silage wrap), rubber and paint; or d) sewage sludge or screenings; or	Pr	Pr	Pr	Pr	Pr

	<p>e) motor vehicles and motor vehicle parts; or</p> <p>f) pathological, clinical or veterinary wastes; or</p> <p>g) solid, liquid or gaseous chemical wastes; or</p> <p>h) construction or demolition waste; or</p> <p>i) road seal and bitumen; or</p> <p>j) tyres; or</p> <p>k) oil (including crude oil, fuel oil sludge, waste oil, refined oil products such as diesel fuel, kerosene and motor gasoline); or</p> <p>l) fuels with more than 0.5 per cent by weight sulphur content; or</p> <p>m) coatings from wire or cable</p> <p>Excludes untreated wood, paper, greenwaste, dead on-farm animal stock and materials burnt for the purpose of emergency service training and investigation as allowed for by other rules in this table</p>					
(A124)	<p>Cooking and 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	P
(A125)	<p>Dead farm animals – outdoor burning of up to 1.5t/day</p>	Pr	P	Pr	Pr	P
		<p>High air quality area exceptions:                      Permitted in Rural – Countryside Living Zone and Rural – Rural Conservation Zone in a Rural Fire District                      Permitted in Rural – Countryside Living Zone in the Urban Fire District on properties greater than 1ha if a Council fire permit is obtained</p>				

(A126)	Dead farm animals – outdoor burning of more than 1.5t/day	Pr	RD	Pr	Pr	Pr
		High air quality area exceptions: Restricted discretionary in Rural – Countryside Living Zone and Rural – Rural Conservation Zone in a Rural Fire District Restricted discretionary in Rural – Countryside Living Zone in the Urban Fire District on properties greater than 1ha if a council fire permit is obtained				
(A127)	Fireworks below 450kg (as net explosive quantity)	P	P	P	P	P
(A128)	Fireworks more than 450kg (as net explosive quantity)	RD	RD	RD	RD	RD
(A129)	Outdoor burning of any material required by Ministry for Primary Industries or designated authorities under the Health Act 1956 or Biosecurity Act 1993	P	P	P	P	P
(A130)	Outdoor burning of untreated wood, or paper for the purpose of controlled public displays for celebrations (e.g. Guy Fawkes bonfires)	RD	P	RD	RD	P
(A131)	Outdoor burning of untreated wood, paper, and greenwaste (that was generated on the premises where it is to be burned or on property under same ownership or operation) except where expressly allowed for by another rule in this table	Pr	P	Pr	Pr	P
		High air quality area exceptions: Permitted in Rural – Countryside Living Zone and Rural – Rural Conservation Zone in a Rural Fire District Permitted in Rural – Countryside Living Zone in the Urban Fire District on properties greater than 1ha if a council fire permit is obtained				
(A132)	Outdoor burning of untreated wood, paper, and greenwaste (not generated on the premises where it is to be burned or on a property in the same ownership or operation) except where allowed for by another rule in this table	NC	RD	NC	NC	NC
		High air quality area exceptions: Restricted discretionary in Rural – Countryside Living Zone and Rural – Rural Conservation Zone in a Rural Fire District Restricted discretionary in Rural – Countryside Living Zone in the Urban Fire District on properties greater than 1ha if a council fire permit is obtained				
<b>Discharge of contaminants into air from rural activities</b>						
(A133)	Animal feedlots for cattle	D	P	P	P	P
(A134)	Disposal of livestock and offal, using offal holes or shallow trenches	D	P	D	P	P



(A135)	Disposal of livestock and offal using offal holes or shallow trenches not complying with the permitted activity standards	D	RD	RD	RD	RD
(A136)	Poultry hatcheries	D	P	P	P	P
(A137)	The storage and application of fertiliser (including agricultural lime)	P	P	P	P	P
(A138)	Intensive farming of up to 10,000 poultry	D	P	P	P	P
(A139)	Intensive farming of up to 10,000 poultry that does not comply with the permitted activity standards	D	RD	RD	P	P
(A140)	Intensive farming of more than 25 pig equivalents or more than 10,000 poultry that was established before 21 October 2001	C	C	C	C	P
(A141)	Intensive farming established from 21 October 2001 housing between 10,000 to 180,000 chickens	D	RD	RD	RD	RD
(A142)	Intensive farming of more than 25 pig equivalents or any number of poultry not meeting permitted, controlled or restricted discretionary standards	NC	D	D	D	D
(A143)	Intensive farming not covered by any other rule	D	D	D	D	D
(A144)	Manufacture and storage of silage	D	P	P	P	P
<b>Discharge of contaminants into air from waste processes</b>						
(A145)	Composting of refuse, waste, organic materials or green wastes where the total amount on site is not more than 10m <sup>3</sup>	P	P	P	P	P
(A146)	Composting, where the operation is not fully enclosed, of refuse, waste, organic materials excluding green wastes where the total amount on site is between 10m <sup>3</sup> and 50m <sup>3</sup>	D	P	P	P	P
(A147)	Composting, where the operation is not fully enclosed, of only greenwaste where the total amount on site is between 10m <sup>3</sup> and 100m <sup>3</sup>	D	P	P	P	P
(A148)	Composting, where the operation is fully enclosed, of refuse, waste, organic materials or green wastes	RD	P	P	P	P

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	where the total amount on site is more than 10m <sup>3</sup> and not exceeding 100m <sup>3</sup>					
(A149)	Composting where the operation is fully enclosed, of refuse, waste, organic materials or green wastes from 100m <sup>3</sup> and not exceeding 1000m <sup>3</sup>	D	RD	RD	RD	RD
(A150)	Composting – any other composting including those not meeting permitted and restricted discretionary activity standards	D	D	D	D	D
(A151)	Greenwaste collection stations	P	P	P	P	P
(A152)	Greenwaste collection stations not meeting the permitted activity standards	D	RD	RD	RD	RD
(A153)	Refuse transfer stations with up to 30m <sup>3</sup> of refuse or 500m <sup>3</sup> of green waste	D	P	P	P	P
(A154)	Refuse transfer stations with more than 30m <sup>3</sup> of refuse or 500m <sup>3</sup> of green waste	NC	C	C	C	C
(A155)	Refuse transfer stations not meeting the permitted or controlled activity standards	D	RD	RD	RD	RD
(A156)	Recycling stations where no greenwaste is collected on site	D	P	P	P	P
(A157)	Recycling stations not meeting the permitted activity standards	NC	RD	RD	RD	RD
(A158)	Landfills that ceased receiving waste materials (closed landfill) after 1 October 1991, and contained at least 200,000 tonnes of waste materials at time of closure	RD	RD	RD	RD	RD
(A159)	Landfills receiving waste material, including domestic and industrial wastes	D	D	D	D	D
(A160)	Landfills that do not comply with restricted discretionary or discretionary activity standards	NC	NC	NC	NC	NC
(A161)	Treatment of industrial, chemical, pathological or hazardous waste materials prior to disposal which are not generated on site	NC	D	D	D	D

(A162)	Treatment of wastewater that was generated on-site (on-site wastewater treatment systems) - excluding municipal wastewater	P	P	P	P	P
(A163)	Treatment of municipal wastewater (municipal wastewater treatment plants)	D	D	D	D	D
(A164)	Disposal to ground of septage (septic tank cleanings) up to 10t/day	D	P	D	D	D
High air quality area exceptions: Permitted in Rural – Countryside Living Zone						
(A165)	Disposal to ground of treated sewage sludge (biosolids) or septage (septic tank cleanings) greater than 10t/day	NC	D	D	D	D
(A166)	Wastewater facility that is for the primary purpose of pumping or transfer or storage of raw or partially treated wastewater	P	P	P	P	P
(A167)	Wastewater facility that is for the primary purpose of pumping, or storage or transfer of wastewater and not meeting the permitted activity standards	RD	RD	RD	RD	RD
<b>Discharge of contaminants into air from other processes</b>						
(A168)	Nuclear power generation	Pr	Pr	Pr	Pr	Pr

#### E14.5. Notification

- (1) An application for resource consent for a controlled activity to discharge contaminants to air listed in Table E14.4.1 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.
- (2) An application for resource consent for a restricted discretionary activity to discharge contaminants to air, that is listed in Table E14.4.1 Activity table above except for waste processes and rural activities, but including landfills and wastewater activities; 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.

- (3) An application for resource consent for a restricted discretionary activity to discharge contaminants to air, for waste processes (excluding landfills and wastewater activities) and rural activities listed in Table E14.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (4) Any application for resource consent for an activity listed in Table E14.4.1 Activity table and which is not listed in E14.5(1), (2) or (3) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (5) When deciding who is an affected person the Council will give specific consideration to those persons listed in Rule C1.13(4).

## **E14.6. Standards**

### **E14.6.1. Permitted Standards**

All activities listed as permitted in Table E14.4.1 Activity table must comply with the following general standards and specific standards where applicable.

#### **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, adverse effects on human health, property or the environment beyond the boundary of the premises where the activity takes place.
  - (2) The discharge must not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke or ash beyond the boundary of the premises where the activity takes place.
  - (3) There must be no, dangerous, offensive or objectionable visible emissions.
  - (4) There must be no spray drift or overspray beyond the boundary of the premises where the activity takes place.

#### **Note 1**

When making a determination of adverse effects in relation to odour and dust, the FIDOL factors (frequency, intensity, duration, offensiveness and location) should be used. The use of the FIDOL factors provides a framework for making an objective and consistent assessment in relation to the degree of effects. The nature of the zone, predominant types of activities within any given area and amenity provisions for each zone, precinct or overlay will be

taken into account when undertaking the assessment effects on the environment.

*Chemical and metallurgical processes*

**E14.6.1.2. Mechanical shredding of scrap indoors, including the mechanical removal of plastic or rubber covering from cable**

- (1) Before discharging to air, all emissions must pass through control equipment that achieves a particulate emission rate of no more than  $10\text{mg}/\text{m}^3$  (STP and dry gas basis).
- (2) Emissions control equipment must be maintained in accordance with manufacturers specifications. Where alternative maintenance programme is proposed, that programme must be certified by an independent chartered professional engineer to meet the above standards.

**E14.6.1.3. Thermal metal spraying, including the melting of any metal or metal alloy**

- (1) The process must be contained within a spray booth.
- (2) Before discharging of contaminants to air, all emissions must pass through control equipment that achieves a particulate emission rate of no more than  $30\text{mg}/\text{m}^3$  (STP and dry gas basis).

**E14.6.1.4. Spray application of surface coatings containing diisocyanates or organic plasticisers for maintenance of infrastructure**

- (1) There must be no activities sensitive to air discharges within 30m of the activity.
- (2) There must be an exclusion zone that prevents public access within 15m of the activity.
- (3) The quantity of paint containing diisocyanates or organic plasticisers applied in a continuous application at a single location must not exceed 18 litres per day.

**E14.6.1.5. Spray application of surface coatings containing diisocyanates or organic plasticisers in a spray booth**

- (1) The spray booth or room must be fitted with a suitable filter system to minimise air discharges of diisocyanates and organic plasticisers.
- (2) Vents from the spray booth or room must discharge vertically, at least 3m above the ridge height of the building and not be fitted with a cap that impedes the upward discharge of emissions.

*Combustion activities*

**E14.6.1.6. Small combustion sources established before 1 May 2014**

- (1) This rule will cease to be in effect after 30 April 2024.
- (2) The activity must have been lawfully established as a permitted activity before 1 May 2014.
- (3) Any change in the activity must not change the character or increase the scale or intensity of any adverse effects of the activity on the environment.
- (4) There must be no visible emissions resulting from the combustion process other than heat haze and clean steam during normal operation.
- (5) Air discharges must be through a stack, the height of which must be determined by the procedures set out by the NSW Environment Protection Agency Guidelines for estimating Chimney Heights for small and medium sized Fuel Burning Equipment February 1993 or if the stack height does not comply then the operator must demonstrate that the activity will not cause an exceedance of the relevant air quality standards beyond the site boundary.
- (6) Rain excluders must not impede the upward discharge of combustion gases.
- (7) Air discharges from combustion of wood, including untreated wood products such as wood chips and pellets, and coal combustion processes must discharge through particulate emissions control equipment such as a bag filter or electrostatic precipitator.
- (8) The sulphur content of the fuel must be no more than 0.5 per cent by weight.
- (9) The wood (including untreated wood products such as wood chips and pellets) must have a moisture content of less than 25 per cent by weight (dry basis).
- (10) Any wood (including wood products such as wood chips and pellets) must not be not painted, tanalised (treated with copper, chrome and arsenic) or treated with preservatives or impregnated with chemicals, including chipboard.
- (11) Maintenance of combustion appliances must occur in accordance with manufacturer's specifications and maintenance records are made available to Council officers on request.
- (12) The Council must be provided with the following information on 1 May 2016 and 1 May 2021:

- (a) location of combustion process and stack;
- (b) fuel source;
- (c) type of device and total gross heat release; and
- (d) details of any particulate emissions control employed.

Note 1

Combustion sources lawfully established as permitted activities before 30 September 2013 and in compliance with the above standard may continue until 30 April 2024. From 1 May 2024 all small combustion activities operating as a permitted activity and complying with Standard E14.6.1.6(1) must comply with Standard E14.6.1.7 or otherwise obtain resource consent.

**E14.6.1.7. Small combustion sources established from 1 May 2014**

- (1) The activity must not include internal combustion engines/generators.
- (2) There must be no visible emissions resulting from the combustion process other than heat haze and clean steam during normal operation.
- (3) Air discharges must be through a stack, the height of which must be determined by the procedures set out by the NSW Environment Protection Agency Guidelines for estimating Chimney Heights for small and medium sized Fuel Burning Equipment February 1993 or if the stack height does not comply then the operator must demonstrate that the activity will not cause an exceedance of the relevant air quality standards beyond the site boundary.
- (4) Rain excluders must not impede the upward discharge of combustion gases.
- (5) The sulphur content of the fuel is no more than 0.5 per cent by weight.
- (6) Maintenance of combustion appliances must occur in accordance with manufacturer's specifications and maintenance records must be made available to Council officers on request.
- (7) The Council must be provided with the following information on 1 May 2016 and 1 May 2021:
  - (a) location of combustion process and stack;
  - (b) fuel source;
  - (c) type of device and total gross heat release; and
  - (d) details of any particulate emissions control employed.

*Dust generating processes*

**E14.6.1.8. Blasting (dry abrasive) within a permanent facility (spray booth) using abrasive material containing less than five per cent dry weight free silica**

- (1) Emissions must pass through a filtration system that achieves a particulate emission rate of 30mg/m<sup>3</sup> (STP and dry gas basis).
- (2) Emissions control equipment must be maintained in accordance with manufacturers specifications.
- (3) A differential pressure gauge must be installed across the filtration system and the processing monitoring equipment must be fitted with audible alarms.
- (4) The control equipment and maintenance programme must be certified by an independent chartered professional engineer to demonstrate that the control equipment is adequate to meet the criteria specified standards E14.6.1.8(1) – (3).
- (5) All work areas and surrounding areas must be kept clean and substantially free of accumulations of deposited blasting material and other debris.
- (6) Abrasive material used for the blasting must contain less than two per cent by dry weight dust able to pass a 0.15 mm sieve.

**E14.6.1.9. Blasting (vacuum) using abrasive material containing less than five per cent dry weight free silica**

- (1) Material collected by the vacuum device must pass through a fabric filter or other collection system capable of achieving a non-visible discharge.
- (2) All work areas and surrounding areas must be kept clean and substantially free of accumulations of deposited abrasive blasting material and other debris.

**E14.6.1.10. Blasting (sweep) using abrasive material containing less than five per cent dry weight free silica**

- (1) All work areas and surrounding areas must be kept clean and substantially free of accumulations of deposited abrasive blasting material and other debris.

**E14.6.1.11. Blasting (abrasive) outside of permanent facility (spray booth) using abrasive material containing less than five per cent dry weight free silica**

- (1) Blasting must not be done within 50m of a public road or within 100m of an occupied building.



- (2) Waste and debris resulting from abrasive blasting must be removed from the site of the blasting to the extent practicable.
- (3) Dry abrasive blasting:
  - (a) must be done more than 1m above ground level; and
  - (b) may only be done if covers or screens are used to mitigate the effects of any contaminants discharges by the blasting.

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

- (1) Cement is stored in fully enclosed silos that must be fitted with a filtration system with a filter surface area of at least 24m<sup>2</sup>.
- (2) There should be no visible discharges of dust.
- (3) Cement must be delivered via a fully enclosed system.
- (4) Silos must either have an automated remote filling system or be fitted with a high level alarm that has both an audible and visual indicator and when the alarm is triggered it will stop the filling of the silo.

**E14.6.1.13. Temporary crushing of concrete, masonry products, minerals, ores and/or aggregates on a development site, using a mobile crusher, at a rate of up to 60 tonnes per hour**

- (1) An effective watering system must be available to minimise dust emissions.
- (2) Operation of the crusher must occur on no more than 180 days over the duration of the development project.
- (3) Temporary crushing plant must be located on a development site and must only crush material originating from and to be utilised at the development site.

**E14.6.1.14. Drying and kiln processes**

- (1) The solvent volatile organic compound application rate must be calculated from the proportion of the coating material that is a volatile organic compound (taking into account the volatility under the particular conditions of use) multiplied by the total application rate of the coating material.
- (2) For clarity, all substances that are subjected to temperatures in excess of their boiling point shall be considered volatile under the conditions of use.

*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 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, Council fire officers or the Auckland Airport Fire Service in the case of fires at Auckland Airport.

*Food, animal or plant matter processes*

**E14.6.1.16. Coffee roasting at a loading rate of green coffee beans between 50kg/hour and 250kg/hour**

- (1) Where the operation was established prior to 1 May 2014: any change in the activity must not change the character or increase the scale or intensity of any adverse effects on the environment as a result of air discharges from the activity.
- (2) Where the operation was established, or production increased, on or after 1 May 2014 and air emissions are discharged through an afterburner:
  - (a) the afterburner must have a minimum operating temperature of 750 degrees C and a residence time of 0.5 seconds;
  - (b) the afterburner must have a temperature gauge with readout easily accessible to the operator; and
  - (c) the afterburner must be interlocked with the coffee roaster burner control or a log must be maintained which clearly documents that the afterburner temperature is operating at 750 degrees C when the temperature of the coffee beans exceeds 120 degrees C during the roasting process.

**E14.6.1.17. Alcoholic beverage production from fermentation of plant matter to produce up to 25 million l/ year or greater than 25 million l/year with the specified odour standards for permitted activities**

- (1) Odour discharges from the wort kettles (or equivalent equipment) from the fermentation of plant matter to produce more than 25 million l/year must be discharged through control equipment with an odour removal efficiency of better than 90 per cent.

**E14.6.1.18. Mobile sources and tunnels**

- (1) Table E14.6.1.18.1 Risk assessment process and Table E14.6.1.18.2 Overall risk rating are to be utilised to assess whether the proposed motor vehicle tunnel is a permitted or restricted discretionary activity.

**Table E14.6.1.18.1 Risk assessment process**

Individual Rating	Is the project in an area where PM10 National Environmental Standard Air Quality for PM10 is exceeded? OR Does the annual average nitrogen dioxide at the nearest equivalent roadside monitoring site exceed 30 µg/m <sup>3</sup> ?	How many activities sensitive to air discharges are there located within 200m of any point of discharge?	What is the annual average daily traffic flow in vehicles per day at the opening year?
Low	No	<10	<10,000
Medium	Not applicable	10-50	10,000-50,000
High	Yes	>50	>50,000

**Table E14.6.1.18.2 Overall risk rating**

Overall Rating	Individual Rating
Low	Two or more Low results in Table E14.6.1.18.1
Medium	Two or more Medium results in Table E14.6.1.18.1 OR One Low, one Medium and one High result in Table E14.6.1.18.1
High	Two or more High results in Table E14.6.1.18.1

**E14.6.1.19. Motor fuel storage**

- (1) The storage tank containing petrol must have been installed prior to 1 January 2007; or the storage tank containing petrol must have been installed or replaced (for existing tanks) from 1 January 2007, and must include measures to ensure that petrol vapour arising from storage tank filling is captured.

*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)**

- (1) All adjacent neighbours must be advised in writing at least 48 hours prior to the fire being lit.

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

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

- (1) The burning must comply with Standard E14.6.1.1.
- (2) The burning must use untreated wood or vegetation that is dry and well-seasoned.
- (3) The burning must be located as far as practicable from adjacent premises.
- (4) The burning must be undertaken during daylight hours.
- (5) The burning must be supervised.
- (6) The burning must be located at least 3m from any combustible material including buildings, fences, hedges and trees.
- (7) The burning must be undertaken in accordance with any instructions provided by the manufacturer if vegetation has been treated or sprayed by an agrichemical.
- (8) The burning must be undertaken in suitable weather conditions, for example light winds.

*Waste processes*

**E14.6.1.22. Green waste collection stations**

- (1) Green wastes must be kept on-site for not more than three days from date of receipt.
- (2) There must be no shredding of green waste.

**E14.6.1.23. Refuse transfer stations where less than 30m<sup>3</sup> of refuse or 500m<sup>3</sup> of green waste is kept on site**

- (1) Green waste must be kept on-site for no more than three days from the date of receipt.
- (2) There must be no shredding of green waste.

**E14.6.1.24. Wastewater facility that is for the primary purpose of pumping or transfer or storage of raw or partially treated wastewater**

- (1) Storage of wastewater must be within an enclosed tank of less than 4000m<sup>3</sup>; or between 4000m<sup>3</sup> and 10,000m<sup>3</sup> where it is fitted with an effective odour control system such as a bio-filter.

**E14.6.2. Controlled activities**

Activities listed as controlled activities in Table E14.4.1 Activity table must comply with the following standards where applicable.

*Combustion activities*

**E14.6.2.1. Medium combustion sources established from 1 May 2014**

- (1) There must be no visible emissions resulting from the combustion process other than heat haze and clean steam.
- (2) Air discharges must be through a stack, the height of which must be determined by the procedures set out by the NSW Environment Protection Agency Guidelines for estimating Chimney Heights for small and medium sized Fuel Burning Equipment February 1993.
- (3) Rain excluders must not impede the upward discharge of combustion gases.
- (4) The wood, including untreated wood products such as wood chips and pellets, has a moisture content of less than 25 per cent by weight (dry basis).
- (5) Any wood, including wood products such as wood chips and pellets, must not be painted, tanned (treated with copper, chrome and arsenic) or treated with preservatives or impregnated with chemicals (including chipboard).
- (6) Air discharges from wood, including untreated wood products such as wood chips and pellets, combustion must discharge through particulate emissions control equipment such as a bag filter or electrostatic precipitator that achieves a maximum total suspended particulate emission rate of 50mg/m<sup>3</sup> (STP, dry gas basis, corrected to 12 per cent CO<sub>2</sub> by volume).

*Dust generating processes*

**E14.6.2.2. Mineral extraction**

- (1) The crushing of minerals and aggregates associated with a mineral extraction activity must be located at least 200m from any dwelling located outside the site zoned Special Purpose – Quarry Zone that is not under the control of the quarry operator.

*Rural activities*

**E14.6.2.3. Intensive farming indoors of more than 25 pig equivalents or more than 10,000 poultry that was lawfully established or authorised before 21 October 2001**

- (1) Any change in the activity must not change the character or increase the scale or intensity of any adverse effects of the activity on the environment.
- (2) The activity must have a management plan recording all management, operational and monitoring procedures, methodologies and contingency plans necessary to comply with this rule.

*Waste processes*

**E14.6.2.4. Refuse transfer station with more than 30m<sup>3</sup> of refuse or 500m<sup>3</sup> of green waste**

- (1) The refuse station must be located more than 300m from any dwelling or residential zone.
- (2) The premises must be in an industrial or rural area and have either:
  - (a) a minimum separation distance of 300m from any dwelling on another property or any residentially zoned area; or
  - (b) a minimum notional odour boundary of 300m through designation or an instrument registered against the land title of the owners of any residential property within 300m of the activity, and such designation or registered instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive or objectionable odour generated by the activity in respect of that property.
- (3) The refuse transfer station must be designed to ensure that litter and dust is kept to a practicable minimum and with sufficient capacity to hold all waste materials received on-site indoors or under cover, except green wastes.
- (4) All access and transfer areas must be sealed and designed with sufficient room for the movement of vehicles within the yard area.
- (5) The consent applicant must have clear protocols for:
  - (a) acceptance criteria for materials delivered to the site;
  - (b) odour, dust and litter mitigation; and
  - (c) storage, handling and disposal of all types of refuse accepted on the site.

- (6) There must be no shredding of green waste.
- (7) The activity must have an operations plan outlining the protocols developed in accordance with Standard E14.6.2.4(4) above and measures to mitigate or prevent adverse effects beyond the boundary of the premises.

### **E14.6.3. Restricted discretionary activities**

Activities listed as restricted discretionary activities in Table E14.4.1 Activity table must comply with the following standards where applicable.

#### *Combustion activities*

##### **E14.6.3.1. Medium to large combustion sources**

- (1) There must be no visible emissions resulting from the combustion process other than heat haze and clean steam.
- (2) Air discharges must be through a stack, the height of which must be determined by the procedures set out by the NSW Environment Protection Agency Guidelines for estimating Chimney Heights for small and medium sized Fuel Burning Equipment February 1993.
- (3) Rain excluders must not impede the upward discharge of combustion gases.
- (4) The wood, including untreated wood products such as wood chips and pellets, must have a moisture content of less than 25 per cent by weight (dry basis).
- (5) Any wood, including wood products such as wood chips and pellets, must not be painted, tanalised (treated with copper, chrome and arsenic) or treated with preservatives or impregnated with chemicals (including chipboard).
- (6) Air discharges from combustion of wood, including untreated wood products such as wood chips and pellets, combustion must discharge through particulate emissions control equipment such as a bag filter or electrostatic precipitator that achieves a maximum total suspended particulate emission rate of 50mg/m<sup>3</sup> (STP, dry gas basis, corrected to 12 per cent CO<sub>2</sub> by volume).

#### *Cremation and incineration processes*

##### **E14.6.3.2. Cremation of human or animal remains, excluding the burning of animal remains covered by outdoor burning rules**

- (1) The crematorium must be designed so that before discharge to air, all emissions from the crematorium chamber must be contained and must pass through an afterburner.

- (2) The afterburner must be capable of maintaining all gases passing through it at a minimum temperature of 850 degrees C in greater than six per cent oxygen for a design residence time of at least two seconds.
- (3) The afterburner must have a temperature probe installed to continuously monitor and record the temperature of the waste gases in the afterburner. The stack must have an opacity meter installed to continuously monitor and record the opacity of the discharge. All process monitoring equipment must be fitted with audible alarms.
- (4) A manufacturer guarantee or certification by an independent chartered professional engineer that design of the afterburner system is adequate to meet standards E14.6.3.2(1) to (3) must be provided.
- (5) The following materials must not be burned:
  - (a) coffins constructed or furnished with PVC or melamine;
  - (b) cardboard coffins containing chlorine in the wet-strength agent;
  - (c) chlorinated plastic packaging for stillbirth, neonatal and foetal remains;
  - (d) coffins containing metals (except steel screws and staples) e.g. lead and zinc; and
  - (e) halogenates and wax.

#### **E14.6.3.3. Drying and kiln processes**

- (1) The solvent VOC application rate must be calculated from the proportion of the coating material that is a VOC (taking into account the volatility under the particular conditions of use) multiplied by the total application rate of the coating material.
- (2) For clarity, all substances that are subjected to temperatures in excess of their boiling point shall be considered volatile under the conditions of use.

#### **E14.6.3.4. Dust generating processes**

- (1) The crushing of minerals and aggregates associated with mineral extraction activity must be located at least 200m from any dwelling that is not under the control of the quarry operator.
- (2) Discharges to air from the demolition of buildings containing asbestos materials must be undertaken in a way that avoids the discharge of asbestos and provides for the health and safety of all people, including those working on the site, and in accordance with the Health and Safety in Employment Act 1992.



- (3) For discharges or dust from earthworks or road construction and maintenance that do not meet permitted activity standards, a dust management and monitoring plan must be submitted to Council. The Plan must show the means to minimise dust such that it does not cause nuisance effects beyond the boundary of the works.

*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 objectionable odours or dust within the buffer area generated by the intensive livestock chicken farm.
- (2) There must be a management plan for the activity detailing:
  - (a) environmental objectives and targets, use of best practicable options, performance reviews, checklists;
  - (b) shed management details including ventilation and litter management;
  - (c) drinker and feeding systems operation;
  - (d) waste management and litter disposal; and
  - (e) complaints system and management including schedule of neighbouring properties and contact phone list.

**E14.6.4. Discretionary activities**

Activities listed as discretionary activities in Table E14.4.1 Activity table must comply with the following standards where applicable.

*Waste processes*

**E14.6.4.1. Discharges to air from landfills receiving waste materials, including domestic and industrial wastes**

- (1) The landfill must have been issued with resource consent or an application has been lodged to discharge contaminants into air prior to 1 January 2002 and the landfill is still receiving waste provided the footprint and contours of the landfill remain unchanged.

- (2) The landfill operation must be able to maintain a minimum separation distance of one kilometre between the landfill footprint and nearest dwelling located in the urban area and zoned for residential activities on the 21 October 2010.
- (3) The landfill operation must be able to maintain a minimum notional odour boundary of one kilometre through designation or an instrument registered against the land title of any residential property within one kilometre of the landfill footprint for the active life of the landfill. Such designation or instrument must provide a restriction on the owners and occupiers of such land from complaining about any offensive or objectionable odour generated by the landfill in respect of that property.

#### **E14.7. Assessment – controlled activities**

##### **E14.7.1. Matters of control**

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

- (1) For discharge of contaminant into air from combustion activities:
  - (a) stack height, design and emission discharge velocity;
  - (b) fuel source, burning rate, emissions controls and maintenance; and
  - (c) duration of consent.
- (2) For discharge of contaminant into air from dust generating processes:
  - (a) location of activity and distance from activities sensitive to air discharges;
  - (b) dust mitigation measures;
  - (c) dust management plan; and
  - (d) duration of consent.
- (3) For discharge of contaminant into air from rural activities:
  - (a) location of activity;
  - (b) dust and odour mitigation methods;
  - (c) type of waste treatment; and
  - (d) duration of consent.
- (4) For discharge of contaminant into air from waste processes:
  - (a) location of activity and site layout and station design to ensure required indoor capacity and separation distances between any sensitive land uses;

- (b) protocols for waste acceptance;
- (c) odour, dust, and litter control measures;
- (d) operation plan and its adequacy; and
- (e) duration of consent.

#### **E14.7.2. Assessment criteria**

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

- (1) The extent to which the discharge of contaminants into air are minimised as far as practicable, and where appropriate through:
  - (a) use of clean burning fuels;
  - (b) efficient use of energy;
  - (c) use of best practicable option emissions control; and
  - (d) minimisation of fugitive emissions.
- (2) The extent to which adverse effects on health, amenity, property and the environment are avoided, remedied or mitigated including appropriate emissions control technology and management practices.
- (3) Whether there are practicable location, method and options that cause less adverse effects on health, amenity, property and the environment and can still achieve the applicant's objectives.
- (4) Whether the duration of the consent should be limited to address:
  - (a) limitations in the existing technology and emission management systems; and
  - (b) future changes in the use and amenity of the neighbourhood.

#### **E14.8. Assessment – restricted discretionary activities**

##### **E14.8.1. Matters of discretion**

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

- (1) For discharge of contaminants into air from all restricted discretionary activities:
  - (a) location of site and activity; and
  - (b) site and plant layout.
- (2) For discharge of contaminants into air from chemical and metallurgical processes:

- (a) quantity, quality and type of discharges and any effects arising from that discharge;
  - (b) sensitivity of receiving environment and separation distances between the activity and any sensitive land uses;
  - (c) production capacity and material that can be burnt;
  - (d) emissions of odour, dust, visible emissions and hazardous air pollutant, including any mitigation measures;
  - (e) management plans; and
  - (f) emissions control and plant maintenance.
- (3) For discharge of contaminants into air from outdoor burning:
- (a) location of the fire and duration;
  - (b) weather conditions for the burning;
  - (c) the need for the fire and the consideration of alternatives;
  - (d) quantity and type of material to be burnt and any effects arising from the fire;
  - (e) methods to control and minimise air discharges from the fire;
  - (f) how neighbours will be informed; and
  - (g) sensitivity of downwind receiving environment.
- (4) For discharge of contaminants into air from cremation and incineration processes:
- (a) quantity, quality and type of discharge and any effects arising from that discharges;
  - (b) sensitivity of receiving environment (b) and separation distances between the activity and any sensitive land uses;
  - (c) production capacity and material that can be burnt;
  - (d) odour, dust, visible emissions and hazardous air pollutant mitigation measures;
  - (e) management plans; and
  - (f) emissions control and plant maintenance.
- (5) For discharge of contaminants into air from drying and kiln processes:

- (a) quantity, quality and type of discharge and any effects arising from that discharge;
  - (b) sensitivity of receiving environment and separation distances between the activity and any sensitive land uses;
  - (c) production capacity;
  - (d) odour, dust, visible emissions and hazardous air pollutant mitigation measures; and
  - (e) effectiveness of the afterburner for emissions control.
- (6) For discharge of contaminants into air from dust-generating activities:
- (a) quantity, quality and type of discharge and any effects arising from that discharge;
  - (b) sensitivity of receiving environment and separation distances between the activity and any sensitive land uses;
  - (c) production capacity of activity;
  - (d) dust and odour mitigation measures; and
  - (e) dust management plan and other management plans.
- (7) For discharge of contaminants into air from food, animal, or plant matter processes:
- (a) quantity, quality and type of discharge;
  - (b) sensitivity of receiving environment and separation distances between the activity and any sensitive land uses; and
  - (c) odour and dust mitigation measures.
- (8) For discharge of contaminants into air from combustion activities:
- (a) quantity, quality and type of discharge and any effects arising from that discharge;
  - (b) stack height, design and emissions discharge velocity; and
  - (c) fuel source, burning rate, emission controls and maintenance.
- (9) For discharge of contaminants into air from mobile sources and tunnels:
- (a) quantity, quality and type of discharge and any effects arising from that discharge; and
  - (b) sensitivity of the receiving environment and separation distances between the activity and any activity sensitive to air discharges.

- (10) For discharge of contaminants into air from motor fuel storage:
- (a) quantity, quality and type of discharge;
  - (b) sensitivity of receiving environment and separation distances between the activity and any sensitive land uses;
  - (c) odour mitigation; and
  - (d) risk assessment and methods to manage any residual risk.
- (11) For discharge of contaminants into air from rural activities:
- (a) quantity, quality and type of discharge and any effects arising from that discharge;
  - (b) sensitivity of receiving environment and separation distances between the activity and any sensitive land uses;
  - (c) previous complaint history;
  - (d) number of livestock;
  - (e) odour, dust, visible emissions and hazardous air pollutant mitigation measures;
  - (f) waste treatment;
  - (g) management plans; and
  - (h) emissions control and plant maintenance.
- (12) For discharge of contaminants into air from waste processes:
- (a) quantity, quality and type of discharge, including biological contaminants, and any effects arising from that discharge;
  - (b) sensitivity of receiving environment and separation distances between the activity and any sensitive land uses;
  - (c) station design and the amount of indoor capacity;
  - (d) previous complaint history;
  - (e) protocols for waste acceptance;
  - (f) odour, dust, visible emissions and hazardous air pollutant mitigation measures; and
  - (g) management plans.

### **E14.8.2. Assessment criteria**

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

[ENV-2016-AKL-000217: Waste Management New Zealand Limited]

[ENV-2016-AKL-000222: New Zealand Starch Limited]

[ENV-2016-AKL-000225: ACI Operations New Zealand Limited, trading as O-I New Zealand]

[ENV-2016-AKL-000228: Pact Group (NZ) Limited]

[ENV-2016-AKL-000233: New Zealand Steel Limited]

- (1) The degree to which Auckland Ambient Air Quality Standards are likely to be met.
- (2) Whether the amount of separation between the activity discharging contaminants into air and existing or potential activities sensitive to the air discharges is sufficient to mitigate adverse effects on the environment, health and amenity.
- (3) The extent to which adverse effects are avoided, remedied or mitigated including appropriate emissions control technology and use of management practices.
- (4) Where applicable, the degree to which offsetting can remedy or mitigate adverse effects considering the proximity of the offset to where the effects of the discharge occur and the effective duration of the offset.
- (5) Whether there are practicable location and method options that cause less adverse effects and can still achieve the applicant's objectives.
- (6) The extent to which the odour and dust level meet the expectations for the Low air quality – dust and odour area (Quarry), Low air quality – dust and odour (Industry), Medium air quality – dust and odour area (Industry), Medium air quality – dust and odour area (Rural) and High air quality – dust and odour area.
- (7) Whether the assessment methods, including monitoring and modelling are appropriate to the scale of the discharge and any potential adverse effects.
- (8) Whether discharge into air are minimised as far as practicable, where appropriate through:
  - (a) use of clean burning fuels; or
  - (b) efficient use of energy; or
  - (c) use of best practicable option emissions control and management practices; or
  - (d) minimisation of fugitive emissions ; or
  - (e) reduction, reuse or recycling of waste materials relating to waste processes.

**E14.9. Special information requirements**

There are no special information requirements in this section.



## **E15. Vegetation management and biodiversity**

### **E15.1. Background**

Vegetation contributes to a range of ecosystem services such as erosion and sediment control, reducing stormwater flows, protecting or enhancing water quality, amenity and natural character values, and mitigating natural hazards. Vegetation is a vital part of terrestrial and coastal ecosystems and helps maintain indigenous biodiversity.

The objectives and policies in this chapter apply to the management of terrestrial and coastal vegetation and biodiversity values outside of scheduled significant ecological areas. The management of indigenous vegetation and biodiversity in the coastal marine area outside of identified significant ecological areas is also subject to the objectives and policies of Chapter F Coastal where more specific vegetation management provisions may apply, for example mangrove management.

The objectives and policies that apply to scheduled significant ecological areas for both terrestrial and coastal marine areas are contained in D9 Significant Ecological Areas Overlay.

The rules that apply to the management of vegetation and biodiversity for areas both outside of and within scheduled significant ecological areas – terrestrial are contained in this chapter.

The rules that apply to vegetation management and biodiversity in the coastal marine area, including for areas identified as Significant Ecological Areas – Marine are contained in Chapter F Coastal.

### **E15.2. Objectives [rcp/rp/dp]**

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

### **E15.3. Policies [rcp/rp/dp]**

[CIV-2016-404-002343: Royal Forest and Bird Protection Society of New Zealand Incorporated]

- (1) Protect areas of contiguous indigenous vegetation cover and vegetation in sensitive environments including the coastal environment, riparian margins, wetlands, and areas prone to natural hazards.
- (2) Manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services, including soil conservation, water quality and quantity management, and the mitigation of natural hazards.

- (3) Encourage the offsetting of any significant residual adverse effects on indigenous vegetation and biodiversity values that cannot be avoided, remedied or mitigated, through protection, restoration and enhancement measures, having regard to Policy E15.3(4) below and Appendix 8 Biodiversity offsetting.
- (4) Protect, restore, and enhance biodiversity when undertaking new use and development through any of the following:
- (a) using transferable rural site subdivision to protect areas in Schedule 3 Significant Ecological Areas -Terrestrial Schedule;
  - (b) requiring legal protection, ecological restoration and active management techniques in areas set aside for the purposes of mitigating or offsetting adverse effects on indigenous biodiversity; or
  - (c) linking biodiversity outcomes to other aspects of the development such as the provision of infrastructure and open space.
- (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.
- (6) Enable vegetation management to provide for the operation and routine maintenance needs of activities.
- (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.
- (8) Recognise and provide for the management and control of kauri dieback as a means of maintaining indigenous biodiversity.

<sup>1</sup>[ENV-189];<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-216];<sup>6</sup>[ENV-219];  
<sup>7</sup>[ENV-227];<sup>8</sup>[ENV-234];  
<sup>9</sup>[ENV-248]

[CIV-2016-404-002331: Man O' War Farm Limited]  
 [ENV-2016-AKL-000261: Man O' War Farm Limited]

- (9) Avoid activities in the coastal environment where they will result in any of the following:
- (a) non-transitory or more than minor adverse effects on:
    - (i) threatened or at risk indigenous species (including Maui's Dolphin and Bryde's Whale);

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>6</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>7</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>8</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>9</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

- (ii) the habitats of species that are at the limit of their natural range or which are naturally rare;
  - (iii) threatened or rare ecosystems, including naturally rare ecosystems;
  - (iv) areas containing nationally significant examples of indigenous ecosystems or indigenous community types; or
  - (v) areas set aside for full or partial protection of indigenous biodiversity under other legislation, including the West Coast North Island Marine Mammal Sanctuary.
- (b) any regular or sustained disturbance of migratory bird roosting, nesting and feeding areas that is likely to noticeably reduce the level of use of an area for these purposes, or result in permanent abandonment of an area;
- (c) the deposition of material at levels which would adversely affect the natural ecological functioning of the area; or
- (d) fragmentation of the values of the area to the extent that its physical integrity is lost.
- (10) Avoid (while giving effect to Policy E15(8) above) activities in the coastal environment which result in significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities, on:
- (a) areas of predominantly indigenous vegetation;
  - (b) habitats that are important during the vulnerable life stages of indigenous species;
  - (c) indigenous ecosystems and habitats that are found only in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems and saltmarsh;
  - (d) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes including fish spawning, pupping and nursery areas;
  - (e) habitats, including areas and routes, important to migratory species;
  - (f) ecological corridors, and areas important for linking or maintaining biological values; or
  - (g) water quality such that the natural ecological functioning of the area is adversely affected.

**E15.4. Activity table**

Table E15.4.1 Activity table specifies the activity status of vegetation management activities in all zones, other than:

- vegetation removal in the coastal marine area where the rules in Chapter F Coastal apply;
- vegetation removal in the beds of lakes, rivers, streams and wetlands where the rules in E3 Lakes, rivers, streams and wetlands apply;
- use and development for infrastructure where the rules in E26 Infrastructure apply; and
- the Hauraki Gulf Islands that are subject to the Auckland Council District Plan – Hauraki Gulf Islands section where the rules of that district plan apply.

Table E15.4.1 Activity table specifies the activity status of vegetation management pursuant to section 9(2) for all land not held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.1 Activity table also specifies the activity status of vegetation management pursuant to section 9(3) for land held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.2 Activity table specifies the activity status of vegetation management pursuant to section 9(2) for SEA – T and section 9(3) for ONF, HNC, ONC, ONL for all land not held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.2 Activity table also specifies the activity status of vegetation management pursuant to section 9(3) for land held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

For the purposes of these rules, all distances from water bodies must be measured in a horizontal plane from the edge of the bed of the river or stream, permanent or intermittent, or lake water body.

**Table E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules**

Activity		Activity status
<b>Use</b>		
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal	P
(A3)	Vegetation pruning, alteration or removal for customary use	P
(A4)	Emergency tree works	P

(A5)	Forestry and farming activities as existing at 30 September 2013	P
(A6)	Pest plant removal	P
(A7)	Conservation planting	P
(A8)	Vegetation alteration or removal for routine maintenance within 3m of existing buildings	P
(A9)	Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences, shelterbelts and other lawfully established activities	P
(A10)	Vegetation alteration or removal, including cumulative removal on a site over a 10-year period, of greater than 250m <sup>2</sup> of indigenous vegetation that: (a) is contiguous vegetation on a site or sites existing on 30 September 2013; and (b) is outside the rural urban boundary	RD
(A11)	Vegetation alteration or removal within a Wetland Management Areas Overlay	D
(A12)	Vegetation alteration or removal of any vegetation within a Natural Stream Management Areas Overlay	RD
(A13)	Vegetation alteration or removal within 50m of the shore of a lake within a Natural Lake Management Areas Overlay	RD
(A14)	Vegetation alteration or removal within 30m of the shore of a lake within an Urban Lake Management Areas Overlay	RD
(A15)	Vegetation alteration or removal within 20m of rural lakes	RD
(A16)	Vegetation alteration or removal within 20m of rural streams, other than those in Rural – Rural Production Zone and Rural – Mixed Rural Zone	RD
(A17)	Vegetation alteration or removal within 10m of rural streams in the Rural – Rural Production Zone and Rural – Mixed Rural Zone	RD
(A18)	Vegetation alteration or removal within 20m of a natural wetland, in the bed of a river or stream (permanent or intermittent), or lake	RD
(A19)	Vegetation alteration or removal within 10m of urban streams	RD
(A20)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height, 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 and Rural – Countryside Living Zone or Future Urban Zone	RD
(A21)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of contiguous vegetation or tree alteration or tree removal of any indigenous tree over 3m in height 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 and Rural –	RD

	Countryside Living Zone or Future Urban Zone	
(A22)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height, that is 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	RD
(A23)	Permitted and controlled activities in Table E15.4.1 that do not comply with one or more of the standards in E15.6	RD

**Table E15.4.2 Vegetation and biodiversity management in overlays [other than the significant ecological areas in the in coastal marine area – SEA-M]**

Activity	SEA -T [rp]	ONF											HNC	ONC	ONL	
		A1	A	V1	V2	B	C	D	E	F1	F2					
	<b>General</b>															
(A24)	Permitted, controlled and restricted discretionary activities in Table E15.4.2 that do not comply with one or more of the standards in E15.6	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
	<b>Use</b>															
(A25)	Vegetation alteration or removal of up to than 25m <sup>2</sup> of any contiguous indigenous vegetation	NA	P	P	P	P	P	P	P	P	P	NA	NA	NA	NA	NA
(A26)	Vegetation alteration or removal of greater than 25m <sup>2</sup> of any contiguous indigenous vegetation	NA	RD	RD	RD	RD	RD	RD	RD	RD	RD	NA	NA	NA	NA	NA
(A27)	Vegetation alteration or removal of up to 50m <sup>2</sup> of any contiguous indigenous vegetation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P
(A28)	Vegetation alteration or removal of greater than 50m <sup>2</sup> of any contiguous indigenous vegetation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	RD	RD	RD
(A29)	Vegetation alteration or	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

	removal within a SEA for a building platform and access way for one dwelling per site															
(A30)	Vegetation alteration or removal within a SEA on Māori land or treaty settlement land for: (a) one marae complex per site; (b) up to 30 dwellings per site; (c) activities associated with a marae complex and with papakāinga	C	RD	RD	RD	RD	RD	RD	RD	RD	RD	NA	NA	RD	RD	RD
(A31)	Biosecurity tree works	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A32)	Deadwood removal	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A33)	Emergency tree works	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A34)	Vegetation alteration or removal for customary use	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A35)	Forestry and farming activities as existing at 30 September 2013	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A36)	Pest plant removal	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A37)	Conservation planting	P	P	P	P	P	P	P	P	P	P	P	NA	P	P	P
(A38)	Vegetation alteration or removal for	P	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P



	routine maintenance within 3m of existing dwelling														
(A39)	Vegetation alteration or removal for routine maintenance within 3m of existing buildings greater than 100m <sup>2</sup> gross floor area	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A40)	Vegetation alteration or removal for routine maintenance within 1m of other existing buildings	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A41)	Tree trimming	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
(A42)	Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences and other lawfully established activities	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A43)	Any vegetation alteration or removal not otherwise provided for	D	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

### **E15.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E15.4.1 or Table E15.4.2 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent listed in Table E15.4.1 or Table E15.4.2, other than for a controlled activity, 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).

### **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.

#### **E15.6.1. Deadwood removal**

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

#### **E15.6.2. Vegetation alteration or removal for customary use**

- (1) No greater than 20m<sup>2</sup> of vegetation is removed within a significant ecological area per site.
- (2) No greater than 50m<sup>2</sup> of vegetation is removed from areas not identified as significant ecological areas per calendar year.

#### **E15.6.3. Conservation planting**

- (1) Conservation planting in significant ecological areas must only be for ecological restoration purposes.
- (2) Conservation planting within the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay must be limited to planting of indigenous species for ecological restoration or landscape restoration purposes.

#### **E15.6.4. Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences, shelterbelts and other lawfully established activities**

- (1) Vegetation alteration or removal must be undertaken within 1m either side of existing tracks or fences.
- (2) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth.

- (3) Vegetation alteration or removal must not result in greater than 25m<sup>2</sup> of vegetation removal from within a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay per site.
- (4) Vegetation alteration or removal must not result in greater than 50m<sup>2</sup> of vegetation removal from areas not identified as significant ecological areas per calendar year.
- (5) Vegetation alteration or removal undertaken within the 100-year ARI floodplain must ensure that erosion control measures associated with vegetation removal and replanting, such as mulch or bark, are not able to be swept off-site in a flood event.

**E15.6.5. Vegetation alteration or removal within a significant ecological area for a building platform and access way for a dwelling per site**

- (1) The total area of vegetation alteration or removal must not be greater than 300m<sup>2</sup>.

**E15.6.6. Vegetation alteration or removal of any indigenous contiguous vegetation up to 50m<sup>2</sup> in an Outstanding Natural Character Overlay, High Natural Character Overlay or Outstanding Natural Landscapes Overlay, or up to 25m<sup>2</sup> in an Outstanding Natural Features Overlay**

- (1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth.

**E15.6.7. Vegetation alteration or removal within a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay, on Māori land or Treaty Settlement land for one marae complex per site and up to 30 dwellings and activities associated with a marae complex or papakāinga**

- (1) The total area of vegetation alteration or removal per site is not greater than:
  - (a) 1500m<sup>2</sup> for a marae complex; and
  - (b) 300m<sup>2</sup> per dwelling.

**E15.7. Assessment – controlled activities**

**E15.7.1. Matters of control**

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

- (1) vegetation alteration or removal within a significant ecological area for a building platform and access way for one dwelling per site:
  - (a) the location of the building platform and accessway;

- (b) the ability to locate a building platform and/or accessway outside the significant ecological area but on the site;
  - (c) the area of vegetation to be cleared; and
  - (d) the measures to remedy or mitigate adverse effects of vegetation clearance and associated earthworks.
- (2) vegetation alteration or removal within a significant ecological area on Māori land or Treaty Settlement land for one marae complex per site and up to 30 dwellings and activities associated with a marae complex or papakāinga:
- (a) the location of activities;
  - (b) the provision for Mana Whenua, mātauranga and tikanga values;
  - (c) the area of vegetation to be cleared;
  - (d) the ability to locate activities outside the SEA but on the site; and
  - (e) the measures to remedy or mitigate adverse effects of vegetation clearance and associated earthworks.

#### **E15.7.2. Assessment criteria**

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

- (1) vegetation alteration or removal within a significant ecological area for a building platform and access way for one dwelling per site:
  - (a) whether there are practicable alternative locations for the development on the site outside of the vegetated area or significant ecological area; and
  - (b) whether vegetation clearance can be carried out in a way that avoids high quality vegetation, particularly if it has conservation significance, and clears lower quality vegetation.
- (2) vegetation pruning, alteration or removal within an significant ecological area on Māori land and Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae complex or papakāinga:
  - (a) whether there are practicable alternative locations for the development on the site outside the significant ecological area;
  - (b) whether vegetation clearance can be carried out in a way that avoids high quality vegetation, particularly if it has conservation significance, and clears lower quality vegetation; and
  - (c) whether the location of development is appropriate to provide for Mana Whenua, mātauranga and tikanga values.

### **E15.8. Assessment – Restricted discretionary activities**

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

#### **E15.8.1. Matters of discretion**

(1) all restricted discretionary activities:

(a) ecological values:

- (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems; and
- (ii) the extent to which it is appropriate to require measures to contain and control plant pathogens and diseases including Kauri die back.

(b) 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; and
- (ii) the effects the vegetation alteration or removal will have on mitigating bush fire risk.

(c) sediment, water quality and hydrology:

- (i) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment.

(d) landscape, natural features and natural character values:

- (i) the effects the vegetation alteration or removal will have on landscape, natural features and natural character.

(e) amenity values:

- (i) the effects the vegetation alteration or removal will have on the amenity values of any adjacent open space including the coast, parks, reserves and walkways.

(f) use:

- (i) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;
- (ii) the extent to which the vegetation alteration or removal is necessary taking into account the need for, or purpose of, the proposed building or structure;

- (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes; and
  - (iv) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure, including the road network.
- (g) methods and location:
- (i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.
- (h) mitigation measures:
- (i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.
- (i) bonds and covenants:
- (i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.
- (j) Mana Whenua values:
- (i) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay.
- (2) additional criteria for vegetation alteration or removal within an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay on Māori land or Treaty Settlement land for one marae complex per site and up to 30 dwellings and activities associated with a marae complex or papakāinga:
- (a) location, mitigation and Mana Whenua values;
  - (b) whether the location of the development is appropriate to provide for Mana Whenua, mātauranga and tikanga values;
  - (c) whether there are practicable alternative locations for the development on the site outside of an overlay;
  - (d) the extent to which vegetation alteration and clearance is minimised through the location of development within an overlay;
  - (e) the extent to which vegetation alteration or clearance can be carried out in a way that reduces its impact on the values of an overlay; and

- (f) whether adverse effects can be remedied or mitigated, including through revegetation, restoration of other areas of vegetation and ongoing maintenance of vegetated areas.

#### **E15.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:

- (a) 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 Chapter B7.2 Indigenous biodiversity, B4. Natural heritage, Chapter E18 Natural character of the coastal environment and E19 Natural features and natural landscapes in the coastal environment.

- (b) hazard mitigation:

- (i) the extent to which the vegetation serves to avoid or mitigate natural hazards and the amount of vegetation to be retained or enhanced;
- (ii) the extent to which the vegetation alteration or removal will increase natural hazard risks; and
- (iii) whether the vegetation alteration or removal is necessary to mitigate an identified bushfire risk.

- (c) sediment, water quality and hydrology:

- (i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.

- (d) landscape, natural features and natural character values:

- (i) the extent to which vegetation alteration or removal will have adverse effects on the values identified for scheduled outstanding natural landscape, outstanding natural features, outstanding natural character and high natural character areas; and

- (ii) the extent to which vegetation alteration or removal adversely affects landscape, natural features and natural character values particularly on adjacent public space including the coast, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(e) amenity values:

- (i) the extent to which the vegetation alteration or removal will have adverse effects on the amenity values of any adjacent open space including the coast, parks, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(f) Use:

- (i) whether the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;
- (ii) the extent to which the vegetation alteration removal is necessary taking into account the need for, or purpose of, the proposed building or structure;
- (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes;
- (iv) whether the vegetation alteration or removal will improve the reliance and security of the network utility, or road network;
- (v) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
- (vi) the extent of the benefits derived from infrastructure and the road network.

(g) methods and location:

- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
- (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.

(h) mitigation measures:

- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.

(i) bonds and covenants:



- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.
- (j) Mana Whenua values:
  - (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.
- (2) additional criteria for vegetation alteration or removal within an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay on Māori land or Treaty Settlement Land for one marae complex per site and up to 30 dwellings and activities associated with a marae complex or papakāinga
  - (a) Location, mitigation and Mana Whenua values:
    - (i) whether there are practicable alternative locations for the development on the site outside of an overlay;
    - (ii) the extent to which vegetation alteration or clearance can be carried out in a way that reduces its impact on the values of an overlay; and
    - (iii) whether the location of development is appropriate to provide for Mana Whenua, mātauranga and tikanga values.

#### **E15.9. Special information requirements**

There are no special information requirements.

## **E16. Trees in open space zones**

### **E16.1. Background**

Trees in the open space zones are an important public asset and need to be managed appropriately. As urban areas intensify, open space zones will be relied on to a greater extent to provide amenity in these areas.

Trees in the open space zones contribute towards Auckland being a desirable place to live and are an important part of Auckland's natural heritage and identity.

Environmentally, trees provide important ecological values in terms of storing carbon and providing habitat and food for wildlife, improving air quality and providing ecosystem services.

### **E16.2. Objectives**

- (1) Trees in open space zones that contribute to cultural, amenity, landscape and ecological values are protected.
- (2) There is an increase in the quality and extent of tree cover in open space zones, particularly within areas identified for intensified living.

### **E16.3. Policies**

- (1) Encourage ongoing maintenance of trees to enhance open space zones, while recognising existing constraints and functional requirements of the site.
- (2) Manage trees within open space zones to protect their cultural, amenity, landscape and ecological values, while acknowledging that multiple uses occur in open space areas.
- (3) Encourage the use of indigenous trees and vegetation for planting within open space zones, where appropriate, to recognise and reflect cultural, amenity, landscape and ecological values.

### **E16.4. Activity table**

Table E16.4.1 Activity table specifies the activity status for land use activities related to trees in open space zones 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.

These rules apply if the location of the trunk of the tree is in the open space zones.

**Table E16.4.1 Activity Table**

<b>Activity</b>		<b>Activity status</b>
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal	P
(A3)	Emergency tree works	P
(A4)	Pest plant removal of any tree less than 4m in height and less than 400mm in girth	P
(A5)	Tree trimming or alteration	P
(A6)	Tree trimming or alteration that does not comply with Standard E16.6.2	RD
(A7)	Works within the protected root zone	P
(A8)	Works within the protected root zone that do not comply with Standard E16.6.3	RD
(A9)	Tree removal of any tree less than 4m in height and less than 400mm in girth	P
(A10)	Tree removal of any tree greater than 4m in height or greater than 400mm in girth	RD

**E16.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E16.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**E16.6. Standards**

All permitted and restricted discretionary activities listed in Table E16.4.1 must comply with the following standards.

**E16.6.1. Tree trimming or alteration**

- (1) The maximum diameter of any branch removed must be no greater than 100mm at severance.
- (2) No more than 20 per cent of live growth of the tree may be removed in any one calendar year.
- (3) All works must be carried out in accordance with best arboricultural practice.
- (4) All trimming or alteration must retain the natural shape, form and branch habit of the tree.
- (5) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.

### **E16.6.2. Works within protected root zone**

- (1) For roots less than 60mm in diameter:
- (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone without direction and/or supervision of a qualified arborist:
    - (i) the surface area of a single excavation shall not exceed 1m<sup>2</sup>;
    - (ii) works involving root pruning must not be on roots greater than 35mm in diameter at severance;
    - (iii) works must not disturb more than 10 per cent of the protected root zone;
    - (iv) any machine excavator must operate on top of paved surfaces and/or ground protection measures; and
    - (v) any machine excavator must be fitted with a straight blade bucket.
  - (b) excavation undertaken by hand digging, air spade, hydro vac or machine excavator within the protected root zone with direction and/or supervision of a works arborist:
    - (i) works must not disturb more than 20 per cent of the protected root zone;
    - (ii) works involving root pruning must not be on roots greater than 60mm in diameter at severance;
    - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures; and
    - (iv) any machine excavator must be fitted with a straight blade bucket.
  - (c) excavation undertaken by trenchless methods must not be undertaken at a depth less than 800mm below ground level.
  - (d) replacement of existing structures, kerbs, and hard surfaces within the protected root zone must be done so that:
    - (i) the removal of the surface is carried out without damage to any tree roots; and
    - (ii) the machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
  - (e) Standard E16.6.2(1)(a),(b),(c) and (d) does not apply to any tree works undertaken inside existing infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm in diameter:

- (a) excavation undertaken by hand digging, or air spade, or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a works arborist:
  - (i) works must not disturb more than 20 per cent of the protected root zone;
  - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
  - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures;
  - (iv) any machine excavator must be fitted with a straight blade bucket; and
  - (v) the Council's manager for Parks, Sports and Recreation must be notified prior to commencing work.
- (b) Standard E16.6.2(2)(a) does not apply to any tree works undertaken inside existing infrastructure such as pipes and meter boxes.

#### **E16.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **E16.8. Assessment – restricted discretionary activities**

##### **E16.8.1. 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) the effect on the values of the tree or trees;
  - (b) any loss or reduction of amenity values provided by the tree or trees;
  - (c) the risk of damage to people or property;
  - (d) any mitigation proposed;
  - (e) consistency with best arboricultural practice;
  - (f) methods to control plant pathogens;
  - (g) any tree works plan, reserve management plan, or landscape plan relevant to the tree or group of trees;
  - (h) the functional and operational needs of infrastructure; and
  - (i) the benefits derived from infrastructure.

### **E16.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) the specific values of the trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards;
  - (b) the loss of amenity values that tree or trees provided;
  - (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed as required under health and safety legislation;
  - (d) any alternative methods that could result in retaining the tree or trees;
  - (e) the degree to which any proposed mitigation adequately compensates for the values that trees provide;
  - (f) the degree to which the proposal is consistent with best practice guidelines for tree management;
  - (g) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;
  - (h) the provision of a tree works plan to address the effects of the works on the tree or trees and outlining the proposed methods to be used, and where applicable:
    - (i) the provision of a landscape plan; or
    - (ii) consistency with any reserve management plan.
  - (i) the need for the direction and supervision of an on-site monitoring arborist while the works are being carried out;
  - (j) the functional and operational needs of infrastructure; and
  - (k) the benefits derived from infrastructure.

### **E16.9. Special information requirements**

There are no special information requirements for this section.

## **E17. Trees in roads**

### **E17.1. Background**

Trees in roads make streets more attractive and contribute to pedestrian amenity and public health.

Environmentally, trees provide important ecological values in terms of storing carbon, providing habitat and food for wildlife, improving air quality and providing ecological and amenity values.

Roads have a large range of uses, particularly for network utilities, and at times these can conflict with the presence of trees. A balance of these competing uses needs to be achieved.

### **E17.2. Objectives**

- (1) Trees in roads that contribute to cultural, amenity, landscape and ecological values are protected.
- (2) There is an increase in the quality and extent of tree cover in roads, particularly within areas identified for intensified living.
- (3) The safe and efficient development, maintenance, operation 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.

### **E17.3. Policies**

- (1) Balance the safe and efficient development, operation, use, maintenance and upgrading of infrastructure, utilities, and road network with the protection of trees in roads.
- (2) Encourage ongoing maintenance of trees to enhance roads, while ensuring that tree selection and location recognises existing constraints and the functional requirements of the site.
- (3) Manage trees in roads to protect their cultural, amenity, landscape and ecological values while acknowledging that multiple uses occur in roads.
- (4) Encourage the use of indigenous trees and vegetation for planting within roads, where appropriate, to recognise and reflect cultural, amenity, landscape and ecological values.

### **E17.4. Activity table**

Table E17.4.1 Activity table specifies the activity status for land use activities for trees in roads pursuant to section 9(3) of the Resource Management Act 1991.

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

These rules apply if the location of the trunk of the tree is in the road.

These activities must also obtain the approval of Auckland Transport.

**Table E17.4.1 Activity Table**

<b>Activity</b>		<b>Activity status</b>
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal	P
(A3)	Emergency tree works	P
(A4)	Pest plant removal	P
(A5)	Tree trimming or alteration	P
(A6)	Tree trimming or alteration that does not comply with Standard E17.6.1	RD
(A7)	Works within the protected root zone	P
(A8)	Works within the protected root zone that do not comply with Standard E17.6.3	RD
(A9)	Tree removal of any tree less than 4m in height and less than 400mm in girth	P
(A10)	Tree removal of any tree greater than 4m in height or greater than 400mm in girth	RD
(A11)	Planting over network utilities with trees with a mature height of more than 4m	P
(A12)	Tree trimming, alteration or removal not otherwise provided for	D

**E17.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E17.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**E17.6. Standards**

All permitted and restricted discretionary activities listed in Table E17.4.1 must comply with the following standards.

**E17.6.1. Tree trimming or alteration**

- (1) The maximum diameter of any branch removed must be no greater than 100mm at severance.
- (2) No more than 20 per cent of live growth of the tree may be removed in any one calendar year.
- (3) All works must be carried out in accordance with best arboricultural practice.
- (4) All trimming or alteration must retain the natural shape, form and branch habit of the tree.



- (5) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.
- (6) Standards E17.6.1(1),(2),(3),(4) and (5) do not apply for works 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 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 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 formation width of the legal road where the road adjoins any rural zone for maintaining visibility.

#### **E17.6.2. Planting over network utilities**

- (1) For trees planted over or within 1m of underground network utilities methods must be used to protect the underground network utilities from root damage caused by the trees.

#### **E17.6.3. Works within the protected root zone**

- (1) For roots less than 60mm in diameter:
- (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone without direction and/or supervision of a qualified arborist:
    - (i) the works involving root pruning must not be on roots greater than 35mm in diameter at severance;
    - (ii) surface area of a single excavation shall not exceed 1m<sup>2</sup>;
    - (iii) works must not disturb more than 10 per cent of the protected root zone;
    - (iv) any machine excavator must operate on top of paved surfaces and/or ground protection measures; and
    - (v) any machine excavator must be fitted with a straight blade bucket.
  - (b) excavation undertaken by hand digging, air spade, hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:

- (i) works must not disturb more than 20 per cent of the protected root zone;
  - (ii) works involving root pruning must not be on roots greater than 60mm in diameter at severance;
  - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures; and
  - (iv) any machine excavator must be fitted with a straight blade bucket.
- (c) excavation undertaken by trenchless methods must not be undertaken at a depth less than 800mm below ground level;
- (d) replacement of existing structures, kerbs, and hard surfaces within the protected root zone must be done so that:
- (i) the removal of the surface is carried out without damage to any tree roots; and
  - (ii) the machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
- (e) Standard E17.6.3(1)(a), (b), (c) and (d) do not apply to any tree works undertaken inside existing infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm in diameter:
- (a) excavation undertaken by hand digging, or air spade, or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
    - (i) works must not disturb more than 20 per cent of the protected root zone;
    - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
    - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures;
    - (iv) any machine excavator must be fitted with a straight blade bucket; and
  - (b) standard E17.6.3(2)(a) does not apply to any tree works undertaken inside existing infrastructure such a pipes and meter boxes.

### **E17.7. Assessment – controlled activities**

There are no controlled activities in this section.

### **E17.8. Assessment – restricted discretionary activities**

#### **E17.8.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) the effect on the values of the tree or trees;
  - (b) any loss or reduction of amenity values provided by the tree or trees;
  - (c) any mitigation proposed;
  - (d) consistency with arboricultural best practice;
  - (e) methods to control plant pathogens;
  - (f) any tree works plan, reserve management plan, or landscape plan relevant to the tree or group of trees;
  - (g) the functional and operational needs of infrastructure; and
  - (h) the benefits derived from infrastructure.

#### **E17.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) the specific values of the trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards;
  - (b) the loss of amenity values that tree or trees provided;
  - (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed as required under health and safety legislation;
  - (d) any alternative methods that could result in retaining the tree or trees;
  - (e) the degree to which any proposed mitigation adequately compensates for the values that trees provide;
  - (f) the degree to which the proposal is consistent with best practice guidelines for tree management;
  - (g) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;
  - (h) the provision of a tree works plan to address the effects of the works on the tree or trees and outlining the proposed methods to be used;

- (i) the need for the direction and supervision of an on-site monitoring arborist while the works are being carried out;
- (j) the functional and operational needs of infrastructure; and
- (k) the benefits derived from infrastructure.

**E17.9. Special information requirements**

There are no special information requirements for this section.

## **E18. Natural character of the coastal environment**

### **E18.1. Background**

These objectives and policies give effect to Policy 13(1)(b) of the New Zealand Coastal Policy Statement 2010, and Regional Policy Statement Objective B8.2.1.(2) and Policy B8.2.2.(4).

These provisions apply to activities in the coastal environment that are proposed in areas that are not scheduled in the Outstanding Natural Character and High Natural Character Overlay but that require resource consent.

### **E18.2. Objectives [rcp/dp]**

- (1) The natural characteristics and qualities that contribute to the natural character of the coastal environment are maintained while providing for subdivision, use and development.
- (2) Where practical the natural character values of the coastal environment are restored or rehabilitated.

### **E18.3. Policies [rcp/dp]**

- (1) Manage subdivision, use and development of land adjoining scheduled outstanding natural character or high natural character areas that have a biophysical or visual linkage with the scheduled area to:
  - (a) avoid adverse effects on the natural characteristics and qualities that contribute to the natural character values of outstanding natural character areas; and
  - (b) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects, on the characteristics and qualities that contribute to the natural character values of high natural character areas.
- (2) Maintain significant landforms and indigenous vegetation and habitats that are connected to outstanding natural character and high natural character areas.
- (3) Manage the effects of subdivision, use and development in the coastal environment to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects, on the characteristics and qualities that contribute to natural character values, taking into account:
  - (a) the location, scale and design of the proposed subdivision, use or development;
  - (b) the extent of anthropogenic changes to landform, vegetation, coastal processes and water movement;
  - (c) the presence or absence of structures, buildings or infrastructure;
  - (d) the temporary or permanent nature of any adverse effects;

- (e) the physical and visual integrity of the area, and the natural processes of the location;
  - (f) the intactness of any areas of significant vegetation, and vegetative patterns;
  - (g) the physical, visual and experiential values that contribute significantly to the wilderness and scenic values of the area;
  - (h) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks;
  - (i) the natural characteristics and qualities that exist or operate across mean high water spring and land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments; and
  - (j) the functional or operational need for infrastructure to be located in a particular area.
- (4) Promote land use practices and restoration activities that will restore or rehabilitate natural character values.

**E18.4. Activity table**

There is no activity table for this section.

**E18.5. Notification**

There are no notification provisions for this section.

**E18.6. Standards**

There are no standards for this section.

**E18.7. Assessment – controlled activities**

There are no controlled activities in this section.

**E18.8. Assessment – restricted discretionary activities**

There are no restricted discretionary activities in this section.

**E18.9. Special information requirements**

There are no special information requirements for this section.

### **E19.1. Background**

These objectives and policies give effect to Policy 15(b) of the New Zealand Coastal Policy Statement 2010 and Regional Policy Statement Objectives B4.2.1 and the policies in B4.2.2.

These provisions apply to activities in the coastal environment that are proposed in areas that are not scheduled in the Outstanding Natural Features Overlay or the Outstanding Natural Landscapes Overlay but that require resource consent.

### **E19.2. Objective [rcp/dp]**

- (1) The characteristics and qualities of natural landscapes and natural features which have particular values, provide a sense of place or identity, or have high amenity value, are maintained while providing for subdivision, use and development in the coastal environment.

### **E19.3. Policies [rcp/dp]**

- (1) Manage subdivision, use and development in the coastal environment adjoining scheduled outstanding natural landscapes or outstanding natural features to:
  - (a) protect visual and biophysical linkages between the site and outstanding natural landscapes or outstanding natural features; and
  - (b) avoid adverse cumulative effects on the values of outstanding natural landscapes or outstanding natural features.
- (2) Manage the effects of subdivision, use and development in the coastal environment to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the characteristics and qualities of natural landscapes and natural features which have particular values, provide a sense of place or identity, or have high amenity values, taking into account:
  - (a) the location, scale and design of the proposed subdivision, use or development;
  - (b) the extent of anthropogenic changes to the natural characteristics and qualities;
  - (c) the presence or absence of structures, buildings or infrastructure;
  - (d) the temporary or permanent nature of any adverse effects;
  - (e) the physical and visual integrity and the natural processes of the location;
  - (f) the intactness of any areas of significant vegetation, and vegetative patterns;
  - (g) the physical, visual and aesthetic values that contribute significantly to the natural landscape's values;

- (h) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks; and
  - (i) the functional or operational need for infrastructure to be located in a particular area.
- (3) Ensure appropriate processes are followed with accidentally discovered natural features of potential significance when trenching or excavating in:
- (a) basalt lava in the Auckland volcanic field;
  - (b) organic deposits of pre-European age; or
  - (c) greater rock strata known to contain fossils.

**E19.4. Activity table**

There is no activity table for this section.

**E19.5. Notification**

There are no notification provisions for this section.

**E19.6. Standards**

There are no standards for this section.

**E19.7. Assessment – controlled activities**

There are no controlled activities in this section.

**E19.8. Assessment – restricted discretionary activities**

There are no restricted discretionary activities in this section.

**E19.9. Special information requirements**

There are no special information requirements for this section.



## **E20. Māori Land**

### **E20.1. Background**

These Auckland-wide provisions recognise the unique legal and governance framework for Māori Land being subject to Te Ture Whenua Māori Act 1993. They provide for the use and development of Māori land to support the economic, social and cultural aspirations of Mana Whenua. These sites can be identified on the website for Māori Land Online.

These provisions are in addition to the zone provisions for any site which is Māori land. The provisions of the zone apply to Māori Land unless otherwise specified in this section. The rules provide that where the activity table for the relevant zone provides for the same activity, the less restrictive rule applies.

In particular, an integrated Māori development provides a basis for better co-ordination between landowners, the Māori Land Court and the Council in managing the resource of Māori land.

### **E20.2. Objectives**

- (1) Mana Whenua have flexibility to use and develop Māori land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met.
- (2) The importance of economic development to support the occupation, development and use of Māori land is recognised.
- (3) Mana Whenua use and develop Māori land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.
- (4) The occupation, development and use of Māori land is not adversely affected by the location of new infrastructure.

### **E20.3. Policies**

- (1) Provide for an appropriate character, scale, intensity and range of development on Māori land across Auckland, including in coastal areas and outside the Rural Urban Boundary, recognising that the purpose of the Māori land provisions are to facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site.
- (2) Provide for a range of activities including papakāinga, marae and associated facilities, customary use, and cultural and commercial activities on Māori land.

- (3) Encourage integrated development of Māori land taking into account the requirements of the activities proposed as well as the requirements for activities, access, parking, building design and layout, infrastructure, landscaping, lighting and open space areas.
- (4) Avoid, remedy or mitigate adverse effects on neighbouring properties.
- (5) Provide for the integration of mātauranga and tikanga in determining the scale, intensity, range of activities, layout and location of development.
- (6) Require appropriate provision for the treatment and disposal of stormwater, wastewater and the provision of water and electricity supply.
- (7) Enable alternative approaches to site access and infrastructure provision where the occupation, use and development of Māori land is constrained by access or the availability of infrastructure.
- (8) Enable the occupation, use and development of Māori land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, by considering:
  - (a) the need to enable development, occupation and use of Māori land in accordance with mātauranga and tikanga to support the social, cultural and economic wellbeing of Mana Whenua;
  - (b) alternative approaches to or locations for development that avoid adverse effects on the characteristics and qualities that contribute to the values for which the area was scheduled; and
  - (c) that there may be no or limited alternative locations for whanau, hapū or iwi to occupy, manage and use their ancestral lands.
- (9) Encourage utility operators to consider alternative routes and locations for infrastructure outside Māori land, where new infrastructure development may adversely affect the occupation, development and use of Māori land.

#### **E20.4. Activity table**

Table E20.4.1 Activity table specifies the activity status of land use and development activities on Māori land pursuant to section 9(3) of the Resource Management Act 1991.

The provisions of the zone apply to Māori Land unless otherwise specified in this section. Where the rules in this section as well as the relevant zone rules provide for the same activity, the less restrictive rule applies.

**Table E20.4.1 Activity table**

	<b>Activity</b>	<b>Activity status</b>
(A1)	Activities associated with marae or papakāinga up to 250m <sup>2</sup> gross floor area	P
(A2)	Activities associated with marae or papakāinga greater than 250m <sup>2</sup> gross floor area	RD
(A3)	One dwelling per hectare with no more than 10 dwellings per site in the rural zones	P
(A4)	One dwelling per 4,000m <sup>2</sup> with no more than 20 dwellings per site in the rural zones	RD
(A5)	Integrated Māori development	D
(A6)	Dwellings not otherwise provided for in a rural zone	NC
(A7)	Māori cultural activities	P
(A8)	Marae up to 700m <sup>2</sup> gross floor area	P
(A9)	Marae greater than 700m <sup>2</sup> gross floor area	RD
(A10)	Rural commercial services	D
(A11)	Rural industries in rural zones	RD
(A12)	Urupā	C
(A13)	Buildings associated with the above activities	P

**E20.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E20.4.1 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.
- (2) Any application for resource consent for any of the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) integrated Māori development; or
  - (b) rural commercial services.
- (3) Any application for resource consent for an activity listed in Table E20.4.1 Activity table and which is not listed in E20.5(1) or E20.5(2) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (4) 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).

### **E20.6. Standards**

The provisions of the zone apply to Māori Land unless otherwise specified below.

The activities listed in Table E20.4.1 Activity table must comply with the following standards.

#### **E20.6.1. Marae up to 700m<sup>2</sup> gross floor area or Marae greater than 700m<sup>2</sup> gross floor area**

- (1) Marae must be on a site 1 hectare or greater.

#### **E20.6.2. Building and structure height for Marae and Māori cultural activities**

- (1) Marae (including wharenuī and wharekai) and structures or buildings associated with Māori cultural activities (including but not limited to waharoa, pekerangi/taiapa, whare waka) must not exceed 10m in height.
- (2) Pou haki are excluded from Standard E20.6.2(1) if they:
- (a) do not exceed an additional one third of the permitted activity height for the site; and
  - (b) are not more than 300mm in diameter.

#### **E20.6.3. Dwellings**

- (1) Dwellings and buildings used for dwellings on Māori Land must comply with the standards in the underlying zone.

#### **E20.6.4. Maximum impervious area and building coverage**

- (1) In rural zones building coverage must not exceed 20 per cent of the site area.
- (2) In all other zones the standards for building coverage and maximum impervious area are as provided for in the zone relevant to the site.

### **E20.7. Assessment – controlled activities**

#### **E20.7.1. Matters of control**

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

- (1) urupā:
- (a) effects on groundwater; and
  - (b) visual effects on neighbouring dwellings.

### **E20.7.2. Assessment criteria**

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

- (1) urupā:
  - (a) whether an urupā would cause leachate emergence or contamination to groundwater; and
  - (b) measures to mitigate visual effects on neighbouring dwellings.

### **E20.8. Assessment – restricted discretionary activities**

#### **E20.8.1. Matters of discretion**

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

- (1) for rural industries, buildings associated with a marae or papakainga greater than 250m<sup>2</sup> gross floor area, and marae greater than 700m<sup>2</sup> gross floor area:
  - (a) the effects on rural character and amenity values;
  - (b) the effects on noise;
  - (c) the effects on traffic volume and safety;
  - (d) the effects on stormwater;
  - (e) the effects on land containing elite soils; and
  - (f) the effects on wastewater.
- (2) for dwellings in rural zones:
  - (a) the reverse sensitivity effects on existing rural activities and infrastructure;
  - (b) the effects on stormwater; and
  - (c) the effects on wastewater.

#### **E20.8.2. Assessment criteria**

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

- (1) for rural industries, buildings associated with a marae or papakainga greater than 250m<sup>2</sup> gross floor area and marae greater than 700m<sup>2</sup> gross floor area:
  - (a) rural character and amenity values:

(i) whether the design and location of the buildings, and site landscaping avoids, remedies or mitigates the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values of the surrounding environment. The following aspects are particularly relevant:

- building bulk;
- glare or reflections from the exterior cladding;
- landform modification needed for building platforms;
- screening from neighbouring sites;
- views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
- related signage.

(b) noise:

(i) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated.

(c) traffic volume and safety:

(i) whether the design and location of the buildings, and associated traffic, avoids, remedies or mitigates adverse effects on the road network or traffic safety.

(d) stormwater:

(i) whether the control, treatment, storage, or disposal of stormwater is appropriately managed.

(e) land containing elite soils:

(i) whether the adverse effects of buildings, structures, and site development on the productive potential of land containing elite soils is minimised.

(f) wastewater:

(i) wastewater is appropriately managed.

(2) for dwellings in rural zones:

(a) reverse sensitivity effects on existing rural activities and infrastructure:

(i) whether dwellings are located and designed to minimise the adverse effects on existing rural activities and existing infrastructure.

(b) stormwater:

(i) the extent to which the control, treatment, storage, or disposal of stormwater is appropriately managed.

(c) wastewater:

(i) wastewater is appropriately managed.

**E20.9. Special information requirements**

(1) An application for an activity under the rules in this section must be accompanied by documentation from the Māori Land Court which demonstrates that the land is Māori Land.

## **E21. Treaty Settlement Land**

### **E21.1. Background**

These provisions recognise that the principles of the Treaty of Waitangi/Te Tiriti o Waitangi (including the principle of redress and the principle of active protection) require the Council to enable the use and development of land acquired by Mana Whenua through Treaty settlement legislation.

The following provisions apply to land that meets the definition of Treaty Settlement Land. Applicants will need to provide documentation in the form of final deeds of settlement, associated settlement legislation and confirmation that the land is still held with the post-settlement governance entity.

These provisions recognise the importance of the relationship of Mana Whenua with land acquired through the Treaty settlement process, and the desire of Mana Whenua to re-establish ahi kā on lands within their ancestral rohe. The provisions provide a basis for collaboration between Mana Whenua and the Council in managing the resource of Treaty Settlement Land.

Mana Whenua aspire to jointly manage the resource of Treaty Settlement Land with the Council under section 36B of the Resource Management Act 1991. Ultimately, Mana Whenua may seek the transfer of powers from the Council for some aspects of resource management decision-making on Treaty Settlement Land. Transfer of powers is possible under section 33 of the Resource Management Act 1991.

These provisions also apply to land acquired by Mana Whenua through the right of first refusal process.

The provisions of the zone apply to Treaty Settlement Land unless otherwise specified in this section. The rules provide that where the activity table for the relevant zone provides for the same activity, the less restrictive rule applies

#### *Statutory acknowledgements*

Treaty settlement legislation requires Councils to attach information recording statutory acknowledgements to all regional policy statements, regional coastal plans, other regional plans, district plans, and proposed plans. The purpose of statutory acknowledgements is articulated in each claim settlement. In general, this includes:

- (1) a requirement that consent authorities forward to the post-settlement governance entity summaries of resource consent applications for activities within, adjacent to, or impacting directly on statutory areas and providing for the post-settlement governance entity to waive its rights to be notified;
- (2) a requirement that consent authorities must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with section 95E of the Resource Management Act 1991 as to whether the post-settlement governance entity is an entity that may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area; and



- (3) enabling the post-settlement governance entity and any member to cite statutory acknowledgements as evidence of the association that the entity has with the statutory areas in submissions to, and in proceedings before a consent authority concerning activities within, adjacent to or impacting directly on the statutory area. This is not binding as deemed fact but may be taken into account.

The statutory acknowledgements provided under Treaty settlement legislation for areas within Auckland are summarised in Appendix 21 Treaty Settlement Legislation - statutory acknowledgements. This appendix will be updated and further information attached as further claims settlement acts are passed into law. The information in the appendix is public information and does not form part of the Plan document (unless adopted by the Council) nor is it subject to the provisions of Schedule 1 of the Resource Management Act 1991.

### **E21.2. Objectives**

- (4) Mana Whenua have flexibility to use and develop Treaty settlement land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met.
- (5) Mana Whenua use and develop land acquired as commercial redress to support their social and economic development.
- (6) Mana Whenua can access, manage, use and develop land acquired as cultural redress.
- (7) Mana Whenua use and develop Treaty settlement land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.
- (8) The occupation, development and use of Treaty settlement land is not adversely affected by the location of new infrastructure.

### **E21.3. Policies**

- (1) Provide for an appropriate character, scale, intensity and range of development on Treaty settlement land across Auckland, including in coastal areas and outside the Rural Urban Boundary, recognising that the purpose of the Treaty settlement land provisions is to give effect to the outcomes of Treaty settlements to promote the cultural, social and economic development of Mana Whenua.
- (2) Provide for a range of activities, including dwellings for papakāinga, marae and associated facilities, customary use, cultural and commercial activities, on Treaty settlement land.
- (3) Encourage integrated development of Treaty settlement land taking into account the requirements of the activities proposed as well as the requirements for

access, parking, building design and layout, infrastructure, landscaping, lighting and open space areas.

- (4) Avoid, remedy or mitigate adverse effects on neighbouring properties while recognising that the Treaty settlement land provisions facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site.
- (5) Provide for the integration of appropriate mātauranga and tikanga in determining the scale, intensity, range of activities, layout and location of development.
- (6) Require appropriate provision for the treatment and disposal of stormwater, wastewater and the provision of water and electricity supply.
- (7) Enable alternative approaches to site access and infrastructure provision where the occupation, use and development of Treaty settlement land is constrained by access or the availability of infrastructure.
- (8) Enable the occupation, use and development of Treaty settlement land where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, by considering:
  - (a) the need to enable occupation, management, use and development of Treaty settlement land in accordance with mātauranga and tikanga in those areas to support the social, cultural and economic well-being of Mana Whenua;
  - (b) alternative approaches to or locations for development that avoid adverse effects on the characteristics and qualities that contribute to the values for which the area was scheduled; and
  - (c) that there may be no or limited alternative locations for whanau, hapū or iwi to occupy, manage and use their ancestral lands.
- (9) Take into account the benefits for the wider community and environment provided by any existing property specific protection mechanism established through the Treaty settlement process, where Mana Whenua propose an activity on Treaty settlement land.
- (10) Encourage utility operators to consider alternative routes and locations for infrastructure outside the Treaty settlement land, where new infrastructure development may adversely affect the occupation, development and use of Treaty settlement land.

#### **E21.4. Activity table**

Table E21.4.1 Activity table specifies the activity status of land use and development activities on Treaty settlement land pursuant to section 9(3) of the Resource Management Act 1991.

The provisions of the zone apply to Treaty settlement land unless otherwise specified in this section. The rules provide that where the activity table for the relevant zone provides for the same activity, the less restrictive rule applies

**Table E21.4.1 Activity table**

Activity		Activity status
(A1)	Activities associated with marae or papakāinga up to 250m <sup>2</sup> gross floor area	P
(A2)	Activities associated with marae or papakāinga greater than 250m <sup>2</sup> gross floor area	RD
(A3)	One dwelling per hectare with no more than 10 dwellings per site in the rural zones	P
(A4)	One dwelling per 4000m <sup>2</sup> with no more than 20 dwellings per site in the rural zones	RD
(A5)	Integrated Māori development	D
(A6)	Dwellings not otherwise provided for in a rural zone	NC
(A7)	Māori cultural activities	P
(A8)	Marae up to 700m <sup>2</sup> gross floor area	P
(A9)	Marae greater than 700m <sup>2</sup> gross floor area	RD
(A10)	Rural commercial services	D
(A11)	Rural industries	RD
(A12)	Urupā	C
(A13)	Buildings associated with the above activities	P

### E21.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E21.4.1 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.
- (2) Any application for resource consent for any of the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) integrated Māori development; or
  - (b) rural commercial services.

- (3) Any application for resource consent for an activity listed in Table E21.4.1 Activity table and which is not listed in E21.5(1) or E21.5(2) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (4) 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).

### **E21.6. Standards**

The provisions of the zone apply to Treaty settlement land unless otherwise specified below.

The following permitted activities must comply with the specified permitted activity standards.

#### **E21.6.1. Marae up to 700m<sup>2</sup> gross floor area or Marae greater than 700m<sup>2</sup> gross floor area**

- (1) Marae must be on a one hectare or greater site.

#### **E21.6.2. Building and structure height for marae and Māori cultural activities**

- (1) Marae (including wharenuī and wharekai) and structures or buildings associated with Māori cultural activities (including but not limited to waharoa, pekerangi/taiapa, whare waka) must not exceed 10m in height.
- (2) Pou haki are excluded from Standard E21.6.2(1) if they:
  - (a) do not exceed an additional one third of the permitted activity height for the site; and
  - (b) are not more than 300mm in diameter.

#### **E21.6.3. Dwellings**

- (1) Dwellings and buildings used for dwellings on Treaty settlement land must comply with the development controls in the zone.

#### **E21.6.4. Maximum impervious area and building coverage**

- (1) In rural zones building coverage must not exceed 20 per cent of the site area.
- (2) In all other zones the standards for building coverage and maximum impervious area are as provided for in the zone relevant to the site.

### **E21.7. Assessment – controlled activities**

#### **E21.7.1. Matters of control**

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

- (1) urupā:
  - (a) effects on groundwater; and
  - (b) visual effects on neighbouring dwellings.

#### **E21.7.2. Assessment criteria**

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

- (1) urupā:
  - (a) whether an urupā would cause leachate emergence or contamination to groundwater; and
  - (b) measures to mitigate visual effects on neighbouring dwellings.

#### **E21.8. Assessment – restricted discretionary activities**

##### **E21.8.1. Matters of discretion**

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

- (1) for rural industries, buildings associated with a marae or papakainga greater than 250m<sup>2</sup> gross floor area, and marae greater than 700m<sup>2</sup> gross floor area:
  - (a) the effect on rural character and amenity values;
  - (b) the effect on noise;
  - (c) the effect on traffic volume and safety;
  - (d) the effect on stormwater;
  - (e) the effect on land containing elite soils; and
  - (f) the effect on wastewater.
- (2) for dwellings in rural zones:
  - (a) reverse sensitivity effects on existing rural activities and infrastructure;
  - (b) the effect on stormwater; and
  - (c) the effect on wastewater.

##### **E21.8.2. Assessment criteria**

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

(1) for rural industries, buildings associated with a marae or papakainga greater than 250m<sup>2</sup> gross floor area and marae greater than 700m<sup>2</sup> gross floor area:

(a) rural character and amenity values:

(i) whether the design and location of the buildings, and site landscaping avoids, remedies or mitigates the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values of the surrounding environment. The following aspects are particularly relevant:

- building bulk;
- glare or reflections from the exterior cladding;
- landform modification needed for building platforms;
- screening from neighbouring sites;
- views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
- related signage.

(b) noise:

(i) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated.

(c) traffic volume and safety:

(i) whether the design and location of the buildings, and associated traffic, avoids, remedies or mitigates adverse effects on the road network or traffic safety.

(d) stormwater:

(i) whether the control, treatment, storage, or disposal of stormwater is appropriately managed.

(e) land containing elite soils:

(i) whether the adverse effects of buildings, structures, and site development on the productive potential of land containing elite soils is minimised.

(f) wastewater:

(i) wastewater is appropriately managed.

(2) for dwellings in rural zones:

(a) reverse sensitivity effects on existing rural activities and infrastructure:

- (i) whether dwellings are located and designed to minimise the adverse effects on existing rural activities and existing infrastructure.
- (b) stormwater:
  - (i) the extent to which the control, treatment, storage, or disposal of stormwater is appropriately managed.
- (c) wastewater:
  - (i) wastewater is appropriately managed.

**E21.9. Special information requirements**

- (1) An application for an activity under the Treaty settlement land provisions must be accompanied by documentation, including final signed deeds of settlement, corresponding enacted legislation and evidence that the land is vested with the claimant group, to confirm the land is Treaty settlement land.

## **E22. Artworks**

### **E22.1. Background**

Artworks provide an opportunity to create a sense of place, and can play a valuable role in enlivening people's experiences and the appearance of the physical environment. Artworks can be located on public space or on private property.

Artworks are encouraged, however potential effects from the location, installation or impacts from lighting and noise, particularly in open space areas, may need to be managed to avoid adverse effects on public access, navigation, public safety and amenity values.

The rules for art works are located in the relevant zone provisions.

### **E22.2. Objective [rcp/dp]**

- (1) Inspiring, thought-provoking, culturally vibrant, enjoyable and challenging artworks are installed in appropriate locations across Auckland.

### **E22.3. Policies [rcp/dp]**

- (1) Enable temporary artworks.
- (2) Encourage new development to incorporate artworks.
- (3) Provide for the installation of artworks that will support and enhance use and enjoyment of open space.
- (4) Reinforce and extend the role of artworks in creating landmarks and a sense of place in Auckland.
- (5) Enable the expression of Māori culture and values through artworks.
- (6) Control the scale, location and design of artworks to maintain the amenity values of the site and adjoining sites.
- (7) Support the use of high-quality, long-lasting materials (where appropriate for the artwork), and design and execute artworks to a high standard.
- (8) Avoid significant adverse effects such as noise, lighting, traffic and visual effects on the surrounding area from artworks.



## **E23. Signs**

### **E23.1. Background**

Signs play an important role in identifying places and providing information including for business activities, direction or safety purposes. Signs are also an important advertising medium for businesses and can provide a source of revenue for building owners.

The number, type, location and size of signs can have adverse effects on the visual amenity of streets and buildings and on pedestrian traffic and safety. They may also have adverse effects on the character and heritage values of an area.

Billboards and signs that form part of an application for comprehensive development signage are subject to the provisions of this chapter. Some overlays also contain provisions relating to signs.

Most signs, other than billboards and comprehensive development signage, are managed under the Auckland Transport/Auckland Council Signage Bylaw 2015 or the Auckland Transport Elections Signs Bylaw 2013 (or any amended or updated version).

### **E23.2. Objectives [rcp/dp]**

- (1) Appropriate billboards and comprehensive development signage contribute to the social and economic well-being of communities through identifying places, providing information including for convenience and safety purposes, and advertising goods and services.
- (2) Billboards and comprehensive development signage are managed to maintain traffic and pedestrian safety, historic heritage values and the visual amenity values of buildings and the surrounding environment.

### **E23.3. Policies [rcp/dp]**

- (1) Require billboards and comprehensive development signage to meet the relevant permitted activity standards (for example building height) that apply in the zone in which they are located.
- (2) Require the placement, location and size of billboards and comprehensive development signage on buildings to not significantly detract from the profile or appearance of a building, or cover any significant architectural features on the façade of a building.
- (3) Enable billboards and comprehensive development signage while avoiding signs creating clutter or dominating the building or environment by controlling the size, number and location of signs.
- (4) Require traffic and pedestrian traffic safety standards to apply to billboards and comprehensive development signage, particularly to the wording, lighting and location of signs, and changeable message, illuminated, flashing or revolving signs.

- (5) Manage the effects of billboards and comprehensive development signage to maintain the values of scheduled historic heritage places and visual amenity values.
- (6) Limit the duration of consents for billboards where future land use and/or transport network changes are likely to result in the billboard being inappropriate from a site development or traffic safety perspective.

#### E23.4. Activity table

Table E23.4.1 Activity table – Billboards in zones and Table E23.4.2 Activity table – Billboards on street furniture in road reserves and comprehensive development signage specify the activity status for billboard signs and comprehensive development signage, pursuant to section 9(3) and sections 12(1), (2) and (3) of the Resource Management Act 1991.

##### *Relationship to signage bylaws*

Signs that are permitted by, or approved pursuant to, the Auckland Transport/Auckland Council Signage Bylaw 2015 or the Auckland Transport Elections Signs Bylaw 2013 are not subject to the provisions of the Plan.

##### *Billboards in a road reserve or state highway network*

In addition to the provisions of either a bylaw or E23 Signs, all billboards placed in the road reserve will require the prior approval of Auckland Transport, or in respect of billboards placed in the state highway network, the New Zealand Transport Agency.

**Table E23.4.1 Activity Table – Billboards in zones [rcp/dp]**

Activity		Activity status		
		Free-standing billboards	Billboards on a side or rear building façade	Billboards on a street facing building façade
(A1)	Residential – Large Lot Zone	NC	NC	NC
(A2)	Residential – Rural and Coastal Settlement Zone	NC	NC	NC
(A3)	Residential – Single House Zone	NC	NC	NC
(A4)	Residential – Mixed Housing Suburban Zone	NC	NC	NC
(A5)	Residential – Mixed Housing Urban Zone	NC	NC	NC
(A6)	Residential – Terrace Housing and Apartment Buildings Zone	NC	NC	NC
(A7)	Future Urban Zone	NC	NC	NC
(A8)	Rural – Rural Conservation Zone	NC	NC	NC
(A9)	Rural – Countryside Living Zone	NC	NC	NC

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(A10)	Rural – Rural Production Zone	D	D	D
(A11)	Rural – Mixed Rural Zone	D	D	NC
(A12)	Rural – Rural Coastal Zone	D	D	NC
(A13)	Open Space – Conservation Zone	NC	NC	NC
(A14)	Open Space – Informal Recreation Zone	NC	D	NC
(A15)	Open Space – Sport and Active Recreation Zone	D	D	NC
(A16)	Open Space – Civic Spaces Zone	D	D	NC
(A17)	Open Space – Community Zone	D	D	NC
(A18)	Business – Business Park Zone	D	RD	D
(A19)	Business – Mixed Use Zone	RD	RD	RD
(A20)	Business – General Business Zone	RD	RD	RD
(A21)	Business – Neighbourhood Centre Zone	NC	D	NC
(A22)	Business – Local Centre Zone	NC	D	NC
(A23)	Business – Town Centre Zone	RD	RD	RD
(A24)	Business – Metropolitan Centre Zone	RD	RD	RD
(A25)	Business – Light Industry Zone	RD	P	RD
(A26)	Business – Heavy Industry Zone	RD	P	P
(A27)	Special Character Areas Overlay – Residential and Business	NC	D	NC
(A28)	Business – City Centre Zone (except the residential precinct)	NC	RD	D
(A29)	City Centre Zone Residential Precinct	NC	NC	NC
(A30)	Strategic Transport Corridor Zone	NC	D	NC
(A31)	Special Purpose – Airports and Airfields Zone	D	RD	D
(A32)	Special Purpose – Cemetery Zone	NC	NC	NC
(A33)	Special Purpose – Healthcare Facility and Hospital Zone	NC	NC	NC
(A34)	Special Purpose – Major Recreation Facility Zone	D	D	D
(A35)	Special Purpose – Māori Purpose Zone	NC	D	NC
(A36)	Special Purpose – Quarry Zone	D	D	D
(A37)	Special Purpose – School Zone	NC	NC	NC
(A38)	Special Purpose – Tertiary Education Zone	NC	NC	NC
(A39)	Rural – Waitākere Ranges Zone Rural – Waitākere Foothills Zone	NC	NC	NC

(A40)	Coastal – General Coastal Marine Zone	NC	NC	NC
(A41)	Coastal – Ferry Terminal Zone	NC	D	NC
(A42)	Coastal – Moorings Zone	Pr	Pr	Pr
(A43)	Coastal – Marina Zone	NC	D	NC
(A44)	Coastal – Defence Zone	NC	D	NC
(A45)	Coastal – Minor Port Zone	D	D	NC

**Table E23.4.2 Activity table – Billboards on street furniture and in road reserves 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
(A47)	Replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape	P
(A48)	Billboards on new street furniture	P
(A49)	Billboards that are less than 1.2m <sup>2</sup> in area that are located in a road reserve adjoining any Business Zone (Note: Approval of Auckland Transport is required for any works in a road)	P
(A50)	New billboards, or the replacement of a billboard with a billboard of the same, or substantially similar size and shape, on existing or new street furniture in a road reserve that do not meet the Standards in E23.6	RD
(A51)	Altering or moving an existing lawfully established billboard within a zone where billboards are not a permitted activity, and where the change will not increase the overall display area or the extent of any non-compliance with the Standards in E23.6	RD
(A52)	Changing an existing lawfully established static billboard to a changeable message billboard in a zone where billboards are not provided for as a permitted activity	RD
<b>Comprehensive development signage</b>		
(A53)	Comprehensive development signage, including amendments or additions to existing approved comprehensive development signage	RD

### E23.5. Notification

- (1) Any application for resource consent for an activity listed in Table E23.4.1 or Table E23.4.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E23.6. Standards**

All activities listed as a permitted activity in Tables E23.4.1 and E23.4.2 must comply with the following permitted activity standards.

#### **E23.6.1. Billboards**

- (1) Billboards must:
- (a) not be placed on or extend over any public open space or wharf;
  - (b) not be placed within 30 metres of a residential zone, a or an open space zone from which it can be seen;
  - (c) not be placed within a scheduled view shaft or within 30 metres of a scheduled historic heritage place; and
  - (d) not be attached to, or placed on:
    - (i) a street veranda; or
    - (ii) the roof of a building.
- (2) If lit internally or by external means (excluding digital billboards) a billboard must:
- (a) not be lit with an upwardly facing light source;
  - (b) not exceed a luminance of 800cds/m<sup>2</sup> when lit by an artificial light source between dusk and dawn; or
  - (c) be designed to reduce any glare or direct view of the light source when viewed by an observer at ground level 2 metres or more away from the billboard.
- (3) A digital billboard must include controls to ensure luminance does not exceed:
- (a) 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).
- (4) A billboard shall not emit noise, smoke, steam or other matter.

- (5) A billboard must not be placed on a wall or part of a wall so that any part of the billboard is higher than the lowest point of the roof of the building adjoining the wall.
- (6) A billboard must not extend beyond the outer edge of any wall of the building on which it is located and the billboard must be contained entirely within the visual profile of the building.
- (7) A billboard must not extend more than:
  - (a) 200mm from the face of any building or structure to which it is attached if it is a static billboard; or
  - (b) 400mm from the face of any building if it is a changeable message billboard.
- (8) A billboard, when viewed from any public place, must not obscure (partially or totally) any window or window aperture, whether or not it is glazed and used as a window.
- (9) A billboard must not be installed on a building that has been altered or modified for the purpose of installing the billboard.
- (10) A billboard, when placed on a wall, must not exceed an area equal to 25 per cent of the wall area or 50m<sup>2</sup>, whichever is the lesser.
- (11) A billboard, when mounted on a wall must not be placed so that any part of the sign is:
  - (a) greater than 30 metres above ground level;
  - (b) less than 3 metres above ground level; and
  - (c) within 3 metres of the top of any wall on any building of seven storeys or more.
- (12) A billboard must not be comprised of window film above the ground floor of any building.
- (13) A billboard must not display any image that:
  - (a) resembles or is likely to be confused with any traffic sign or signal;
  - (b) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or
  - (c) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers.
- (14) A changeable message billboard must not use images that could be mistaken by an approaching motorist for a traffic control device by its colour, shape or appearance.

- (15) A billboard must not be placed on any traffic control devices or their supporting poles, posts or structures.
- (16) A billboard must not be displayed on any median strip, kerb projection, roundabout, or any other traffic separation structures on any road.
- (17) A billboard must not be displayed on any power pole, lighting pole, bollard, rubbish bin, plant box, pylon, public sign or other similar structures in a public place.
- (18) A billboard must have lettering of at least 120mm high in areas where the billboard is directed at a road where the speed limit is 60km/h or less.
- (19) A billboard must have lettering of at least 150mm high in areas where the billboard is directed at a road where the speed limit exceeds 60km/h.
- (20) Free-standing billboards must:
  - (a) be at least 4 metres high but not greater than 6 metres high and 13 metres long and have a display face that does not exceed 50m<sup>2</sup>;
  - (b) be the only free-standing sign on the site which is greater than 1.5 metres high;
  - (c) not be placed within;
    - (i) 5 metres of any building that is higher than 1.5 metres;
    - (ii) 10 metres of any other free-standing sign, including a billboard sign on the same site or footpath signs placed directly outside the same site;
    - (iii) 2 metres of any free-standing sign on another site under different ownership; or
    - (iv) 2m of the side boundary of any site if the site has a frontage width greater than 6m.
  - (d) not obstruct, obscure or impair a motorist's safe line sight of any corner, bend, vehicle crossing pedestrian crossing, or intersection, with the safe intersection sight distance being measured according to the Austroads Guide to Road Design;
  - (e) not obstruct, obscure or impair the view of a motorist of any traffic control device (sign, signal or notice); and
  - (f) not use images, including changeable messages, that could be mistaken by an approaching motorist for a traffic control device in colour, shape or appearance.

**E23.6.2. Billboards on existing street furniture in a road reserve, or the replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape**

- (1) A billboard on existing street furniture in a road reserve, or the replacement of billboards on existing street furniture in a road reserve with a billboard of the same, or substantially similar, size and shape must comply with all of the following:
- (a) the billboard must be no larger than the street furniture it is attached to;
  - (b) the billboard must not be placed within a view shaft or within 30 metres of a scheduled historical 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 800cds/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.

**E23.6.3. Billboards on new street furniture**

- (1) Billboards on new street furniture must:
- (a) comply with Standards E23.6.2(1)(a) to (c)(i), (ii), (iii);
  - (b) not be located where the land immediately adjoining the billboard is:
    - (i) within a Special Character Areas Overlay – Residential and Business; or
    - (ii) zoned Rural – Rural Conservation Zone, Rural – Countryside Living Zone or Open Space – Conservation Zone, Rural – Waitākere Ranges Zone, or Rural – Waitākere Foothills Zone, unless the street furniture is on an arterial road.
- (2) If the billboard is a digital billboard it must include controls to ensure that the luminance does not exceed:
- (a) 5000cds/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) A billboard must not extend greater than 200mm from the face of the building or structure to which it is attached if it is a static billboard.
- (4) A billboard must not extend greater than 400mm from the face of the building or structure it is attached to if it is a changeable message billboard.
- (5) A billboard must not display an image that does any of the following:
  - (a) resembles or is likely to be confused with any traffic sign or signal:
    - (i) contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract or interfere with a road user's vision; or
    - (ii) uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers.

### **E23.7. Assessment – controlled activities**

There are no controlled activities in this section.

### **E23.8. Assessment – restricted discretionary activities**

#### **E23.8.1. Matters of discretion**

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

- (1) visual amenity;
- (2) scale and location;
- (3) lighting and traffic safety;
- (4) duration of consent; and
- (5) cumulative effects.

#### **E23.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities in Activity Table E23.4.1 Billboards in zones and Activity Table E23.4.2 Billboards on street furniture in road reserves and comprehensive development signage comprehensive development signage from the list below:

- (1) visual amenity, scale and location:
  - (a) the extent to which comprehensive development signage, free-standing billboards, or billboards on a side, rear or street facing building façade are appropriate in terms the zone they are located in taking into account all of the following:
    - (i) the scale, form and type of billboard;
    - (ii) the location of the signs or billboard in relation to other signs and billboards and adjacent structures and buildings;
    - (iii) the size of the site in which the signs or billboard will be located;

- (iv) the relationship with the streetscape, landscape and open space areas in the vicinity of the proposed signs or billboard; and
  - (v) the length of time the signs or billboard will be in place.
- (b) the extent to which the signs or billboard, when attached to a building, will appear to be an integrated element of the building and positively relate to structural bays, structural elements, architectural features, building proportions and the overall design of the building;
  - (c) the extent to which the signs or billboard structure are visually integrated with the existing built and/or natural environment;
  - (d) whether the signs or billboard structures are simple and visually recessive in terms of form and colour, and are designed to discourage access for graffiti on the image displayed;
  - (e) whether the signs or billboard detracts from the visual amenity of any public open space from which it can be seen, including the characteristics of the streetscape, natural environment, landscaping and open space;
  - (f) whether the signs or billboard, if located in close proximity to a scheduled historic heritage place, adversely affects the visual amenity or detracts from the visual qualities that are fundamental to the historic heritage values of the scheduled historic heritage place;
  - (g) whether a sign or billboard that will replace an existing sign or billboard on a building integrates with the building's form, shape and architectural features; and
  - (h) whether the sign or billboard will dominate the outlook from any dwelling or public open space.
- (2) lighting and traffic safety:
- (a) the extent to which lighting associated with a sign or billboard is controlled to minimise adverse effects on the visual amenity of the surrounding environment during both day and night time (and the transition times between) having regard to:
    - (i) the location of the signs or billboard;
    - (ii) the sign's orientation to the sun; and
    - (iii) the variance of ambient light levels within the area.

- (b) the degree of compliance with Standards E23.6.1(2)(a),(b),(c) or E23.6.1(3)(a), (b), (c) and whether lighting levels, light spill or glare from illuminated or, changeable message signs or billboards that do not meet these standards will cause unreasonable levels of glare and discomfort to any person or to traffic safety (the controls of Tables 2.1 and 2.2 of Australian Standards AS 4282 - 1997 (Control of the Obtrusive Effects of Outdoor Lighting) may be used to determine glare and discomfort);
  - (c) whether there will be adverse effects on the amenity values of the surrounding area and traffic safety from signs or billboards that are capable of displaying variable images more than once every eight seconds, taking into account:
    - (i) the proposed transition time between images;
    - (ii) the dwell time of each image;
    - (iii) the number of image changes per hour; and
    - (iv) the number of consecutive related images.
  - (d) the extent to which the location, operation, lighting or design of the signs or billboard will have adverse effects on traffic safety.
- (3) duration of consent:
- (a) whether the duration of a resource consent should be limited, taking into account the future land use and/or transport network changes that are likely to affect the site or location and result in the signs or billboard being inappropriate from a site development or traffic safety perspective.
- (4) cumulative effects:
- (a) whether the signs or billboard, in conjunction with existing signs nearby, will create visual clutter or other adverse cumulative effects.

### **E23.9. Special information requirements**

There are no special information requirements in this section.

## E24. Lighting

### E24.1. Background

Artificial lighting enables work, recreation and entertainment activities to occur beyond normal daylight hours. It also provides additional safety and security to sites and associated activities. However, unless used with care, it can adversely affect adjoining properties through light spill and glare. If screening or aiming of light is poorly controlled this can result in light pollution causing adverse changes to the view of the night sky.

The provisions for artificial light provide for adequate lighting to support activities and enable safety and security for participants, while minimising potential adverse effects.

### E24.2. Objectives [rcp/dp]

- (1) Artificial lighting enables outdoor activities and the security and safety of people and property.
- (2) The adverse effects of outdoor lighting on the environment and safety of road users are limited.

### E24.3. Policies [rcp/dp]

- (1) Provide for appropriate levels of artificial lighting to enable the safe and efficient undertaking of outdoor activities, including night time working, recreation and entertainment.
- (2) Control the intensity, location and direction of artificial lighting to avoid significant glare and light spill onto adjacent sites, maintain safety for road users and minimise the loss of night sky viewing.
- (3) Use area or activity specific rules where the particular functional or operational needs of the area or activity make such rules appropriate.

### E24.4. Activity table

Table E24.4.1 Activity table specifies the activity status of land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status of coastal use, occupation and activity pursuant to sections 12(1); 12(2) and 12(3) of the Resource Management Act 1991.

**Table E24.4.1 Activity table**

Activity		Activity status
(A1)	Activities that comply with all the relevant permitted activity standards	P
(A2)	Activities that do not comply with a relevant permitted activity standard	RD

### **E24.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E24.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E24.6. Standards**

All activities listed as permitted in Table E24.4.1 Activity table must comply with the following standards.

#### **E24.6.1. General standards**

- (1) Lighting limits must be measured and assessed in accordance with Standard AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting, except for building façade lighting that complies with Standard E24.6.1(10). In the event of any conflict between Standard AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting and the lighting standards set out below, the lighting standards set out below shall prevail.
- (2) Any calculation for the purposes of these standards must be based on a maintenance factor of 1.0 (i.e. no depreciation).
- (3) For the purposes of Standard E24.6.1(2) and Standard E24.6.1(9) the lighting category classification for each zone in Table E24.6.1.1 Lighting category classifications will apply. Where a development is located on a site which adjoins or is directly across a road from a different lighting category, the most sensitive classification of the two categories will apply.
- (4) Where measurements of any illuminance above background levels from the use of artificial lighting cannot be made because the artificial lighting cannot be turned off, measurements may be made in areas of a similar nature that are not affected by the artificial lighting. The result of these measures may be used for determining the effect of the artificial lighting.
- (5) For the purposes of these standards, the curfew time is 10pm - 7am and the pre-curfew time is 7am – 10pm.

Table E24.6.1.1 Lighting category classifications

Zone	Lighting category			
	Lighting category 1 (Intrinsically dark)	Lighting category 2 (Low brightness)	Lighting category 3 (Medium brightness)	Lighting category 4 (High brightness)
<b>Residential</b>				
Residential – Large Lot Zone		X		
Residential – Rural and Coastal Settlement Zone		X		
Residential – Single House Zone			X	
Residential – Mixed Housing Suburban Zone			X	
Residential – Mixed Housing Urban Zone			X	
Residential – Terrace Housing and Apartment Buildings Zone			X	
<b>Open space</b>				
Open Space – Conservation Zone	X			
Open Space – Informal Recreation Zone			X	
Open Space – Sport and Active Recreation Zone			X	
Open Space – Civic Spaces Zone				X
Open Space – Community Zone			X	
<b>Business</b>				
Business – City Centre Zone				X
Business – Metropolitan Centre Zone				X
Business – Town Centre Zone				X
Business – Local Centre Zone				X
Business – Neighbourhood Centre Zone			X	
Business – Mixed Use Zone			X	
Business – General Business Zone				X
Business – Business Park Zone				X
Business – Light Industry Zone				X
Business – Heavy Industry Zone				X
<b>Coastal</b>				
Coastal – General Coastal Marine Zone		X		
Coastal – Marina Zone		X		

Zone	Lighting category			
	Lighting category 1 (Intrinsically dark)	Lighting category 2 (Low brightness)	Lighting category 3 (Medium brightness)	Lighting category 4 (High brightness)
Coastal – Mooring Zone		X		
Coastal – Minor Port Zone			X	
Coastal – Ferry Terminal Zone			X	
Coastal – Defence Zone			X	
Coastal – Coastal Transition Zone			X	
<b>Rural</b>				
Rural – Rural Conservation Zone	X			
Rural – Countryside Living Zone		X		
Rural – Rural Coastal Zone		X		
Rural – Mixed Rural Zone			X	
Rural – Rural Production Zone			X	
Rural – Waitākere Foothills Zone		X		
Rural – Waitākere Ranges Zone	X			
Future Urban Zone		X		
<b>Special purpose</b>				
Strategic Transport Corridor Zone				X
Special Purpose – Airports and Airfields Zone				X
Special Purpose – Cemetery Zone		X		
Special Purpose – Healthcare Facility and Hospital Zone				X
Special Purpose – Major Recreation Facility Zone			X	
Special Purpose – Maori Purpose Zone			X	
Special Purpose – Quarry Zone			X	
Special Purpose – School Zone			X	
Special Purpose – Tertiary Education Zone				X

(6) The added illuminance from the use of any artificial lighting on any site must not exceed either:

- (a) the levels in Table E24.6.1.2 Horizontal and vertical illuminance at a boundary, when measured at the boundary of any adjacent site containing a lawfully established dwelling. The illuminance limit will apply horizontally and vertically at any point on the boundary and at any height; or

**Table E24.6.1.2 Horizontal and vertical illuminance at a boundary**

Time	Illuminance limit
<b>Pre-curfew</b>	100 lux above the background level
<b>Curfew</b>	10 lux above the background level

- (b) the vertical illuminance limits in Table E24.6.1.3 Vertical illuminance at a window, when measured or calculated at the windows of habitable rooms of a lawfully established dwelling.

**Table E24.6.1.3 Vertical illuminance at a window**

Time	Vertical illuminance limit for each lighting category			
	Lighting category 1	Lighting category 2	Lighting category 3	Lighting category 4
<b>Pre-curfew</b>	2 lux	10 lux	10 lux	25 lux
<b>Curfew</b>	0 lux (except public road lighting)	1 lux	2 lux	4 lux

- (7) Outdoor artificial lighting operating on any site between sunset and sunrise must not exceed the threshold increment limit stated in Table E24.6.1.4 Threshold increment, on any public road, calculated within each traffic lane in the direction of travel.

**Table E24.6.1.4 Threshold increment**

Light technical parameter	Threshold increment limit for each lighting category			
	Lighting category 1	Lighting category 2	Lighting category 3	Lighting category 4
<b>Threshold increment (TI)</b>	15 per cent (based on adaption luminance of 0.1 cd/m <sup>2</sup> )	15 per cent (based on adaption luminance of 1 cd/m <sup>2</sup> )	15 per cent (based on adaption luminance of 2 cd/m <sup>2</sup> )	15 per cent (based on adaption luminance of 10 cd/m <sup>2</sup> )

- (8) Where measurements of any illuminance above background levels from the use of artificial lighting cannot be made because the artificial lighting cannot be turned off, measurements may be made in areas of a similar nature that are not affected by the artificial lighting. The result of these measures may be used for determining the effect of the artificial lighting.
- (9) The exterior lighting on any property adjacent to a road or adjacent to land on which there is a dwelling must be selected, located, aimed, adjusted and/or



screened to ensure that glare resulting from the lighting does not exceed the pre-curfew or curfew limits outlined in Table E24.6.1.5 Pre-curfew luminous intensity limits or Table E24.6.1.6 Curfew luminous intensity limits.

**Table E24.6.1.5 Pre-curfew luminous intensity limits**

Intentionally illuminated area		Pre-curfew luminous intensity limit for each lighting category			
Size of area (based on the controlling dimension)	Controlling dimension (refer to Note 1)	Lighting category 1	Lighting category 2	Lighting category 3	Lighting category 4
Large	>75m	2,500 cd	7,500 cd	10,000 cd	25,000 cd
Medium	≥25m ≤75m	2,500 cd	7,500 cd	10,000 cd	25,000 cd
Small	<25m	2,500 cd	2,500 cd	7,500 cd	25,000 cd

Note 1

The controlling dimension is the maximum dimension from any light source to the furthest point of the intentionally illuminated area in the direction of maximum intensity.

**Table E24.6.6 Curfew luminous intensity limits**

Curfew luminous intensity limit for each lighting category			
Lighting category 1	Lighting category 2	Lighting category 3	Lighting category 4
0 cd	500 cd	1,000 cd	2,500 cd

- (10) The average surface luminance measured in candelas per square metre ( $\text{cd/m}^2$ ) for an intentionally artificially lit building façade shall not exceed any one of the following:
- (a)  $0 \text{ cd/m}^2$  in lighting category 1;
  - (b)  $5 \text{ cd/m}^2$  in lighting category 2;
  - (c)  $10 \text{ cd/m}^2$  in lighting category 3; or
  - (d)  $25 \text{ cd/m}^2$  in lighting category 4.
- (11) The limits may be determined by calculation or measurement in accordance with CIE 150:2003 Guide on the limitation of the effects of obtrusive light from outdoor lighting installations – International Commission on Illumination ISBN 3 901 906 19 3.

**E24.7. Assessment – controlled activities**

There are no controlled activities in this section.

## **E24.8. Assessment – restricted discretionary activities**

### **E24.8.1. Matters of discretion**

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

- (1) the effects of lighting on traffic safety; and
- (2) the effects of artificial lighting and glare on the amenity values and the character of the neighbourhood.

### **E24.8.2. Assessment criteria**

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

- (1) for traffic safety:
  - (a) the extent to which any artificial lighting will adversely affect traffic safety;
- (2) for the effects of artificial lighting and glare on amenity values:
  - (a) whether the number, placement, design, height, colour, orientation and screening of light fittings and light support structures minimises light spill, glare, and loss of night time viewing;
  - (b) the extent to which the amount of light falling beyond the site during the hours of darkness is minimised to control effects on indoor amenity values and sleep quality; and
  - (c) whether the artificial lighting is necessary, suitably designed and adequately protects the amenity values of the surrounding environment.

## **E24.9. Special information requirements**

There are no special information requirements in this section.

## **E25. Noise and vibration**

### **E25.1. Background**

Noise and vibration may cause adverse effects on amenity depending on:

- when and where it occurs;
- its duration;
- physical characteristics, including the sound pressure level (loudness) and frequency (pitch);
- its steadiness;
- variations of these properties; and
- whether special audible characteristics are present.

Within urban areas, the background noise environment is most often dominated by traffic. Generally, the higher the traffic volumes nearby, the higher the background noise level. In low traffic areas, background noise may occur naturally from waves, high winds, animals or insects. The Plan cannot control either traffic noise or natural noise.

The objectives and policies for noise and vibration seek to control the levels of noise and vibration created by activities to limit the adverse effects of noise and vibration on amenity values, human health and to protect existing noisy activities from reverse sensitivity effects.

### **E25.2. Objectives [rcp/dp]**

- (1) People are protected from unreasonable levels of noise and vibration.
- (2) The amenity values of residential zones are protected from unreasonable noise and vibration, particularly at night.
- (3) Existing and authorised activities and infrastructure, which by their nature produce high levels of noise, are appropriately protected from reverse sensitivity effects where it is reasonable to do so.
- (4) Construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects.

### **E25.3. Policies [rcp/dp]**

- (1) Set appropriate noise and vibration standards to reflect each zone's function and permitted activities, while ensuring that the potential adverse effects of noise and vibration are avoided, remedied or mitigated.
- (2) Minimise, where practicable, noise and vibration at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.

- (3) Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones.
- (4) Use area or activity specific rules where the particular functional or operational needs of the area or activity make such rules appropriate.
- (5) Prevent significant noise-generating activities other than roads and railway lines from establishing in or immediately adjoining residential zones.
- (6) Avoid activities sensitive to noise from establishing in industrial zones where adverse effects (including reverse sensitivity effects) arise that cannot be otherwise appropriately remedied or mitigated.
- (7) Require activities to be appropriately located and/or designed to avoid where practicable or otherwise remedy or mitigate reverse sensitivity effects on:
  - (a) existing or authorised infrastructure;
  - (b) adjacent Business – Light Industry Zone and Business – Heavy Industry Zone;
  - (c) existing lawfully established rural production activities;
  - (d) major recreation facilities;
  - (e) existing lawfully established commercial activities within Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone, Business – Mixed Use Zone; or
  - (f) regionally significant mineral extraction activities.

*Noise arising from lakes, rivers and the coastal marine area*

- (8) Require activities to be insulated or protected, from unreasonable manmade noise and vibration emitted from the use and development of neighbouring lakes, rivers or the coastal marine area.

*Noise arising from or affecting rural zones*

- (9) Avoid, remedy or mitigate the adverse effects of noise in the rural environment, having regard to the working nature of this environment.

*Construction, demolition and maintenance activities*

- (10) Avoid, remedy or mitigate the adverse effects of noise and vibration from construction, maintenance and demolition activities while having regard to:
  - (a) the sensitivity of the receiving environment; and
  - (b) the proposed duration and hours of operation of the activity; and

(c) the practicability of complying with permitted noise and vibration standards.

#### *Events and activities*

- (11) Recognise that activities occurring in the Open Space – Sport and Active Recreation Zone may generate high levels of noise and ensure that adverse effects are avoided, remedied or mitigated having regard to the sensitivity of the receiving environment.

#### **E25.4. Activity table**

Table E25.4.1 Activity table specifies the activity status of land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status of coastal use, occupation and activity pursuant to sections 12(1); 12(2) and 12(3) of the Resource Management Act 1991.

**Table E25.4.1 Activity table**

<b>Activity</b>		<b>Activity status</b>
(A1)	Activities that comply with all the relevant permitted activity standards	P
(A2)	Activities that do not comply with a permitted activity standard	RD

#### **E25.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E25.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E25.6. Standards**

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

##### **E25.6.1. General standards**

- (1) Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply.
- (2) The application of an adjustment for noise containing special audible characteristics in terms of Appendix B4 Special Audible Characteristics in New Zealand Standard NZS 6802:2008 Acoustics – Environmental noise may apply to the A weighted level for any measurement but an adjustment must not be applied to any level measured in the 63Hz and 125Hz octave bands.

- (3) The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS6803:1999 Acoustics – Construction noise.
- (4) The noise limits of the Plan do not apply to emergency service sirens and callout sirens during emergency situations.
- (5) Where more than one standard applies that requires insulation of a noise-sensitive space from an external noise source, the standards must be applied cumulatively.
- (6) Where standards are provided for specific activities, the zone interface standards and the zone standards do not apply to that activity.

*Noise levels arising from activities within zones*

**E25.6.2. Maximum noise levels in residential zones**

- (1) The noise (rating) levels and maximum noise level arising from any activity in the Residential – Large Lot Zone, Residential – Rural and Coastal Settlement Zone, Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Residential – Mixed Housing Urban Zone and the Residential – Terrace Housing and Apartment Buildings Zone measured within the boundary of an adjacent site in these residential zones must not exceed the levels in Table E25.6.2.1 Noise levels in residential zones below:

**Table E25.6.2.1 Noise levels in residential zones**

<b>Time</b>	<b>Noise level</b>
Monday to Saturday 7am-10pm	50dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	40dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

- (2) The levels for the daytime hours in Table E25.6.2.1 Noise levels in residential zones may be exceeded by intermittent noise for reasonable periods where that noise is associated with normal household activities, such as lawn mowing or home handyman work.

**E25.6.3. Noise levels in rural and future urban zones**

- (1) The noise (rating) level from any activity in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or the Future Urban Zone measured within the notional boundary on any site in any rural zone must not exceed the limits in Table E25.6.3.1 Noise levels in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or the Future Urban Zone below:

**Table E25.6.3.1 Noise levels in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or the Future Urban Zone**

Time	Noise level
Monday to Saturday 7am-10pm	55dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	45dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

- (2) The noise (rating) level from any activity in the Rural – Rural Conservation Zone; Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone; or the Rural – Waitākere Ranges Zone measured within the notional boundary on any site in any rural zone must not exceed the limits in Table E25.6.3.2 Noise levels in the Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone; or Rural – Waitākere Ranges Zone below:

**Table E25.6.3.2 Noise levels in the Rural – Rural Conservation Zone Countryside Living Zone, Rural – Waitākere Foothills Zone; or the Rural – Waitākere Ranges Zone**

Time	Noise level
Monday to Saturday 7am-10pm	50 dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	40 dB L <sub>Aeq</sub> 75 dB L <sub>AFmax</sub>

- (3) Standards E25.6.3(1) and E25.6.3(2) above do not apply to any of the following:
- (a) animal noise on farms unless they are confined within a building or enclosure on a permanent or semi-permanent basis;
  - (b) the use of mobile agricultural horticultural or forestry vehicles or machinery, or other mobile or portable agricultural, horticultural or forestry equipment; and

**Note 1**

The operator of such vehicles or machinery is required by the Resource Management Act 1991 to adopt the best practicable option to ensure that noise emissions do not exceed a reasonable level, which will depend on the time they are used, how loud they are, how long it is used for and how often it is used near rural dwellings.

- (c) the use of post-harvest facilities including vehicle access ways and milking sheds set back at least 100m from a notional boundary.

**E25.6.4. Bird scaring devices in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone and the Future Urban Zone**

- (1) Bird scaring or bird repelling devices in the in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone and the Future Urban Zone must not operate:
  - (a) between the hours of sunset and sunrise; and
  - (b) at a frequency of more than six times in any 60-minute period with no more than three shots in rapid succession; and
  - (c) where the noise level measured within the notional boundary on any other site exceeds 85dB  $L_{Zpeak}$ .
- (2) Standard E25.6.4(1) above does not apply to bird scaring devices that generate a noise level less than 70 dB  $L_{Zpeak}$  measured at the notional boundary on another site.

**E25.6.5. Noise levels in the Business – Heavy Industry Zone or the Business – Light Industry Zone**

- (1) The noise (rating) level arising from an activity in the Business – Heavy Industry Zone or the Business – Light Industry Zone measured within the boundary of any other site in those zones must not exceed the limits in Table E25.6.5.1 Noise levels in the Business – Heavy Industry Zone or the Business – Light Industry Zone below:

**Table E25.6.5.1 Noise levels in the Business – Heavy Industry Zone or the Business – Light Industry Zone**

Time	Business – Heavy Industry Zone	Business – Light Industry Zone
All times	70dB $L_{Aeq}$	65dB $L_{Aeq}$

**E25.6.6. Noise levels in the Business – General Business Zone or the Business – Business Park Zone**

- (1) The noise (rating) level arising from an activity in the Business – General Business Zone or the Business – Business Park Zone measured within the boundary of any other site in those zones must not exceed the limits in Table E25.6.6.1 Noise levels in the Business – General Business Zone and the Business – Business Park Zone below:



**Table E25.6.6.1 Noise levels in the Business – General Business Zone or the Business – Business Park Zone**

Time	Business – General Business Zone	Business – Business Park Zone
All times	65dB L <sub>Aeq</sub>	60dB L <sub>Aeq</sub>

**E25.6.7. Noise levels in the Business – Local Centre Zone or the Business – Neighbourhood Centre Zone**

- (1) The noise (rating) level and maximum noise level arising from any activity in the Business – Local Centre Zone or the Business – Neighbourhood Centre Zone measured or assessed as the incident level on the façade of any building on any other site in the Business – Local Centre Zone or the Business – Neighbourhood Centre Zone must not exceed the levels in Table E25.6.7.1 Noise levels in the Business – Local Centre Zone or the Business – Neighbourhood Centre Zone below:

**Table E25.6.7.1 Noise levels in the Business – Local Centre Zone or the Business – Neighbourhood Centre Zone**

Time	Business – Local Centre Zone	Business – Neighbourhood Centre Zone
7am - 10pm	60dB L <sub>Aeq</sub>	60dB L <sub>Aeq</sub>
10pm - 7am	50dB L <sub>Aeq</sub> 60dB at 63 Hz L <sub>eq</sub> 55dB at 125 Hz L <sub>eq</sub> 75dB L <sub>AFmax</sub>	50dB L <sub>Aeq</sub> 60dB at 63 Hz L <sub>eq</sub> 55dB at 125 Hz L <sub>eq</sub> 75dB L <sub>AFmax</sub>

**E25.6.8. Noise levels in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone or the Business – Mixed Use Zone**

- (1) The noise (rating) level and maximum noise level arising from any activity in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone or the Business – Mixed Use Zone measured or assessed as the incident level on the façade of any building on any other site in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone or the Business – Mixed Use Zone must not exceed the limits in Table E25.6.8.1 Noise levels in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone or the Business – Mixed Use Zone below:

**Table E25.6.8.1 Noise levels in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone or the Business – Mixed Use Zone**

Time	Business – City Centre Zone	Business – Metropolitan Centre Zone	Business – Town Centre Zone	Business – Mixed Use Zone
7am - 11pm	65 dB $L_{Aeq}$	65 dB $L_{Aeq}$	65dB $L_{Aeq}$	65dB $L_{Aeq}$
11pm – 7am	60dB $L_{Aeq}$ 65dB at 63 Hz $L_{Aeq}$ 60dB at 125 Hz $L_{Aeq}$ 75dB $L_{AFmax}$	60dB $L_{Aeq}$ 65dB at 63 Hz $L_{Aeq}$ 60dB at 125 Hz $L_{Aeq}$ 75dB $L_{AFmax}$	55dB $L_{Aeq}$ 65dB at 63 Hz $L_{eq}$ 60dB at 125 Hz $L_{eq}$ 75dB $L_{AFmax}$	55dB $L_{Aeq}$ 65dB at 63 Hz $L_{eq}$ 60dB at 125 Hz $L_{eq}$ 75dB $L_{AFmax}$

- (2) The 63Hz and 125Hz octave band limits do not apply to fixed mechanical plant.

**E25.6.9. Noise levels between units in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone**

- (1) In situations where common building elements such as floors and walls connect two units in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone the noise (rating) level arising from any activity measured in any unit must not exceed the levels in Table E25.6.9.1 Noise levels between units in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone. below:

**Table E25.6.9.1 Noise levels between units in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone**

Unit affected	Time	Noise level
In all units except those containing activities sensitive to noise	At all times	50dB L <sub>Aeq</sub>
In bedrooms and sleeping areas within units containing activities sensitive to noise	Between 10pm and 7am in Business – Local Centre Zone and Business – Neighbourhood Centre Zone and Between 11pm and 7am in Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and the Business – Mixed Use Zone	35dB L <sub>Aeq</sub> 45dB at 63 Hz L <sub>eq</sub> 40dB at 125 Hz L <sub>eq</sub>
	Between 7am and 10pm in Business – Local Centre Zone and Business – Neighbourhood Centre Zone and Between 7am and 11pm in Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and the Business – Mixed Use Zone	40dB L <sub>Aeq</sub>
Other noise sensitive spaces	At all other times	40 dB L <sub>Aeq</sub>
<b>Note:</b> Adjustments for noise containing Special Audible Characteristics will only apply to A weighted levels		

- (2) The 63Hz and 125Hz octave band limits do not apply to fixed mechanical plant.

**E25.6.10. Noise levels for noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone**

- (1) Noise sensitive spaces must be designed and/or insulated so that the internal noise levels do not exceed the levels in Table E25.6.10.1 Noise levels for noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone below:

**Table E25.6.10.1 Noise levels for noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone**

Unit affected	Time	Level
Bedrooms and sleeping areas in the Business – Local Centre Zone and in the Business – Neighbourhood Centre Zone	Between 10pm and 7am	35dB L <sub>Aeq</sub> 45dB at 63 Hz L <sub>eq</sub> ; and 40dB at 125 Hz L <sub>eq</sub>
Bedrooms and sleeping areas in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and the Business – Mixed Use Zone	Between 11pm and 7am	35dB L <sub>Aeq</sub> 45dB at 63 Hz L <sub>eq</sub> and 40dB at 125 Hz L <sub>eq</sub>
Other noise sensitive spaces	At all other times	40 dBA L <sub>Aeq</sub>

- (2) The levels in Table E25.6.10.1 Noise levels for noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone above must be met based on the maximum level of noise permitted by the zone or precinct standards or any adjacent zone or precinct standards.
- (3) Where a new room is constructed that is subject to Standard E25.6.10(1) (internal acoustic insulation requirement) and the noise levels in Table E25.6.10.1 Noise levels for noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone (internal design noise level) can only be complied with when doors or windows to those rooms are closed, those rooms must, as a minimum:
- (a) be constructed to ensure compliance with the noise limits in Table E25.6.10.1 Noise levels for noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone; and
  - (b) for residential dwellings be mechanically ventilated and/or cooled to achieve either:
    - (i) an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; or

Note 1

Mechanical cooling must be provided for all habitable rooms (excluding bedrooms) provided that at least one mechanical cooling system must service every level of a dwelling that contains a habitable room (including bedrooms).

- (ii) a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:
  - six air changes per hour (ACH) for rooms with less than 30 per cent of the façade area glazed; or
  - 15 air changes per hour (ACH) for rooms with greater than 30 per cent of the façade area glazed; or
  - three air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.
- (c) for all other noise sensitive spaces provide mechanical cooling to achieve an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; and
- (d) provide relief for equivalent volumes of spill air; and
- (e) be individually controllable across the range of airflows and temperatures by the building occupants in the case of each system; and
- (f) have a mechanical ventilation and/or a cooling system that generates a noise level no greater than  $L_{Aeq}$  35 dB when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in Standard E25.6.10(3)(b)(i) and (ii) above.

**E25.6.11. Noise levels in the Coastal – Marina Zone [rcp/dp]**

- (1) The noise (rating) level arising from an activity in the Coastal – Marina Zone measured within the boundary of any other site in this zone must not exceed the levels in Table E25.6.7.1 Noise levels in the Coastal – Marina Zone.

**Table E25.6.7.1 Noise levels in the Coastal – Marina Zone**

Time	Coastal – Marina Zone
All times	60dB $L_{Aeq}$

**E25.6.12. Noise levels in the Special Purpose – Cemetery Zone or the Special Purpose – Māori Purpose Zone**

- (1) The noise (rating) level and maximum noise level from any activity measured within the boundary of any site in the Special Purpose – Cemetery Zone or the Special Purpose – Māori Purpose Zone must not exceed the levels in

Table E25.6.12.1 Noise levels in the Special Purpose – Cemetery Zone or the Special Purpose – Māori Purpose Zone.

**Table E25.6.12.1 Noise levels in the Special Purpose – Cemetery Zone or the Special Purpose – Māori Purpose Zone**

Time	Special Purpose – Cemetery Zone or Special Purpose – Māori Purpose Zone
Monday to Saturday 7am-10pm	50 dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	40 dB L <sub>Aeq</sub> 75 dB L <sub>AFmax</sub>

### E25.6.13. Noise levels in the Special Purpose – Healthcare Facility and Hospital Zone

- (1) The noise (rating) level from any activity measured within the boundary of any site in the Special Purpose – Healthcare Facility and Hospital Zone must not exceed the levels in Table E25.6.13.1 Noise levels in the Special Purpose – Healthcare Facility and Hospital Zone below:

**Table E25.6.13.1 Noise levels in the Special Purpose – Healthcare Facility and Hospital Zone**

Time	Special Purpose – Health Care Facility and Hospital Zone
Monday to Saturday 7am-10pm	55 dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	45 dB L <sub>Aeq</sub> 75 dB L <sub>AFmax</sub>

*Noise levels for activities between zones*

### E25.6.14. Noise levels at the coastal interface [rcp/dp]

- (1) The noise (rating) level generated by any activity in the coastal marine area or on a lake or river must not exceed the levels in Table E25.6.14.1 Noise levels at the coastal interface when measured within the boundary of a site in a residential zone or notional boundary of any site in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone; Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

**Table E25.6.14.1 Noise levels at the coastal interface**

Time	Noise level
7am-10pm	50dB L <sub>Aeq</sub>
10pm-7am	40dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

- (2) The noise levels in Standard E25.6.14(1) above do not apply to:
- (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels); and
  - (b) temporary activities in E40 Temporary activities.

**E25.6.15. Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or Future Urban Zone interface**

- (1) The noise (rating) level and maximum noise level from any activity in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or Future Urban Zone measured within the boundary of any site in a residential zone must not exceed the levels in Table E25.6.15.1 Noise levels at the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or Future Urban Zone interface below:

**Table E25.6.15.1 Noise levels at the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or Future Urban Zone interface**

Time	Noise level
Monday to Saturday 7am-10pm	55dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	45dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

- (2) Standard E25.6.15(1) above does not apply to:
- (a) animal noise on farms unless they are confined within a building or enclosure on a permanent or semi-permanent basis; or
  - (b) the use of mobile agricultural horticultural or forestry vehicles or machinery, or other mobile or portable agricultural, horticultural or forestry equipment; or

Note 1

The operator of such vehicles or machinery is required by the Resource Management Act 1991 to adopt the best practicable option to ensure that noise emissions do not exceed a reasonable level, which will depend on the time they are used, how loud they are, how long it is used for and how often it is used near dwellings.

- (c) the use of post-harvest facilities including vehicle access ways and milking sheds set back at least 100m from any residential zone.

**E25.6.16. Rural – Rural Conservation Zone, Rural – Countryside Living Zone Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone interface**

- (1) The noise (rating) level and maximum noise level from any activity in the Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone or the Rural – Waitākere Ranges Zone measured within the boundary of any site in a residential zone must not exceed the levels in Table E25.6.16.1 Noise levels at the Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone or the Rural – Waitākere Ranges Zone.

**Table E25.6.16.1 Noise levels at the Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone or the Rural – Waitākere Ranges Zone**

Time	Noise level
Monday to Saturday 7am-10pm	50dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	40dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

- (2) Standard E25.6.16(1) above does not apply to:
  - (a) animal noise on farms unless they are confined within a building or enclosure on a permanent or semi-permanent basis; or
  - (b) the use of mobile agricultural horticultural or forestry vehicles or machinery, or other mobile or portable agricultural, horticultural or forestry equipment; or



## Note 1

The operator of such vehicles or machinery is required by the Resource Management Act 1991 to adopt the best practicable option to ensure that noise emissions do not exceed a reasonable level, which will depend on the time they are used, how loud they are, how long it is used for and how often it is used near dwellings.

- (c) the use of post-harvest facilities including vehicle access ways and milking sheds set back at least 100m from any residential zone.

**E25.6.17. Open Space – Sport and Active Recreation Zone interface**

- (1) The noise (rating) level and maximum noise level arising from any recreational activity in the Open Space – Sport and Active Recreation Zone measured within the boundary of a site in a residential zone or notional boundary of a site in a rural zone must not exceed the levels in Table E25.6.17.1 Noise levels at the Open Space – Sport and Active Recreation Zone interface below:

**Table E25.6.17.1 Noise levels at the Open Space – Sport and Active Recreation Zone interface**

Time	Noise level
Monday to Saturday 7am-10pm	55dB $L_{Aeq}$ Except that for a cumulative period of: (i) 3 hours per day between 7am and 9.30pm Monday to Friday; and (ii) 6 hours between 7am and 10pm on Saturdays. the noise level must not exceed 60dB $L_{Aeq}$
Sundays and Public Holidays 9am to 6pm outside the daylight saving period	55dB $L_{Aeq}$ Except that for a cumulative period of 3 hours between 10am and 3pm on Sundays the noise level must not exceed 60dB $L_{Aeq}$
Sundays and Public Holidays 8am to 7pm during the daylight saving period	55dB $L_{Aeq}$ Except that for a cumulative period of 3 hours between 10am and 3pm Sundays the noise level must not exceed 60dB $L_{Aeq}$
All other times	40dB $L_{Aeq}$ 55dB $L_{eq}$ at 63 Hz 50dB $L_{eq}$ at 125 Hz 75dB $L_{AFmax}$

## Note 1

Compliance with the lower noise limit of 40dB  $L_{Aeq}$  applying at all other times in Table E25.6.17.1 Noise levels at the Open Space – Sport and Active Recreation Zone interface may preclude intense, noisy activities or activities involving teams or groups from being undertaken where the receivers of noise are close to boundaries.

- (2) The noise (rating) level and maximum noise level from the use of any voice or music amplification system associated with recreational activity in the Open Space – Sport and Active Recreation Zone measured within the boundary of a site in a residential zone or notional boundary of a site in a rural zone must not exceed the levels in Table E25.6.17.2 Noise levels from any voice or music amplification system associated with recreational activity on land zoned Open Space – Sport and Active Recreation Zone below:

**Table E25.6.17.2 Noise levels from any voice or music amplification system associated with recreational activity on land zoned Open Space – Sport and Active Recreation Zone**

Time	Noise level
Monday to Saturday 7am-10pm	50dB $L_{Aeq(5min)}$
Sunday and Public Holidays 9am-6pm	
All other times	40dB $L_{Aeq(5min)}$ 55dB $L_{eq(5min)}$ at 63 Hz 50dB $L_{eq(5min)}$ at 125 Hz 75dB $L_{AFmax}$

- (a) No five minute measurement may exceed the stated limit.

**E25.6.18. Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Open Space – Civic Spaces Zone or Open Space – Community Zone interface**

- (1) The noise (rating) level and maximum noise level from any activity in the Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Open Space – Civic Spaces Zone or Open Space – Community Zone when measured within the boundary of a site in a residential zone or notional boundary of a site in a rural zone must not exceed the levels in Table E25.6.18.1 Noise levels at the Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Open Space – Civic Spaces Zone or Open Space – Community Zone interface below:

**Table E25.6.18.1 Noise limits at the Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Open Space – Civic Spaces Zone or Open Space – Community Zone interface**

Time	Noise level
Monday to Saturday 7am-10pm	50dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	40dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

#### E25.6.19. Business zones interface

- (1) The noise (rating) and maximum noise level from any activity in the business zones must not exceed the levels in Table E25.6.19.1 Noise levels at the business zone interface when measured within the boundary of a site in a residential zone or within the notional boundary of property in a rural zone.

**Table E25.6.19.1 Noise levels at the business zone interface**

Time	Noise level
Monday to Saturday 7am-10pm	55dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	45dB L <sub>Aeq</sub> 60dB L <sub>eq</sub> at 63 Hz 55dB L <sub>eq</sub> at 125 Hz 75dB L <sub>AFmax</sub>

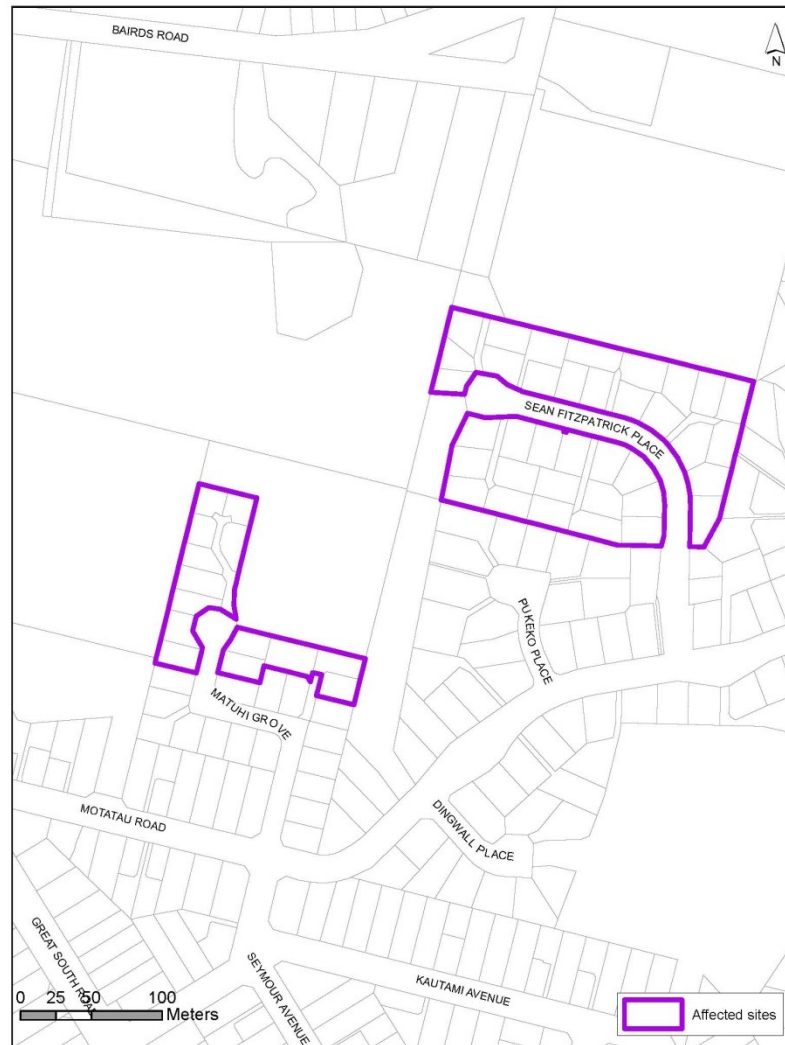
- (2) These noise limits in Standard E25.6.19(1) above do not apply to any of the following:
- (a) the noise from vehicles moving on roads controlled by Auckland Council or Auckland Transport; or
  - (b) the noise affecting 11, 13, and 15 Harrison Road as generated on the Fulton Hogan sites at 7 Reliable Way (Lot 2, DP 114222, CT NA65A/209) and 4 Reliable Way Mt Wellington (Lot 3, DP 363738, CT 259289). Instead, the noise (rating) level arising from the Fulton Hogan sites must comply with a limit of 60dB L<sub>Aeq</sub> when measured within the boundary of 11, 13 or 15 Harrison Road; or
  - (c) the noise affecting the sites identified in Table E25.6.19.2 Affected sites and on Figure E25.6.19.1 Affected sites as generated on the DB Waitemata Breweries site and 3 Bairds Road, Ōtahuhu (being PT Lot 4 DP 22498, Lot 1, DP 29149, PT Lot 4 DP 15832, PT Lot 2 DP 31817, PT Lot 9 DP 26107, Lot 1 DP 31104, PT Lot 10 DP 7281 all on CT 443069). Instead, the noise (rating) level arising from the DB Waitemata Breweries site must comply with a limit of 65dB L<sub>Aeq</sub> with a maximum noise limit of

90dB  $L_{AFmax}$  applying only between the hours of 10pm and 7am when measured within the boundary of the sites identified in Table E25.6.19.2 Affected sites and shown on Figure E25.6.19.1 Affected sites below:

**Table E25.6.19.2 Affected sites**

Lot 1 DP 205759	Lot 10 DP 205759
Lot 14 DP 205759	Lot 2 DP 205759
Lot 22 DP 205759	Lot 4 DP 205759
Lot 25 DP 205759	Lot 8 DP 205759
Lot 26 DP 205759	Lot 17 DP 205759
Lot 31 DP 205759	Lot 12 DP 205759
Lot 304 DP 205759	Lot 11 DP 205759
Lot 6 DP 205759	Lot 15 DP 205759
Lot 302 DP 205759	Lot 300 DP 205759
Lot 301 DP 205759	Lot 24 DP 205759
Lot 18 DP 205759	Lot 28 DP 205759
Lot 19 DP 205759	Lot 34 DP 205759
Lot 23 DP 205759	Lot 35 DP 205759
Lot 29 DP 205759	Lot 14 DP 335896
Lot 33 DP 205759	Lot 18 DP 335896
Lot 13 DP 205759	Lot 7 DP 335896
Lot 16 DP 205759	Lot 8 DP 335896
Lot 7 DP 205759	Lot 9 DP 335896
Lot 9 DP 205759	Lot 13 DP 335896
Lot 3 DP 205759	Lot 15 DP 335896
Lot 5 DP 205759	Lot 16 DP 335896
Lot 21 DP 205759	Lot 17 DP 335896
Lot 27 DP 205759	Lot 31 DP 341162
Lot 30 DP 205759	Lot 28 DP 341162
Lot 32 DP 205759	Lot 29 DP 341162
Lot 303 DP 205759	Lot 30 DP 341162
Lot 36 DP 205759	Lot 100 DP 341162
Lot 37 DP 205759	Lot 27 DP 341162

Figure E25.6.19.1 Affected sites



**E25.6.20. Noise levels at the Coastal – Marina Zone interface**

- (1) The noise (rating) levels and maximum noise level from any activity on land in the Coastal – Marina Zone must not exceed the levels in Table E25.6.20.1 Noise levels at the Coastal Marina Zone interface when measured within the boundary of a site in a residential zone or within the notional boundary of property in a rural zone.

**Table E25.6.20.1 Noise levels at the Coastal – Marina Zone interface**

Time	Noise level
Monday to Saturday 7am-10pm	55dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	45dB L <sub>Aeq</sub> 60dB L <sub>eq</sub> at 63 Hz 55dB L <sub>eq</sub> at 125 Hz 75dB L <sub>AFmax</sub>

- (2) The noise levels in Standard E25.6.20(1) above do not apply to the noise from vehicles moving on roads controlled by Council or Auckland Transport.

**E25.6.21. Schools interface**

- (1) The noise (rating) level and maximum noise level from any neighbouring activity measured within the boundary of any school not located in the Special Purpose – School Zone must not exceed the levels in Table E25.6.21.1 Noise levels from any neighbouring activity measured within the boundary of any school not located in a Special Purpose – School Zone.

**Table E25.6.21.1 Noise levels from any neighbouring activity measured within the boundary of any school not located in a Special Purpose – School Zone:**

Time	Noise level
Monday to Saturday 7am-10pm	55dB L <sub>Aeq</sub>
Sunday 9am-6pm	
All other times	45dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

**E25.6.22. All other zone interfaces**

- (1) Except as provided for in Standards E25.6.14 to E25.6.21 above, where noise generated by any activity on a site in one zone is received by any activity on a site in a different zone, the activity generating the noise must comply with the noise limits and standards of the zone at the receiving site.

*Noise arising from specific activities***E25.6.23. Noise levels for care centres for a childcare centre, creche, kindergarten, kohanga reo, play centre, play group, early childhood learning service or an after school care centre**

- (1) The noise (rating) level arising from any care centres for a childcare centre, creche, kindergarten, kohanga reo, play centre, play group, early childhood learning service or an after school care centre in any zone when measured within the boundary of any site in a residential zone must not exceed the levels in Table E25.6.23.1 Noise levels for care centres for a childcare centre, creche, kindergarten, kohanga reo, play centre, play group, early childhood learning service or an after school care centre unless the relevant zone in which the care centres for a childcare centre, creche, kindergarten, kohanga reo, play centre, play group, early childhood learning service or an after school care centre is located provides for higher levels.

**Table E25.6.23.1 Noise levels for care centres for a childcare centre, creche, kindergarten, kohanga reo, play centre, play group, early childhood learning service or an after school care centre**

Time	Noise level
Monday to Friday 7am-6pm	55dB L <sub>Aeq</sub>
All other times	40dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

**E25.6.24. Noise levels for a primary school, intermediate school, secondary school or tertiary education facility**

- (1) The noise (rating) level arising from the operation of a primary, intermediate school, secondary school or tertiary education facility must comply with the noise levels in Table E25.6.24.1 Noise levels for a primary school, intermediate school, secondary school or tertiary education facility when measured within the boundary of any residentially zoned site.

**Table E25.6.24.1 Noise levels for a primary school, intermediate school, secondary school or tertiary education facility**

Time	Noise level
Monday to Saturday 7am to 10pm	55dB L <sub>Aeq</sub>
Sunday 9am to 6pm	
All other times	45dB L <sub>Aeq</sub> 75dB L <sub>AFmax</sub>

## Note 1

Compliance with the noise levels of 45dB  $L_{Aeq}$  and 75dB  $L_{AFmax}$  applying at all other times in Table E25.6.24.1 Noise levels for a primary school, intermediate school, secondary school or tertiary education facility may mean that functions, events, and other activities utilising buildings, car parks, accessways and open space proximate to any activity sensitive to noise may need to be restricted in terms of finishing time or noise level.

- (2) These noise limits do not apply to noise from school sports and school recreational activities occurring between 8am and 6pm Monday to Saturday.

**E25.6.25. Noise levels for wind turbines or wind farms**

- (1) At any wind speed, the  $L_{A90(10min)}$  sound level from a wind turbine generator or wind farm must not exceed the background sound level by more than 5dB, or a level of 40dB  $L_{A90(10min)}$  whichever is the greater when measured within the notional boundary on any property which is a noise sensitive location as defined in New Zealand Standard 6808: 2010 Acoustics – Wind farm noise.
- (2) The noise level generated by wind farms must be measured and assessed in accordance with New Zealand Standard 6808:2010 Acoustics – Wind farm noise.

**E25.6.26. Noise levels for electricity generators**

- (1) The noise (rating) level and maximum noise level arising from the use of any electricity generator in a rural zone or a residential zone powered by an internal combustion engine measured within the boundary of any site in a residential zone or the notional boundary of any site in a rural zone must not exceed the levels in Table E25.6.26.1 Noise levels for electricity generators.

**Table E25.6.26.1 Noise levels for electricity generators**

Time	Noise level
7am to 10pm	40dB $L_{Aeq}$
10pm to 7am	30dB $L_{Aeq}$ 75dB $L_{AFmax}$

- (2) Standard E25.6.26(1) does not apply to generators in use prior to the 30 September 2013. For generators established on or before 30 September 2013 the noise limits for the relevant zone or zone interface apply.



*Construction noise***E25.6.27. Construction noise levels in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone**

- (1) Noise from construction activities in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone must not exceed the levels in 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 when measured 1m from the façade of any building that contains an activity sensitive to noise that is occupied during the works.

**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**

Time of week	Time Period	Maximum noise level (dBA)	
		L <sub>eq</sub>	L <sub>max</sub>
Weekdays	6:30am - 7:30am	60	75
	7:30am - 6:00pm	75	90
	6:00am - 8:00pm	70	85
	8:00pm - 6:30am	45	75
Saturdays	6:30am - 7:30am	45	75
	7:30am - 6:00pm	75	90
	6:00am - 8:00pm	45	75
	8:00pm - 6:30am	45	75
Sundays and public holidays	6:30am - 7:30am	45	75
	7:30am - 6:00pm	55	85
	6:00pm - 8:00pm	45	75
	8:00pm - 6:30am	45	75

- (2) Noise from construction activities in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone must not exceed the levels in Table E25.6.27.2 Construction noise levels for noise affecting any other activity when measured 1m from the façade of any other building that is occupied during the works.

**Table E25.6.27.2 Construction noise levels for noise affecting any other activity**

Time Period	Maximum noise levels Leq dBA
7:30am – 6:00pm	75
6:00pm – 7:30am	80

- (3) For a project involving a total duration of construction work that is less than 15 calendar days, the noise levels in 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 and Table E25.6.27.2 Construction noise levels for noise affecting any other activity above may be increased by 5dB in all cases.
- (4) For a project involving a total duration of construction work that is more than 20 weeks the noise limits in 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 and Table E25.6.27.2 Construction noise levels for noise affecting any other activity above may be decreased by 5dB in all cases.

### **E25.6.28. Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone**

- (1) Construction activities in the Business – City Centre Zone and the Business – Metropolitan Centre Zone must comply with Standard E25.6.27(1) above for any receiver not in a Business – City Centre Zone or a Business – Metropolitan Centre Zone and must not exceed the levels in 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 and 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 when measured for any 30 minute period 1m from the façade of any building in the Business – City Centre Zone or the Business – Metropolitan Centre Zone that is occupied during the work.

**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**

<b>Construction of less than 15 consecutive calendar days duration (total duration of works)</b>		
<b>Time</b>	<b>L<sub>Aeq</sub>(30 min)</b>	<b>L<sub>AFmax</sub></b>
Monday to Friday 6.30am - 10.30pm	80 dB	90 dB
Saturday 7am - 11pm	85 dB	90 dB
Sunday 9am - 7pm	80 dB	90 dB
All other times (night time)	60 dB	75 dB
All other times in the City Centre Residential Precinct and the Learning Precinct	55 dB	75 dB

**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**

<b>Construction of 15 consecutive calendar days or more (total duration of works)</b>		
<b>Time</b>	<b>L<sub>Aeq(30 min)</sub></b>	<b>L<sub>AFmax</sub></b>
Monday to Friday 6.30am-10.30pm	75 dB	90 dB
Saturday 7am-11pm	80 dB	90 dB
Sunday 9am-7pm	65 dB	85 dB
All other times (night time)	60 dB	75 dB
All other times in the City Centre Residential Precinct and the Learning Precinct	55 dB	75dB

Where external measurement of construction noise is impractical or inappropriate, the upper limits for the noise measured inside the building will be 20dB less than the relevant levels in 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 and 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 above.

**E25.6.29. Construction noise levels for work within the road**

- (1) Noise from any construction, maintenance and demolition activities in the road must meet 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.

- (2) 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 10pm and 7am where:
- (a) the number of nights 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
    - (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;at any one receiver is 3 nights or less; and
  - (b) the works cannot practicably be carried out during the day or because the road controlling authority requires this work to be done at night time; or
  - (c) because of the nature of the works the noise produced cannot be practicably be made to comply with the relevant noise 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
  - (d) 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; or

(e) for minor planned works 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.

(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

(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;

at any one receiver is 10 or less; or

(b) because of the nature of the works and the proximity of receivers the noise generated cannot practicably be made to comply with the relevant noise levels of the following tables:

(i) Table E25.6.27.1 Construction noise limits 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 limits for noise affecting any other activity; or

(iii) Table E25.6.28.1 Construction noise limits 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 limits for construction of 15 consecutive calendar days or more duration in the Business – City Centre Zone and the Business – Metropolitan Centre Zone; or

(c) 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; or

- (d) for planned works where the works will take more than 8 hours to complete 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.
- (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:
- (a) the number of nights 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
    - (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;at any one receiver is 20 days or less; and
  - (b) milling, concrete cutting, percussive demolition are completed by 10.30pm; and
  - (c) the works cannot practicably be carried out during the day or because the road controlling authority requires this work to be done at night time; and
  - (d) because of the nature of the works the noise produced cannot be practicably be made to comply with the relevant noise 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; and
  - (e) 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
  - (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.
- (5) A construction noise and vibration management plan must be prepared by a suitably qualified and experienced person and include the following:
  - (a) details of the community consultation to be undertaken to advise the occupiers of properties located within 100m of the proposed works of all of the following:
    - (i) the area affected by the work;
    - (ii) why the work is required to be undertaken at night (where relevant);
    - (iii) the times and days when the noise and vibration is likely to be generated;
    - (iv) a contact name and number of the works supervisor who can be contacted if any issues arise; and
    - (v) how noise and vibration complaints will be managed and responded to;
  - (b) a description of the works and its duration, anticipated equipment to be used and the processes to be undertaken; and
  - (c) identification of the best practicable options that will be undertaken to mitigate and minimise any noise 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.

(6) For the purpose of Standards E25.6.29(1) to E25.6.29(4) 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.

### *Vibration*

#### **E25.6.30. Vibration**

- (1) Construction and demolition activities must be controlled to ensure any resulting vibration does not exceed:
  - (a) the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site; and
  - (b) the limits in Table E25.6.30.1 Vibration limits in buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building.

**Table E25.6.30.1 Vibration limits in buildings**

<b>Receiver</b>	<b>Period</b>	<b>Peak Particle Velocity Limit millimetres/second</b>
Occupied activity sensitive to noise	Night-time 10pm to 7am	0.3 mm/s
	Daytime 7am to 10pm	2 mm/s
Other occupied buildings	At all times	2 mm/s

Works generating vibration for three days or less between the hours of 7am to 6pm may exceed the limits in Table E25.6.30.1 Vibration limits in buildings above, but must comply with a limit of 5mm/s peak particle velocity in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building, where:



- (i) all occupied buildings within 50m of the extent of the works generating vibration are advised in writing no less than three days prior to the vibration-generating works commencing; and
  - (ii) the written advice must include details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.
- (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

*Blasting***E25.6.31. Noise levels for blasting**

- (1) The noise created by the use of explosives for any blasting activity measured at the boundary of the site on which the explosives are used must not exceed a peak sound pressure of 120 dB ( $L_{zpeak}$ ).
- (2) The noise created by the use of explosives for construction activities must not exceed a peak sound pressure level of 120dBC measured 1m from the façade of any occupied building.

*Helicopter noise***E25.6.32. Noise levels for helicopters take-off or landing**

- (1) The take-off or landing of a helicopter on any site except for emergency services must not exceed  $L_{dn}$  50dB or 85dB  $L_{AFmax}$  measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and  $L_{dn}$  60dBA within the boundary of any other site.

*Transport noise*

**E25.6.33. Noise levels for traffic from new and altered roads**

- (1) All new roads and all altered roads that are within the scope of New Zealand Standard NZS 6806: 2010 Acoustics – Road traffic noise – New and altered roads must comply with the requirements of New Zealand Standard NZS 6806: 2010 Acoustics – Road traffic noise – New and altered roads.

**E25.7. Assessment – controlled activities**

There are no controlled activities in this section.

**E25.8. Assessment – restricted discretionary activities**

**E25.8.1. Matters of discretion**

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

- (1) for noise and vibration:
- (a) the effects on adjacent land uses particularly activities sensitive to noise; and
  - (b) measures to avoid, remedy or mitigate the adverse effects of noise.
- (2) for internal noise levels of noise sensitive spaces in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone:
- (a) reverse sensitivity effects; and
  - (b) alternative temperature control solutions.

**E25.8.2. Assessment criteria**

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

- (1) for noise and vibration:
- (a) whether activities can be managed so that they do not generate unreasonable noise and vibration levels on adjacent land uses particularly activities sensitive to noise;
  - (b) the extent to which the noise or vibration generated by the activity:
    - (i) will occur at times when disturbance to sleep can be avoided or minimised; and
    - (ii) will be compatible with activities occurring or allowed to occur in the surrounding area; and
    - (iii) will be limited in duration, or frequency or by hours of operation; and

- (iv) will exceed the existing background noise and vibration levels in that environment and the reasonableness of the cumulative levels; and
    - (v) can be carried out during daylight hours, such as road works and works on public footpaths.
  - (c) the extent to which the effects on amenity generated by vibration from construction activity:
    - (i) will be mitigated by written advice of the activity to adjacent land uses prior to the activity commencing; and
    - (ii) can be mitigated by monitoring of structures to determine risk of damage to reduce occupant concern; and
    - (iii) can be shown to have been minimised by the appropriate assessment of alternative options; and
    - (iv) are reasonable taking into account the level of vibration and the duration of the activity (where levels of 10mm/s peak particle velocity may be tolerated only for very brief periods).
  - (d) whether the measures to minimise the noise or vibration generated by the activity represent the best practicable option.
- (2) for works in the road or rail corridor:
- (a) whether the effects on amenity values and sleep quality generated by construction activity in the road or rail corridor are reasonable taking into account the background noise levels.
- (3) for reverse sensitivity effects:
- (a) whether the activity or infringement proposed will unduly constrain the operation of existing activities (excluding construction or demolition activities).
- (4) for noise in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Neighbourhood Centre Zone or the Business – Mixed Use Zone:
- (a) in addition to the assessment criteria in E25.8.2(1) above, all of the following will be considered:
    - (i) the background noise at the affected receivers and the extent to which this is proposed to be exceeded;
    - (ii) the level of existing sound insulation (where that information is available) and ventilation options for affected receivers existing as at the date of notification of the Plan; and
    - (iii) the frequency and duration of the exceedance.
- (5) for alternative temperature control solutions:

- (a) whether alternative solutions such as passive or mixed-mode cooling can provide a sufficient thermal comfort level that can be maintained having regard to ASHRAE (US) Standard 55:2013 - Thermal environmental conditions for human occupancy, CIBSE (UK) Technical Memorandum TM52:2013 – The limits of thermal comfort: avoiding overheating in European buildings, BS EN 15251:2007 – Indoor environmental input parameters for design and assessment of energy performance of buildings addressing indoor air quality, thermal environment, lighting and acoustics.

**E25.9. Special information requirements**

There are no special information requirements in this section.

**E26. Infrastructure**

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

**E26.1. Introduction and other relevant regulatory requirements****E26.1.1. Introduction**

Infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment. This section provides a framework for the development, operation, use, repair, maintenance, repair, upgrading and removal of infrastructure.

As well as benefits infrastructure can have a range of adverse effects on the environment, visual amenity of an area, and public health and safety. The sensitivity of adjacent activities, particularly residential, to these effects can lead to complaints and ultimately constraints on the operation of infrastructure. Managing these reverse sensitivity effects is essential. Equally in some circumstances other activities and development need to be managed in a way that does not impede the operation of infrastructure.

Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts), such as the National Grid Corridor Overlay, Auckland Airport Precinct and the Strategic Transport Corridor Zone are also provided throughout the plan and should be referred to where applicable. Designations may also provide for infrastructure.

The overlay and Auckland-wide provisions that are included in this section are set out in Table E26.1.1.1.

**Table E26.1.1.1 Structure**

<b>Overlay or Auckland-wide provisions</b>	<b>E26 sub-section reference</b>	<b>Page number</b>
Network utilities and electricity generation – All zones and roads	<a href="#">E26.2 Network utilities and electricity generation – All zones and roads</a>	3
D9 Significant Ecological Areas Overlay  E15 Vegetation management and biodiversity	<a href="#">E26.3 Network utilities and electricity generation – Vegetation management</a>	30
D13 Notable Trees Overlay  E16 Trees in open space zones  E17 Trees in roads	<a href="#">E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay</a>	40
E11 Land disturbance – Regional  E12 Land disturbance – District	<a href="#">E26.5 Network utilities and electricity generation – Earthworks all zones and roads</a>  <a href="#">E26.6 Network utilities and electricity generation – Earthworks overlays except</a>	49  62

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

### E26.1.2. Other relevant regulatory requirements

- (1) Where relevant, the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors will apply to the placement, maintenance, improvement and removal of utility structures in the road, unformed road and Strategic Transport Corridor.
- (2) The requirements of the Resource Management (National Environmental Standards for Electricity Transmission Activities "NESETA") Regulations 2009 apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s) that were operating or able to be operated on or prior to 14 January 2010 and remain part of the National Grid. In the case of conflict with any other provision of this plan, including any provision in the activity table in this section, the NESETA provisions shall prevail.

- (3) The Resource Management (National Environmental Standards for Telecommunication Facilities “NESTF”) Regulations 2008 provide for:
- (a) the planning and operation of a telecommunication facility such as a mobile phone transmitter, that generates radio frequency fields as a permitted activity provided it complies with the New Zealand Standard on Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300 GHz (NZS 2772.1: 1999);
  - (b) the installation of telecommunication equipment cabinets in the road reserve as a permitted activity, subject to specified limitations on their size and location;
  - (c) noise from telecommunication equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits; and
  - (d) the installation or replacement of masts and antennas on existing structures in the road reserve as a permitted activity, subject to specified limitations on height and size.
- (4) Compliance with the NZECP 34:2001 is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34:2001, including any activities that are otherwise permitted by the Plan must comply with this regulation.
- (5) Connections to a network utility require approval of the relevant network utility operator and works within roads require approval of the relevant road controlling authority.

## **E26.2. Network utilities and electricity generation – All zones and roads**

### **E26.2.1. Objectives [rp/dp]**

- (1) The benefits of infrastructure are recognised.
- (2) The value of investment in infrastructure is recognised.
- (3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.
- (4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.
- (5) The resilience of infrastructure is improved and continuity of service is enabled.
- (6) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (7) The national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance, repairs, upgrading and removal is enabled.
- (8) The use and development of renewable electricity generation is enabled.
- (9) The adverse effects of infrastructure are avoided, remedied or mitigated.

**E26.2.2. Policies [rp/dp]**

- (1) Recognise the social, economic, cultural and environmental benefits that infrastructure provides, including:
  - (a) enabling enhancement of the quality of life and standard of living for people and communities;
  - (b) providing for public health and safety;
  - (c) enabling the functioning of businesses;
  - (d) enabling economic growth;
  - (e) enabling growth and development;
  - (f) protecting and enhancing the environment;
  - (g) enabling the transportation of freight, goods, people; and
  - (h) enabling interaction and communication.
- (2) Provide for the development, operation, maintenance, repair, upgrade and removal of infrastructure throughout Auckland by recognising:
  - (a) functional and operational needs;
  - (b) location, route and design needs and constraints;
  - (c) the complexity and interconnectedness of infrastructure services;
  - (d) the benefits of infrastructure to communities with in Auckland and beyond;
  - (e) the need to quickly restore disrupted services; and
  - (f) its role in servicing existing, consented and planned development.

*Adverse effects on infrastructure*

- (3) Avoid where practicable, or otherwise remedy or mitigate adverse effects on infrastructure from subdivision, use and development, including reverse sensitivity effects, which may compromise the operation and capacity of existing, consented and planned infrastructure.

*Adverse effects of infrastructure*

- (4) Require the development, operation, maintenance, repair, upgrading and removal of infrastructure to avoid, remedy or mitigate adverse effects, including, on the:
  - (a) health, well-being and safety of people and communities, including nuisance from noise, vibration, dust and odour emissions and light spill;
  - (b) safe and efficient operation of other infrastructure;



- (c) amenity values of the streetscape and adjoining properties;
  - (d) environment from temporary and ongoing discharges; and
  - (e) values for which a site has been scheduled or incorporated in an overlay.
- (5) Consider the following matters when assessing the effects of infrastructure:
- (a) the degree to which the environment has already been modified;
  - (b) the nature, duration, timing and frequency of the adverse effects;
  - (c) the impact on the network and levels of service if the work is not undertaken;
  - (d) the need for the infrastructure in the context of the wider network; and
  - (e) the benefits provided by the infrastructure to the communities within Auckland and beyond.
- (6) Consider the following matters where new infrastructure or major upgrades to infrastructure are proposed within areas that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character:
- (a) the economic, cultural and social benefits derived from infrastructure and the adverse effects of not providing the infrastructure;
  - (b) whether the infrastructure has a functional or operational need to be located in or traverse the proposed location;
  - (c) the need for utility connections across or through such areas to enable an effective and efficient network;
  - (d) whether there are any practicable alternative locations, routes or designs, which would avoid, or reduce adverse effects on the values of those places, while having regard to E26.2.2(6)(a) - (c);
  - (e) the extent of existing adverse effects and potential cumulative adverse effects;
  - (f) how the proposed infrastructure contributes to the strategic form or function, or enables the planned growth and intensification, of Auckland;
  - (g) the type, scale and extent of adverse effects on the identified values of the area or feature, taking into account:
    - (i) scheduled sites and places of significance and value to Mana Whenua;
    - (ii) significant public open space areas, including harbours;
    - (iii) hilltops and high points that are publicly accessible scenic lookouts;

- (iv) high-use recreation areas;
  - (v) natural ecosystems and habitats; and
  - (vi) the extent to which the proposed infrastructure or upgrade can avoid adverse effects on the values of the area, and where these adverse effects cannot practicably be avoided, then the extent to which adverse effects on the values of the area can be appropriately remedied or mitigated.
- (h) whether adverse effects on the identified values of the area or feature must be avoided pursuant to any national policy statement, national environmental standard, or regional policy statement.
- (7) Enable the following activities within natural heritage, historic heritage, historic character and Mana Whenua cultural heritage overlays:
- (a) the use and operation of existing infrastructure; and
  - (b) the minor upgrading, maintenance and repair of existing infrastructure, while ensuring that the adverse effects on the values of the area are avoided and where those effects cannot practicably be avoided, minimise any such effects and ensure they are appropriately remedied or mitigated.
- (8) Encourage new linear infrastructure to be located in roads, and where practicable within the road reserve adjacent to the carriage way.

*Undergrounding of infrastructure in urban areas*

- (9) Require new or major upgrades to electricity and telecommunications lines to be located underground in urban areas unless:
- (a) there are significant operational, functional, technical or economic reasons that require an aboveground network; or
  - (b) the additional lines are part of minor upgrading to the network or are service connections.
- (10) Enable the coordinated undergrounding of existing electricity and telecommunications lines in the road, particularly where the opportunity exists when network improvements are undertaken.

*New technologies*

- (11) Provide flexibility for infrastructure operators to use new technological advances that:
- (a) improve access to, and efficient use of services;
  - (b) allow for the re-use of redundant services and structures where appropriate;
  - (c) result in environmental benefits and enhancements; and

- (d) utilise renewable sources.

*Renewable electricity generation*

- (12) Provide for renewable electricity generation activities to occur at different scales and from different sources, including small and community-scale renewable electricity generation activities.

*National Grid*

- (13) Have regard to the extent to which actual and potential effects have been avoided, remedied or mitigated by the route, site and method selected when assessing the development of the National Grid.

*Road network*

- (14) Require road network activities to:

- (a) avoid, remedy or mitigate adverse effects on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
- (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties and the streetscape; and
- (c) maintain or enhance the safety and efficiency of the transport network.

- (15) Ensure roads are designed, located and constructed to:

- (a) provide for the needs of all road users and modes of transport;
- (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties;
- (c) avoid, remedy or mitigate adverse construction effects including effects of vibration, noise, and dust;
- (d) avoid, remedy or mitigate adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
- (e) minimise severance effects and changes to drainage patterns; and
- (f) maintain or enhance the safety and efficiency of the transport network.

**E26.2.3. Activity table**

Table E26.2.3.1 Activity table specifies the activity status of land use and development activities in all zones and roads pursuant to sections 9(2), 9(3) and 12 of the Resource Management Act 1991.

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

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

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Activity		Roads, unformed roads and the Strategic Transport Corridor Zone	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
<b>General</b>								
(A1)	Operation, maintenance and repair of network utilities and electricity generation facilities in existence on 30 September 2013 or which have been lawfully established or granted resource consent	P	P	P	P	P	P	P
(A2)	Minor infrastructure upgrading of network utilities	P	P	P	P	P	P	P
(A3)	Service connections	P	P	P	P	P	P	P
(A4)	Minor utility structure	P	P	P	P	P	P	P
(A5)	Electric vehicle charging stations	P	P	P	P	P	P	P
(A6)	Removal of network utilities and electricity generation facilities	P	P	P	P	P	P	P
(A7)	Ancillary telecommunication equipment/devices and networks for supporting the operation of a network utility and/or electricity generation facility, including but not limited to smart meters, antennae and aerials(excludes microwave and satellite dish aerials)	P	P	P	P	P	P	P
(A8)	Pipes and cables for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications that are attached to existing structures	P	P	P	P	P	P	P
(A9)	Pipe and cable bridges for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications	P	P	P	P	P	P	P
(A10)	Air quality and meteorological monitoring structures and devices	P	P	P	P	P	P	P
(A11)	Temporary network utilities operating for less than 12 months	P	P	P	P	P	P	P
(A12)	Temporary signage during the construction of network utilities and electricity generation facilities, which is in place for no longer than 12 months	P	P	P	P	P	P	P
(A13)	Diesel or petrol electricity generators used for the emergency backup of any activities in Table E26.2.3.1 Activity Table	P	P	P	P	P	P	P
(A14)	Network utilities and energy storage inside existing buildings used for network utilities.	P	P	P	P	P	P	P
(A15)	Network utilities and energy storage within buildings where the network utilities or energy storage services that building	P	P	P	P	P	P	P
(A16)	Network utilities and electricity generation facilities not listed in Table E26.2.3.1 Activity Table	D	D	D	D	D	D	D
<b>Electricity transmission and distribution</b>								
(A17)	Distribution substations	P	P	P	P	P	P	P

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(A18)	Substations within new buildings *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C	RD#
(A19)	Substations within existing buildings	NA	P	P	P	P	P	P
(A20)	Substations within existing buildings that require an increase in building platform area or building height *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C	RD
(A21)	Unenclosed Substations *Business – Heavy Industry Zone	NA	RD#	D	D	D	D	D
(A22)	Underground electricity lines	P	P	P	P	P	P	P
(A23)	Pole mounted transformer * within areas of the Road, Unformed Road and Strategic Transport Corridor this activity shall have the same status as the adjacent zone ** Industrial zones *** within the areas of the Roads and Unformed Roads and Strategic Transport Corridor Zone, in rural and coastal towns; and serviced and un-serviced villages.	*	P	P	RD P***	RD P**	RD	RD
(A24)	Overhead electricity lines up to and including 110kV * within areas of the Road, Unformed Road and Strategic Transport Corridor this activity shall have the same status as the adjacent zone; *2 Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D P***
(A25)	Overhead electricity lines greater than 110kV * Business – Heavy Industry Zone	D	D	D	D	D	D	D
<b>Liquid fuels and gas transmission and distribution</b>								
(A26)	Underground gas distribution regulator stations	P	P	P	P	P	P	P
(A27)	Aboveground gas distribution regulator stations	P	P	P	P	P	P	P
(A28)	Aboveground gas and petroleum product transmission regulator, valve, or pump stations * Business – Heavy Industrial Zone	D	D	D	D	D	D	D
(A29)	Underground gas distribution pipelines at a gauge pressure not exceeding 2000 kilopascals, including any aerial crossings of streams using bridges or any other structures, and ancillary underground equipment and fittings	P	P	P	P	P	P	P
(A30)	Underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals including any aerial crossings of streams or other low lying areas using bridges or any other structures, and ancillary underground equipment and fittings	D	D	D	D	D	D	D
<b>Telecommunications</b>								
(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulation 7 of the NESTF	C	NA					
(A32)	Antennas attached to retaining walls, tunnels, bridges and other structures (other than replacement utility structures under the NESTF) in the road, unformed Road and Strategic Transport Corridor Zone	P	NA					
(A33)	Antennas attached to a building and/or structure where the face of the antenna does not exceed 1.5m <sup>2</sup> or 1.2m in diameter for dish antennas (excludes private television antennas and satellite dishes)	NA	P	P	RD	P	P	P
(A34)	Mast and attached antennas * within Business – Local Centre Zone and Business – Neighbourhood Centre Zone	RD# P**	P	P	D	P	P	RD#

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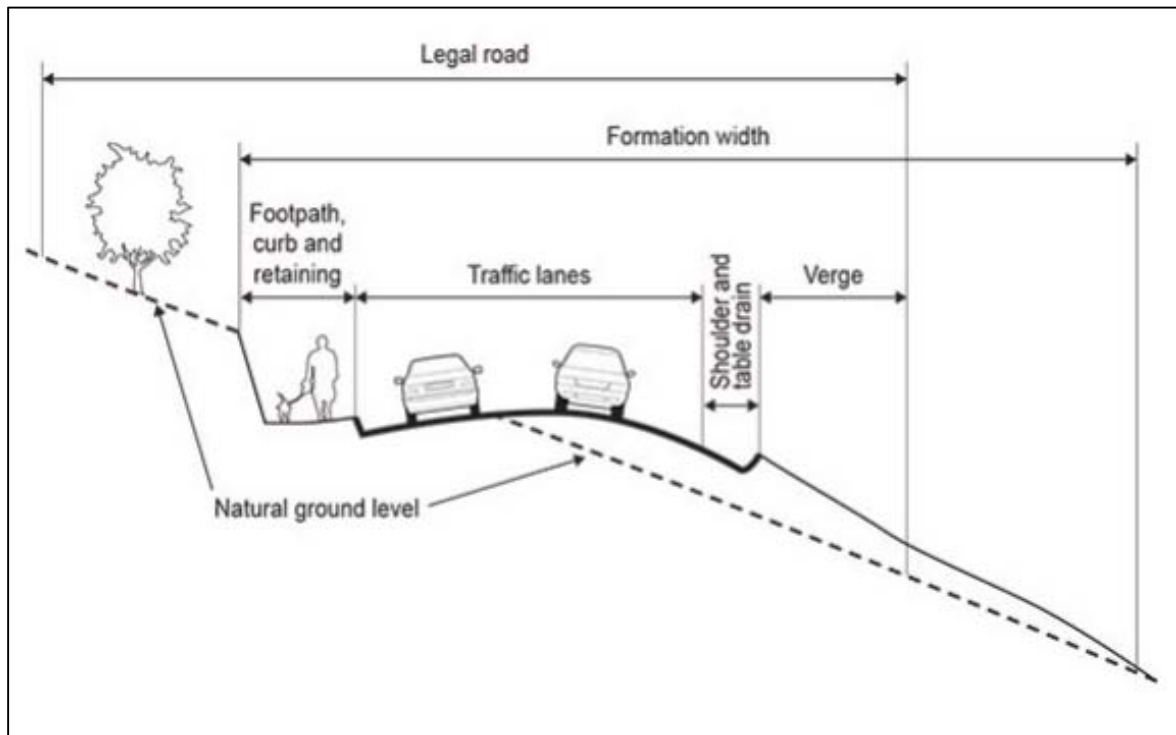
	** within the Strategic Transport Corridor zone							
(A35)	Antennas inside of new or existing buildings	P	P	P	P	P	P	P
(A36)	Antennas that do not exceed the following dimensions: GPS Antennas: <ul style="list-style-type: none"> <li>• 300mm high and 130mm in diameter</li> <li>• small cell units/antennas that do not exceed a volumetric dimension of 0.25m<sup>3</sup></li> </ul> Omni-directional antennas: <ul style="list-style-type: none"> <li>• 650mm high; and</li> <li>• 60mm in diameter</li> </ul>	P	P	P	P	P	P	P
(A37)	Externally mounted telecommunication satellite dishes attached to buildings not exceeding 0.8m in diameter and ancillary components	NA	P	P	P	P	P	P
(A38)	Telecommunication cabinets and shelters *that meet the permitted standards in NESTF if within a road	P*	P	P	P	P	P	P
(A39)	Telecommunication cabinets in roads and Strategic Transport Corridor zone that do not meet the permitted standards in NESTF (excludes rail corridors)	RD						
(A40)	Underground telecommunication lines and facilities	P	P	P	P	P	P	P
(A41)	Overhead telecommunication lines * within areas of the road, unformed road and Strategic Transport Corridor Zone this activity shall have the same status as the adjacent zone ** Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D
(A42)	Telecommunication kiosks	P	P	P	P	P	P	P
(A43)	Telephone exchanges	P	P	P	P	P	P	P
(A44)	Installation and operation of equipment inside existing telephone exchanges	P	P	P	P	P	P	P
<b>Amateur radio</b>								
(A45)	Amateur radio configurations	NC	P	P	P	P	P	P
(A46)	Amateur radio configurations that do not comply with Standard E26.2.5.3(25)	NC	D	D	D	D	D	D
<b>Water, wastewater and stormwater structures</b>								
(A47)	Underground reservoirs	P	P	P	P	P	P	P
(A48)	Above ground reservoirs	RD	P	P	RD	P	RD	RD
(A49)	Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines)	P	P	P	P	P	P	P
(A50)	Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater and stormwater	RD	RD	RD	RD	RD	RD	RD
(A51)	Water, wastewater and stormwater pump stations	P	P	P	P	P	P	P
(A52)	Water, wastewater and stormwater storage tanks	P	P	P	P	P	P	P
(A53)	Water treatment plants	D	P	P	RD	P	RD	RD
(A54)	Wastewater treatment plants	D	RD	D	D	RD	D	D
(A55)	Stormwater detention/retention ponds/wetlands	C	C	C	C	C	C	C
(A56)	Water, wastewater and stormwater outfalls and ancillary structures	P	P	P	P	P	P	P
(A57)	Ventilation facilities, drop shafts and manholes	P	P	P	P	P	P	P
(A58)	Stormwater treatment devices; erosion protection; culverts; measuring devices (flows structures)	P	P	P	P	P	P	P

<b>Electricity generation and its storage</b>								
(A59)	Small-scale electricity generation * solar electricity generation which is ancillary to network utilities located in roads and unformed roads and Strategic Transport Corridor Zone	NA P*	P	P	P	P	P	P
(A60)	Community-scale electricity generation * solar electricity generation	NA	P	P	RD# P*	P	RD# P*	RD# P*
(A61)	Large scale wind farms	NA	RD#	D	NC	RD#	D	NC
(A62)	Research and exploratory scale investigations for renewable electricity generation activities	D	P	NA	NA	NA	NA	P
(A63)	Other electricity generating facilities	NC	D	D	NC	D	D	NC
(A64)	Electricity storage facility that is not a minor utility structure	RD	P	P	RD#	P	RD#	RD#
<b>Infringement of standards</b>								
(A65)	Any activity that does not comply with Standard E26.2.5.2(6)	NC	NC	NC	NC	NC	NC	NC
(A66)	Any activity that does not comply with Standard E26.2.5.2(7)	NC	NC	NC	NC	NC	NC	NC

Table E26.2.3.2 Activity table specifies the activity status of land use and development for road network activities pursuant to section 9(3) of the Resource Management Act 1991.

- (1) The rules in Table E26.2.3.2 apply to the local public road network operated by Auckland Transport and any private road (provided the private road is in private ownership, provides public access and is connected to the public road network).
- (2) in this section:
  - (a) 'existing road' has the same meaning as in section 315 of the Local Government Act 1974 and includes legally established private roads (a road in private ownership providing public access and is connected to the public road network). Section 315 does not include a motorway within the meaning of the Government Roading Powers Act 1989; and
  - (b) for the purposes of these rules, the existing road includes activities undertaken within the formation width of the road which may extend beyond the legal road width refer to Figure E26.2.3.1; and

**Figure E26.2.3.1 Formation width of the road**



(c) 'unformed road' means land that is vested or dedicated that has never been formed in full or in part,

- (3) Any zoning (including precinct provisions) ceases to have effect from the time the land is vested or dedicated as a road.
- (4) In the case of stopped roads, the zoning reverts to that of the adjoining land at the time when the road is stopped, and where there are two different zones, the adjacent zone extends to the centre line of the former road.
- (5) This section controls the road network activities (including structures) undertaken in the local public road network, and associated/ancillary structures and activities adjacent to but within the formation width of the existing road by Auckland Transport (or its agents) except where the overlay and Auckland-wide rules apply additional rules that must also be complied with.
- (6) Where an existing road (as defined in Rule E26.2.3(2) above) is also identified as having an underlying zoning, the rules as set out below will have precedence over any zone rules in regard to the activity status and standards.



**Table E26.2.3.2 Activity table for road network activities**

Activity		Existing Road	Unformed Road
(A67)	Construction, operation, use, maintenance and repair of road network activities	P	P
(A68)	Transportation of people, goods and services	P	P
(A69)	Construction of unformed roads	NA	RD#
(A70)	Public amenities	P	P

**E26.2.4. Notification**

(1) An application for resource consent for a controlled or restricted discretionary activity listed in Table E26.2.3.1 Activity table or Table E26.2.3.2 Activity table for road network activities above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991, except that:

(a) any restricted discretionary activity identified by a # in the in Table E26.2.3.1 Activity table and Table E26.2.3.2 Activity table for road network activities will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) Any application for resource consent for an activity that infringes the permitted or controlled activity standards will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**E26.2.5. Standards****E26.2.5.1. Activities within roads and unformed roads in Table E26.2.3.1 Activity table**

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

(1) Temporary network utilities:

(a) all temporary network utilities and associated buildings and structures must be removed from the site on completion of the works; and

(b) the site must be reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors (2011).

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures is  $2\text{m}^2$ . This excludes:
  - (i) telecommunication cabinets permitted under NESTF;
  - (ii) distribution substations and gas distribution regulator stations provided they do not exceed  $6\text{m}^2$ ;
  - (iii) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas provided they do not exceed  $10\text{m}^2$ ; and
  - (iv) pole mounted transformers provided the transformer does not exceed  $2\text{m}^3$ .

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m;
- (b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters and GPS antennas; and
- (c) the maximum height for of 2.5m applies to:
  - (i) telecommunication kiosk; and
  - (ii) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas.

(4) Electric vehicle charging stations:

- (a) maximum height of 1.8m;
- (b) maximum area of  $1.5\text{m}^2$ ;
- (c) either have a socket connection, or a fitted cable management accessory;

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- (d) must not be located on an arterial road; and
- (e) must be removed by the owner when the equipment becomes obsolete.

(5) Minor infrastructure upgrading

- (a) All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

**E26.2.5.2. Activities within zones in Table E26.2.3.1 Activity table**

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

(1) Temporary network utilities:

- (a) all temporary network utilities, temporary electricity generation facilities and associated buildings and structures must be removed from the site on completion of the works.

(2) Building area:

- (a) the maximum aboveground building area for structures, excluding electricity and telecommunication support structures:

- (i) in residential zones is 20m<sup>2</sup>;  
(ii) in all other zones is 30m<sup>2</sup>;

(b) Standard E26.2.5.2(2)(a)(i) and (ii) excludes:

- (i) structures in industrial zones; and  
(ii) substations or telephone exchanges incorporated within a building complying with the rules for the relevant zone which are provided for as a separate activity.

(3) Height:

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

- (i) structures in industrial zones, where the height controls of the relevant zone will apply;  
(ii) substations and telephone exchanges incorporated within a building complying with the rules for the relevant zone or otherwise approved; and  
(iii) telecommunication shelters in rural zones, where a maximum height of 3m applies;

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

(4) Yards:

- (a) electricity and telecommunication support structures must be set back at least 1m from any adjoining site that is zoned residential or Special Purpose – Māori Purpose Zone.

(5) Pole mounted transformers:

- (a) The maximum dimension for transformers is 2m<sup>3</sup>

(6) Electricity transmission and distribution (Electric and magnetic fields):

- (a) network utilities that emit electric and magnetic field emissions must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).

(7) Radio Frequency Fields (RF fields):

- (a) network utilities should not result in radio-frequency fields produced by the network utility exceeding the maximum exposure level of the general public in the New Zealand Standard for Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300GHz (NZS 2772.1: 1999) measured at all places reasonably accessible to the general public.

**E26.2.5.3. Specific activities within zones in Table E26.2.3.1**

The specific activities listed below are required to comply with the permitted activity standards in E26.2.5.1 and E26.2.5.2. Where a standard in E26.2.5.3 for a specified activity varies from a standard in E26.2.5.1 or E26.2.5.2, E26.2.5.3 shall apply.

*Minor infrastructure upgrading*

(1) Minor infrastructure upgrading of network utilities must comply with the following controls (where relevant):

- (a) minor re-alignment, configuration, relocation or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures:
  - (i) that is within 2m of the existing alignment or location;
  - (ii) that is within 5m of the existing alignment or location when associated with road widening reasons or road safety or electricity clearance reasons.

- (b) alterations and additions to overhead electricity and telecommunication lines on existing poles:
  - (i) do not increase the number of conductors or wires/lines by more than 100 percent;
  - (ii) or when installing a new low voltage circuit on an existing pole, the total number of new conductors or wires/lines must not exceed 8, consisting specifically of 4 lines for electricity circuit, 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6.
  - (iii) the provisions in E26.2.5.3(1)(b)(i) and E26.2.5.3(1)(b)(ii) above exclude service connections and lateral network connections
  - (iv) additional cross arms that do not exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m; and
  - (v) additional or replacement electricity and telecommunication lines that do not exceed 30mm in diameter.
- (c) the addition or replacement of:
  - (i) earthwires, either overhead or underground, and underground earthgrids, which may contain telecommunication lines, and earthpeaks; or
  - (ii) above-ground insulators on the poles.
- (d) any pole which replaces an existing pole provided that:
  - (i) it must not have a diameter or width that is more than the existing pole's diameter or width at its largest point plus 50 percent and in the case of double pole 100 percent; and
  - (ii) it must not have a height greater than 25m
- (e) modification of an existing pole:
  - (i) only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment, such as staywires, anchor blocks, on overhead electricity and telecommunication lines; or
  - (ii) when modifications to structures are required to meet mechanical loading requirements the height and profile of any modified support structure must remain the same as existed prior to the modifications.

- (f) the installation of new mid-span electricity poles in existing networks to address clearances in NZECP 34:2001;
- (g) an increase in the power carrying or operating capacity, efficiency or security of electricity lines, gas distribution lines and telecommunications lines, where this uses the existing network utility and meets the requirements of E26.2.5.3(1)(c) - (f) above;
- (h) the alteration, replacement or relocation of water, wastewater or stormwater structures (excluding pipes):
  - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
  - (ii) the structure must be located within the 2m of existing alignment or location.
- (i) the alterations or replacement of water, wastewater, stormwater, gas pipes provided that:
  - (i) above ground pipes must not exceed 300mm increase in diameter of the pipe;
  - (ii) underground pipes must not exceed a 50 percent increase in the diameter of the pipe
- (j) the replacement of an existing antenna with a new antenna provided that:
  - (i) the new antenna does not exceed the maximum dimension of the existing antenna;
  - (ii) where the antenna is a dish antenna the diameter of the new antenna must not increase by more than 20 percent; and
  - (iii) the overall height of the facility to which the antenna is attached either does not increase or that any height increase is as a result of the antenna size increase only.
- (k) Any upgrading of infrastructure that does not comply with the relevant standards for minor infrastructure upgrading specified above, shall be subject to the relevant activity status for that activity specified in Activity Table E26.2.3.1.

#### *Substations*

- (2) Noise from substations must not exceed the following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:

- (a) 55 dB  $L_{Aeq}$  between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
  - (b) 45 dB  $L_{Aeq}$ /75 dB  $L_{Amax}$  for all other times
- (3) Noise from substations in other zones must not exceed the noise limits for the zone in which they are located as provided in E25 Noise and vibration.
- (4) Noise from distribution substations within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB  $L_{Aeq}$  at 6m from the distribution substation or at the nearest residential boundary or rural notional boundary, whichever is the furthest.
- (5) In respect of E26.2.5.3(3) and (4) above noise levels must be measured in accordance with NZS6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with NZS6802:2008 “Acoustics – Environmental noise”.

*Telecommunication antennas attached to buildings*

- (6) Antennas attached to buildings must not exceed the height at the point of attachment to the building by more than the height specified in Table E26.2.5.3.1.

For the purposes of this rule, the following ancillary components are excluded from the height standards: radio frequency units; GPS antennas; smart meters, lightning rods, shrouds and ancillary equipment such as amplifiers, controller boxes and tilt motors.

**Table E26.2.5.3.1 Telecommunication antennas attached to buildings**

Zone group	Permitted height
<ul style="list-style-type: none"> <li>• Rural zones;</li> <li>• Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land);</li> <li>• Future Urban Zone;</li> <li>• Special Purpose – Quarry Zone;</li> <li>• Industrial zones;</li> <li>• Centres zones and Business – Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone);</li> <li>• Business – General Business Zone;</li> <li>• Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Zone, Special Purpose – Healthcare Facility and Hospital Zone and the Business – Business Park Zone; and</li> <li>• Special Purpose – Tertiary Education Zone</li> </ul>	5m
<ul style="list-style-type: none"> <li>• Business – Local Centre Zone and Business – Neighbourhood Centre Zone;</li> <li>• Open space zones; and</li> </ul>	3.5m

• Special Purpose – Cemetery Zone	
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*Maximum number of antennas*

- (7) Standards E26.2.5.3(8) - (10) apply to individual antennas or clusters of antennas, provided that collectively these do not exceed 600mm in diameter.
- (8) The maximum number of antennas specified in E26.2.5.3(9) and (10) do not apply to:
- (a) antennas mounted on the fascia of a building below the roofline; and
  - (b) GPS antennas, smart meters, lightning rods, shrouds and ancillary equipment such as radio frequency units, amplifiers, controller boxes and tilt motors
- (9) The maximum number of antennas in the Business – Local Centre Zone and Business – Neighbourhood Centre Zone are in Table E26.2.5.3.2.

**Table E26.2.5.3.2 Maximum number of antennas**

Roof area (plan view)	Maximum number of antennas per site
300m <sup>2</sup> or less	6
Greater than 300m <sup>2</sup> and less than 1,000m <sup>2</sup>	8
1,000m <sup>2</sup> or more	12

- (10) For all other zones the maximum number of antennas is 12 per site.

*Height of masts and attached antennas (excludes NESTF)*

- (11) Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3, excluding provision for lightning rods and GPS antennas, telecommunication devices and earthpeaks.

**Table E26.2.5.3.3 Height of masts and attached antennas (excludes NESTF)**

Zone groups	Maximum height
<ul style="list-style-type: none"> <li>• Rural zones;</li> <li>• Industrial zones;</li> <li>• Strategic Transport Corridor Zone;</li> <li>• Centres zones and Business - Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone);</li> <li>• Special Purpose – Airport Zone;</li> <li>• Special Purpose – Major Recreation Facility Zone;</li> </ul>	25m



<ul style="list-style-type: none"> <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>	
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*Electricity generation – wind generation scale and location*

- (12) Meteorological masts for wind research and exploration must not exceed 90m in height.
- (13) Roof-mounted wind turbines for small-scale electricity generation must:
- (a) not exceed the permitted height of the zone by more than 3m;
  - (b) have a rotor diameter no more than 2.5m; and
  - (c) be limited to one per dwelling within the residential zones.
- (14) Freestanding wind turbines for small-scale electricity generation must comply with Table E26.2.5.3.4.

**Table E26.2.5.3.4 Freestanding wind turbines for small-scale electricity generation**

Zone	Maximum height	Maximum rotor diameter (m)
Residential zones and the Special Purpose – Māori Purpose Zone	12	2.5
Rural zones, Future Urban Zone, Special Purpose – Quarry Zone and industrial zones	20	5
All other zones	15	3

- (15) In residential zones and the Special Purpose – Māori Purpose Zone, freestanding wind turbines for small-scale electricity generation are limited to one per site.
- (16) The noise (rating) level from small scale electricity generation must not exceed the noise control specified for activities in the zone in which the small scale electricity generation activity is located (including noise control for any zone interface), following the subtraction of 10 decibels from every applicable A-weighted noise limit in the applicable rule. A penalty for the noise containing Special Audible Characteristics in accordance with NZS6802:2008 Acoustics – Environmental Noise must not be applied.

(17) Wind turbine towers, either freestanding tubular, lattice or tubular mast supported by guy wires, for a community-scale electricity generation facility must not exceed 25m in height.

(18) Small and community scale wind turbines on sites adjoining residential zones must meet the height in relation to boundary control for the adjoining zone in which they are located.

(19) There is no height limit for wind turbine towers associated with large-scale wind farms.

*Electricity generation - solar panels*

(20) For small scale and community scale electricity, solar panels on the roof of a building must not exceed 250mm in height above the existing roof.

*Setbacks*

(21) Wind turbine towers must be set back from the boundary of the site on which the wind turbine is located at a distance equivalent to the length of the turbine blades. The tips of the turbine blades must stay within the site at all times.

*Shadow flicker*

(22) No dwellings on a neighbouring property must be exposed to more than 30 hours of shadow flicker per year based on realistic shadow flicker hours calculations from large-scale wind farms.

*Pipe and cable bridges*

(23) Pipe and cable bridges must not exceed:

- (a) 25m in length;
- (b) 1m in diameter or width

*Underground pipelines for the conveyance of gas, water, wastewater and stormwater*

(24) Any aboveground section of underground pipelines for the conveyance of gas, water, wastewater and stormwater must not exceed:

- (a) 25m continuous length of pipe that is aboveground in any one section;  
and
- (b) 300mm in diameter.

*Amateur Radio Configurations*

(25) Amateur radio configuration activities must comply with the following standards:

- (a) no limit to the number of supporting structures less than 102mm in diameter. Where guy wires are used, these must not exceed 10mm in diameter;
- (b) a maximum of one supporting structure greater than 102mm. The maximum height of the supporting structure shall be the relevant building height. The maximum horizontal diameter of the pole or supporting structure is 800mm. The minimum setback from any boundary is 1.5m. Any guys used to support the pole must not exceed 10mm in diameter;
- (c) dish antennas located less than 5m above ground have a maximum horizontal diameter of 4m and a minimum boundary setback of 1m. Dish antennas situated more than 5m above ground have a maximum diameter of 1.2m;
- (d) the maximum height of antennas mounted on buildings using a supporting structure less than 102mm diameter shall be 18m in the residential zones, and 18m or the relevant permitted or actual building height plus 5m (whichever is greatest) in all other zones;
- (e) all antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz at all times and in all places to which the public has access; and
- (f) no amateur radio configuration may be located on a site that is, or contains, a scheduled historic heritage place. In respect of a scheduled historic heritage place, no amateur radio configuration shall be located on a site with a extent of place or any area of legal road within that extent of place.

Licensed amateur radio operators have an important role in civil defence activities in the city. The rules recognise this by permitting certain amateur radio configurations for use by licensed amateur radio operators.

#### *Electric vehicle charging stations*

(26) Electric vehicle charging stations must be:

- (a) maximum height of 1.8m;
- (b) maximum area of 1.5m<sup>2</sup>; and
- (c) either have a socket connection, or a fitted cable management accessory.

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

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

- (1) Temporary works, buildings and structures must be removed from the road on completion of works.
- (2) After completion of works, the ground must be reinstated to at least the condition existing prior to any work starting.
- (3) Work within the formation width of the road must be incidental to, and serve a supportive function for the existing public road or is required for the safety of road users or is required for the safety of adjacent landowners or occupiers.

#### **E26.2.5.5. Controlled activity standards**

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

##### *Antennas*

- (1) Antennas attached to replacement utility structures that do not comply with Regulation 7 of the NESTF in roads, unformed roads and the Strategic Transport Corridor Zone:
  - (a) the total height of the structure may exceed the limit specified in Regulation 7(2) of NESTF, by an additional 0.5m;
  - (b) the maximum diameter of any shroud is 600mm; and
  - (c) there is no limit on the size of antennas where contained within a shroud not exceeding the above limits.

##### *Substations within new or existing buildings*

- (2) Substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:
  - (a) the substation building must comply with the development controls for the relevant zone; and
  - (b) noise from substations must not exceed the noise limits in Standards E26.2.5.3(2) - (5).

#### **E26.2.6. Assessment – controlled activities**

##### **E26.2.6.1. Matters of control**

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

- (1) antennas attached to replacement utility structure that do not comply with Regulation 7 of the NESTF in roads, unformed roads and the Strategic Transport Corridor Zone:
  - (a) compliance with Standard E26.2.5.5(1) Controlled activity standard for antennas.

- (2) stormwater detention and retention ponds and wetlands:
  - (a) effects on the use of open space;
  - (b) provision of safe access for maintenance; and
  - (c) effects on health and safety.
- (3) substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:
  - (a) external building appearance;
  - (b) landscaping and fencing;
  - (c) compliance with Standard E26.2.5.5(2); and
  - (d) effects on health and safety.

#### **E26.2.6.2. Assessment criteria**

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

- (1) antennas attached to replacement utility structure that do not comply with Regulation 7 of the NESTF in roads, unformed roads and the Strategic Transport Corridor Zone:
  - (a) whether Standard E26.2.5.5(1) is complied with; and
  - (b) the ability to use a shroud to encompass antennas.
- (2) stormwater detention and retention ponds and wetlands:
  - (a) the extent to which interference with public use and enjoyment of open space is minimised where stormwater detention and retention ponds and wetlands are located in public open space;
  - (b) whether safe and direct access can be provided to enable the maintenance of stormwater detention and retention ponds and wetlands; and
  - (c) whether there will be health and safety effects associated with stormwater detention and retention ponds and wetlands and the extent to which these can be mitigated through measures such as fencing.
- (3) substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:
  - (a) whether Standard E26.2.5.5(2) is complied with;

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

### **E26.2.7. Assessment – restricted discretionary activities**

#### **E26.2.7.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) functional and operational needs of, and benefits derived from, the infrastructure;
  - (b) visual effects;
  - (c) where located within a road, the operation and function of road network activities and effects on the amenity values of the streetscape;
  - (d) noise and vibration effects;
  - (e) odour effects;
  - (f) shadow flicker effects; and
  - (g) implications in terms of future planned urban development.
- (2) substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:
  - (i) effects of external building appearance on amenity values of the streetscape and adjoining properties; and
  - (ii) effects on health and safety.
- (3) road construction of unformed roads and their operation:
  - (a) adverse effects on amenity values of adjoining properties;
  - (b) adverse construction effects including effects of vibration, noise, and dust;

- (c) adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
- (d) severance effects and changes to drainage patterns;
- (e) safety and efficiency of the transport network; and
- (f) the benefits provided by the construction of the road.

#### **E26.2.7.2. Assessment criteria**

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

(1) all restricted discretionary activities:

- (a) function and operational needs of and the benefits derived from, infrastructure:
  - (i) the extent to which the functional and operational requirements of the infrastructure affects or necessitates its location, form, height and size;
  - (ii) the extent to which the infrastructure or upgrade will benefit and contribute to the social, economic and cultural and environmental wellbeing of businesses, people and communities; and
  - (iii) the extent to which the infrastructure improves the resilience and security of the network or utility service provided.
- (b) visual effects:
  - (i) the extent to which the cumulative adverse visual effects of additional infrastructure on the amenity values of the streetscape and adjoining properties, are avoided, remedied or mitigated;
  - (ii) the extent to which any adverse effects of the design, scale and height of the infrastructure can be internalised, modified or mitigated without compromising the functional requirements of the infrastructure;
  - (iii) the extent of any effects of any building envelope infringements on privacy, over-shadowing or domination of adjacent properties or roads; and
  - (iv) the extent to which the visual effects of the infrastructure can be softened by landscaping without compromising the functional requirements of the infrastructure.

- (c) where located within a road, the operation and function of road network activities and effects on the amenity values of the streetscape:
    - (i) the extent to which the infrastructure impedes, restricts or compromises the safe and efficient movement and function of transport activities within a road (including access to and from adjoining properties); and
    - (ii) the extent to which infrastructure in a road adversely effects the amenity values of the streetscape and the function of public amenities.
  - (d) implications in terms of future planned urban development:
    - (i) the extent to which the proposed infrastructure provides for any planned urban development (for example approved structure plans); and
    - (ii) the extent to which the proposed infrastructure may constrain future urban development.
  - (e) measures required to avoid, remedy or mitigate adverse effects:
    - (i) whether measures proposed to avoid, remedy or mitigate the adverse effects where relevant to the above criteria will be; effective.
  - (f) noise and vibration:
    - (i) the extent to which noise or vibration generated by the infrastructure adversely affects adjacent properties.
  - (g) odour:
    - (i) the extent to which any odour emissions from the infrastructure adversely affects the amenity values of surrounding properties.
  - (h) shadow flicker:
    - (i) the extent of any shadow flicker effects on adjacent properties and road.
- (2) substations within new buildings and substations within existing buildings that require an increase in building platform area or building height:
- (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the substation;



- (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the substation; and
  - (c) the extent to which fencing can be used to minimise potential health and safety hazards.
- (3) road construction of unformed roads and their operation:
- (a) whether adverse effects on amenity values of adjoining properties are avoided, remedied or mitigated;
  - (b) whether adverse construction effects including effects of vibration, noise, and dust are avoided, remedied or mitigated;
  - (c) whether adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions are avoided, remedied or mitigated;
  - (d) the extent to which severance effects and changes to drainage patterns can be avoided, remedied or mitigated; and
  - (e) whether the safety and efficiency of the transport network will be compromised and the impact on the network and levels of service if the work is not undertaken.

**E26.2.8. Special information requirements**

There are no special information requirements in this sub-section.

### **E26.3. Network utilities and electricity generation – Vegetation management**

#### **E26.3.1. Objectives**

The objectives for vegetation management are located in:

- D9 Significant Ecological Areas Overlay;
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay;
- D11 Outstanding Natural Character and High Natural Character Overlay; and
- E15 Vegetation management and biodiversity.

#### **E26.3.2. Policies**

The policies for vegetation management are located in:

- D9 Significant Ecological Areas Overlay;
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay;
- D11 Outstanding Natural Character and High Natural Character Overlay; and
- E15 Vegetation management and biodiversity.

#### **E26.3.3. Activity table**

Table E26.3.3.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991 in the:

- rural zones, coastal areas and riparian margins (refer to E15 Vegetation management and biodiversity);
- D9 Significant Ecological Areas Overlay; (SEA)
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay; and (ONF) and (ONL)
- D11 Outstanding Natural Character Overlay and High Natural Character Overlay; (ONC) and (HNC)

The acronyms in brackets after the overlays identified above are used to identify those overlays in the headings in Table E26.3.3.1

For Table E26.3.3.1 Activity table:

- vegetation alteration or removal in relation to existing transmission lines as at 14 January 2010 which form part of the National Grid must also comply with relevant regulations in the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009. These regulations will also determine the relevant activity status for such activities notwithstanding any other rules in the Plan;

- for the vegetation management rules except where otherwise stated any square metre limit applies on a 'per project' basis; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

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

Activity		Auckland wide rules Vegetation management	Overlay rules Vegetation management				
		Rural zones, coastal areas and riparian margins [rp]	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading</b>							
(A71)	Biosecurity tree works	P	P	P	P	P	P
(A72)	Dead wood removal	P	P	P	P	P	P
(A73)	Emergency tree works	P	P	P	P	P	P
(A74)	Pest plant removal	P	P	P	P	P	P
(A75)	Vegetation alteration or removal for the operation, repair and maintenance of access tracks and fences for network utilities	P	P	P	P	P	P
(A76)	Vegetation alteration or removal	P	P	P	P	P	P
(A77)	Vegetation alteration or removal that does not comply with Standards E26.3.5.1 to E26.3.5.4	RD	RD	RD	RD	RD	RD
(A78)	Vegetation alteration or removal not otherwise provided for	D	D	D	D	D	D

#### **E26.3.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.3.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E26.3.5. Standards**

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

#### **Regional [rp]**

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

#### **E26.3.5.1. Vegetation alteration or removal for the operation, maintenance and repair of access tracks and fences for network utilities**

- (1) Must be undertaken within and to 1m either side of existing tracks and fences.
- (2) Must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (3) Must not result in the removal of more than 20m<sup>2</sup> of vegetation within a significant ecological area.
- (4) Must not result in the removal of more than 50m<sup>2</sup> of vegetation from areas not identified as a significant ecological area.

#### **E26.3.5.2. Vegetation alteration or removal**

- (1) 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.
- (3) Must not result in the removal of more than 50m<sup>2</sup> of vegetation within a coastal area or riparian margin not identified as a significant ecological area.
- (4) Must not result in the removal of more than 20m<sup>2</sup> of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.
- (5) Must not result in the removal of more than 500m<sup>2</sup> of vegetation within the legal road or the formation width of the road in a rural zone.
- (6) Must not result in the removal of more than 250m<sup>2</sup> of vegetation outside the legal road or the formation width of the road in a rural zone.
- (7) Vegetation alteration or removal from a significant ecological area must be for the purpose of maintaining the safety of the network utility and must be undertaken in any of the following:
  - (a) within the formation width of existing roads;

- (b) within 1m of the network utility, or existing access track;
  - (c) in accordance with the Electricity (Hazards from Trees) Regulations 2003;
  - (d) within state highway designations as at 30 September 2013; or
  - (e) within railway designations as at 30 September 2013.
- (8) Standards E26.3.5.2(1)-(7) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
- (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage above the road carriageway;
  - (b) clearance of a 0.5m width back from the road kerb;
  - (c) clearance of a 0.6m width back from the un-kerbed road; or
  - (d) clearance for any over dimension route requirement.

#### **District [dp]**

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

#### **E26.3.5.3. Vegetation alteration or removal for the operation, maintenance and repair of access tracks and fences for network utilities**

- (1) Must be undertaken within and to 1m either side of existing tracks and fences.
- (2) Must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (3) Must not result in the removal of more than 50m<sup>2</sup> of vegetation within an overlay.

#### **E26.3.5.4. Vegetation alteration or removal**

- (1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.
- (2) Must not result in the removal of more than 50m<sup>2</sup> of vegetation within an overlay.
- (3) Must not result in the removal of more than 20m<sup>2</sup> of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.

- (4) Must not result in the removal of more than 250m<sup>2</sup> of vegetation within the legal road or the formation width of the road in an overlay
- (5) Standards E26.3.5.4(1)-(4) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:
  - (a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage above the road carriageway;
  - (b) clearance of a 0.5m width back from the road kerb;
  - (c) clearance of a 0.6m width back from the un-kerbed road; or
  - (d) clearance for any over dimension route requirement.

#### **E26.3.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.3.7. Assessment – restricted discretionary activities**

##### **E26.3.7.1. Matters of discretion**

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

- (1) regional rules - vegetation management in rural zones, coastal areas, riparian margins and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
  - (a) ecological values:
    - (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.
  - (b) sediment, water quality and hydrology:
    - (i) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment.
  - (c) use:
    - (i) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure.
  - (d) methods and location:

- (i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.

(e) mitigation measures:

- (i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.

(f) bonds and covenants:

- (i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.

(g) Mana Whenua values:

- (i) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.

(2) district rules - vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Character Overlay and High Natural Character Overlay that do not comply with the permitted activity standards [dp]:

(a) hazard mitigation:

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

(b) landscape, natural features and natural character values:

- (i) the effects the vegetation alteration or removal will have on landscape, natural features and natural character.

(c) amenity values:

- (i) the effects the vegetation alteration or removal will have on the amenity values of any adjacent open space including the coast, parks, reserves and walkways.

(d) use:

- (i) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure.

(e) methods and location:

- (i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.
- (f) mitigation measures:
  - (i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.
- (g) bonds and covenants:
  - (i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.
- (h) Mana Whenua values:
  - (i) the effects on Mana Whenua values associated with an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay.

#### **E26.3.7.2. Assessment criteria**

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

- (1) regional rules - vegetation management in rural zones, coastal areas, riparian margins and the D9 Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
  - (a) ecological values:
    - (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
    - (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
    - (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and E15 Vegetation management and biodiversity.
  - (b) sediment, water quality and hydrology:



- (i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.

(c) use:

- (i) whether the vegetation alteration or removal will improve the reliance and security of the network utility;
- (ii) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
- (iii) the extent of the benefits derived from infrastructure.

(d) methods and location:

- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
- (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.

(e) mitigation measures:

- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.

(f) bonds and covenants:

- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.

(g) Mana Whenua values:

- (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.

- (2) district rules - vegetation management in the Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, Outstanding

Natural Character Overlay and High Natural Character Overlay that do not comply with the permitted activity standards [dp]:

(a) hazard mitigation:

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

(b) landscape, natural features and natural character values:

- (i) the extent to which vegetation alteration or removal will have adverse effects on the values identified for scheduled outstanding natural landscape, outstanding natural features, outstanding natural character and high natural character areas; and
- (ii) the extent to which vegetation alteration or removal adversely affects landscape, natural features and natural character values particularly on adjacent public space including the coast, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(c) amenity values:

- (i) the extent to which the vegetation alteration or removal will have adverse effects on the amenity values of any adjacent open space including the coast, parks, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(d) use:

- (i) whether the vegetation alteration or removal will improve the reliance and security of the network utility;
- (ii) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
- (iii) the extent of the benefits derived from infrastructure.

(e) methods and location:

- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
- (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.

(f) mitigation measures:

- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.

(g) bonds and covenants:

- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.

(h) Mana Whenua values:

- (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.

**E26.3.8. Special information requirements**

There are no special information requirements in this sub-section.

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

### E26.4.1. Objectives

The objectives for trees in roads and open space zones and the Notable Trees Overlay are located in D13 Notable Trees Overlay, E16 Trees in open space zones and E17 Trees in roads.

### E26.4.2. Policies

The policies for trees in roads and open space zones and the Notable Trees Overlay are located in D13 Notable Trees Overlay, E16 Trees in open space zones and E17 Trees in roads.

### E26.4.3. Activity table

Table E26.4.3.1 Activity table specifies the activity status of land use and development activities in the trees in roads and open space zones provisions and the Notable Trees Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- the activity status and rule applying to any particular tree is determined by the location of the trunk;
- all activities obtain the approval of the Tree Asset Manager, which in respect of roads is Auckland Transport and in respect of open space zones, owned by the Council, is the Auckland Council Parks Department;
- for the tree rules except where otherwise stated any square metre limit applies on a 'per project' basis; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.4.3.1 Activity table - Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay**

Activity		Auckland wide-rules Trees		Overlay rules
		Trees in roads [dp]	Open space zones [dp]	Notable trees [dp]
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and, minor infrastructure upgrading</b>				
(A79)	Biosecurity tree works	P	P	P
(A80)	Dead wood removal *if undertaken by a qualified arborist	P	P	P* C
(A81)	Emergency tree works	P	P	P
(A82)	Pest Plant Removal *of any tree less than 4m in height and less than 400mm in girth	P	P*	NA

(A83)	Tree trimming or alteration	P	P	P
(A84)	Tree trimming or alteration that does not comply with Standard E26.4.5.1 (Trees in streets and open space zones) or Standard E26.4.5.3 (Notable trees)	RD	RD	RD
(A85)	Tree trimming of branch diameters greater than 50mm of Notable Trees in accordance with the Electricity (Hazards from Trees) Regulations 2003 up to the growth limit zone	NA	NA	C
(A86)	Works within the protected root zone undertaken by trenchless methods at a depth greater than 1m below ground level	NA	NA	P
(A87)	Works within the protected root zone that comply with Standard E26.4.5.2	P	P	NA
(A88)	Works within the protected root zone not otherwise provided for	RD	RD	RD
(A89)	Tree removal of Notable Trees	NA	NA	D
(A90)	Tree trimming, alteration or removal on roads adjoining rural zones and on roads adjoining the Future Urban Zone	P	NA	NA
(A91)	Tree alteration or removal of less than 4m in height and trees 400mm in girth	P	P	NA
(A92)	Tree alteration or removal of greater than 4m in height and trees 400mm in girth	RD	RD	NA
(A93)	Tree trimming, alteration or removal not otherwise provided for	D	D	D

#### **E26.4.4. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E26.4.3.1 Activity table above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E26.4.3.1 Activity table and which is not listed in E26.4.4(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E26.4.5. Standards**

All activities listed as permitted in Table E26.4.3.1 Activity table must comply with the following permitted activity standards.

##### *Trees in roads and open space zones*

#### **E26.4.5.1. Trees in roads and open space zones - tree trimming or alteration**

- (1) Tree trimming or alteration of trees in streets and open space zones must comply with the following standards:
- (a) the maximum diameter of any branch removed must be no greater than 100mm;
  - (b) no more than 20 per cent of live growth of the tree must be removed which can be increased to 30 per cent under the direct supervision of a suitably qualified arborist;
  - (c) the natural shape, form and branch habit of the tree must be retained for trees in public open space; and
  - (d) the natural shape, form and branch habit of the tree must be retained for trees in streets where practicable.
- (2) The standards in E26.4.5.1(1) do not apply to tree trimming or alteration carried out:
- (a) in order to comply with the Electricity (Hazards from Trees) Regulations 2003;
  - (b) by Council or its agent or the road controlling authority or its agent to maintain the visibility of road safety signage, maintain vehicle sightlines for traffic safety, maintain legal clearance height and width above the road carriage way including to:
    - (i) maintain a clearance of 4.5 m height above the road carriage way or 5.3m where there is road safety and directional signage located above the carriageway;
    - (ii) maintain the clearance of 0.5m width back from the road kerb;
    - (iii) maintain the clearance of 0.6m width back from the unkerbed road; or
    - (iv) maintain clearance requirements for over dimension routes;
  - (c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

- (3) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.

**E26.4.5.2. Trees in roads and open space zones - works within the protected root zone**

- (1) For roots under 60mm:
- (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone without direction and/or supervision of a qualified arborist.
    - (i) the surface area of a single excavation shall not exceed 1m<sup>2</sup>;
    - (ii) works involving root pruning must be less than 35mm in diameter at severance;
    - (iii) works will disturb less than 10 per cent of the protected root zone; and
    - (iv) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
  - (b) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
    - (i) works must not disturb more than 20 per cent of the protected root zone;
    - (ii) works involving root pruning must not be on roots greater than 60mm in diameter at severance; and
    - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
  - (c) excavation undertaken by trenchless methods must not be undertaken at a depth less than 800mm below ground level, and does not require the direction or supervision of a suitably qualified arborist;
  - (d) replacement of structures kerbs, and hard surfaces, does not require the direction or supervision of a suitably qualified arborist, provided that:
    - (i) the removal of the surface is carried out without damage to any tree roots; and

- (ii) the machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
- (e) Standards E26.4.5.2(1)(a) - (d) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm:
  - (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a suitably qualified arborist:
    - (i) works must not disturb more than 20% of the protected root zone;
    - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
    - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket;
  - (b) Standard E26.4.5.2(2)(a) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.

*Notable trees*

**E26.4.5.3. Notable trees - tree trimming or alteration**

- (1) Tree trimming or alteration of notable trees must meet the following standards:
  - (a) the maximum branch diameter must not exceed 50mm at severance;
  - (b) must not result in the removal of more than 10 per cent of live growth of the tree in any one calendar year; and
  - (c) the trimming must retain the natural shape, form and branch habit of the tree.

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

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 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 suitably qualified arborist.

#### **E26.4.6. Assessment – controlled activities**

##### **E26.4.6.1. Matters of control**

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

- (1) for deadwood removal not undertaken by a qualified arborist:
  - (a) the extent of the alteration of the tree; and
  - (b) the method to be employed.
- (2) for tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:
  - (a) the required Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003;
  - (b) the extent of the alteration to the tree; and
  - (c) the method to be employed.

##### **E26.4.6.2. Assessment criteria**

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

- (1) for deadwood removal not undertaken by a qualified arborist:
  - (a) criteria for the extent of the alteration of the tree and the method to be employed:
    - (i) the tree will not be unduly damaged or its health endangered through removal of deadwood;
    - (ii) the timing of the deadwood removal;
    - (iii) the size of the wounds; and
    - (iv) the position of the wounds.
- (2) tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:

- (a) that the trimming must not exceed the Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003; and
- (b) whether the trimming retains the natural shape, form and branch habit of the tree, as far as practicable.

#### **E26.4.7. Assessment – restricted discretionary activities**

##### **E26.4.7.1. Matters of discretion**

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

- (1) trees in roads and open space zones:
  - (a) for tree trimming or alteration not meeting Standard E26.4.5.1;
    - (i) the methods proposed to reduce any adverse effects; and
    - (ii) the extent of the alteration of the tree or trees.
  - (b) for work within the protected root zone not otherwise provided for:
    - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
    - (ii) the extent of area of the protected root zone or zones that is affected.
  - (c) tree alteration or removal of greater than 4m in height and trees 400mm in girth:
    - (i) the effect on the values of the tree or trees; and
    - (ii) any loss or reduction of amenity values provided by the tree or trees;
    - (iii) any mitigation proposed; and
    - (iv) the functional and operational requirements and benefits derived from infrastructure.
- (2) Notable Tree Overlay:
  - (a) for tree trimming or alteration not meeting Standard E26.4.5.3:
    - (i) the methods proposed to reduce any adverse effects; and
    - (ii) the extent of the alteration of the tree or trees.
  - (b) for work within the protected root zone not otherwise provided for:

- (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
- (ii) the extent of area of the protected root zone or zones that is affected.

#### **E26.4.7.2. Assessment criteria**

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

(1) trees in roads and open space zones:

- (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
- (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
- (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
- (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;
- (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (f) whether there is a need for the direction and supervision of a suitably qualified arborist while the works are being carried out; and
- (g) the extent to which functional and operational requirements make the works necessary.

(2) Notable Tree Overlay:

- (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
- (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
- (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
- (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;

- (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (f) the need for the direction and supervision of a suitably qualified arborist while the works are being carried out; and
- (g) the functional and operational requirements and benefits derived from infrastructure.

**E26.4.8. Special information requirements**

There are no special information requirements in this sub-section.

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

### E26.5.1. Objectives

The objectives for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

### E26.5.2. Policies

The policies for earthworks are located in:

- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

### E26.5.3. Activity table

Table E26.5.3.1 Activity table specifies the activity status of land use and development activities to pursuant to section 9(3) of the Resource Management Act 1991.

- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.5.3.1 Activity table - Earthworks all zones and roads [dp]**

Activity		Residential zones	Business zones and Business – City Centre Zone	Future Urban Zone and rural zones (excluding Rural – Rural Conservation)	Open space zones	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
(A94)	Earthworks for maintenance, repair, renewal, minor infrastructure upgrading and service connections	P	P	P	P	P	P	P
(A95)	Earthworks up to 2500m <sup>2</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A96)	Earthworks up to 2500m <sup>3</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A97)	Earthworks greater than 2500m <sup>2</sup> other than for maintenance, repair,	RD	RD	RD	RD	RD	RD	RD

	renewal, minor infrastructure upgrading							
	Earthworks greater than 2500m <sup>3</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	RD
(A98)	Earthworks not otherwise listed in this table	Refer to Table E12.4.1 Activity table – all zones and roads						
<b>Earthworks - Lava caves, fossils and sub-fossils</b>								
(A99)	Land disturbance that disturb known lava caves >1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD

Table E26.5.3.2 Activity table specifies the activity status of land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.5.3.2 Activity table all zones and roads [rp]**

Activity		Residential zones	Business zones and Business - City Centre Zones	Future Urban Zone and Rural zones (excluding Rural – Rural Conservation Zone)	Open space Zone	Rural - Rural Conservation Zone and Open Space - Conservation Zone	Special Purpose - Quarry Zone	All other zones and roads
(A100)	Earthworks for maintenance, repair, renewal, minor infrastructure upgrading, service connections	P	P	P	P	P	P	P
(A101)	Up to 10,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	P
(A102)	Greater than 10,000m <sup>2</sup> up to 50,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	C	C	C	C	C	C	C
(A103)	Greater than 50,000m <sup>2</sup> where land has a slope less than 10 degrees	RD	RD	RD	RD	RD	RD	RD

Activity	Residential zones	Business zones and Business - City Centre Zones	Future Urban Zone and Rural zones (excluding Rural – Rural Conservation Zone)	Open space Zone	Rural - Rural Conservation Zone and Open Space - Conservation Zone	Special Purpose - Quarry Zone	All other zones and roads	
	outside the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading							
(A104)	Up to 2,500m <sup>2</sup> where the land has a slope equal to or greater than 10 degrees other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	
(A105)	Up to 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	P	P	P	P	P	P	
(A106)	Greater than 2,500m <sup>2</sup> where the land has a slope equal to or greater than 10 degrees other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	
(A107)	Greater than 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading	RD	RD	RD	RD	RD	RD	
(A108)	General earthworks not otherwise listed in this table	Refer Table E11.4.1 Activity table – all zones and roads [rp]						
(A109)	Activities ancillary to erosion and sediment control	Refer Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water [rp]						

#### Note 1

Sediment Control Protection Area is defined as:

- (a) 100 metres either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50 metres landward of the edge of a watercourse, or wetland of 1000m<sup>2</sup> or more.

#### E26.5.4. Notification

- (1) An application for resource consent for a controlled activity listed in Tables E26.5.3.1 and E26.5.3.2 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

- (2) Any application for resource consent for an activity listed in Table E26.5.3.1 and E26.5.3.2 and which is not listed in E26.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E26.5.5. Standards**

##### **E26.5.5.1. Accidental discovery rule**

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, “sensitive material” means:
  - (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;
  - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
  - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
  - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

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

- (a) Immediately cease all works within 20 metres of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment.
- (b) Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

##### *Inform relevant authorities and parties*

- (c) Inform the following parties immediately of the discovery:



- (i) the New Zealand Police if the discovery is of human remains or kōiwi;
- (ii) the Council in all cases;
- (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;
- (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

- (d) Wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) If the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or.
  - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.5.5.1(3)(f) are met.

*Recommencement of work*

- (f) Work within the area determined by the Council at step E26.5.5.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
  - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;

- (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
- (iii) the requirements of the Unitary Plan – Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
- (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.5.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures must be taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
  - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
  - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
  - that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.
- (vii) Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.

#### **E26.5.5.2. General standards**

All activities listed as permitted, controlled and restricted discretionary in Table E26.5.3.1 and E26.5.3.2 must comply with the following standards.

#### **Regional [rp]**

- (1) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (2) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or

other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.

(3) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:

(a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

(b) any conspicuous change in the colour or visual clarity;

(c) any emission of objectionable odour;

(d) the rendering of fresh water unsuitable for consumption by farm animals; or

(e) any significant adverse effects on aquatic life.

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

Note 1

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

(5) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.

(6) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.

(7) Only cleanfill material may be imported and utilised as part of the land disturbance.

(8) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that areas unless being transported to landfill for disposal.

**District [dp]**

- (9) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (10) Land disturbed for the operation, renewal, repair, upgrading or maintenance of utilities outside the formation width of existing roads or abutments, or within an overland flow path, will be reinstated to the ground level prior to the works being undertaken as soon as practicable after completion of the works.
- (11) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.
- (12) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
  - (a) operation, maintenance and repair (including network utilities);
  - (b) less than 5m<sup>2</sup> or 5m<sup>3</sup>; for general earthworks;
  - (c) less than 10m<sup>2</sup> or 5m<sup>3</sup> for the installation of new network utilities;
  - (d) installation of fences and walking tracks;
  - (e) burial of marine mammals.
- (13) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (14) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (15) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (16) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (17) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (18) Earthworks (including filling) within a 100 year AEP flood plain (excluding road network activities):

- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m<sup>3</sup> which must not be exceeded through multiple filling operations; and
- (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

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

- (19) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (20) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (21) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (22) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
  - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
  - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
  - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.5.5.2(22)(a) and (b) above.
- (23) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
  - (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
  - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (24) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:

- (a) create an unstable batter that will affect a transmission support structure; or
- (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

#### **E26.5.6. Assessment – controlled activities**

##### **E26.5.6.1. Matters of control**

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

- (1) all regional controlled activities [rp]:
  - (a) compliance with the standards;
  - (b) the design and suitability of erosion and sediment control measures to be implemented;
  - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
  - (d) the proportion of the catchment which is exposed;
  - (e) staging of works and progressive stabilisation;
  - (f) timing and duration of works;
  - (g) term of consent; and
  - (h) potential effects on significant ecological and indigenous biodiversity values.

##### **E26.5.6.2. Assessment criteria**

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

- (1) all regional controlled activities [rp]:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the Coastal Marine Area; and
    - (ii) ecological health including of the Coastal Marine Area.
  - (c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;

- (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
- (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
- (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

#### **E26.5.7. Assessment – restricted discretionary activities**

##### **E26.5.7.1. Matters of discretion**

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

- (1) all regional restricted discretionary activities [rp]:
  - (a) compliance with the standards;
  - (b) the design and suitability of erosion and sediment control measures to be implemented;
  - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
  - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;
  - (e) the proportion of the catchment which is exposed;
  - (f) staging of works and progressive stabilisation;
  - (g) timing and duration of works;
  - (h) term of consent;
  - (i) potential effects on significant ecological and indigenous biodiversity values;
  - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; and
  - (k) information and monitoring requirements.
- (2) all district restricted discretionary activities [dp]:
  - (a) compliance with the standards;

- (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;
- (c) effects on the stability and safety of surrounding land, buildings and structures;
- (d) effects on overland flow paths and flooding;
- (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
- (f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;
- (g) staging of works and progressive stabilisation;
- (h) information and monitoring requirements;
- (i) timing and duration of works;
- (j) term of consent;
- (k) potential effects on significant ecological and indigenous biodiversity values;
- (l) risk that may occur as a result of natural hazards;
- (m) protection of or provision of network utilities and road networks.
- (n) potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and
- (o) positive effects enabled through the land disturbance.

#### **E26.5.7.2. Assessment criteria**

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

- (1) all regional restricted discretionary activities [rp]:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the coastal marine area;
    - (ii) ecological health including of the coastal marine area;
    - (iii) riparian margins;



- (iv) the mauri of water;
  - (c) the quality of taiāpure or mahinga mātaītai;
  - (d) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
  - (e) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
  - (f) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
  - (g) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
  - (h) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) general district assessment criteria [dp]:
- (a) whether applicable standards are complied with;
  - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
  - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
  - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
  - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
  - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;

- (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
- (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;
- (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Unitary Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:
  - (i) the outcome of any consultation with Transpower New Zealand Limited; and
  - (ii) the risk to the structural integrity of transmission lines; or
- (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

#### **E26.5.8. Special information requirements**

There are no special information requirements in this sub-section.

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

#### **E26.6.1. Objectives**

The objectives for earthworks are located in:

- D9 Significant Ecological Areas Overlay;
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay;
- D11 Outstanding Natural Character and High Natural Character Overlay;
- D17 Historic Heritage Overlay;
- D18 Special Character Areas Overlay – Residential and Business
- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

#### **E26.6.2. Policies**

The policies for earthworks are located in:

- D9 Significant Ecological Areas Overlay;
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay;
- D11 Outstanding Natural Character and High Natural Character Overlay;
- D17 Historic Heritage Overlay;
- D18 Special Character Areas Overlay – Residential and Business
- E11 Land disturbance – Regional; and
- E12 Land disturbance – District.

### **E26.6.3. Activity table**

Table E26.6.3.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991 in the:

- D9 Significant Ecological Areas Overlay; (SEA)
- D7 Water Supply Management Areas Overlay;(WSMA)
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay; (ONF) and (ONL)
- D11 Outstanding Natural Character and High Natural Character Overlay; (ONC) and (HNC)
- D17 Historic Heritage Overlay; (HH)
- D21 Sites and Places of Significance to Mana Whenua Overlay; (SSMW) and
- D18 Special Character Areas Overlay – Residential and Business (Special Character)

The acronyms in brackets after the overlays identified above (and the words “Special Character”) are used to identify those overlays in the headings in Table E26.6.3.1

For Table E26.6.3.1 Activity table:

- additional controls apply for earthworks within the D26 National Grid Corridor Overlay; and
- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.6.3.1 Activity table - Earthworks in overlay areas except Outstanding Natural Features Overlay**

Activity		SEA [rp]	ONC [dp]	WSM A [rp]	ONL and HNC [dp]	Historic Heritage [dp]	SSMW [dp]	Special Charact er [dp]
(A110)	Earthworks for maintenance, renewal and repair of network utilities and electricity generation activities  RD* where archaeological controls apply as listed in Schedule 14	P	P	P	P	P RD*	P	P
(A111)	Earthworks for service connections  P* where identified as a site exception in Schedule 12  RD* where archaeological controls apply as listed in Schedule 14	P	P	P	P	P RD*	D P*	P
(A112)	Earthworks for minor infrastructure upgrading  P* within the legal road or the formation width of the road  RD* where archaeological controls apply as listed in Schedule 14	P	RD P*	P	P	P RD*	P	P
(A113)	Earthworks for minor utility structures  P* within the legal road or the formation width of the road  RD* where archaeological controls apply as listed in Schedule 14	P	RD P*	P	P	P RD*	P	P*
(A114)	Earthworks for minor upgrading of road	P	P	P	P	P	P	P

	network activities within the legal road or the formation width of the road  RD* where archaeological controls apply as listed in Schedule 14.1					RD*		
(A115)	Earthworks for network utilities and electricity generation facilities that do not comply with the standards in E26.6.5.2	RD	RD	RD	RD	RD	RD	RD
(A116)	Other earthworks up to 10m <sup>2</sup> and 5m <sup>3</sup>  RD* where archaeological controls apply as listed in Schedule 14  * Earthworks greater than 5m <sup>3</sup> within the Isthmus C Special Character Overlay	P	P	P	P	P RD*	D	P D*
(A117)	Earthworks from 10m <sup>2</sup> to 2500m <sup>2</sup> and from 5m <sup>3</sup> to 2500m <sup>3</sup>	RD	RD	RD	RD	RD	D	RD
(A118)	Earthworks greater than 2500m <sup>2</sup> or 2500m <sup>3</sup>	D	RD	D	RD	D	D	D
(A119)	Earthworks associated with temporary activities and land disturbance not otherwise listed in this table			Refer Table E11.4.3 Activity table overlays for regional overlays and Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) for district overlays.				

#### E26.6.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.6.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### E26.6.5. Standards

### **E26.6.5.1. Accidental discovery rule**

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, “sensitive material” means:
  - (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;
  - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
  - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
  - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

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

- (a) Immediately cease all works within 20 metres of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment. .
- (b) Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

#### *Inform relevant authorities and parties*

- (c) Inform the following parties immediately of the discovery:
  - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
  - (ii) the Council in all cases;
  - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;

- (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

- (d) Wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) If the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or
  - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.6.5.1(3)(f) are met.

*Recommencement of work*

- (f) Work within the area determined by the Council at step E26.6.5(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
  - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - (iii) the requirements of the Unitary Plan – Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;

- (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.6.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures must be taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
  - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
  - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
  - that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.
- (vii) Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.

#### **E26.6.5.2. General standards**

All activities listed as permitted, controlled or restricted discretionary in Table E26.6.3.1 Activity table must comply with the following standards.

#### **Regional [rp]**

*Regional permitted activity standards for the Significant Ecological Areas Overlay and Water Supply Management Area Overlay*

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m<sup>2</sup> and 5m<sup>3</sup>
- (3) Earthworks for the minor upgrading of road network activities 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.



- (4) Earthworks for service connections in SEAs shall be limited to the area and depth of earth previously disturbed or modified or shall not exceed 10m<sup>2</sup> and 5m<sup>3</sup>
- (5) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
- (6) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
  - (e) any significant adverse effects on aquatic life.
- (7) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.

Note 1

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

- (8) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
- (9) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (10) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (11) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within a Significant Ecological Area Overlay shall be limited to the area of earth previously disturbed or modified.

- (12) Earthworks associated with a temporary activity within a Significant Ecological Area Overlay shall be limited to the area of earthwork previously disturbed or modified.
- (13) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that areas unless being transported to landfill for disposal.

**District [dp]**

*District permitted activity standards for the Outstanding Natural Landscapes Overlay, Outstanding Natural Character and High Natural Character Overlay, Historic Heritage Overlay, Sites and Places of Significance to Mana Whenua Overlay and Special Character Areas Overlay – Residential and Business*

- (14) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (15) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m<sup>2</sup> and 5m<sup>3</sup>
- (16) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed, except where the excavation is less than 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.
- (17) Earthworks for the network utilities within the Historic Heritage Overlay must not:
- (a) take place within 20m of any building or structure within the scheduled historic heritage place, except for renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels;
  - (b) take place within the protected root zone of any tree identified in Schedule 14.1 excluding features identified in the exclusions column of Schedule 14.1 and
  - (c) exceed an excavation depth of 0.6m

- (18) Earthworks for network utilities on a site or place of significance to Mana Whenua or site shall be limited to the area and depth of earth previously disturbed or modified.
- (19) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting
- (20) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
- (a) operation, maintenance and repair (including network utilities);
  - (b) less than 5m<sup>2</sup> or 5m<sup>3</sup>; for general earthworks;
  - (c) less than 10m<sup>2</sup> or 5m<sup>3</sup> for the installation of new network utilities;
  - (d) installation of fences and walking tracks;
  - (e) burial of marine mammals.
- (21) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (22) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (23) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (24) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (25) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (26) Earthworks (including filling) within a 100 year AEP flood plain (excluding road network activities):
- (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m<sup>3</sup> which must not be exceeded through multiple filling operations; and
  - (b) must not result in any adverse changes in flood hazard beyond the site.

Note 1

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

- (27) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
- (28) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
- (29) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (30) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
- (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
  - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
  - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.6.5.2(30)(a) and (b) above.
- (31) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
  - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (32) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
  - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.
- (33) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of

significance to Mana Whenua shall be limited to the area and depth of earth previously disturbed or modified.

- (34) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the D17 Historic Heritage Overlay must not extend more than 300 mm below the surface where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps).
- (35) Earthworks/land disturbance for the planting of any tree within the D17 Historic Heritage Overlay must not be undertaken where archaeological controls apply (as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps) other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree.

#### **E26.6.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.6.7. Assessment – restricted discretionary activities**

##### **E26.6.7.1. Matters of discretion**

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

- (1) all regional restricted discretionary activities [rp]:
- (a) the matters set out in E26.5.7.1(1);
  - (b) the effects that the earthworks will have on ecological values, including on threatened species and ecosystems;
  - (c) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment;
  - (d) the necessity of the earthworks to provide for the functional and operational needs of infrastructure;
  - (e) the minimisation of effects from land disturbance through alternative locations on the site and/or methods of undertaking the works;
  - (f) the remedy or mitigation of adverse effects, including through revegetation, or restoration of other areas and ongoing maintenance;
  - (g) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion;
- and

(h) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.

(2) all district restricted discretionary activities [dp]:

(a) the matters set out in E26.5.7.1(2);

(b) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;

(c) landscape, visual and amenity effects;

(d) modification to landform;

(e) Mana Whenua values;

(f) the mitigation of effects; and

(g) the necessity of the earthworks to provide for the functional and operational needs of infrastructure.

#### **E26.6.7.2. Assessment criteria**

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

(1) all regional restricted discretionary activities [rp]:

(a) the relevant assessment criteria in E26.5.7.2(1);

(b) the extent to which the earthworks are minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;

(c) whether the earthworks will have an adverse effect on threatened species or ecosystems;

(d) the extent to which the earthworks will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects;

(e) whether the earthworks will improve the reliance and security of the network utility;

(f) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location;

(g) the extent of the benefits derived from infrastructure;

(h) whether the effects from the earthworks can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works;

- (i) the extent to which re-vegetation can remedy or mitigate adverse effects;
  - (j) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments; and
  - (k) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.
- (2) all district restricted discretionary activities [dp]:
- (a) the relevant assessment criteria in E26.5.7.2(2);
  - (b) whether there are practicable alternative locations for the activity, building or structure outside of the overlay area;
  - (c) whether, taking into account the characteristics and qualities of the site of the proposed earthworks, that the proposed location has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values;
  - (d) whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
    - (i) amenity values or views, both from land and sea;
    - (ii) landscape and natural character values; and
    - (iii) people's experience and values associated with an area, including the predominance of nature and wilderness values.
  - (e) whether the siting of the earthworks adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories;
  - (f) whether the earthworks will be visually obtrusive from any public road or public place, including from beaches and the sea;
  - (g) the extent of adverse visual or ecological effects from the proposed earthworks and landform modification;
  - (h) the extent to which the proposed earthworks will impact on Mana Whenua values;
  - (i) whether the earthworks will improve the reliance and security of the network utility;

- (j) whether the earthworks are necessary for a structure that has a functional or operational need to be in the proposed location; and
- (k) the extent of the benefits derived from infrastructure.

#### **E26.6.8. Special information requirements**

There are no special information requirements in this sub-section.

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

#### **E26.7.1. Objectives**

The objectives for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

#### **E26.7.2. Policies**

The policies for earthworks are located in:

- D10 Outstanding Natural Features Overlay; and
- E12 Land disturbance – District.

#### **E26.7.3. Activity table**

Table E26.7.3.1 Activity table specifies the activity status of land use and development activities in the D10 Outstanding Natural Features Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.7.3.1 Activity table - Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay**

Activity		Feature Code from Table D10.4.1 for activity tables applying to outstanding natural features									
		A1	A	V1	V2	B	C	D	E	F1	F2
(A110)	Earthworks for maintenance, renewal and repair of network utilities and electricity generating facilities	P	P	P	P	P	P	P	P	P	P
(A111)	Earthworks for minor infrastructure upgrading P* within the legal road or the	P	P	RD P*	RD P*	RD	RD	RD	RD	RD	RD



	formation width of the road										
(A112)	Earthworks for minor utility structures P* within the legal road or the formation width of the road	P	P	RD P*	RD P*	RD	RD	RD	RD	RD	RD
(A113)	Earthworks for service connections	P	P	RD	RD	RD	RD	RD	RD	RD	RD
(A114)	Earthworks for minor upgrading of road network activities within the legal road or the formation width of the road	P	P	P	P	P	P	P	P	P	P
(A115)	Earthworks for network utilities and electricity generation facilities that do not comply with standards in E26.7.5.2	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
(A116)	Earthworks for network utilities and electricity generating facilities activities not otherwise provided for	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
(A117)	Land disturbance not otherwise listed in this table	Refer Table E12.4.3 Activity table Outstanding Natural Features Overlay									

#### E26.7.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.7.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### E26.7.5. Standards

##### E26.7.5.1. Accidental discovery rule

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, “sensitive material” means:
  - (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;

- (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
  - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
  - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

*Cease works and secure the area*

- (a) Immediately cease all works within 20 metres of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment.
- (b) Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

*Inform relevant authorities and parties*

- (c) Inform the following parties immediately of the discovery:
  - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
  - (ii) the Council in all cases;
  - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;
  - (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

- (d) Wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or

- (ii) If the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or
  - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.7.5.1(3)(f) are met.

*Recommencement of work*

- (f) Work within the area determined by the Council at step E26.7.5.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - (iii) the requirements of the Unitary Plan – Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
  - (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
  - (v) if the discovery is a lava cave as outlined in E26.7.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures must be taken to minimise adverse effects of the works on the scientific values of the site; and
  - (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
    - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and

- any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
- that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.

(vii) Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.

#### **E26.7.5.2. General standards**

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m<sup>2</sup> and 5m<sup>3</sup>.
- (3) Earthworks for the minor upgrading of road network activities shall not exceed an excavation depth of land previously disturbed, except where the excavation is less than 10m<sup>2</sup> in area and 5m<sup>3</sup> in volume.
- (4) After completion of the earthworks, the ground must be reinstated to at least the condition existing prior to any work starting.
- (5) Land disturbance within Riparian Yards and Coastal Protection Yards are limited to:
  - (a) operation, maintenance and repair (including network utilities);
  - (b) less than 5m<sup>2</sup> or 5m<sup>3</sup>; for general earthworks;
  - (c) less than 10m<sup>2</sup> or 5m<sup>3</sup> for the installation of new network utilities;
  - (d) installation of fences and walking tracks;
  - (e) burial of marine mammals.
- (6) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.

- (7) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
  - (8) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
  - (9) Only cleanfill material may be imported and utilised as part of the land disturbance.
  - (10) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
  - (11) Earthworks (including filling) within a 100 year AEP flood plain (excluding road network activities):
    - (a) must not raise ground levels more than 300mm, to a total fill volume up to 10m<sup>3</sup> which must not be exceeded through multiple filling operations; and
    - (b) must not result in any adverse changes in flood hazard beyond the site.
- Note 1
- This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.
- (12) Earthworks (including filling) within overland flow paths (excluding road network activities) must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.
  - (13) Temporary land disturbance and stockpiling of soil and other materials within 1% AEP flood plain and/or overland flow path for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.
  - (14) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
  - (15) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
    - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and

- (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that:
  - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E26.7.5.2(15)(a) and (b) above.
- (16) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
  - (b) be no deeper than 3m between 6 to 12m from the outer visible edge of a transmission tower support structure.
- (17) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or
  - (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

#### **E26.7.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.7.7. Assessment – restricted discretionary activities**

##### **E26.7.7.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) the matters set out in E26.5.7.1(2);
  - (b) the nature, form and extent of proposed works;
  - (c) the degree of geological modification;
  - (d) the need for, or purpose of, the proposed works;
  - (e) alternative methods and locations;
  - (f) protection or enhancement of the feature; and
  - (g) effects on Mana Whenua values.

##### **E26.7.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities;
- (2) the relevant assessment criteria in E26.5.7.2(2);
- (3) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;
- (4) whether the activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;
- (5) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;
- (6) the degree to which the feature or features have already been modified so that further modification will not cause significant additional loss of geological value;
- (7) the extent to which the proposed works will protect the feature from further damage, such as erosion protection, or remediate it from previous damage. This excludes potential damage from the activity for which consent is sought;
- (8) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and
- (9) the objectives and policies in D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay.

**E26.7.8. Special information requirements**

- (1) An application for an activity must be accompanied by:
  - (a) a site plan showing location of the Outstanding Natural Feature and the location of the proposed activity.

**E26.8. Network utilities and electricity generation – Historic Heritage Overlay****E26.8.1. Objectives**

The objectives for this sub-section are located in D17 Historic Heritage Overlay.

**E26.8.2. Policies**

The policies for this sub-section are located in D17 Historic Heritage Overlay.

**E26.8.3. Activity table**

Table E26.8.3.1 Activity table specifies the activity status of land use and development activities in the D17 Historic Heritage Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- these rules apply to network utilities and electricity generation facilities within the Historic Heritage Overlay;
- these rules do not cover demolition, partial demolition or relocation of Scheduled Historic Heritage structures. If the activity affects the primary feature of a scheduled historic heritage place, the rules of D17 Historic Heritage Overlay apply. For the avoidance of doubt, the identification of primary features is provided for in D17 Historic Heritage Overlay.
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table; and
- In respect of network utilities, and electricity generation activities within this overlay, also refer to:
  - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
  - Table E26.6.3.1 Activity table earthworks in overlay areas except Outstanding Natural Features Overlay.

**Table E26.8.3.1 Activity table - Network utilities and electricity generation – Historic Heritage Overlay**

Activity		Activity status
<b>Network utilities and electricity generation facilities</b>		
(A118)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P
(A119)	Minor infrastructure upgrading	P
(A120)	Minor upgrading of road network utilities	P
(A121)	Minor utility structure	P
(A122)	Service connections	P
(A123)	Antennas and aerials	P
(A124)	Distribution substations that meet Standard E26.2.5.1(2)	RD
(A125)	Small and community scale electricity generation facilities	RD



(A126)	Road network activities comprising road lighting and associated support structures	P
(A127)	Road network activities comprising traffic operation and safety signs, direction signs and road name signs	P
(A128)	Road network activities comprising traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P
(A129)	Temporary buildings, structures and signs	P
(A130)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.8.5.1	RD
(A131)	Network utilities and electricity generation facilities not otherwise provided for	D

#### **E26.8.4. Notification**

Refer to D17.5 for notification.

#### **E26.8.5. Standards**

All activities listed as permitted in Table E26.8.3.1 Activity table must comply with the following permitted activity standards.

##### **E26.8.5.1. Permitted activity standards**

- (1) Where the scheduled historic heritage place affected by the proposed works is subject to additional archaeological controls (refer Schedule 14 Historic Heritage Schedule, Statements and Maps), the proposed works must not result in any earthworks
- (2) Operation, maintenance, renewal and repair of network utilities and electricity generation facilities not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage.
- (3) Minor infrastructure upgrading must:
  - (h) not increase the size or alter the existing location of the existing footprint;
  - (i) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage; and
  - (j) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (4) Minor upgrading of road network activities must:
  - (a) only occur within the legal road or the formation width of the road;

- (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure; and
  - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage.
- (5) Road network activities involving the renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, within 20m of any building or structure included in the Schedule 14.1 Schedule of Historic Heritage, a vibration management plan must be prepared by a suitably qualified and experienced person to establish that vibration levels will meet Rule E25.6.31 Vibration. The Plan must include the information set out in E26.8.8 and be provided to the Council no less than 5 days prior to the works commencing.
- (6) Minor utility structures must:
  - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area;
  - (b) not exceed a maximum height of 0.9m and a maximum area of 0.5m<sup>2</sup>; and
  - (c) not result in the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage
- (7) Service connections must be not affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area.
- (8) Antennas and aerials must:
  - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area; and
  - (b) not have a cross sectional dimension greater than 300mm
- (9) Road network activities comprising traffic operation and safety signs, direction signs and road name signs must:
  - (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule

of Historic Heritage) or a contributing property or feature in a historic heritage area;

(b) be co-located on an existing (non-heritage) structure; and

(c) where co-location is not possible, there shall be no more than one sign and support structure for regulatory control within any single road frontage within any individual scheduled historic heritage extent of place

(10) Temporary buildings, structures and signs must:

(a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in Schedule 14.1 Schedule of Historic Heritage) or a contributing property or feature in a historic heritage area; and

(b) not be in place longer than either:

(i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or

(ii) 21 consecutive days in any 60 day period.

#### **E26.8.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.8.7. Assessment – restricted discretionary activities**

##### **E26.8.7.1. Matters of discretion**

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

(1) all restricted discretionary activities:

(a) effects on the known heritage values of a historic heritage place from the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;

(b) effects on the heritage and Mana Whenua values;

(c) effects on the setting of the historic heritage place, and on the inter-relationship between buildings, structures and features within the place;

(d) effects of the proposal on the overall significance of the place;

(e) effects on the inter-relationship between contributing places within a historic heritage area, including the views to, within or from the place or area;

- (f) the purpose and necessity for the works and any alternatives considered;
- (g) effects of the proposal on the long term viability and/or the ongoing functional use of the place;
- (h) the mitigation of effects; and
- (i) the functional or operation need for any infrastructure in the location proposed.

#### **E26.8.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) on the heritage values of the place and the extent to which adverse effects are avoided, remedied or mitigated;
  - (b) whether the proposed works will maintain or enhance the heritage values of the place;
  - (c) whether the proposed works will compromise the ability to interpret features within the place and the relationship of the place to other scheduled historic heritage places;
  - (d) whether the proposed works, including the cumulative effects of proposed works, will result in adverse effects on the overall significance of the place such that it no longer meets the significance thresholds for which it was scheduled;
  - (e) the extent to which the activity, building or structure will impact on Mana Whenua values;
  - (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

#### **E26.8.8. Special information requirements**

- (1) The vibration management plan must include a description of the following:
  - (b) a description of the area affected by the works;
  - (c) a contact name and number of the works supervisor who can be contacted if any issues arise;

- (d) a description of the works and its duration, anticipated equipment to be used and the processes to be undertaken; and
- (e) a methodology for monitoring the proposed works to measure compliance with DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures in relation to the scheduled historic heritage building or structure.

## **E26.9. Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business**

### **E26.9.1. Objectives**

The objectives for this sub-section are located in D18 Special Character Areas Overlay – Residential and Business.

### **E26.9.2. Policies**

The policies for this sub-section are located in D18 Special Character Areas Overlay – Residential and Business.

### **E26.9.3. Activity table**

Table E26.9.3.1 Activity table specifies the activity status of land use and development activities in the Special Character Areas Overlay – Residential and Business pursuant to section 9(3) of the Resource Management Act 1991:

- areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a business zone, the Special Character Areas Overlay - Business rules in Table D18.4.2 Activity table will apply and for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in Table D18.4.1 Activity table will apply;
- these rules do not cover total demolition, substantial demolition, relocation or removal of buildings in the Special Character Areas Overlay – Residential and Business. If the activity affects buildings other than accessory buildings in these overlays, the rules of D18 apply;
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table; and
- in respect of network utilities and electricity generation activities within this overlay, also refer to:
  - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
  - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

**Table E26.9.3.1 Activity table - Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business**

<b>Activity</b>		<b>Special Character Areas Overlay - Residential Activity status</b>	<b>Special Character Areas Overlay - Business Activity status</b>
<b>Network utilities and electricity generation facilities</b>			
(A132)	Operation, maintenance, renewal and repair of network utilities and	P	P

	electricity generation facilities		
(A133)	Minor infrastructure upgrading	P	P
(A134)	Minor upgrading of road network utilities	P	P
(A135)	Minor utility structure	P	P
(A136)	Service connections	P	P
(A137)	Antennas and aerials	P	P
(A138)	Distribution substations that meet Standard E26.2.5.1(2)	RD	RD
(A139)	Small and community scale electricity generation facilities	RD	RD
(A140)	Road network activities comprising road lighting and associated support structures	P	P
(A141)	Road network activities comprising traffic operation and safety signs, direction signs and road name signs	P	P
(A142)	Road network activities comprising traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P	P
(A143)	Temporary buildings, structures and signs,	P	P
(A144)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.9.5.1	RD	RD
(A145)	Network utilities and electricity generation facilities not otherwise provided for	D	D

#### **E26.9.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.9.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E26.9.5. Standards**

All activities listed as permitted in Table E26.9.3.1 Activity table must comply with the following permitted activity standards.

#### **E26.9.5.1. Permitted activity standards**

- (1) Minor infrastructure upgrading:
  - (g) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
  - (h) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;
  - (i) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
  - (j) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must comply with the following standards:
  - (a) the alteration, replacement or relocation of ancillary structures for road network activities:
    - (iii) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
    - (iv) the structure must be located within 2m of the existing alignment or location.
  - (b) any support structure or pole which replaces an existing support structure or pole:
    - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
    - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
  - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (3) Antennas and aerials must:
  - (a) not have a cross sectional dimension greater than 300mm; and
  - (b) must not protrude above the roof line of the part of the building to which they are attached. Where attached to the front facade, the antenna or aerial must be attached so it has a maximum horizontal



projection of 450mm from the face of the building and must be colour matched to the part of the building to which it is attached;

(c) E26.9.5.1(3)(b) does not apply where the antenna or aerial is not visible when viewed at a height 1.8m above street level from any part of any road which is located within the character overlay.

(4) Temporary buildings, structures and signs must:

(a) not be in place longer than either:

(i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or

(ii) 21 consecutive days in any 60 day period.

#### **E26.9.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.9.7. Assessment – restricted discretionary activities**

##### **E26.9.7.1. Matters of discretion**

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

(1) all restricted discretionary activities:

(a) effects on the on the special character values and context of the areas as identified in the special character area statements;

(b) effects on the on the special character qualities, design and architectural features of buildings;

(c) the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;

(d) the purpose and necessity for the works and any alternatives considered;

(e) the mitigation of effects; and

(f) the functional or operation need for any infrastructure in the location proposed.

##### **E26.9.7.2. Assessment criteria**

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

(1) all restricted discretionary activities:

(a) whether the proposed works will result in adverse effects (including cumulative adverse effects) special characteristics of the streetscape

and area and the extent to which adverse effects are avoided, remedied or mitigated.

- (b) whether the proposed works will maintain or enhance the special character qualities and the design and architectural features of buildings.
- (c) whether design or location alternatives have been considered to minimise the adverse effects on the special characteristics of the streetscape, area or building
- (d) whether the location and design of any attachments minimises effects on the building through the use of appropriate colour, design, form and location on the building
- (e) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

**E26.9.8. Special information requirements**

There are no special information requirements in this sub-section.

## **E26.10. Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay**

### **E26.10.1. Objectives**

The objectives for this sub-section are located in D21 Sites and Places of Significance to Mana Whenua Overlay.

### **E26.10.2. Policies**

The policies for this sub-section are located in D21 Sites and Places of Significance to Mana Whenua Overlay.

### **E26.10.3. Activity table**

Table E26.10.3.1 Activity table specifies the activity status of land use and development activities in the Sites and Places of Significance to Mana Whenua Overlay pursuant to section 9(3) of the Resource Management Act 1991.

**Table E26.10.3.1 Activity table - Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay**

<b>Activity</b>		<b>Activity status</b>
<b>Network utilities and electricity generation facilities</b>		
(A146)	Operation, maintenance, renewal, repair and removal of network utilities and electricity generation facilities	P
(A147)	Minor infrastructure upgrading	P
(A148)	Minor upgrading of road network activities within the legal road or the formation width of the road	P
(A149)	Network utilities and electricity generation facilities that do not comply with permitted activity standards E26.10.5.1	RD
(A150)	Network utilities and electricity generation facilities not otherwise provided for where the site is identified as a site exception in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule	RD
(A151)	Network utilities and electricity generation facilities not otherwise provided for where the site is not identified as a site exception in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule	D

### **E26.10.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.10.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E26.10.5. Standards**

All activities listed as permitted in Table E26.10.3.1 Activity table must comply with the following permitted activity standards.

#### **E26.10.5.1. Minor infrastructure upgrading**

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint within a site or place of significance and must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint within a site or place of significance and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

#### **E26.10.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.10.7. Assessment – restricted discretionary activities**

##### **E26.10.7.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) the effects of the proposal on the values and associations of Mana Whenua with the site or place including effects on the context of the local history and whakapapa;
  - (b) the nature, location, design and extent of the proposal;
  - (c) the purpose and necessity for the works and any alternatives considered; or
  - (d) the provisions of any relevant iwi planning document.

##### **E26.10.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) Policies D21.3(1) - (3).
  - (b) The extent to which the proposal provides for the relationship of the site or place with Mana Whenua in the context of local history and whakapapa, if appropriate, through:

- (i) the design and location of proposed structures;
  - (ii) landscaping and vegetation including removal and replanting; and
  - (iii) landform and modification;
- (c) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

**E26.10.8. Special information requirements**

There are no special information requirements in this sub-section.

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

### E26.11.1. Objectives

The objectives for this sub-section are located in D14 Volcanic Viewshafts and Height Sensitive Areas Overlay.

### E26.11.2. Policies

The policies for this sub-section are located in D14 Volcanic Viewshafts and Height Sensitive Areas Overlay.

### E26.11.3. Activity table

Table E26.11.3.1 Activity table specifies the activity status of land use and development activities in D14 Volcanic Viewshafts and Height Sensitive Areas Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- these rules apply to network utilities and electricity generation facilities within the Volcanic Viewshafts and Height Sensitive Areas Overlay; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.11.3.1 Activity table - Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay**

Activity		Activity status		
		Regionally Significant Volcanic Viewshaft	Locally Significant Volcanic Viewshaft	Height Sensitive Area
<b>Network utilities and electricity generation activities that intrude into a scheduled viewshaft</b>				
(A152)	Buildings and structures for network utilities and electricity generation facilities that do not intrude into a scheduled viewshaft	P	P	NA
(A153)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities and like for like replacement	P	P	P
(A154)	Minor infrastructure upgrading	P	P	P
(A155)	Minor upgrading of road network utilities	P	P	P
(A156)	Minor utility structure	P	P	P
(A157)	Service connections	P	P	P
(A158)	Antennas and aerials	P	P	P
(A159)	Small and community scale electricity generation facilities	RD	RD	RD

(A160)	Road network activities comprising road lighting and associated support structures	P	P	P
(A161)	Road network activities comprising traffic and direction signs and road name signs	P	P	P
(A162)	Road network activities comprising traffic safety and operational signals, traffic information signage and support structures	P	P	P
(A163)	Temporary construction and safety structures	P	P	P
(A164)	Network utilities and electricity generation facilities that do not comply with permitted activity standards E26.11.5.1(1) - (7)	NC	RD	NC
(A165)	Network utilities and electricity generation facilities not otherwise provided for	NC	D	NC

#### **E26.11.4. Notification**

- (1) Any application for resource consent for any non-complying activity in Table E26.11.3.1 Activity table must be publicly notified.
- (2) Any application for resource consent for an activity listed in Table E26.11.3.1 Activity table and which is not listed in E26.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E26.11.5. Standards**

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

##### **E26.11.5.1. Permitted activity standards**

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading:
  - (d) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
  - (e) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;

- (f) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
  - (g) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor upgrading of road network activities must comply with the following standards:
- (a) the alteration, replacement or relocation of ancillary structures for road network activities:
    - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
    - (ii) the structure must be located within 2m of the existing alignment or location
  - (b) any support structure or pole which replaces an existing support structure or pole:
    - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
    - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
  - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (4) Minor utility structures must not exceed a maximum height of 0.9m and a maximum area of 0.5m<sup>2</sup>
- (5) Antennas and aerials must not have a cross sectional dimension greater than 300mm
- (6) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (7) Road network activities must comply with the following standards:
- (a) maximum height of 25m for road lighting and associated support structures; and
  - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic safety and operational signals, traffic information signage and support structures including interactive warning signs, real time information signs, lane control signals, ramp signals, cameras, vehicle identification and occupancy counters.



**E26.11.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

**E26.11.7. Assessment – restricted discretionary activities**

**E26.11.7.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) effects on the visual integrity of the view of the volcanic maunga from the identified viewing point or line;
  - (b) location, nature, form and extent of proposed works;
  - (c) mana whenua values associated with the maunga; and
  - (d) the functional or operation need for any infrastructure in the location proposed and any alternatives considered to achieve fulfil that need without the intrusion into the viewshaft or exceeding the maximum height limit of a height sensitive area.

**E26.11.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) having regard to the viewshaft in Appendix 20 Volcanic Viewshafts and Height Sensitive Areas – Values Assessments, whether the nature, form and extent of the building adversely affects the visual integrity of the maunga;
  - (b) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure;
  - (c) whether there are practicable alternatives available that will not intrude, or will minimise the intrusion into the viewshaft or exceedance of the maximum height of a height sensitive area;
  - (d) whether the proposed building will impact on Mana Whenua values associated with the maunga; or
  - (e) the relevant objectives and policies in B4 Natural heritage at B4.3 and in D14 Volcanic Viewshafts and Height Sensitive Areas Overlay.

**E26.11.8. Special information requirements**

There are no special information requirements in this sub-section.

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

### **E26.12.1. Objectives**

The objectives for this sub-section are located in D15 Ridgeline Protection Overlay, D16 Local Public Views Overlay and D19 Auckland War Memorial Museum Viewshaft Overlay.

### **E26.12.2. Policies**

The policies for this sub-section are located in D15 Ridgeline Protection Overlay, D16 Local Public Views Overlay and D19 Auckland War Memorial Museum Viewshaft Overlay.

### **E26.12.3. Activity table**

Table E26.12.3.1 Activity table specifies the activity status of land use and development activities in the Ridgeline Protection Overlay, Local Public Views Overlay and Auckland War Memorial Museum Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991:

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

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

<b>Activity</b>		<b>Activity status</b>		
<b>Network utilities and electricity generation activities</b>				
		<b>Auckland War Memorial Museum Viewshaft</b>	<b>Local Public Views</b>	<b>Ridgelines</b>
(A166)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A167)	Minor infrastructure upgrading	P	P	P
(A168)	Minor upgrading of road network utilities	P	P	P
(A169)	Minor utility structure	P	P	P
(A170)	Service connections	P	P	P
(A171)	Antennas and aerials	P	P	P
(A172)	Road network activities comprising road lighting and associated support structures	P	P	P
(A173)	Road network activities comprising traffic and direction signs, road	P	P	P

	name signs			
(A174)	Road network activities comprising traffic signals and support structures	P	P	P
(A175)	Temporary construction and safety structures	P	P	P
(A176)	Small and community scale electricity generation facilities	NC	RD	RD
(A177)	Network utilities and electricity generation facilities that do not comply with permitted activity standards  RD* modified ridgelines NC* natural ridgelines	NC	RD	RD* NC*
(A178)	Network utilities and electricity generation facilities not otherwise provided for  D* modified ridgelines NC* natural ridgelines	NC	D	D* NC*

#### **E26.12.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.12.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E26.12.5. Standards**

All activities listed as permitted in Table E26.12.3.1 Activity table must comply with the following permitted activity standards.

##### **E26.12.5.1. Permitted activity standards**

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
  - (a) not increase the size or alter the existing location of the existing footprint; and
  - (b) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).

- (3) Minor infrastructure upgrading in the Local Public Views and Modified Ridgelines Overlays:
- (a) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
  - (b) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;
  - (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines;
  - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (4) Minor upgrading of road network activities in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
- (a) only occur within the legal road or the formation width of the road; and
  - (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.
- (5) Minor upgrading of road network activities in the Local Public Views Overlay and Modified Ridgelines Overlays must comply with the following standards:
- (a) the alteration, replacement or relocation of ancillary structures for road network activities:
    - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
    - (ii) the structure must be located within 2m of the existing alignment or location.
  - (b) any support structure or pole which replaces an existing support structure or pole:
    - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
    - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
  - (c) all activities and works must only occur within the legal road or the formation width of the road.

- (6) Minor utility structures in the Auckland War Memorial Museum Viewshaft and Natural Ridgelines Overlays must not:
  - (a) exceed a maximum height of 0.9m and a maximum area of 0.5m<sup>2</sup>; and
  - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (7) Antennas and aerials must not:
  - (a) not have a cross sectional dimension greater than 300mm; and
  - (b) in the Auckland War Memorial Museum Viewshaft Overlay exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps to protect views to or from the Auckland War Memorial Museum.
- (8) Temporary construction and safety structures and signs must be removed within 30 days or upon completion of the construction works.
- (9) Road network activities must comply with the following standards:
  - (a) maximum height of 25m for road lighting and associated support structures; and
  - (b) maximum height of 5.3m for traffic and direction signs, road name signs, traffic signals and support structures.

#### **E26.12.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.12.7. Assessment – restricted discretionary activities**

##### **E26.12.7.1. Matters of discretion**

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

- (1) restricted discretionary activities in the Local Public Views Overlay:
  - (a) effects on the visual integrity of the view from the identified viewing point;
  - (b) location, nature, form and extent of proposed works;
  - (c) The functional or operation need for any infrastructure in the location proposed and any alternatives considered to fulfil that need without the intrusion into the viewshaft; and
  - (d) the relevant objectives and policies in D16 Local Public Views Overlay.

(2) restricted discretionary activities in the Ridgelines Protection Overlay:

- (a) location, siting and design of buildings;
- (b) effects on landscape values and visual amenity;
- (c) mitigation of effects;
- (d) the functional or operation need for any infrastructure in the location proposed and any alternatives considered; and
- (e) the relevant objectives and policies in D15 Ridgeline Protection Overlay.

**E26.12.7.2. Assessment criteria**

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

(1) restricted discretionary activities in the Local Public Views Overlay:

- (a) whether the nature, form and extent of the intrusion adversely affects the visual integrity of the viewshaft and its view;
- (b) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure; and
- (c) whether there are practicable alternatives available that will not intrude, or will minimise the intrusion into the viewshaft.

(2) restricted discretionary activities in the Ridgelines Protection Overlay:

- (a) whether the siting, size and height of the building or structure adversely affects the form and integrity of the ridgeline;
- (b) whether the building or structure can be located in a less prominent location;
- (c) whether the building, including its design and materials, will be visually intrusive from a public place;
- (d) whether there are adverse visual effects associated with the building or structure, such as landform modification associated with creating a building platform or access ways, or other servicing requirements;
- (e) the extent to which existing vegetation can be retained and planting can be provided to ensure buildings will integrate with the form of the ridgeline; and

- (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

**E26.12.8. Special information requirements**

There are no special information requirements in this sub-section.



### **E26.13. Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay**

#### **E26.13.1. Objectives**

The objectives for this sub-section are located in D10 Outstanding Natural Landscapes Overlay and D11 Outstanding Natural Character and High Natural Character Overlay.

#### **E26.13.2. Policies**

The policies for this sub-section are located in D10 Outstanding Natural Landscapes Overlay and D11 Outstanding Natural Character and High Natural Character Overlay.

#### **E26.13.3. Activity table**

Table E26.13.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Landscapes Overlay and the Outstanding Natural Character and High Natural Character Overlay outside the coastal marine area (for the rules applying within the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.
- in respect of network utilities, and electricity generation activities within this overlay, also refer to:
  - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
  - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

**Table E26.13.3.1 Activity table - Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay**

Activity		Activity status		
Network utilities and electricity generation activities				
		High Natural Character	Outstanding Natural Landscape areas	Outstanding Natural Character
(A179)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A180)	Underground network utilities	P	P	P
(A181)	Buildings and structures for network utilities and electricity	P	P	P

	generation facilities			
(A182)	Buildings and structures for network utilities and electricity generation facilities that do not comply with permitted activity standards E26.13.5.2	RD	RD	NC
(A183)	Network utilities within an existing building	P	P	P
(A184)	Minor infrastructure upgrading	P	P	P
(A185)	Service connections	P	P	P
(A186)	Antennas and aerials with a cross-sectional dimension that does not exceed 300mm	P	P	P
(A187)	Minor upgrading of road network utilities	P	P	P
(A188)	Road lighting and associated support structures	P	P	RD
(A189)	Traffic operation and safety signs, direction signs, road name signs	P	P	P
(A190)	Traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P	P	RD
(A191)	Temporary buildings, structures and signs	P	P	P
(A192)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.13.5.1	RD	RD	NC
(A193)	Network utilities and electricity generation facilities not otherwise provided for	D	D	NC

#### **E26.13.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.13.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E26.13.5. Standards**

All activities listed as permitted in Table E26.13.3.1 Activity table must comply with the following permitted activity standards.

#### **E26.13.5.1. Minor infrastructure upgrading**

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint and must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

#### **E26.13.5.2. Buildings and structures for network utilities and electricity generation facilities**

- (1) The gross floor area shall not exceed 50m<sup>2</sup> in high natural character and outstanding natural landscapes and 25m<sup>2</sup> in outstanding natural character areas.
- (2) The maximum height shall not exceed 5m. This rule does not apply to temporary activities, road lighting, traffic and direction signs, road name signs, traffic safety and operational signals, traffic monitoring equipment, or the support structures for these activities.
- (3) The exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent and within Groups A, B or C as defined within the BS5252 standard colour palette. This rule does not apply to temporary activities, traffic and direction signs, road name signs, traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

#### **E26.13.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.13.7. Assessment – restricted discretionary activities**

##### **E26.13.7.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area;

- (b) the setback from mean high water springs;
- (c) architectural elements and design, including height, bulk, colour, reflectivity and materials;
- (d) the cumulative effects of subdivision, use and development;
- (e) landscape, visual and amenity effects;
- (f) Mana Whenua values;
- (g) the mitigation of effects;
- (h) the functional or operation need for any infrastructure in the location proposed.

**E26.13.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) whether there are practicable alternative locations for the activity, building or structure outside of the overlay area;
  - (b) whether, taking into account the characteristics and qualities of the site, the activity, building or structure is located within an area that has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values;
  - (c) whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
    - (i) amenity values or views, both from land and sea;
    - (ii) landscape and natural character values; and
    - (iii) people's experience and values associated with an area, including the predominance of nature and wilderness values.
  - (d) whether the siting of the activity, building or structure adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories.
  - (e) whether the activity, building or structure will be visually obtrusive from any public road or public place, including from beaches and the sea;
  - (f) the extent to which the location, scale, height, design, external appearance and overall form of the building or structure is appropriate to the rural and coastal context, and the colours and material used for

roofs, walls and windows is of low reflectivity and merges with the surrounding landscape;

- (g) whether the activity, building or structure will result in adverse cumulative effects, having regard to other activities, buildings or use and development.
- (h) the extent to which the activity, building or structure will impact on Mana Whenua values; or
- (i) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

**E26.13.8. Special information requirements**

There are no special information requirements in this sub-section.

## E26.14. Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)

### E26.14.1. Objectives

The objectives for this sub-section are located in D10 Outstanding Natural Features Overlay.

### E26.14.2. Policies

The policies for this sub-section are located in D10 Outstanding Natural Features Overlay.

### E26.14.3. Activity table

Table E26.14.3.1 Activity table specifies the activity status of land use and development activities in the Outstanding Natural Features Overlay above MHWS (for the rules applying to those overlays in the coastal marine area, refer to the coastal zone rules) pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table;
- for a description of the features and feature codes refer to Section D10 Outstanding Natural Features Overlay;
- in respect of network utilities, and electricity generation activities within this overlay, also refer to
  - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
  - Table E26.7.3.1 Network utilities and electricity generation – Earthworks in Outstanding Natural Features Overlay.

**Table E26.14.3.1 Activity table - Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)**

Activity		Feature Code from Table D10.4.1 for activity tables applying to outstanding natural features									
		A1	A	V1	V2	B	C	D	E	F1	F2
(A194)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P	P	P	P	P	P	P	P
(A195)	Service connections	P	P	RD	RD	RD	RD	RD	RD	RD	RD
(A196)	Minor utility structures P* within the legal road or the formation width of the road	P	P	RD P*	RD P*	RD	RD	RD	RD	RD	RD
(A197)	Minor infrastructure upgrading	P	P	RD	RD	RD	RD	RD	RD	RD	RD

	P* within the legal road or the formation width of the road			P*	P*						
(A198)	Minor upgrading of road network activities within the legal road or the formation width of the road	P	P	P	RD	RD	RD	RD	RD	RD	RD
(A199)	Pipe and cable bridges for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications	P	P	RD	RD	RD	RD	RD	RD	RD	RD
(A200)	Network utilities and electricity generation facilities that do not comply with permitted activity standards E26.14.5.1	RD	RD	RD	RD	NC	NC	RD	NC	NC	NC
(A201)	Network utilities and electricity generation facilities not otherwise provided for	P	RD	RD	RD	NC	NC	RD	NC	NC	NC

#### **E26.14.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.14.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E26.14.5. Standards**

All activities listed as permitted in Table E26.14.3.1 Activity table must comply with the following permitted activity standards.

##### **E26.14.5.1. Permitted activity standards**

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint within a site or place of significance and is otherwise in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

- (3) Network utilities and electricity generation facilities not otherwise provided for must comply with the relevant permitted activity standards in E26.2.5

**E26.14.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

**E26.14.7. Assessment – restricted discretionary activities**

**E26.14.7.1. Matters of discretion**

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

- (4) all restricted discretionary activities:
- (a) the nature, form and extent of proposed works;
  - (b) the degree of existing geological modification;
  - (c) the necessity of the works to provide for the functional and operational needs of infrastructure;
  - (d) alternative methods and locations;
  - (e) protection or enhancement of the feature; and
  - (f) effects on Mana Whenua values.

**E26.14.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
- (a) the extent to which the nature, form and extent of the proposed use or development adversely affects the criteria or values for which the feature was scheduled taking into account all of the following;
    - (i) whether the use or development will result in increased erosion, of the feature;
    - (ii) whether the use or development will result in increased compaction or erosion of the feature, or changes to the vegetation will adversely affect the values for which the feature is scheduled;
    - (iii) whether the use or development will result in ground disturbance or earthworks that will affect the values for which the feature is scheduled; and
    - (iv) whether the use or development will interfere with natural processes associated with the feature.



- (b) the extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature;
- (c) the extent to which the proposed use or development will cause any significant loss of geological value of a feature, taking into account the extent a feature has already been modified and whether further modification will cumulatively result in a significant loss of geological value;
- (d) the extent to which modification of a feature is necessary to provide for the proposed use or development and the proposed structure has a functional or operational need to be in the location proposed;
- (e) whether there are alternative methods and locations available to undertake the use or development that will not affect a scheduled feature;
- (f) the extent to which the proposed works will protect the feature from damage, such as providing for erosion protection, or remediate previous damage, excluding any damage resulting from the use or development itself;
- (g) the extent to which the proposed use or development will adversely affect Mana Whenua values;
- (h) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

**E26.14.8. Special information requirements**

- (1) An application for an activity must be accompanied by:
  - (a) a site plan showing location of the outstanding natural feature and the location of the proposed activity.

## E27. Transport

### E27.1. Background

To support and manage the effects on the operation and development of an integrated transport network, this section:

- addresses the management of the location, number and design of parking, loading and access;
- provides for public transport facilities and walking and cycling facilities which may be located outside the road network (which is covered in Section E26 Infrastructure); and
- identifies the need to manage the effects of high trip generating activities.

The term 'transport system' encompasses both the physical infrastructure of the transport network and the wider environment or factors which can influence the operation of transport e.g. transport users and their behaviours. For the purpose of these transport provisions, the term 'transport network' is used in the context of managing effects or impacts on the operation of the 'transport network' as a physical resource. The transport network comprises the physical infrastructure or conduit along which transport modes move or travel along and this is made up of a series of links (where a sequence of continuous links form a route) and nodes which in totality form a network. The transport network also comprises a series of sub-networks or types which generally relate to a particular mode of travel or type of movement e.g. public transport network, freight network and walking and cycling networks. In regard to public transport networks, the network can also include the supporting services which utilise the physical network.

The current predominance of private vehicle travel and the accompanying requirements for parking is recognised in terms of both the positive and adverse effects associated with accommodating these parking requirements.

Parking is an essential component of Auckland's transport network and the management of parking can have major implications for the convenience, economic viability, design and layout of an area and the function of the transport network. It is important that parking is managed and provided in a manner that supports urban amenity, efficient use of land and the functional requirements of activities. The requirements for parking can reflect the trip characteristics of a range of activities at different locations that occur at different times. It can also be managed to have a significant influence on reducing car use, particularly for commuter travel. This in turn reduces the growth in traffic, particularly during peak periods, and when supported by the provision of other transport modes achieves a more sustainable transport network. The management of parking supply includes a region-wide approach to regulating the amount of parking to support different activities (accessory parking). This regulation generally occurs by requiring parking (minimums) or limiting parking (maximums) or a combination of these approaches. Any controls on parking should reflect the needs of land use and the wider transport system.

The overall purpose of limiting parking through maximums is to manage potential parking oversupply and in turn reduce traffic congestion and provide opportunities to improve

amenity in areas earmarked for intensification. Maximum parking rates have been set at a level which appropriately provides for the management on-site parking demands.

Requiring on-site parking through minimums has generally been used to manage the effects of parking (e.g. spill-over effects) associated with development. Accommodating growth in areas where land is scarce and a highly valued resource requires reconsideration of the use, and benefits and costs of requiring parking. The planning framework to facilitate this growth includes managing parking minimums and recognising situations where removing the requirement to provide parking will have direct land use benefits in regard to reducing development costs, improving housing affordability, optimising investment in parking facilities and supporting the use of public transport.

The approach to parking provided with an activity or development is outlined below:

- there is no requirement for activities or development to provide parking in the following zones and locations:
  - the Business – City Centre Zone; and
  - Centre Fringe Office Control as shown on the planning maps for office activities; and
  - Business – Metropolitan Centre Zone; Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of identified non-urban town and local centres

instead, a maximum limit has been set on the amount of parking that can be provided on a site in these areas;

- there is no requirement or limit for activities or development excluding office to provide parking in the following zones and locations:
  - Centre Fringe Office Control as shown on the planning maps;
  - Residential – Terrace Housing and Apartment Buildings Zone; and
  - Residential – Mixed Housing Urban Zone (for studio and one-bedroom dwellings)

this approach supports intensification and public transport and recognises that for most of these areas, access to the public transport network will provide an alternative means of travel to private vehicles;

- in all other areas, a minimum level of parking is required to accompany any activity or development. A maximum limit is set on the amount of parking that can be provided for offices.

Standalone parking (non-accessory) facilities are provided for and will be individually assessed. This includes park-and-ride and other facilities that support public transport. Parking (non-accessory) may be appropriate to facilitate rationalisation of centre based parking resources to support activities in the centre and improve urban design outcomes.

<sup>1</sup> [ENV-2016-000191: The National Trading Company of New Zealand Limited]

<sup>2</sup> [ENV-2016-000192: Kiwi Property Group Limited and Kiwi Property Holdings Limited]

<sup>3</sup> [ENV-2016-000201 Progressive Enterprises Ltd]

<sup>4</sup> [ENV-2016-000243: K Vernon]

To support walking and cycling, new buildings and developments are required to provide cycle parking as well as end-of-trip facilities. Off-road pedestrian and cycling facilities are also provided for to complement facilities located in the road network.

This section also addresses loading, the design of parking and loading, access from activities and developments to the road, and access around road/rail level crossings. These provisions support the movement of people, goods and services across the region.

Activities or subdivision which generate higher amounts of traffic, and which seek to locate outside of the most intensive centres and residential zones, are required to demonstrate how the proposal would integrate with the transport network. This includes managing the transport impacts of the proposal on the effective, efficient and safe operation of the local transport network.

### **E27.2. Objectives**

- (1) Land use and all modes of transport are integrated in a manner that enables:
  - (a) the benefits of an integrated transport network to be realised; and
  - (b) the adverse effects of traffic generation on the transport network to be managed.
- (2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.
- (3) Parking and loading supports urban growth and the quality compact urban form.
- (4) The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.
- (5) Pedestrian safety and amenity along public footpaths is prioritised.
- (6) Road/rail crossings operate safely with neighbouring land use and development.

### **E27.3. Policies**

- (1) Require subdivision, use and development which:
  - (a) generate trips resulting in potentially more than minor adverse effects on the safe, efficient and effective operation of the transport network;
  - (b) are proposed outside of the following zones:
    - (i) the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone;
    - (ii) Residential – Terrace Housing and Apartment Buildings Zone;
    - (iii) the Centre Fringe Office Control as shown on the planning maps; or

- (c) do not already require an integrated transport assessment or have been approved based on an integrated transport assessment

to manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development or undertaking improvements to the local transport network.

- (2) Require major proposals for discretionary consent to prepare an integrated transport assessment including provision for pedestrians, cyclists, public transport users, freight and motorists.

### *Parking*

- (3) Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:

- (a) the safe, efficient and effective operation of the transport network;
- (b) the use of more sustainable transport options including public transport, cycling and walking;
- (c) the functional and operational requirements of activities;
- (d) the efficient use of land;
- (e) the recognition of different activities having different trip characteristics; and
- (f) the efficient use of on-street parking.

- (4) Limit the supply of on-site parking in the Business – City Centre Zone to support the planned growth and intensification and recognise the existing and future accessibility of this location to public transport, and support walking and cycling.

- (5) Limit the supply of on-site parking for office development in all locations to:

- (a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and
- (b) support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.

[ENV-2016-000191: The National Trading Company of New Zealand Limited]

[ENV-2016-000192: Kiwi Property Group Limited and Kiwi Property Holdings Limited]

[ENV-2016-000201: Progressive Enterprises Ltd]

[ENV-2016-000243: K Vernon]

- (6) Limiting the supply of on-site parking for subdivision, use and development in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of non-urban town and local centres).

[ENV-2016-000243: K Vernon]

- (7) Provide for flexible on-site parking by not limiting or requiring parking for subdivision, use and development (excluding office) in the Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).
- (8) Require all other subdivision, use and development to provide a minimum level of on-site parking in recognition of the more limited alternatives to private vehicle travel unless it can be demonstrated that a lesser amount of on-site parking is needed for a particular site or proposal or the provision of on-site parking would be inconsistent with the protection of Historic Heritage or Special Character overlays.
- (9) Provide for flexible approaches to parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision.
- (10) Provide for non-accessory parking where:
  - (a) the proposal and the type of parking will reinforce the efficient use of land or planned growth and intensification provided for in this plan for the site or locality; and
  - (b) there is an undersupply or projected undersupply of parking to service the area having regard to all of the following:
    - (i) the efficient use of land to rationalise or consolidate parking resources in centres;
    - (ii) the availability of alternative transport modes, particularly access to the existing and planned public transport;
    - (iii) the type of parking proposed;
    - (iv) existing parking survey information; and
    - (v) the type of activities in the surrounding area and their trip characteristics.
- (11) Discourage the development of long-term non-accessory parking in the Business – City Centre Zone and the Centre Fringe Office Control as shown on the planning maps to:
  - (a) recognise and support the high level of accessibility these areas have to the public transport; and
  - (b) minimise the growth in private vehicle trips by commuters during peak periods.
- (12) Control the development of long-term non-accessory parking in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local

Centre Zone and in the Business – Mixed Use Zone so that the parking does not undermine:

- (a) the efficient use of land or growth and intensification provided for in this plan for the site or locality; and
  - (b) the use of public transport in these zones.
- (13) Provide for park-and-ride and public transport facilities which are located and designed to support the public transport network by:
- (a) locating in proximity to public transport stations, stops and terminals;
  - (b) growing public transport patronage to assist in relieving congested corridors by encouraging commuters to shift to public transport;
  - (c) making public transport easier and more convenient to use, thereby attracting new users;
  - (d) improving the operational efficiency of the public transport network;
  - (e) extending the catchment for public transport into areas of demand where it is not cost-effective to provide traditional services or feeders;
  - (f) reinforcing existing and future investments on the public transport network; and
  - (g) providing free, secure and covered parking for bicycles.
- (14) Support increased cycling and walking by:
- (a) requiring larger developments to provide bicycle parking;
  - (b) requiring end-of-trip facilities, such as showers and changing facilities, to be included in office, educational and hospital developments with high employee or student numbers; and
  - (c) providing for off-road pedestrian and bicycle facilities to complement facilities located within the road network.

#### *Loading*

- (15) Require access to loading facilities to support activities and minimise disruption on the adjacent transport network.
- (16) Provide for on-site or alternative loading arrangements, including on-street loading or shared loading areas, particularly in locations where it is desirable to limit access points for reasons of safety, amenity and road operation.

#### *Design of parking and loading*

- (17) Require parking and loading areas to be designed and located to:

- (a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;
  - (b) provide safe access and egress for vehicles, pedestrians and cyclists;
  - (c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and
  - (d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.
- (18) Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:
- (a) the effective, efficient and safe operation of roads, in particular arterial roads;
  - (b) pedestrian safety and amenity, particularly within the centre zones and Business – Mixed Use Zone; and
  - (c) safe and functional access taking into consideration the number of parking spaces served by the access, the length of the driveway and whether the access is subject to a vehicle access restriction.
- (19) Require park-and-ride, non-accessory parking and off-site parking facilities and their access points to:
- (a) be compatible with the planning and design outcomes identified in this plan for the relevant zone;
  - (b) take into account the implementation of any relevant future transport projects or changes to the transport network identified in any statutory document (including the Long Term Plan or Regional Land Transport Plan) where implementation is likely;
  - (c) be accessible, safe and secure for users with safe and attractive pedestrian connections within the facility and to adjacent public footpaths;
  - (d) provide an attractive interface between any buildings, structures or at-grade parking areas and adjacent streets and public open spaces. Depending on location and scale, this may include:
    - (i) maintaining an active frontage through sleeving and/or an interesting appearance through use of architectural treatments so that the facility contributes positively to the pedestrian amenity and to any retail, commercial or residential uses along the road it fronts;
    - (ii) appropriate screening, such as exterior panelling, for any parking building; and



- (iii) planting and other landscaping.
- (e) provide for any buildings to be adapted or readily dismantled for other uses if no longer required for parking. In particular, the floor-to-ceiling height of a parking building at street level should be capable of conversion to other activities provided for in the zone; and
- (f) be managed and operated so that the facility avoids adverse effects on the efficient, effective and safe operation of the transport network including:
  - (i) the safety of pedestrians and cyclists;
  - (ii) amenity for pedestrians;
  - (iii) queuing on the road and conflict at access points to the facility; and
  - (iv) the operation of public transport services and related infrastructure.

#### Access

- (20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.
- (21) Restrict or manage vehicle access to and from sites adjacent to intersections, adjacent motorway interchanges, and on arterial roads, so that:
  - (a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the road network; and
  - (b) any adverse effect on the effective, efficient and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated.
- (22) Restrict vehicle access across the Vehicle Access Restriction – General Control as shown on the planning maps within the Business – City Centre Zone to:
  - (a) give high priority to pedestrian movement, safety and amenity along the main pedestrian streets in the Business – City Centre Zone; and
  - (b) provide for continuity of building frontage and associated activities at street level.
- (23) Provide for the continued use of existing vehicle access affected by the Key Retail Frontage Control as shown on the planning maps and Vehicle Access Restriction – General Control in the Business – City Centre Zone where the effects of the activity and use of the vehicle access are the same or similar in character, intensity and scale which existed on 30 September 2013.

- (24) Control alterations to or rationalisation of existing vehicle access affected by the Key Retail Frontage Control and Vehicle Access Restriction – General Control in the Business – City Centre Zone where there is a change in the character, intensity or scale of the activity and use of the existing vehicle access.
- (25) Discourage new vehicle access across the Key Retail Frontage Control in the Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Mixed Use Zone to:
- (a) give high priority to pedestrian movement, safety and amenity; and
  - (b) provide for continuity of building frontage and associated activities at street level.
- (26) Limit new vehicle access across the General Commercial Frontage Control as shown on the planning maps in the Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Mixed Use Zone to:
- (a) support pedestrian safety and amenity; and
  - (b) provide for continuity of building frontage and associated activities at street level.

*Sightlines to rail level crossings*

- (27) Limit the location of buildings and other visual obstructions within the sightline areas of road/rail level crossings.
- (28) Discourage new road and pedestrian rail level crossings to ensure the safe, effective and efficient operation of the region's rail network.

*Access to rail level crossings*

- (29) Control vehicle access to sites adjacent to all road/rail level crossings to improve safety for road users on the approach to level crossings.

**E27.4. Activity table**

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

These rules do not apply to precincts where there are corresponding transport and traffic provisions in the applicable precinct.

Note 1

All access to the State Highway network (including changes to existing access and subdivision or change in land use utilising an existing access) require the approval of the New Zealand Transport Agency under the Government Rounding Powers Act 1989. This approval is separate and additional to any land use or subdivision consent approval required. Refer to the New Zealand Transport Agency's Auckland Office.

**Table E27.4.1 Activity table**

<b>Activity</b>		<b>Activity status</b>
(A1)	Parking, loading and access which is an accessory activity and complies with the standards for parking, loading and access	P
(A2)	Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access	RD
(A3)	Any activity or subdivision which exceeds the trip generation standards set out in Standard E27.6.1	RD
(A4)	Use of an existing vehicle crossing (established or consented before 30 September 2013) where a Vehicle Access Restriction applies under Standards E27.6.4.1(1), E27.6.4.1(2) or E27.6.4.1(3) to service existing activities (established or consented before 30 September 2013)	P
(A5)	Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3)	RD
(A6)	Use of an existing vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) to service the establishment of a new activity, a change of activity type, the expansion or intensification of an existing activity or where a building(s) is constructed, or additions to buildings that are not permitted activities in <ul style="list-style-type: none"> <li>• Table H9.4.1 Activity table;</li> <li>• Table H10.4.1 Activity table;</li> <li>• Table H11.4.1 Activity table;</li> <li>• Table H12.4.1 Activity table;</li> <li>• Table H13.4.1 Activity table;</li> <li>• Table H14.4.1 Activity table; or</li> <li>• Table H15.4.1 Activity table.</li> </ul>	RD
(A7)	Construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) and the establishment of the vehicle crossing is to: <p>(a) relocate and/or amalgamate an existing vehicle crossing or crossings serving the site, that will reduce or otherwise not increase either the number of crossings or width of crossings serving a site; or</p> <p>(b) there is no other means of accessing a site.</p>	RD
(A8)	Construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) and it is not provided for in this activity table	NC
(A9)	Any building or structure located within an area subject to Level Crossings with Sightlines Control as identified on the planning maps	RD
(A10)	Off-road pedestrian and cycling facilities	P
(A11)	Park-and-ride	RD

(A12)	Public transport facilities	RD
(A13)	Short-term and long-term non-accessory parking in the following zones: <ul style="list-style-type: none"> <li>• Business – Metropolitan Centre Zone;</li> <li>• Business – Town Centre Zone;</li> <li>• Business – Local Centre Zone; and</li> <li>• Business – Mixed Use Zone.</li> </ul>	RD
(A14)	Short-term non-accessory parking in the Business – City Centre Zone and Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone	D
(A15)	Long-term non-accessory parking in these zones and locations: <ul style="list-style-type: none"> <li>• Business – City Centre Zone; and</li> <li>• Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone.</li> </ul>	NC
(A16)	Off-site parking	D
(A17)	Construction of new road and pedestrian rail level crossings on the rail network	NC

### E27.5. Notification

- (1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
- (a) E27.4.1(A11) Park-and-ride (exceeding 200 parking spaces); or
- (b) E27.4.1(A12) Public transport facilities.
- (2) Any application for resource consent for activity that infringes the following standards will be considered without public notification unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
- (a) Standard E27.6.4.1(2) Vehicle access restrictions; or
- (b) Standard E27.6.4.1(3) Vehicle access restrictions.
- (3) Any application for resource consent for vehicle access not meeting Standard E27.6.4.1(2) and Standard E27.6.4.1(3) Vehicle access restrictions may be limited notified.
- (4) Any application for resource consent for an activity listed in Table E27.4.1 Activity table and which is not listed in E27.6.5(1), E27.6.5(2) or E27.6.5(3) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (5) 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).

### E27.6. Standards

All activities in Table E27.4.1 must comply with the following standards.

#### E27.6.1. Trip generation

- (1) Where a proposal (except where excluded in Standard E27.6.1(2)) exceeds one of the following thresholds:
- (a) a new development in Table E27.6.1.1;
  - (b) 100 v/hr (any hour) for activities not specified in Table E27.6.1.1 requiring a controlled or restricted discretionary land use activity consent in the applicable zone where there are no requirements for an assessment of transport or trip generation effects. This standard does not apply to development activities provided for as permitted in the applicable zone; or
  - (c) a proposed subdivision of land which has capacity under this Plan to accommodate more than 100 dwellings
- resource consent for a restricted discretionary activity is required.

**Table E27.6.1.1 New development thresholds**

Activity		New development	
(T1)	Residential	Dwellings	100 dwellings
(T2)		Integrated residential development	500 units
(T3)		Visitor accommodation	100 units
(T4)	Education facilities	Primary	167 students
(T5)		Secondary	333 students
(T6)		Tertiary	500 students
(T7)	Office		5,000 m <sup>2</sup> GFA
(T8)	Retail	Drive through	333 m <sup>2</sup> GFA
(T9)	Industrial activities	Warehousing and storage	20,000 m <sup>2</sup> GFA
(T10)		Other industrial activities	10,000 m <sup>2</sup> GFA

- (2) Standard E27.6.1(1) does not apply where:
- (a) a proposal is located in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, or Residential –

Terrace Housing and Apartment Building Zone or Centre Fringe Office Control as shown on the planning maps;

- (b) development is being undertaken in accordance with a consent or provisions approved on the basis of an Integrated Transport Assessment where the land use and the associated trip generation and transport effects are the same or similar in character, intensity and scale to those identified in the previous assessment;
- (c) the activity is permitted in the H7 Open space zones; or
- (d) there are requirements to assess transport, traffic or trip-generation effects for the activity in the applicable zone rules or precinct rules for any controlled or restricted discretionary land use activities.

**E27.6.2. Number of parking and loading spaces**

- (1) The number of parking spaces:
  - (a) must not exceed the maximum rates specified;
  - (b) must meet the minimum rates specified; or
  - (c) must meet the minimum rates and not exceed the maximum rates specified

which apply to the zone or location specified in Table E27.6.2.1, Table E27.6.2.2, Table E27.6.2.3 and Table E27.6.2.4.

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

**Table E27.6.2.1 Maximum parking rates for the Business – City Centre Zone**

Activity/site		Business – City Centre Zone maximum rate
(T11)	Dwellings	Dwellings <75m <sup>2</sup> GFA
(T12)		Dwellings ≥75 and < 90m <sup>2</sup> GFA
(T13)		Dwellings ≥90m <sup>2</sup> GFA
(T14)		Visitor spaces

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Viaduct  
Harbour  
Holdings Ltd]

(T15)	All other activities	1:200m <sup>2</sup> GFA
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**Table E27.6.2.2 Maximum parking rates for the Centre Fringe Office Control area adjoining the Business – City Centre Zone**

Activity		Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone Maximum rate
(T16)	Offices	1 per 60 m <sup>2</sup> GFA
(T17)	All other activities	No minimum or maximum

(4) Table E27.6.2.3 sets out the parking rates which apply in the following zones and locations:

- (a) Business – Metropolitan Centre Zone;
- (b) Business – Town Centre Zone – excluding the following town centres where Table E27.6.2.4 applies: Helensville, Kumeu-Huapai, Pukekohe, Warkworth and Wellsford;
- (c) Business – Local Centre Zone – excluding the following local centres where Table E27.6.2.4 applies: Karaka, Kaukapakapa, Leigh, Matakana, Riverhead, Snells Beach, Te Hana, Waimauku and Waiuku;
- (d) Business – Mixed Use Zone (excluding where the Business – Mixed Use Zone is adjacent to the town centres or local centres identified in Standards E27.6.2(4)(d) and E27.6.2(4)(e) above); and
- (e) Residential – Terrace Housing and Apartment Buildings Zone.

**Table E27.6.2.3 Parking rates - area 1**

Activity		Applies to zones and locations specified in Standard E27.6.2(4)	
		Minimum rate	Maximum rate
(T18)	Offices	No minimum	1 per 30 m <sup>2</sup> GFA
(T19)	Retail	No minimum	1 per 10m <sup>2</sup> GFA and outdoor seating area
	Food and beverage (excluding taverns)		
(T20)	All other retail (including taverns)	No minimum	1 per 20m <sup>2</sup> GFA
(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	0.2 per person the facility is designed to accommodate

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000192]<sup>2</sup>  
[ENV-2016-AKL-  
000201]<sup>3</sup>

[ENV-2016-AKL-  
000243: K Vernon]

<sup>1</sup>[ENV-2016-AKL-000191: The National Trading Company of New Zealand Limited]

<sup>2</sup>[ENV-2016-AKL-000192: Kiwi Property Group Kiwi Property Holdings Limited]

<sup>3</sup>[ENV-2016-AKL-000201: Progressive Enterprises Ltd]

Activity		Applies to zones and locations specified in Standard E27.6.2(4)		
		Minimum rate	Maximum rate	
(T22)	Emergency services		No minimum	1 car parking space per employee on site plus one per emergency service appliance based at the facility
(T23)	Care centres		No minimum	0.10 per child or other person (other than employees) plus 0.5 per FTE (full time equivalent) employee
(T24)	Education facilities	Primary and secondary	No minimum	0.5 per FTE employee plus 1 visitor space per classroom
(T25)		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	1 per 20 m <sup>2</sup> GFA
(T28)	Residential	All dwellings in the Terrace Housing & Apartment Buildings zone	No minimum	No maximum
(T29)		Dwellings – studio or 1 bedroom	No minimum	1 per dwelling
(T30)		Dwellings – two or more bedrooms	No minimum	2 per dwelling
(T31)		Visitor spaces	No minimum	0.2 per dwelling
(T32)		Retirement villages	No minimum	1 per unit / apartment plus 0.2 visitor space per unit / apartment plus 0.3 per bed for rest home beds
(T33)		Supported residential	No minimum	0.3 per bed



Activity			Applies to zones and locations specified in Standard E27.6.2(4)	
			Minimum rate	Maximum rate
		care		
(T34)		Visitor accommodation	No minimum	1 per unit. or, where accommodation is not provided in the form of units, 0.3 per bedroom
(T35)		Boarding houses	No minimum	0.5 per bedroom
(T36)	All other activities		No minimum	1 per 20 m <sup>2</sup> GFA

(5) Table E27.6.2.4 sets out the parking rates which apply to the Business – Neighbourhood Centre Zone and all other zones and areas not specified in Table E27.6.2.1, Table E27.6.2.2 and Table E27.6.2.3.

**Table E27.6.2.4 Parking rates - area 2**

Activity				Applies to zones and locations specified in Standard E27.6.2(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
(T40)					
(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
(T44)	Sites within the D18 Special Character Areas Overlay –	Site area 500m <sup>2</sup> or less	No minimum	No maximum	
(T45)			Site area greater than	As per the underlying zoning	

Activity				Applies to zones and locations specified in Standard E27.6.2(5)	
				Minimum rate	Maximum rate
	Residential and Business	500m <sup>2</sup>			
(T46)	All other areas	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 occupation; and (b) goods and services are not sold from the site (except electronically or by mail/courier)	No maximum	
(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	No maximum	

Activity			Applies to zones and locations specified in Standard E27.6.2(5)	
			Minimum rate	Maximum rate
			Special Purpose – School Zone)	
(T53)	Offices		A minimum of 1 per 45m <sup>2</sup> GFA	Maximum of 1 per 30m <sup>2</sup> GFA
(T54)	Commercial services, excluding the following: veterinary clinics, storage and lockup facilities		1 per 25m <sup>2</sup> GFA	No maximum
(T55)	Retail	Motor vehicle sales	1 per 10 vehicle display spaces, plus 1 per additional 50m <sup>2</sup> GFA	No maximum
(T56)		Trade suppliers	1 per 50m <sup>2</sup> GFA plus 1 per 100m <sup>2</sup> of outdoor storage or display areas	No maximum
(T57)		Large Format Retail (excluding supermarkets and department stores)	1 per 45m <sup>2</sup> GFA	No maximum
(T58)		All other retail (including food and beverage)	1 per 25m <sup>2</sup> GFA	No maximum
(T59)	Industrial activities and storage and lock-up facilities	Repair and maintenance services	4 per repair / lubrication bay, plus 1 per additional 50m <sup>2</sup> GFA	No maximum
(T60)		Warehousing, storage and lock up facilities	1 per 100m <sup>2</sup> GFA, or 0.7 per FTE employee (where the number of employees is known), whichever results in requiring a lower amount of on-site parking	No maximum
(T61)		All other industrial activities	1 per 50m <sup>2</sup> GFA, or 0.7 per FTE employee (where the number of employees is known), whichever results in requiring a lower amount of on-site parking	No maximum
(T62)	Entertainment facilities and community facilities provided that, for places of worship, the 'facility' shall be the primary		0.2 per person the facility is designed to	No maximum

Activity		Applies to zones and locations specified in Standard E27.6.2(5)		
		Minimum rate	Maximum rate	
	place of assembly (ancillary spaces such as prayer rooms, meeting rooms and lobby spaces not separately use shall be disregarded)		accommodate	
(T63)	Emergency services		1 per employee on site plus 1 per emergency service appliance based at the facility	No maximum
(T64)	Care centres		0.10 per child or other person, other than employees plus 0.5 per FTE employee	No maximum
(T65)	Educational facilities	Primary and secondary	0.5 per FTE employee plus 1 visitor space per classroom	No maximum
(T66)		Tertiary	Massey University at Albany Campus: 0.32 per EFT student Other tertiary education facilities: 0.5 per FTE employee plus 0.25 per EFT student the facility is designed to accommodate	No maximum
(T67)	Medical facilities	Hospitals not shown on the Parking Variation Control planning maps	1 per 50m <sup>2</sup> GFA	No maximum
(T68)		Grafton Hospital 2 Park Road, Grafton	No minimum	1 per 50m <sup>2</sup> GFA
(T69)		Greenlane Clinical Centre 210 Green Lane West, Epsom	1 per 55m <sup>2</sup> GFA	No maximum
(T70)		Mt Albert 50 Carrington Road, Mt Albert	1 per 60m <sup>2</sup> GFA	No maximum
(T71)		Mercy Hospital 98 Mountain Road, Epsom	1 per 40m <sup>2</sup> GFA	No maximum
(T72)		Healthcare facilities	1 per 20m <sup>2</sup> GFA	No maximum

Activity			Applies to zones and locations specified in Standard E27.6.2(5)	
			Minimum rate	Maximum rate
(T73)		Veterinary clinics	1 per 20m <sup>2</sup> GFA	No maximum
(T74)	Land used for organised sport and recreation		12.5 spaces per hectare	No maximum
(T75)	Clubrooms		0.2 per person the facility is designed to accommodate	No maximum
(T76)	Water transport	Land adjacent to a public boat launching ramp	No minimum rate for accessory parking associated with boat launching	No maximum
(T77)		Marinas	0.35 per berth provided	No maximum
(T78)		Minor ports at Gabador Place, Tamaki and Onehunga	0.5 per employee intended to be working in or at the facility at any one time	No maximum
(T79)	All other activities, except for activities within rural zones		1 per 50m <sup>2</sup> GFA	No maximum
(T80)	All other activities where located in rural zones		No minimum	No maximum

## (6) Bicycle parking:

(a) the activities specified in Table E27.6.2.5 must provide the minimum number of bicycle parking spaces specified; and

(b) the following bicycle parking requirements apply to new buildings and developments.

**Table E27.6.2.5 Required bicycle parking rates**

Activity			Visitor (short-stay) Minimum rate	Secure (long-stay) Minimum rate
(T81)	Residential	Developments of 20 or more dwellings	1 per 20 dwellings	1 per dwelling without a dedicated garage
(T82)		Visitor accommodation and boarding	1 space plus 1 space per 20 rooms/beds	1 per 10 FTE employees

Activity			Visitor (short-stay) Minimum rate		Secure (long-stay) Minimum rate
		houses			
(T83)		Retirement village and residential care	1 space plus 1 space per 30 units / apartments		1 per 10 FTE employees
(T84)	Offices		Up to 200m <sup>2</sup>	Nil required	1 per 300m <sup>2</sup> of office
(T85)			Greater than 200m <sup>2</sup> up to 10,000m <sup>2</sup>	1 space plus 1 space per 1,000m <sup>2</sup> above 1,000m <sup>2</sup>	
(T86)			Greater than 10,000m <sup>2</sup>	10 spaces plus 1 space per 2000m <sup>2</sup> above 10,000m <sup>2</sup>	
(T87)	Retail	Food and beverage	Up to 350m <sup>2</sup> GFA	Nil required	1 per 300m <sup>2</sup> GFA
(T88)			Greater than 350m <sup>2</sup> GFA	1 per 350m <sup>2</sup> GFA	
(T89)		All other retail	Up to 500m <sup>2</sup> GFA	Nil required	1 per 300m <sup>2</sup> GFA of office
(T90)			Greater than 500m <sup>2</sup> GFA up to 5000m <sup>2</sup> GFA	1 per 500m <sup>2</sup> GFA	
(T91)			Greater than 5000m <sup>2</sup> GFA	1 per 750m <sup>2</sup> GFA	
(T92)	Industrial activities and storage and lockup facilities		1 space plus 1 space per 750m <sup>2</sup> GFA of office space		1 per 300m <sup>2</sup> GFA of office
(T93)	Care centres		1 space plus 1 space per 50 people to be accommodated		1 space per 10 FTE employees
(T94)	Educational facilities	Primary and intermediate schools	1 space plus 1 space per 400 students and FTE employees		1 per 30 students in Year 1 to 5 plus 1 per

Activity		Visitor (short-stay) Minimum rate	Secure (long-stay) Minimum rate	
			15 students in Year 6 to 8 plus 1 per 20 employees	
(T95)		Secondary schools	1 per 15 students in Year 9 to 13 plus 1 per 20 FTE employees	
(T96)		Tertiary education facilities	1 per 20 EFT students and FTE employees on site at the peak times	
(T97)	Medical facilities	Hospitals	1 per 30 beds	
(T98)		Healthcare services	1 space plus 1 space per 10 FTE practitioners	
(T99)		Veterinary clinics	-	1 per 15 FTE employees
(T100)	Entertainment and community facilities	Entertainment facilities	Either: 1 per 50 seats Or: 2 spaces plus 1 space per 1500m <sup>2</sup> GFA	
(T101)		Major recreation facility	1 space plus 1 space per 1000m <sup>2</sup> GFA of office and other accessory activities	
(T102)		Community facilities	1 per 200m <sup>2</sup> GFA	1 per 500 m <sup>2</sup> GFA
(T103)		Organised sport and recreational facility	3 per hectare distributed in groups of 3-5 racks	1 per hectare

## (7) End-of-trip facilities:

- (a) the activities specified in Table E27.6.2.6 must provide end-of-trip facilities as listed below; and

- (a) the following end-of-trip facilities requirements apply to new buildings and developments.

**Table E27.6.2.6 Required end-of-trip facilities (intended for staff use)**

Land use		GFA	No. of showers and changing facilities required
(T104)	Offices, education facilities, hospitals	Up to 500m <sup>2</sup>	No requirement
(T105)		Greater than 500m <sup>2</sup> up to 2500m <sup>2</sup>	One shower and changing area with space for storage of clothing
(T106)		Greater than 2500m <sup>2</sup> up to 7500m <sup>2</sup>	Two showers and changing area with space for storage of clothing
(T107)		Every additional 7500m <sup>2</sup>	Two additional showers and changing area with space for storage of clothing

- (8) Number of loading spaces:

- (a) all activities must provide loading spaces as specified in Table E27.6.2.7.

**Table E27.6.2.7 Minimum loading space requirements**

Activity		GFA	Minimum rate
(T108)	Retail and industrial activities	Up to 300m <sup>2</sup>	No loading required
(T109)		Greater than 300m <sup>2</sup> up to 5000m <sup>2</sup>	1
(T110)		Greater than 5000m <sup>2</sup> up to 10,000m <sup>2</sup>	2
(T111)		Greater than 10,000m <sup>2</sup>	3 spaces plus 1 space for every additional 10,000m <sup>2</sup>
(T112)	All other activities, except for activities within rural zones	Up to 5000m <sup>2</sup>	No loading required
(T113)		Greater than 5000m <sup>2</sup> up to 20,000m <sup>2</sup>	1
(T114)		Greater than 20,000m <sup>2</sup> up to 90,000m <sup>2</sup>	2
(T115)		Greater than 90,000m <sup>2</sup>	3 spaces plus space 1 for every additional 40,000m <sup>2</sup>
(T116)	All other activities where located in rural Zones		No minimum rate

- (9) Fractional spaces:

- (a) where the calculation of the required or permitted parking results in a fractional space, any fraction that is less than one-half will be disregarded and any fraction of one-half or more will be counted as one space. If there are different activities within a development, the parking required or permitted for each activity must be added together prior to rounding.



(10) Accessible parking:

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

### **E27.6.3. Design of parking and loading spaces**

#### **E27.6.3.1. Size and location of parking spaces**

(1) Every parking space must:

- (a) comply with the minimum dimensions given in Table E27.6.3.1.1 and Figure E27.6.3.1.1; and
- (b) be located on the same site as the activity to which it relates unless one of the following criteria is met:
  - (i) 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
  - (ii) 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.

**Table E27.6.3.1.1 Minimum Car parking space and manoeuvring dimensions**

Car parking angle		Width of parking space	Depth of parking space		Manoeuvring space <sup>3</sup>	Total
			From wall <sup>1</sup>	From kerb <sup>2</sup>		
(T117)	90 degrees (regular users) <sup>4</sup>	2.4	5.0	4.0	7.1	12.1
(T118)		2.5			6.7	11.7
(T119)		2.6			6.3	11.3
(T120)		2.7			5.9	10.9
(T121)	90 degrees (casual users) <sup>4</sup>	2.5	5.0	4.0	7.7	12.7
(T122)		2.6			7.0	12.0
(T123)		2.7			6.7	11.7
(T124)	75 degrees	2.5	5.2	4.2	6.3	11.5
(T125)		2.6			5.2	10.4
(T126)		2.7			4.2	9.4
(T127)	60 degrees	2.5	5.2	4.2	4.1	9.3
(T128)		2.6			3.5	8.7
(T129)		2.7			3.3	8.5
(T130)	45 degrees	2.5	5.0	4.2	3.0	8.0
(T131)		2.6			3.0	8.0
(T132)		2.7			3.0	8.0
(T133)	30 degrees	2.5	4.0	3.4	2.8	6.8
(T134)		2.6			2.8	6.8
(T135)		2.7			2.8	6.8
(T136)	0 degrees (parallel) <sup>5</sup>	6	2.4	2.1	3.7	-

**Notes**

All dimensions are in metres (m).

<sup>1</sup> Where a parking space adjoins a wall or high kerb that does not allow vehicles to overhang.

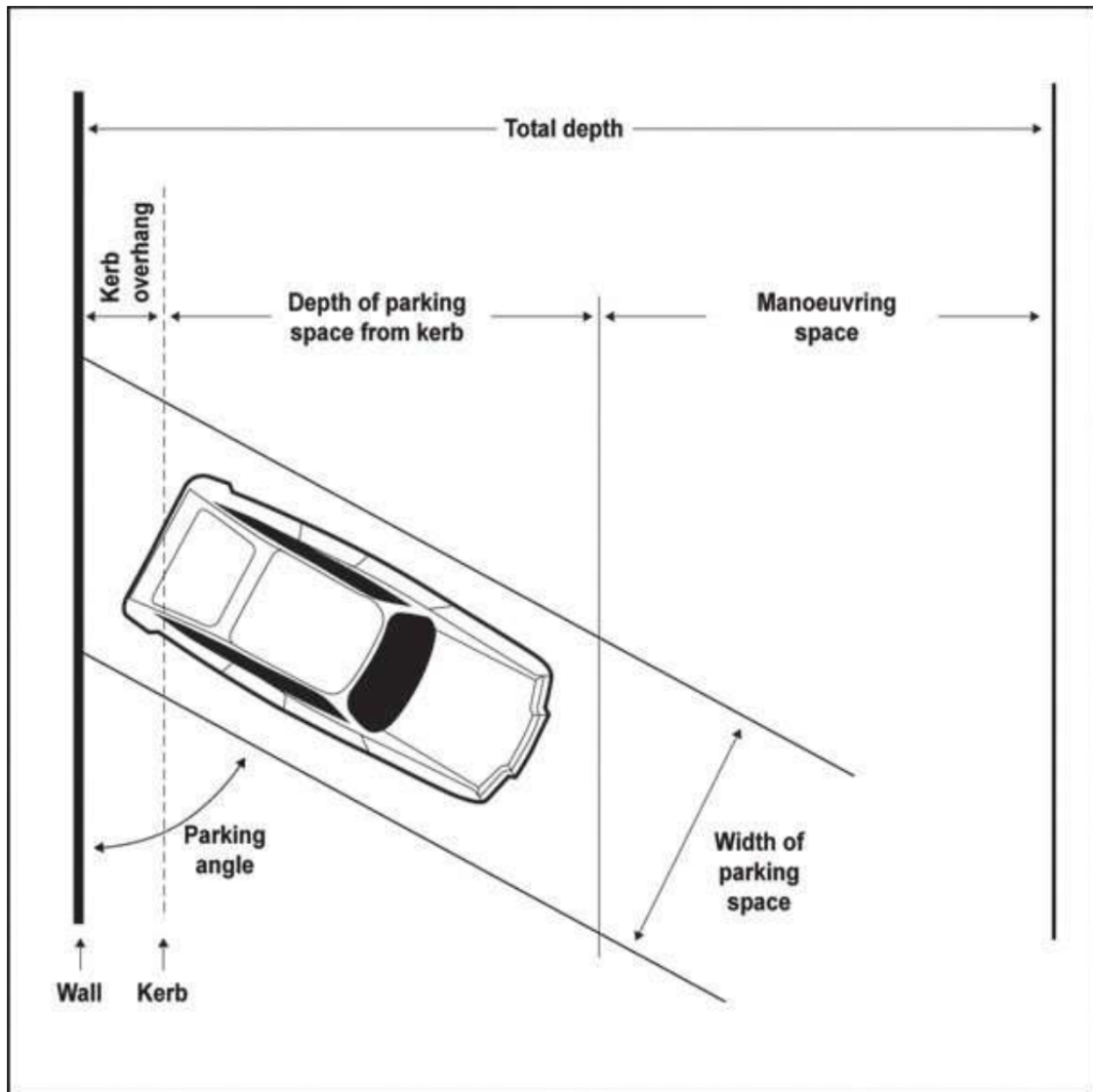
<sup>2</sup> Kerb overhang. Applies where a vehicle may overhang the end of a space, provided that the first 1m immediately behind the space is unobstructed and does not form part of another parking or loading space, or is not required as part of pedestrian walkway or footpath. Wheel stops are required where a parking space would otherwise overhang onto a pedestrian walkway or footpath.

<sup>3</sup> One way traffic is assumed for all angled parking spaces, excluding car parking at a 90 degree angle

<sup>4</sup> Regular users are people whose regular use gives them a familiarity with the parking area that permits smaller safe clearances about the parking spaces (for example residents, employees, long term parking users). Casual users are people, typically short-term visitors, who would not be familiar with the parking layout

<sup>5</sup> Where a parallel end space has direct access through the end of the space, the depth of space can be reduced to 5.4m

**Figure E27.6.3.1.1 Minimum parking space and manoeuvring dimensions**



**E27.6.3.2. Size and location of loading spaces**

- (1) Every loading space must:
- (a) comply with the minimum dimensions given in Table E27.6.3.2.1; and
  - (b) be located on the same site as the activity to which it relates and be available at all times while the activity is in operation; and
  - (c) be located outside any area designated for road widening; and
  - (d) comply with the following when any yard of a site is used to provide the loading space (where it is permitted within the zone):
    - (i) ensure that the footpath or access to the rear of the site or access to an adjacent property is not blocked at any time; and
    - (ii) the use of the loading space does not create a traffic hazard on the road at any time.

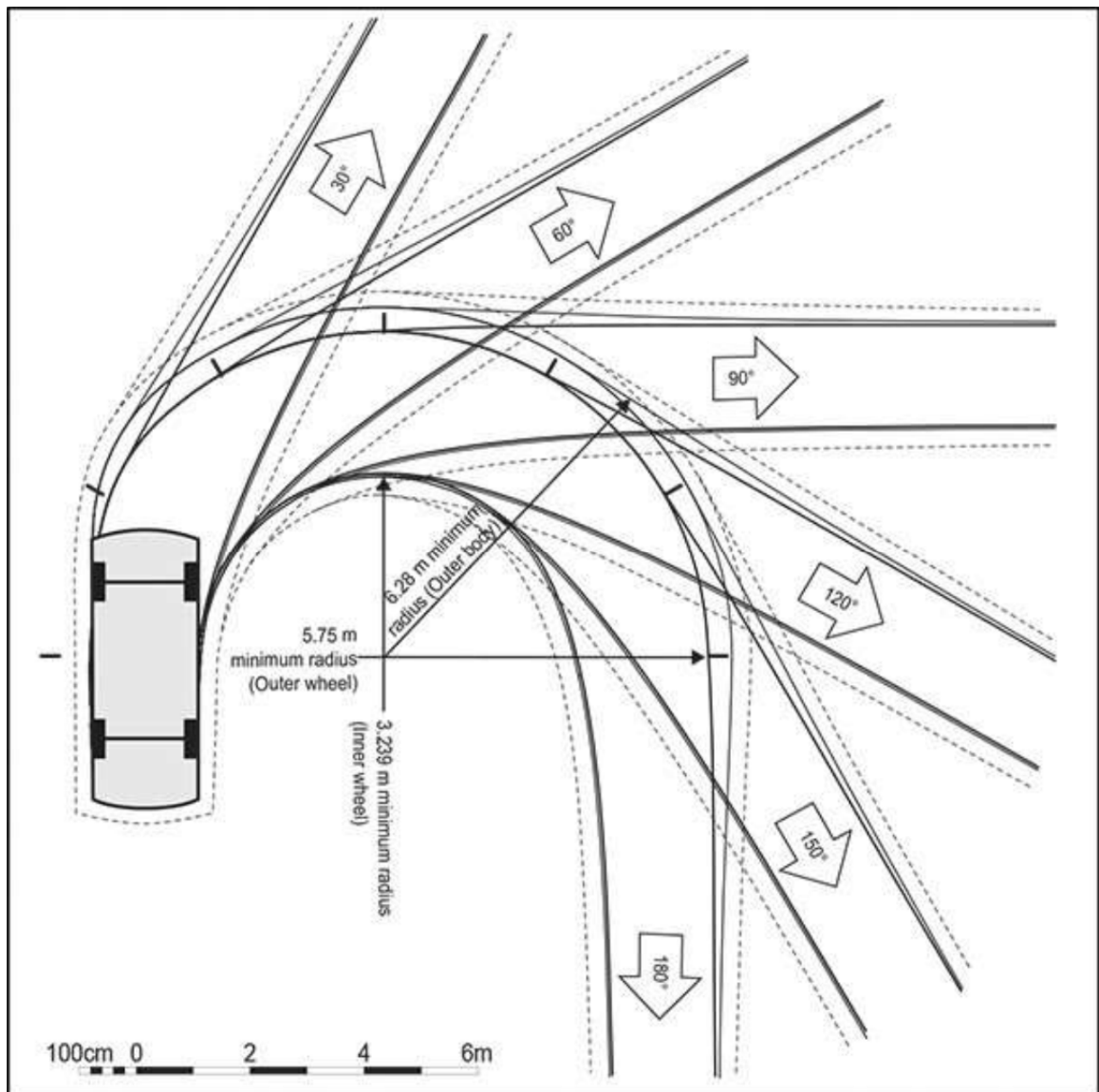
**Table E27.6.3.2.1 Minimum loading space dimensions**

Activity		Length of loading space (m)	Width of loading space (m)
(T137)	Industrial activities	11	3.5
(T138)	All other activities	8	3.5
(T139)	All sites and developments designed to accommodate articulated vehicles	18	3.5

**E27.6.3.3. Access and manoeuvring**

- (1) 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
- (2) Every loading space and where access and manoeuvring areas must accommodate 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 NZTA guidelines: RTS 18: NZ on-road tracking curves (2007).
- (3) Where a dwelling provides more than one parking space, these may be stacked. Stacked parking means access is required through another parking space.

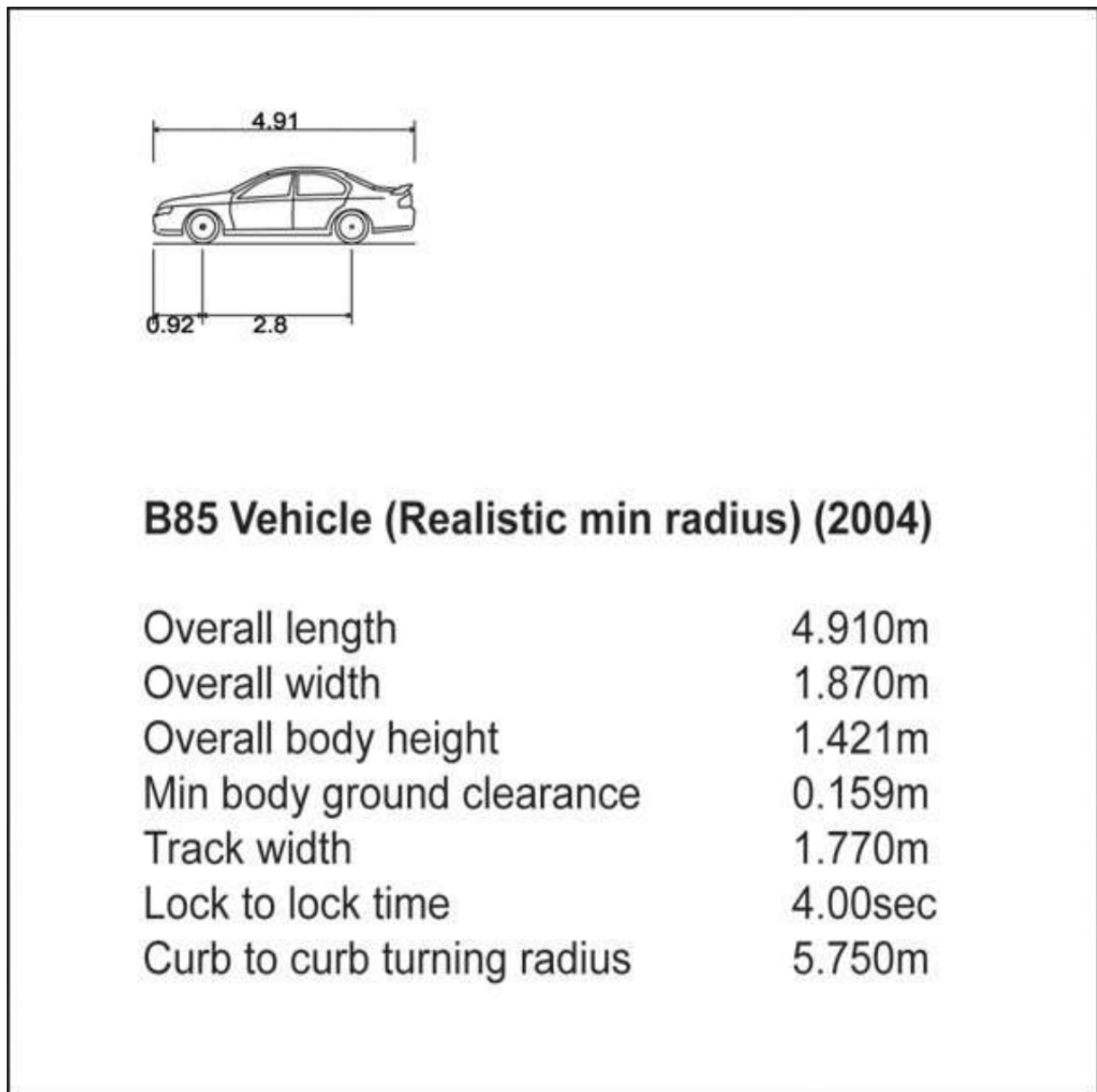
Figure E27.6.3.3.1 85 percentile car tracking curve



Note 1

The dotted line about the vehicle depicts a 300mm clearance about the vehicle. See following key in Figure E27.6.3.3.2

**Figure E27.6.3.3.2 Key for 85 percentile car tracking curve**



**E27.6.3.4. Reverse manoeuvring**

- (1) Sufficient space must be provided on any 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;
  - (b) there is more than 30m between the parking space and the road boundary of the site; or
  - (c) access would be from an arterial road or otherwise within a Vehicle Access Restriction covered in Standard E27.6.4.1.

#### **E27.6.3.5. Vertical clearance**

- (1) To ensure vehicles can pass safely under overhead structures to access any parking and loading spaces, the minimum clearance between the formed surface and the structure must be:
  - (a) 2.1m where access and/or parking for cars is provided for residential activities;
  - (b) 2.3m where access and/or parking for cars is provided for all other activities;
  - (c) 2.5m where access and/or accessible parking for people with disabilities is provided; or
  - (d) 3.8m where loading is required.

#### **E27.6.3.6. Formation and gradient**

- (1) Except for Standard E27.6.3.6(2) below, the whole area of parking and loading spaces, and manoeuvring areas and aisles must be formed, drained, provided with an all-weather surface to prevent dust and nuisance, and be marked out or delineated. This must be done before the activity to which those parking and loading spaces relate commences, and maintained for as long as that activity is continued.
- (2) Parking and loading spaces and manoeuvring areas and aisles do not need to be provided with an all-weather surface in the following zones:
  - (a) Rural – Rural Conservation Zone;
  - (b) Rural – Rural Coastal Zone;
  - (c) Rural - Mixed Rural Zone; and
  - (d) Rural – Rural Production Zone.
- (3) The gradient for the surface of any parking space must not exceed:
  - (a) 1 in 25 in any direction for accessible spaces for people with disabilities; or
  - (b) 1 in 20 (five per cent) in any direction for other spaces.
- (4) The gradient for the manoeuvring area must not exceed 1 in 8.

#### **E27.6.3.7. Lighting**

- (1) Lighting is required where there are 10 or more parking spaces which are likely to be used during the hours of darkness. The parking and manoeuvring areas and associated pedestrian routes must be adequately lit during use in a manner that complies with the rules in Section E24 Lighting.

#### **E27.6.4. Access**

##### **E27.6.4.1. Vehicle Access Restrictions**

(1) Vehicle Access Restrictions apply and new vehicle crossings must not be constructed to provide vehicle access across that part of a site boundary which is subject to:

(a) a Vehicle Access Restriction – General Control as shown on the planning maps in the Business – City Centre Zone; or

(b) a Key Retail Frontage Control as shown on the planning maps;

infringing this standard is a non-complying activity unless the application involves:

(i) the use of an existing vehicle crossing to service the establishment of a new activity, a change of activity type, the expansion or intensification of an existing activity or where a building(s) is constructed, or additions to buildings that are not permitted activities in:

- Table H9.4.1 Activity table;
- Table H10.4.1 Activity table;
- Table H11.4.1 Activity table;
- Table H12.4.1 Activity table;
- Table H13.4.1 Activity table;
- Table H14.4.1 Activity table; or
- Table H15.4.1 Activity table;

(ii) the construction of a new vehicle crossing and the establishment of the vehicle crossing is to relocate and/or amalgamate an existing vehicle crossing or crossings serving the site, that will reduce or otherwise not increase either the number of crossings or width of crossings serving a site; or there is no other means of accessing a site

where Standards E27.6.4.1(1)(b)(i) and E27.6.4.1(1)(b)(ii) apply the activities require a restricted discretionary activity consent.

(2) Standard E27.6.4.1(3) below applies in any of the following circumstances:

(a) a new vehicle crossing is proposed;

(b) a new activity is established on a site;

(c) there is a change of type of activity; or



(d) a building(s) is constructed, or additions to buildings that are not permitted activities in:

- Table H9.4.1 Activity table;
- Table H10.4.1 Activity table;
- Table H11.4.1 Activity table;
- Table H12.4.1 Activity table;
- Table H13.4.1 Activity table;
- Table H14.4.1 Activity table; or
- Table H15.4.1 Activity table

except that this does not apply in the case of a dwelling where the reconstruction, alteration or addition does not increase the number of dwellings on a site.

(3) Vehicle Access Restrictions apply and vehicle crossings must not be constructed or used to provide vehicle access across that part of a site boundary which:

(a) is located within 10m of any intersection as measured from the property boundary, illustrated in Figure E27.6.4.1.1;

(b) is subject to the following types of Vehicle Access Restriction as identified on the planning maps in the zones listed in Table H27.6.4.1.1;

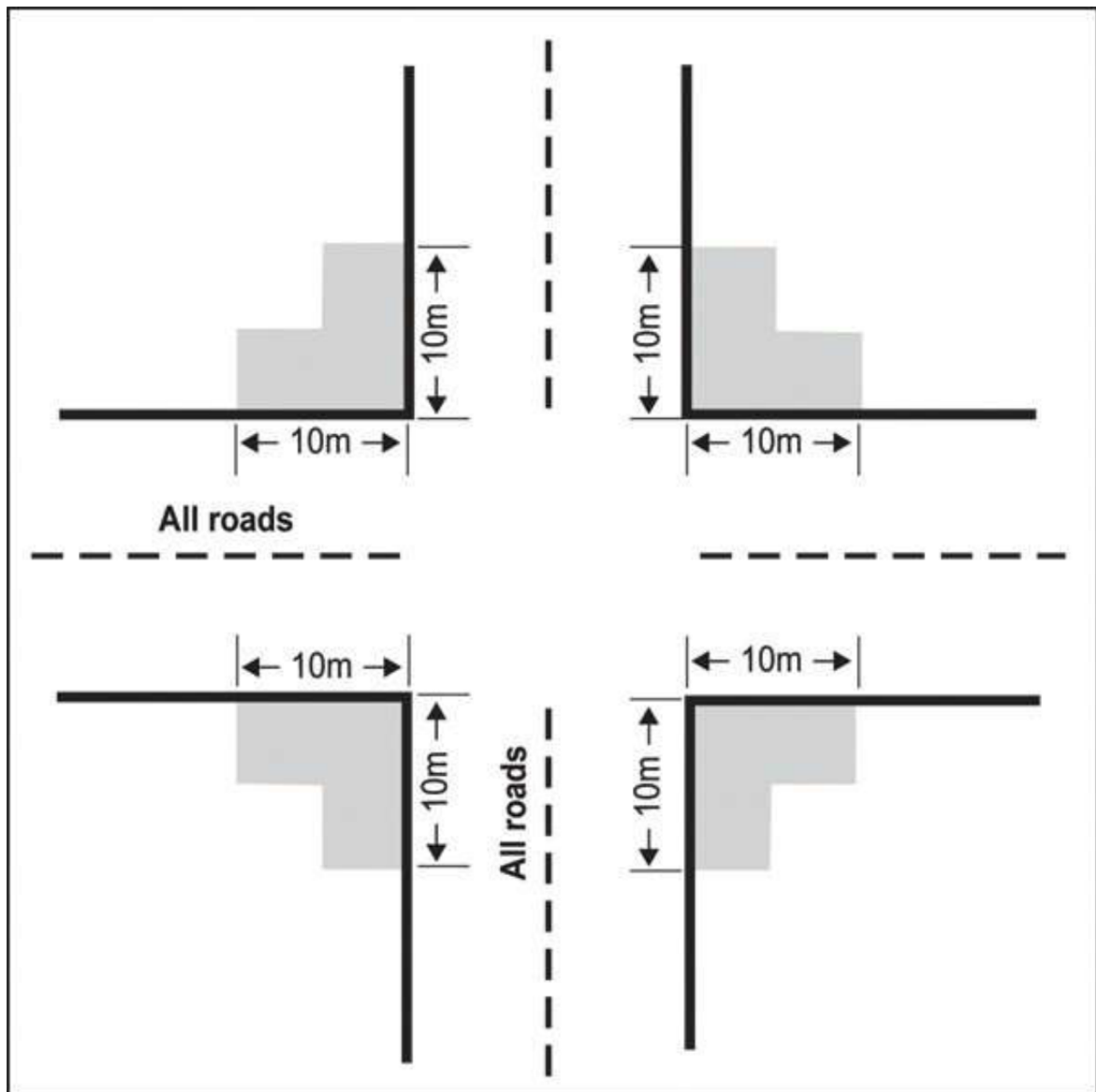
(c) has frontage to an arterial road as identified on the planning maps; or

(d) is located closer than 30m from a railway level crossing limit line.

**Table E27.6.4.1.1 Types of Vehicle Access Restrictions**

<b>Type of Vehicle Access Restriction</b>		<b>Zone</b>
(T140)	Vehicle Access Restriction General Control	All zones except the Business – City Centre Zone which is covered in Standard E27.6.4.1(1)(a)
(T141)	Vehicle Access Restriction Motorway Interchange Control	All zones
(T142)	Vehicle Access Restriction Level Crossing Control	All zones

**Figure E27.6.4.1.1 Vehicle crossing restrictions 10m**



**E27.6.4.2. Width and number of vehicle crossings**

- (1) The maximum number of vehicle crossings permitted for any site and separation distance between crossings is specified in Table E27.6.4.2.1.

**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> <li>• a Key Retail Frontage Control as shown on the planning maps</li> </ul>	No crossings permitted	No crossings permitted	No crossings permitted
(T144)	That part of a site subject to: <ul style="list-style-type: none"> <li>• 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)</li> <li>• a General Commercial Frontage Control as shown on the planning maps</li> </ul>	1 per 50m of frontage or part thereof	2m provided that two crossings on adjacent sites can be combined where they do not exceed a total width of 6m at the property boundary	6m
(T145)	Site at 71-75 Grafton Road	1 - located within the area identified on Figure E27.6.4.2.1	No limitation	Only one crossing permitted
(T146)	All other sites	1 per 25m of frontage or part thereof	2m provided that two crossings on adjacent sites can be combined where they do not exceed a total width of 6m at the property boundary	6m

Figure E27.6.4.2.1 Location of vehicle crossing at 71-75 Grafton Road



- (1) The width of a vehicle crossing(s) must meet the minimum width and not exceed the maximum width as specified in Table E27.6.4.3.2.
- (2) With the exception of vehicle crossings on unsealed roads, all vehicle crossings must be designed and constructed to maintain the level, colour, and materials of the footpath to clearly identify to vehicles that pedestrians have priority.

## (3) Vehicle crossings on unsealed roads:

(a) where the vehicle crossing is served by an access steeper than 1 in 8, the vehicle crossing must be sealed for 6m between the site boundary and the unsealed road.

(b) vehicle crossings not covered by Standard E27.6.4.2(3)(a) above must be formed using materials similar to the existing road surface or better.

(4) 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.

**E27.6.4.3. Width of vehicle access and queuing requirements**

(1) Every on-site parking and loading space must have vehicle access from a road, with the vehicle access complying with the following standards for width:

(a) passing bays are provided in accordance with Table E27.6.4.3.1; and

(b) meeting the minimum formed access width specified in Table E27.6.4.3.2.

(2) Access must be designed so that vehicles using or waiting to use fuel dispensers, ticket vending machines, remote ordering facilities and devices, entrance control mechanisms, or other drive-through facilities do not queue into the adjoining road reserve or obstruct entry to or exit from the site.

**Table E27.6.4.3.1 Passing bay requirements**

Zone		Length of access	Width of access	Maximum intervals between passing bays	Passing bay width
(T147)	Rural	Exceeds 100m	Less than 5.5m	100m	Increase formed width of access to 5.5m over a 15m length (to allow two vehicles to safely pass each other)
(T148)	All other zones	Exceeds 50m		50m	Increase formed width of access to 5.5m over 7m with 45° tapers

**Table E27.6.4.3.2 Vehicle crossing and vehicle access widths**

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Adams]

Location of site frontage		Minimum width of crossing at site boundary	Maximum width of crossing at site boundary	Minimum formed access width	
(T149)	Residential zone	2.75m	3.0m	Serves 1 dwelling	2.5m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3m
(T150)		3.0m (one way)	3.5m (one way)	Serves nine or less parking spaces or 2 – 5 dwellings	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)		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)	Serves 10 or more car parking spaces	5.5m (providing for two-way movements)
(T152)	Centres, Mixed Use and all other zones not listed below	3.0m (one way)	3.5m (one way)	Serves nine or less parking spaces or two or less loading spaces	3.0m provided it is contained within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T153)		5.5m (two-way)	6.0m (two-way)	Serves 10 or more parking spaces or three or more loading spaces	5.5m (providing for two-way movements) 1.5m pedestrian access for rear sites
(T154)	General Business,	3.7m (one way)	4.0m (one-way)	Serves nine or less	3.0m provided it is contained

	Business Park or Industrial zones			parking spaces or two or less loading spaces	within a corridor clear of buildings or parts of a building with a minimum width of 3.5m
(T155)		6.0m (two-way)	7m (two-way)	Serves 10 parking spaces or three or more loading spaces	6.0m (providing for two-way movements)
(T156)	Rural zones	3.0m	6.0m*	No minimum specified	

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

#### Note 1

Minimum vehicle crossing widths to the State Highway network may be greater than those above. All access to the State Highway network requires the approval of the New Zealand Transport Agency under the Government Roading Powers Act 1989. Applicants are advised to contact the New Zealand Transport Agency's Auckland Office.

#### E27.6.4.4. Gradient of vehicle access

- (1) The gradient of the access must not be steeper than specified in Table E27.6.4.4.1:

**Table E27.6.4.4.1 Gradient of vehicle access**

Access type		Maximum gradient
(T157)	Vehicle access serving residential	1 in 5 (20 per cent)
(T158)	Vehicle access used by heavy vehicles	1 in 8 (12.5 per cent)
(T159)	Vehicle access serving all other activities	1 in 6 (16.7 per cent)

#### Note 1

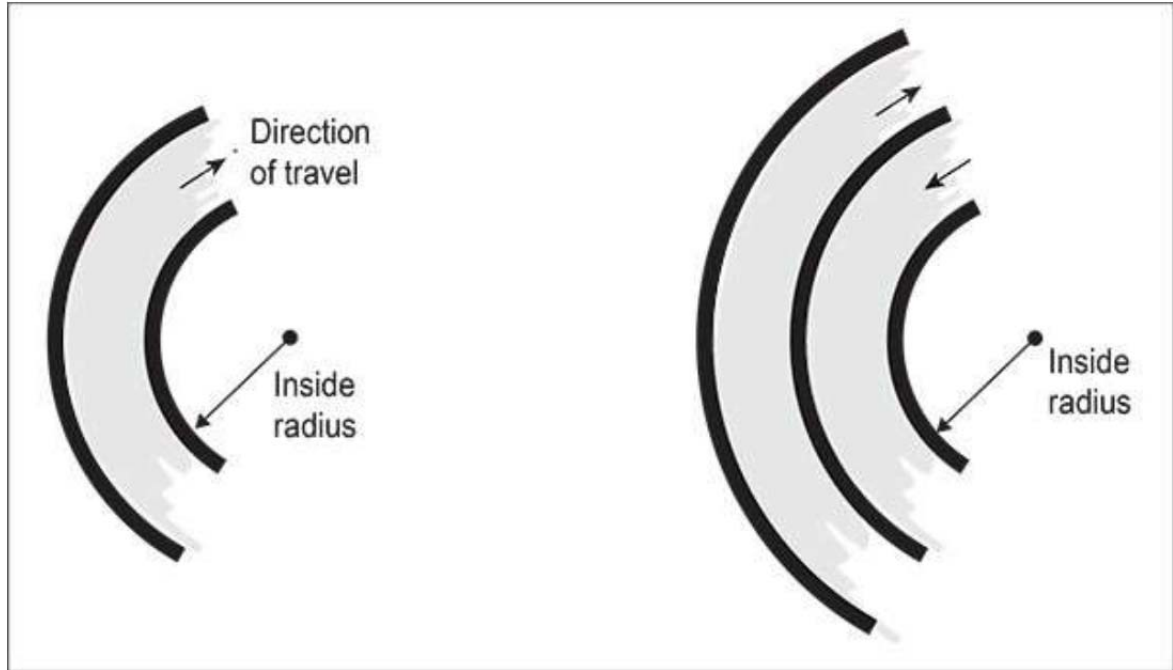
For curved ramps and driveways, the gradient is measured along the inside radius (refer to Figure E27.6.4.4.1).

- (2) To avoid the underside of the car striking the ground, as illustrated in Figure E27.6.4.4.2, access with a change in gradient exceeding 1 in 8 (greater than 12.5 per cent change) at the summit or a 1 in 6.7 (15 per cent change) at a sag must include transition sections to achieve adequate ground clearance, refer to Figure E27.6.4.4.3. Typically, a transition section requires a minimum length of 2m.

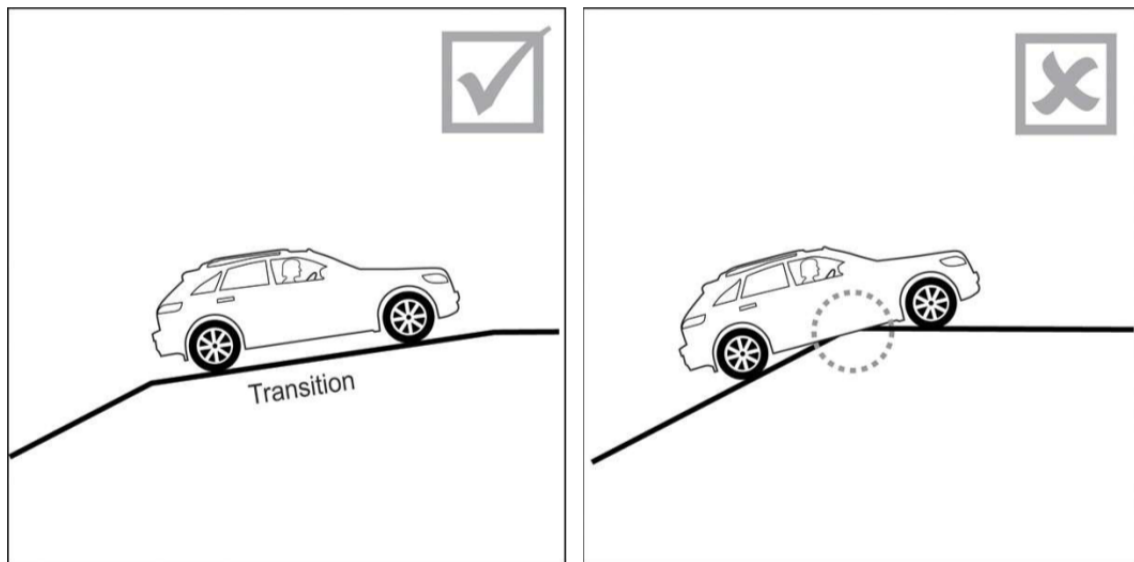
- (3) All vehicle access must be designed so that where the access adjoins the road there is sufficient space onsite for a platform so that vehicles can

stop safely and check for pedestrians and other vehicles prior to exiting. This is illustrated in Figure E27.6.4.4. The platform must have a maximum gradient no steeper than 1 in 20 (5 per cent) and a minimum length of 4m for residential activities and 6m for all other activities.

**Figure E27.6.4.4.1 Curved ramp diagram**



**Figure E27.6.4.4.2 Illustrating the benefit of transitions**

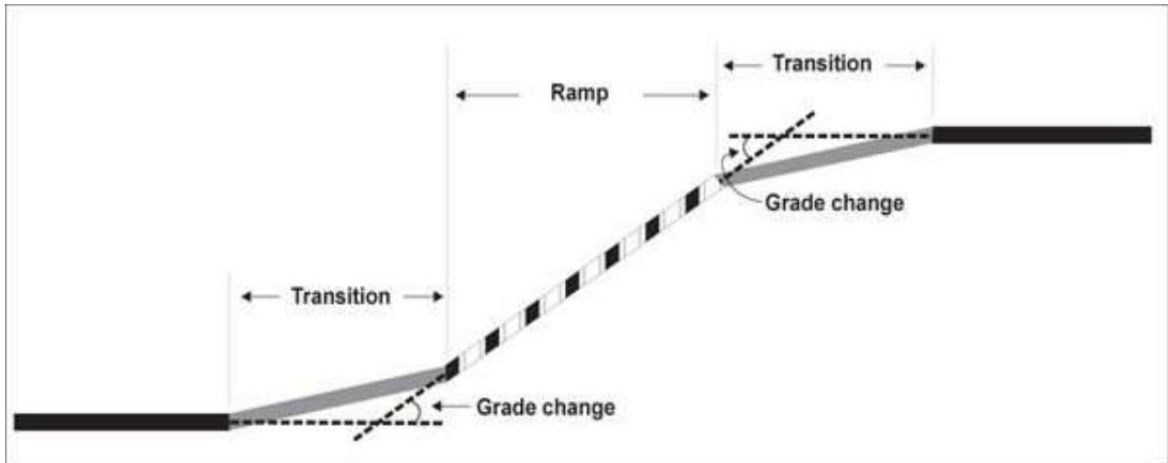


Correct

Incorrect



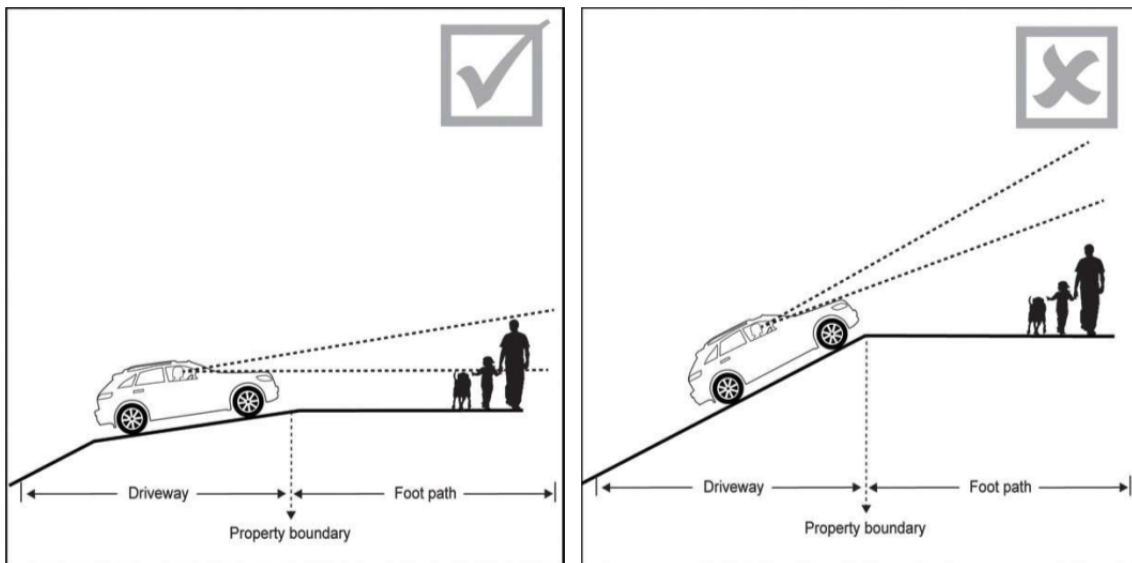
**Figure E27.6.4.4.3 Gradient transition**



Note 1

The gradient change is determined by subtracting one gradient from the adjacent gradient, both expressed as percentages; if this is greater than a 12.5 per cent change, then a gradient transition will be required.

**Figure E27.6.4.4.4 Illustrating the benefits of a level platform**



Correct

Incorrect

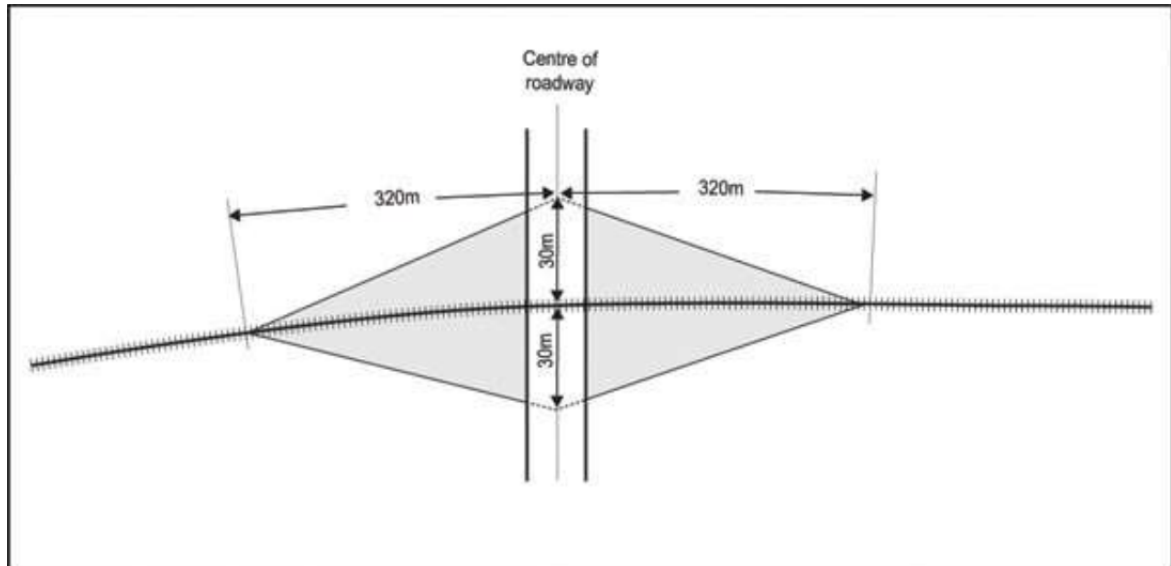
**E27.6.4.5. Sightlines for road/rail level crossings**

(1) Sites subject to sightlines for level crossings are identified on the planning maps by the Level Crossings with Sightline Control. If alarms and/or barrier arms are subsequently installed at a level crossing with Stop or Give Way signs, the Approach sight triangle in Figure E27.6.4.5.1 below ceases to apply.

(2) Approach sight triangles (refer to Figure E27.6.4.5.1)

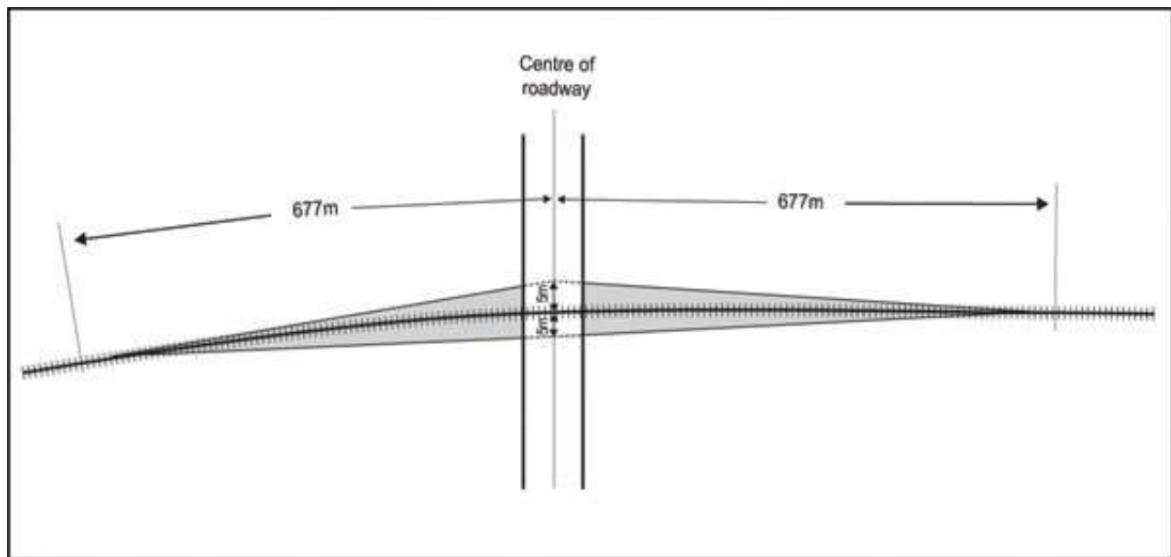
- (a) on sites adjacent to the Level Crossings with Sightline Control buildings and other visual obstructions, cannot be located within the approach sight triangles identified on the planning maps.

**Figure E27.6.4.5.1 Approach sight triangles for rail level crossings with 'stop' or 'give way' signs**



- (b) the approach sight triangles are calculated by reference to Figure E27.6.4.5.1. For a single set of railway tracks, the sight triangles are defined by a triangle taken 30m from the outside rail and 320m along the railway track. For each additional set of tracks, 25m is added to the 320m along the railway track.
- (3) Restart sight triangles (see Figure E27.6.4.5.2)
- (a) on sites adjacent to the Level Crossings with Sightline Control, buildings and other visual obstructions, cannot be located within the restart sight triangles identified on the planning maps. The restart triangle applies to all level crossings.

**Figure E27.6.4.5.2 Restart sight site triangles for rail level crossings**



(b) the restart sight triangles are calculated by reference to Figure E27.6.4.5.2. For a single set of tracks, the sight triangles are defined by a triangle taken 5m from the outside rail and 677m along the railway track. For each additional set of tracks, 50m is added to the 677m along the railway track.

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

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

#### **E27.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **E27.8. Assessment – restricted discretionary activities**

##### **E27.8.1. Matters of discretion**

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

- (1) park-and-ride:
  - (a) effect on the transport network;
  - (b) location, design and external appearance; and
  - (c) compatibility with surrounding activities.
- (2) public transport facility:

- (a) effect on the transport network;
  - (b) location, design and external appearance; and
  - (c) compatibility with surrounding activities.
- (3) non-accessory parking:
- (a) effect on the transport network;
  - (b) location, design and external appearance;
  - (c) compatibility with surrounding activities; and
  - (d) availability of parking.
- (4) any activity or subdivision which exceeds the trip generation thresholds under Standard E27.6.1:
- (a) effects on the transport network.
- (5) any activity or development which provides more than the maximum permitted number of parking spaces under Standard E27.6.2(1):
- (a) adequacy for the site and the proposal;
  - (b) effects on intensification; and
  - (c) effects on the transport network.
- (6) any activity or development which provides fewer than the required minimum number of parking spaces under Standard E27.6.2(1):
- (a) adequacy for the site and the proposal;
  - (b) effects on adjacent activities and on the adjoining transport network; and
  - (c) availability and suitability of alternative parking supply and management arrangements.
- (7) any activity or development which infringes the standards for bicycle parking and end-of-trip facilities in Standard E27.6.2(6) and Standard E27.6.2(7):
- (a) adequacy for the site and the proposal.
- (8) any activity or development which provides fewer than the minimum number of loading spaces under Standard E27.6.2(8):
- (a) adequacy for the site and the proposal; and
  - (b) effects on the transport network.
- (9) any activity or development which infringes the standards for design of parking and loading areas or access under Standard E27.6.3:
- (a) adequacy for the site and the proposal;

- (b) design of parking, loading and access;
  - (c) effects on pedestrian and streetscape amenity; and
  - (d) effects on the transport network.
- (10) use of an existing vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1):
- (a) effect on the transport network; and
  - (b) street and pedestrian amenity.
- (11) construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1):
- (a) effect on the transport network; and
  - (b) building frontage, pedestrian priority, pedestrian safety, street and pedestrian amenity.
- (12) construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(2) and Standard E27.6.4.1(3):
- (a) adequacy for the site and the proposal;
  - (b) design and location of access;
  - (c) effects on pedestrian and streetscape amenity; and
  - (d) effects on the transport network.
- (13) any building or structure located within a sightline area applying to a road/rail level crossing with sightline standards under Standard E27.6.4.5:
- (a) effects on the transport network.
- (14) 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; and
  - (b) compatibility with surrounding activities.

#### **E27.8.2. Assessment criteria**

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

- (1) park-and-ride and public transport facility:
  - (a) effect on the transport network:
    - (i) the extent to which any proposed facility is located and designed to support the public transport system by:

- locating in close proximity to public transport stations, stops and terminals;
  - growing public transport patronage, especially to assist in relieving congested corridors by encouraging commuters to shift to public transport for their travel;
  - making public transport easier and more convenient to use, thereby attracting new users;
  - improving the operational efficiency of the public transport system and ferry services;
  - extending the catchment for public transport into areas of low demand where it is not cost-effective to provide traditional services or feeders;
  - reinforcing existing and future investments on the public transport system and ferry public transport services; and
  - providing free, secure and covered parking for cycles.
- (ii) the extent to which the scale, design, management and operation of the facility and its access points have an adverse effect on the effective, efficient and safe operation of the transport network, including:
- the safety of pedestrians and cyclists;
  - amenity for pedestrians;
  - avoiding queuing onto the road and conflict at access points to the facility;
  - avoiding generating high volumes of traffic onto local roads or areas with high pedestrian amenity; and
  - the operation of public transport services and related infrastructure.
- (b) location, design and external appearance:
- (i) the location, design and external appearance of any park-and-ride or public transport facility:
- compatible with and meets the planning and design outcomes identified in this Plan for the site and / or location generally;
  - provides appropriate screening on the facade of any building so vehicles are not visible from the public realm;
  - is accessible, safe and secure for users with safe and attractive pedestrian connections within the facility and to adjacent public footpaths; and

- provides an attractive interface between any buildings, structures or at-grade parking areas and adjacent streets and public open spaces. Depending on location and scale, this includes:
  - maintaining an active frontage through sleeving and/ or an interesting appearance through use of architectural treatments so that the facility contributes positively to the pedestrian amenity and to any retail, commercial or residential uses along the road it fronts;
  - planting and other landscaping provides for any buildings to be adapted for other uses if no longer required for parking. In particular, the floor to ceiling height of a parking building at street level should be capable of conversion to other activities provided for in the zone.

(c) compatibility with surrounding activities:

- (i) the facility is compatible with surrounding activities with particular regard to residential uses.

This includes:

- ensuring that the design and operation of any lighting meets the rules in Section E24 Lighting;
- ensuring that the design and operation of any park-and-ride or public transport facility meets the rules in Section E25 Noise and vibration.

(2) non-accessory parking:

(a) effect on the transport network:

- (i) the scale, design, management and operation of the facility and its access points will not have an adverse effect on the effective, efficient and safe operation of the transport network, including:
- the safety of pedestrians and cyclists;
  - amenity for pedestrians;
  - avoiding queuing onto the road and conflict at access points to the facility;
  - the operation of public transport services and related infrastructure; and
  - the effect of additional parking on trip generation from the site including during peak commuter times.

(b) location, design and external appearance:

(i) the location, design and external appearance of any non-accessory parking facility:

- compatible with and meets the planning and design outcomes identified in this Plan for the site and / or location generally;
- provides appropriate screening on the facade of any building so vehicles are not visible from the public realm;
- is accessible, safe and secure for users with safe and attractive pedestrian connections within the facility and to adjacent public footpaths;
- provides an attractive interface between any buildings, structures or at-grade parking areas and adjacent streets and public open spaces. Depending on location and scale, this includes:
  - maintaining an active frontage through sleeving and / or an interesting appearance through use of architectural;
  - treatments so that the facility contributes positively to the pedestrian amenity and to any retail, commercial or residential uses along the road it fronts;
  - planting and other landscaping;
  - provides for any buildings to be adapted for other uses if no longer required for parking. In particular, the floor to ceiling height of a parking building at street level should be capable of conversion to other activities provided for in the zone.

(c) compatibility with surrounding activities:

(i) the facility is compatible with surrounding activities with particular regard to residential uses.

This includes:

- ensuring that the design and operation of any lighting meets the rules in Section E24 Lighting;
- ensuring that the design and operation of any park-and-ride or public transport facility meets the rules in Section E25 Noise and vibration.

(d) availability of parking:

(i) the availability of alternative parking in the surrounding area, including on street and public parking;



- (i) the availability of parking provision in the immediate vicinity to accommodate existing and future parking demands from surrounding activities;
  - (ii) the extent to which the demand for the additional parking cannot be adequately addressed by management of existing or permitted parking; or
  - (iii) the extent to which the provision of additional parking is informed by the findings of a Comprehensive Parking Management Plan or similar analysis of area based parking supply and demand.
- (3) any activity or subdivision which exceeds the trip generation thresholds under Standard E27.6.1:
  - (a) the effects on the function and the safe and efficient operation of the transport network including pedestrian movement, particularly at peak traffic times;
  - (b) the implementation of mitigation measures proposed to address adverse effects which may include measures such as travel planning, providing alternatives to private vehicle trips including accessibility to public transport, staging development, or contributing to improvements to the local transport network; or
  - (c) the trip characteristics of the proposed activity on the site.
- (4) any activity or development which provides more than the maximum permitted number of parking spaces under Standard E27.6.2(1):
  - (a) the effects of the parking on the intensification provided for in this Plan in the following zones and locations: Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Mixed Use Zone and the Centre Fringe Office Control area;
  - (b) the trip characteristics of the proposed activities on the site requiring additional parking spaces;
  - (c) the effects of the vehicle movements associated with the additional parking spaces on the safe and efficient operation of the adjacent transport network, including public transport and the movements of pedestrians, cyclists and general traffic. This includes considering the effect of additional parking on trip generation from the site during peak commuter times;
  - (d) the availability of alternative parking in the surrounding area, including on street and public parking, to provide the additional parking sought for the proposal;

- (e) the availability of parking provision in the immediate vicinity to accommodate parking demands from surrounding activities;
  - (f) the adequacy and accessibility of public transport and its ability to serve the proposed activity;
  - (g) mitigation measures to provide the additional parking which may include measures such as by entering into a shared parking arrangement with another site or sites in the immediate vicinity; or
  - (h) the extent to which the demand for the additional parking can be adequately addressed by management of existing or permitted parking. Depending on number of additional parking spaces proposed, the number of employees, and the location of the site, this may be supported by a travel plan outlining measures and commitments for the activity or activities on-site to minimise the need for private vehicle use and make efficient use of any parking provided.
- (5) any activity or development which provides fewer than the required minimum number of parking spaces under Standard E27.6.2(1):
- (a) the amount of parking proposed is sufficient for the proposal having regard to:
    - (i) the nature of the operation including the interaction between activities on the site;
    - (ii) the availability and accessibility of the site by public transport serving the site;
    - (iii) the measures and commitments outlined in a travel plan for the site which will reduce the need for vehicle use to a level where parking demands can be satisfactorily addressed through efficient use of the proposed parking; or
    - (iv) the extent to which activities on the site have complementary parking demands.
  - (b) the effects of parking overspill from the reduction in parking on adjacent activities and on the transport network;
  - (c) the extent to which there is public parking on-street or off-street in the immediate vicinity with capacity and availability at the times required to serve the proposal;
  - (d) the extent to which the parking requirements of the proposal will be met by entering into a shared parking arrangement with another site in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity;

- (e) the extent to which it is physically practicable to provide the required parking on the site including in terms of the existing location of buildings and the availability of access to the road; or
  - (f) if a character overlay applies to the site, the extent to which the provision of a minimum car parking requirement would detrimentally affect the character and features of the area or site identified by the overlay.
- (6) any activity or development which infringes the standards for bicycle parking and end-of-trip facilities in Standard E27.6.2(6) and Standard E27.6.2(7):
- (a) sufficient provision is made for cyclists and active modes and changes in demand for such facilities can be accommodated if the operation or use changes over time, having regard to:
    - (i) the nature of the operation and the likely demand for long and short-term cycle parking and end-of-trip facilities;
    - (ii) the extent to which the bicycle parking facilities are designed and located to match the needs of the intended users;
    - (iii) the extent to which adequate alternative, safe and secure bicycle parking and end of trip facilities (such as showers and lockers), that meet the needs of the intended users, are available in a nearby location that is readily accessible;
    - (iv) the extent to which the parking can be provided and maintained in a jointly used bicycle parking area; or
  - (b) the provision made for cyclists and active modes is practicable and adequate given site limitations and layout, arrangement of buildings and activities, users and operational requirements.
- (7) any activity or development which provides fewer than the minimum number of loading spaces under Standard E27.6.2(8):
- (a) effects of the loading arrangements proposed for the site on the safe and efficient operation of adjacent transport network;
  - (b) the specific business practice, operation or type of customer associated with the proposed activities;
  - (c) the extent to which an accessible and adequate on-street loading space is available nearby or can be created while having regard to other demands for kerbside use of the road;
  - (d) the extent to which loading can be provided informally on site or on another site in the immediate vicinity; or
  - (e) the extent to which the reduction in loading spaces will contribute to the efficient use of land and the growth and intensification provided for in this Plan.

- (8) any activity or development which infringes the standards for design of parking and loading areas or access under Standard E27.6.3:
- (a) effects on the safe and efficient operation of the adjacent transport network having regard to:
- (i) the effect of the modification on visibility and safe sight distances;
  - (ii) existing and future traffic conditions including speed, volume, type, current accident rate and the need for safe manoeuvring;
  - (iii) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; or
  - (iv) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes, footpaths and cycleways.
- (b) effects on pedestrian amenity or the amenity of the streetscape, having regard to:
- (i) the effect of additional crossings or crossings which exceed the maximum width; or
  - (ii) effects on pedestrian amenity and the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone.
- (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;
  - (ii) 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;

- (iii) any use of mechanical parking installation such as car stackers or turntables does not result in queuing beyond the site boundary; or
  - (iv) any stacked parking is allocated and managed in such a way that it does not compromise the operation and use of the parking area.
- (9) use of an existing vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1):
- (a) effect on the transport network:
    - (i) effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:
      - visibility and safe sight distances;
      - existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
      - proximity to and operation of intersections;
      - existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in the this Plan; or
      - existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways.
    - (b) street and pedestrian amenity:
      - (i) the effects on the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone; or
      - (ii) the extent to which the existing crossing is to be upgraded as a part of the development so as to improve the visual amenity of the street.
- (10) construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1):
- (a) effect on the transport network:
    - (i) effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:
      - visibility and safe sight distances;
      - existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
      - proximity to and operation of intersections;
      - existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; or

- existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways.

(b) street and pedestrian amenity:

- (i) whether the new crossing is part of a site redevelopment that increases the proportion of a site's frontage developed as an active edge;
- (ii) whether the new crossing enhances, or at least maintains, the appeal of the street as an environment where pedestrians have priority and are likely to enjoy spending time in;
- (iii) whether any new or relocated crossing should be is accompanied by mitigation measures to enhance overall pedestrian amenity this could include:
  - a reduction in overall vehicle crossing width;
  - weather protection for pedestrians;
  - significant enhancement to the visual interest of the site's frontage visible from the street; or
  - where appropriate, significant improvement in the width and or quality of the footpath.

(11) construction or use of a vehicle crossing where a Vehicle Access Restriction applies:

- (a) this applies where a Vehicle Access Restriction is identified in Standard E27.6.4.1(2) and Standard E27.6.4.1(3), other than a Vehicle Access Restriction Level Crossing or a Vehicle Access Restriction Motorway Interchange:
  - (i) effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:
    - visibility and safe sight distances;
    - existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
    - proximity to and operation of intersections;
    - existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan;
    - existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;
  - (ii) the effects on the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business –

Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone; or

(iii) the practicability and adequacy of the access arrangements considering site limitations, arrangement of buildings and activities, user requirements and operational requirements, proximity to and operation of intersections, having regard to:

- the extent to which the site can reasonably be served by different access arrangements including:
  - access from another road;
  - shared or amalgamated access with another site or sites;
  - via a frontage road, such as a slip lane or service road; or
- the extent to which the need for access can reasonably be avoided by entering into a shared parking and/or loading arrangement with another site or sites in the immediate vicinity.

(b) for any proposed access within a Vehicle Access Restriction Motorway Interchange Control:

- (i) the intensity, scale and traffic generating nature of activities on the site are such that any adverse effects on the safe and efficient operation of the motorway interchange are avoided, remedied or mitigated; or
- (ii) the extent to which, when considered against other access opportunities for the site, comparable or better outcomes are achieved in terms of effects on the safe and efficient operation of the interchange.

(c) for any proposed access within a Vehicle Access Restriction Level Crossing Control:

- (i) effects on the safe and efficient operation of the level crossing; or
- (ii) the practicability and adequacy of the access arrangements having regard to site limitations, arrangement of buildings and activities, user requirements and operational requirements.

(12) any building or structure located within a sightline area applying to a road/rail level crossing with sightline standards under Standard E27.6.4.5:

- (a) effects on the safety of the level crossing for vehicles and pedestrians; or
- (b) effects on visibility and safe sight distances.

(13) 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 network;
  - creates minimal adverse effect on the vegetation, landform and character of the surrounding environment.

(b) compatibility with surrounding activities:

- (i) the facility is compatible with surrounding activities with particular regard to residential uses. This includes ensuring that the design and operation of any lighting meets the rules in Section E24 Lighting.

### **E27.9. Special information requirements**

(1) Parking plans submitted to Council must show:

(a) the locations and dimensions of any pillars and/or other structures that may restrict parking space, or inhibit access and manoeuvring, as well as clearances between parking spaces and vehicle tracking curves and those pillars and/or other structures; and

(b) the proposed gradients of parking, manoeuvring and access areas

New Zealand Standard for Off-Street Parking - Parking Facilities Part 1: Off-Street Car Parking (AS/NZS 2890.1 2004) may assist applicants in designing parking areas.

(2) Travel plan:

(a) a travel plan may be required as part of an assessment of environmental effects where a proposal exceeds the trip generation threshold, provides more parking than the maximums specified or fewer than the minimums specified. A travel plan will not be required where the infringement of the parking standards is minor in relation to the scale of the activity and associated parking proposed.

(3) Applications for off-site parking must include information to demonstrate that:

(a) the proposal provides off-site parking which is related exclusively to the parking requirements associated with activities located on other donor site(s) in the area;

(b) the off-site parking arrangements will be formalized on the land titles of all sites involved, including extinguishing the ability to provide accessory parking on the donor site(s); and



- (c) the parking has been transferred from the donor site(s) and the donor site(s) are required or permitted by the parking standards of this Plan to provide the number of parking spaces proposed.
- (4) The Council may require applications which affect the transport network, including proposals which exceed the trip generation threshold, to include a transport assessment prepared by suitably qualified transport planner or traffic engineer.
- (5) Any new activity or change to an existing activity, which is not specifically provided for in the activity tables in the applicable zone or is a non-complying land use activity, and which will generate 100 vehicles or more (any hour) may need to include an Integrated Transport Assessment prepared in accordance with the Auckland Transport Integrated Transport Assessment Guidelines in force at the time of the application.

## **E28. Mineral extraction from land**

### **E28.1. Background**

Land-based mineral extraction can only occur where the mineral resource is found. This means that mineral extraction activities can be found in urban areas and rural areas. Mineral extraction sites within Auckland's urban areas are historical operations, sometimes with a limited future economic life, as available resources become exhausted. More quarries operate in rural areas. The expansion of residential and urban activities into the rural area means there is competition for access to land where the mineral resources are found. There is also increasing conflict between people with residential lifestyle expectations and quarry operators who are providing essential mineral resources to meet Auckland's ongoing demands.

Other sections of the plan which are relevant to mineral extraction and give effect to these objectives and policies are:

- mineral extraction activities in the coastal marine area are provided for within the Coastal – General Coastal Marine Zone;
- existing significant mineral extraction activities are identified by the Special Purpose Zone – Quarry Zone; and
- farm and forestry quarries are provided for in rural zones.

### **E28.2. Objective [rp/dp]**

- (1) Mineral extraction from the land and its delivery is efficient and meets Auckland's needs while significant adverse effects are avoided, remedied or mitigated.

### **E28.3. Policies [rp/dp]**

- (1) Avoid where practicable undertaking new mineral extraction activities in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character.
- (2) Where it is not practicable to locate mineral extraction activities outside the areas identified in Policy E28.3(1), consideration will be given to all of the following:
  - (a) the benefits likely to be derived from the mineral extraction activities;
  - (b) any reduced transport effects from having a mineral extraction site closer to the area of demand;
  - (c) the extent to which significant adverse effects can be avoided; and
  - (d) the extent to which adverse effects can be remedied, mitigated or, where not mitigated, can be offset.
- (3) Provide for existing and new mineral extraction activities of a significant size and scale by their inclusion in and management by a Special Purpose – Quarry Zone.

- (4) Avoid, remedy or mitigate as far as practicable significant adverse effects associated with mineral extraction activities.
- (5) Require proposals for new mineral extraction activities in rural areas to provide adequate information on the establishment and operation of the activity and demonstrate:
  - (a) the size and scale of extraction activities and the expected length of operation of the extraction site;
  - (b) the design and layout of the site, the access roads and supporting facilities;
  - (c) that adequate measures will be used to:
    - (i) manage noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses, particularly at night-time;
    - (ii) manage adverse effects of traffic generation and maintain safety to all road users, particularly measures to manage heavy vehicles entering or exiting the site;
    - (iii) avoid, remedy or mitigate adverse effects on soil and water quality, including impacts on watercourses within the extraction site and the effects of discharges from the site into the neighbouring environment;
    - (iv) maintain land stability;
    - (v) mitigate significant adverse effects on visual and landscape values; and
    - (vi) protect the values of identified heritage or archaeological sites, buildings, places or areas, along with Mana Whenua values.
  - (d) options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, having regard to the expected life of the mineral extraction site.
- (6) Require a quarry management plan for mineral extraction activities to be prepared to address operational matters associated with mineral extraction, including management of adverse effects and actions to avoid, remedy, mitigate or offset these effects.
- (7) Ensure buildings and structures are of an appropriate size and scale and located appropriately in relation to site boundaries.
- (8) Enable the use of the mineral extraction site for activities compatible with mineral extraction activities and provide for a range of appropriate activities within or adjoining the mineral extraction sites where these rely on minerals as a raw material.
- (9) Enable quarries ancillary to farming and forestry activities to be established in rural areas.

- (10) Require quarry operators to internalise the adverse effects associated with new mineral extraction activities as far as practicable while recognising the need to allow for the efficient ongoing extraction of mineral resources.

## **E29. Emergency management area – Hazardous facilities and infrastructure**

### **E29.1. Background**

For the purposes of this section, the identified hazardous facilities and infrastructure are the Wiri Oil Terminal, Wiri LPG Depot and the high pressure Refinery to Auckland petroleum pipeline.

This section provides a framework to manage the risk of adverse effects on activities located in proximity to existing hazardous facilities and infrastructure.

Hazardous facilities and infrastructure pose a risk to surrounding land uses and can result in emergency events. These are events of low probability but high potential harm to people and damage to property. They may include vapour cloud explosions, large fires or the release of toxic gas which could cause blast overpressure, fragments, heat radiation or poisoning.

Restricting or managing the encroachment of land uses in proximity of certain existing hazardous facilities and infrastructure may be necessary to ensure that risk to those land uses is appropriately managed. This is also to ensure that the operation and potential expansion of the facilities and infrastructure is not compromised by surrounding incompatible or conflicting land uses. Incompatible activities may create a lower threshold of acceptable risk in the receiving environment and generate reverse sensitivity effects. Some of these hazardous facilities and infrastructure are critical to the functioning of Auckland and New Zealand.

The provisions for emergency management areas have two related elements that may be relevant to the activity:

- an inner emergency management area applies to the area closest to the facility, and is subject to the greatest potential effects from emergency events. In addition to the preparation of emergency management plans, building design elements must be considered for all buildings within this area; and
- a Wider Emergency Management Area applies to an area around the inner emergency management area, which requires the preparation of emergency management plans to ensure that activities operating within proximity of the hazardous facilities and infrastructure are aware of the risks and are suitably prepared.

The emergency management areas also restrict sensitive activities or incompatible land uses, including those generating high populations of people.

Sensitive activities contain people intensive activities, or those containing vulnerable populations that would require a greater level of assistance in the case of an emergency scenario, which are defined as “activities sensitive to hazardous facilities and infrastructure”.

### **E29.2. Objectives [rcp/dp]**

- (1) Activities sensitive to hazardous facilities and infrastructure are avoided in emergency management areas.

- (2) The use and development of identified hazardous facilities and infrastructure are not unreasonably constrained by the establishment or expansion of sensitive and incompatible activities.
- (3) The risk to activities in proximity to identified hazardous facilities and infrastructure is at a level acceptable to those types of activities.

### **E29.3. Policies [rcp/dp]**

- (1) Identify emergency management areas around hazardous facilities and infrastructure where this is justified on the basis of a quantitative risk assessment.
- (2) Manage the risk to activities within the emergency management area for the Wiri Oil Terminal and the Wiri LPG Depot to acceptable levels and manage reverse sensitivity effects on the development and operation of the Wiri Oil Terminal and Wiri LPG Depot by:
  - (a) avoiding the establishment or expansion of activities sensitive to hazardous facilities and infrastructure; and
  - (b) limiting the establishment or expansion of incompatible activities; and
  - (c) requiring the preparation and implementation of a site emergency management plan; and
  - (d) requiring buildings within the Inner Emergency Management Area to consider how layout reduces risk of harm to people from an emergency event.
- (3) Consider the risk to activities sensitive to hazardous facilities and infrastructure within 34 metres of the boundary of designations 6500 and 6501 (Petroleum Pipeline) where the pipeline is constructed to a “thin wall” specification.

### **E29.4. Activity table**

Table E29.4.1 Activity table specifies the activity status of land use and development activities located within the emergency management areas for the Wiri Oil Terminal shown in Figure E29.6.1 and Figure E29.6.2 and the Wiri LPG Depot shown in Figure E29.6.3 pursuant to section 9(3) of the Resource Management Act 1991.

Table E29.4.1 and Standard E29.6.1 do not apply to the high pressure Refinery to Auckland petroleum pipeline, only Policy E29.3(3) and Rule E29.5(1) apply.

Where more than one Auckland-wide or zone rule applies to the same activity, then the most restrictive status applies.

**Table E29.4.1 Activity table**

<b>Activity</b>		<b>Activity status</b>
(A1)	Activities sensitive to hazardous facilities and infrastructure	Pr
(A2)	Activities not otherwise permitted in the Business – Heavy Industry Zone (except Emergency Services within the Business	NC

	– Heavy Industry Zone)	
<b>Development</b>		
(A3)	New buildings within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3)	C
(A4)	Alterations to buildings that increase the building platform area or building height within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3)	C

### E29.5. Notification

- (1) Any application for resource consent for an activity sensitive to hazardous facilities and infrastructure (including controlled activities) located within 34m of the boundary of designations 6500 and 6501 (Petroleum Pipeline) where the pipeline is constructed to a “thin wall” specification will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity including controlled activities listed in Table E29.4.1 Activity table 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) and including any person operating within the inner emergency management area.

### E29.6. Standards

The following standards apply to all activities located within the wider emergency management area for the Wiri Oil Terminal shown in Figure E29.6.1 and the Wiri LPG Depot shown in Figure E29.6.3.

#### E29.6.1. Site Emergency Management Plan

- (1) A Site Emergency Management Plan must either be prepared and completed in accordance with the template set out E29.9.1 Site Emergency Management Plan template (non-statutory) or otherwise prepared and completed by a suitably qualified expert (for example a fire safety engineer).
- (2) The Site Emergency Management Plan must be implemented and submitted to Council at least 10 working days prior to the proposed date of commencing any new activity or any change of activity.

Figure E29.6.1 Wider Emergency Management Area for the Wiri Oil Terminal

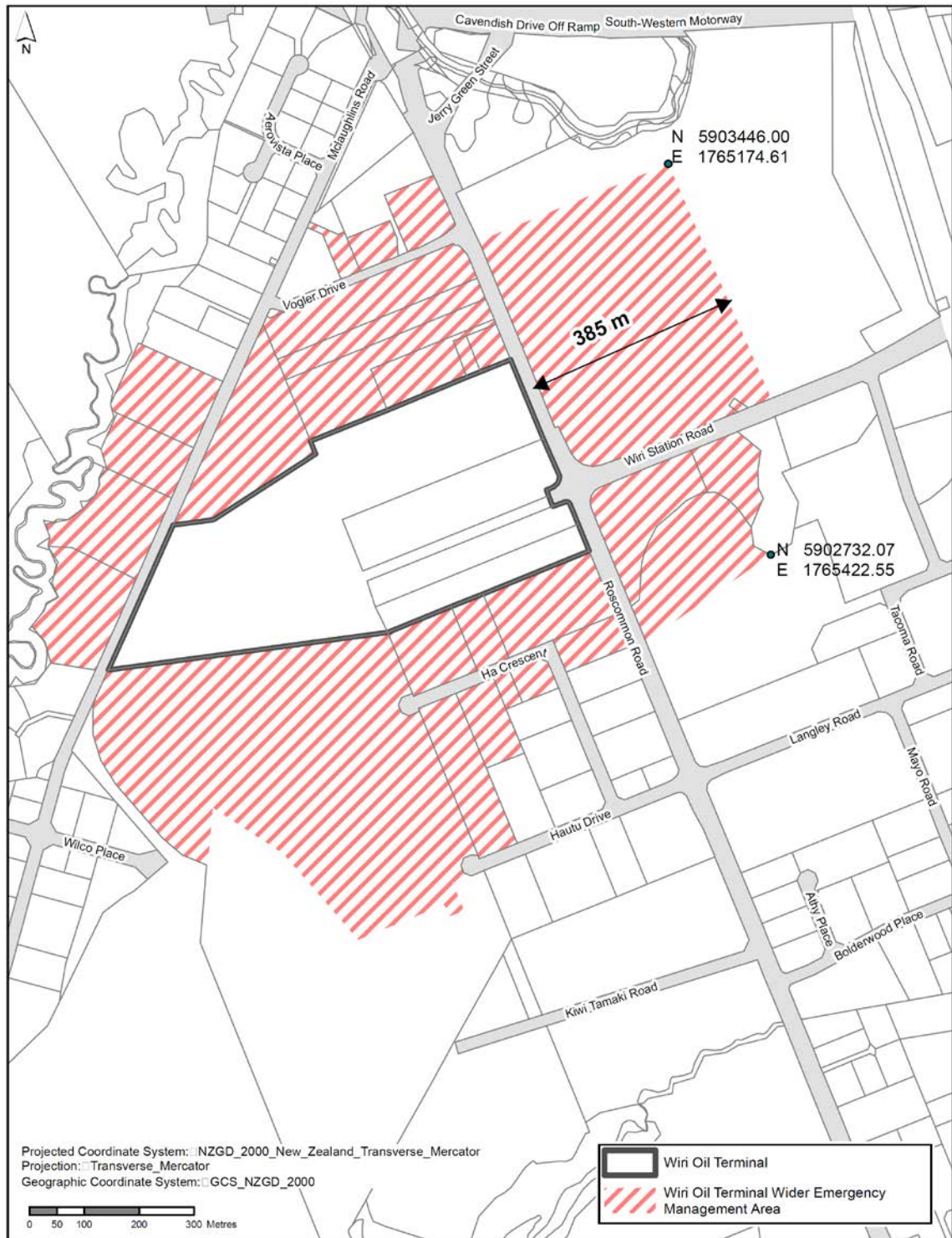
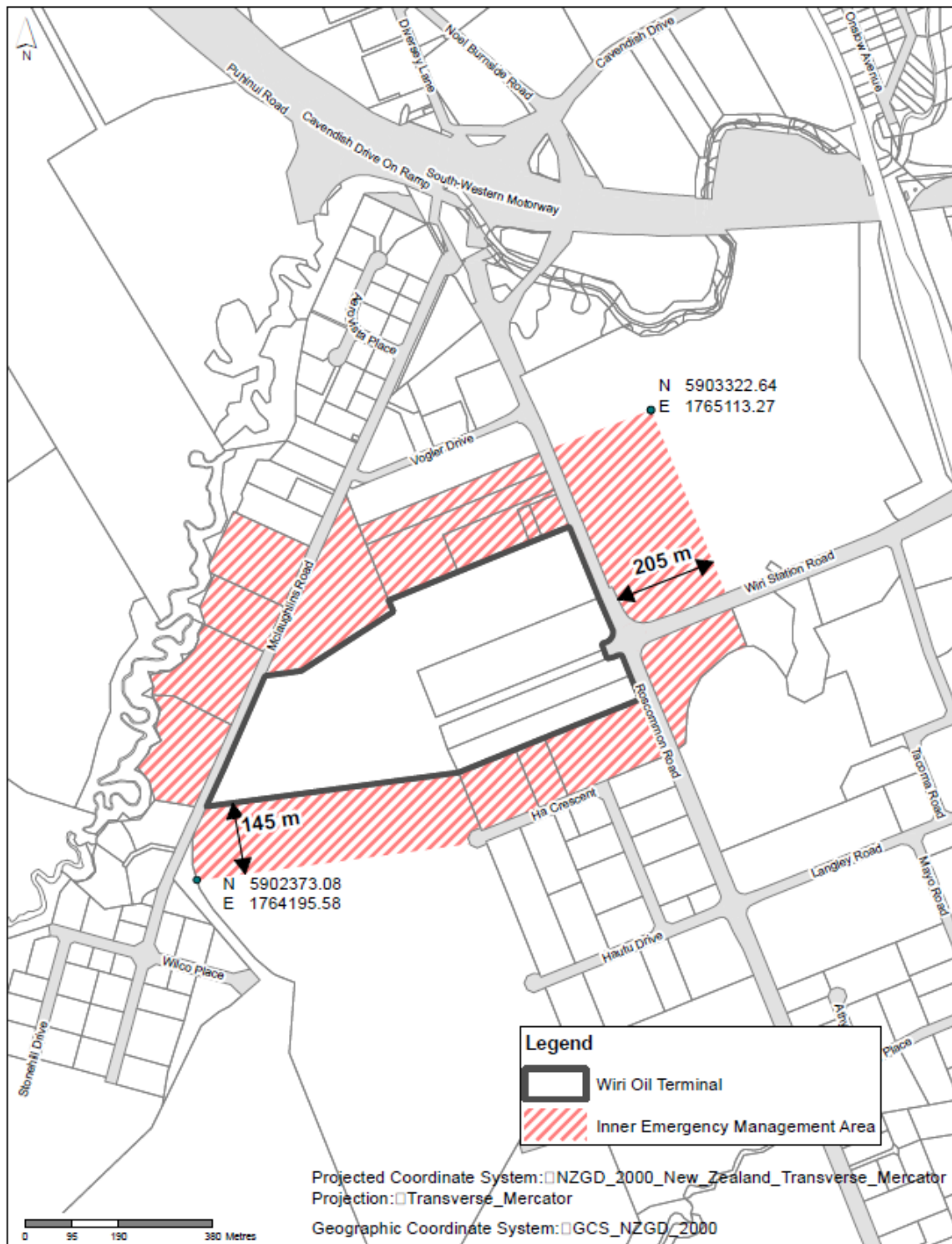
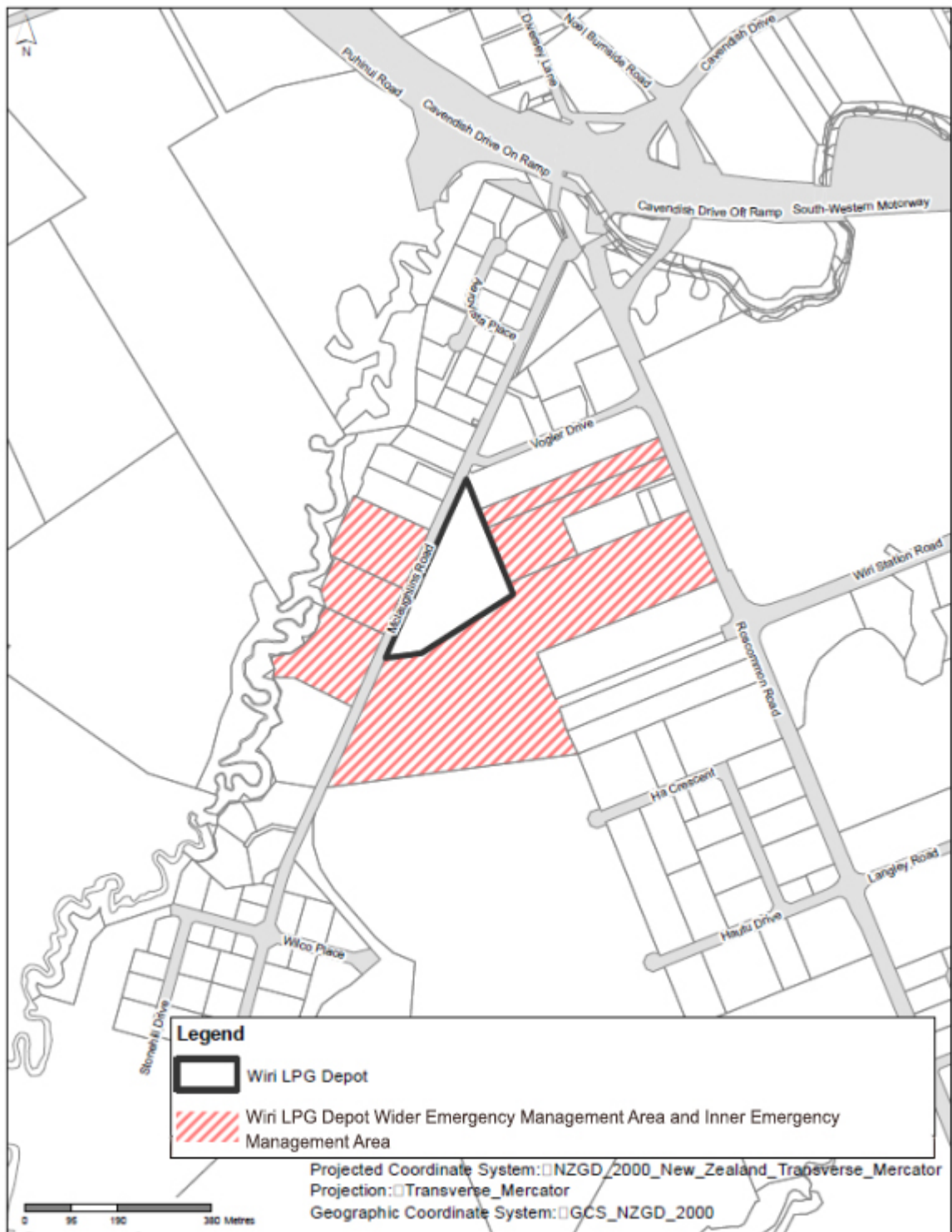




Figure E29.6.2 Inner Emergency Management Area for the Wiri Oil Terminal



**Figure E29.6.3 Wider Emergency Management Area and the Inner Emergency Management Area for the Wiri LPG Depot**



## **E29.7. Assessment – controlled activities**

### **E29.7.1. Matters of control**

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

- (1) new buildings and alterations to buildings that increase the building platform area or building height within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3):
  - (a) building layout and mitigation measures for risk management purposes.

### **E29.7.2. Assessment criteria**

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

- (1) new buildings and alterations to buildings that increase the building platform area or building height within the Inner Emergency Management Area for the Wiri Oil Terminal (Figure E29.6.2) or Wiri LPG Depot (Figure E29.6.3):
  - (a) the extent to which the design of buildings or alterations to buildings ensures the safety of occupants from an emergency event at the hazardous facility. The following design matters should be considered:
    - (i) layout of the buildings on the site (including the orientation of main building entrances) should maximise the separation of higher occupancy areas (such as offices) from the hazardous facility;
    - (ii) the location of glazing in relation to the hazardous facility. Where it is not practicable to locate windows away from the hazardous facility, consideration should be given to mitigation measures (such as strengthened glass / protective films) to reduce risk of harm to people; and
    - (iii) the location of the emergency egress points to facilitate movement away from the hazard (noting that fire egress doors may still be required on the side of buildings facing the hazardous facility to meet building code requirements).
  - (b) to ensure that operators of hazardous facilities are made aware of proximate activities and potential reverse sensitivity effects, whether the application includes evidence of consultation with the operator of the hazardous facility, including:
    - (i) a copy of the application to the operator 10 working days prior to lodgement of the application with the Council;
    - (ii) details of the nature of the activities in the building or alteration;
    - (iii) details of the number of staff; and

(iv) details of the hours of operation.

**E29.8. Assessment – restricted discretionary activities**

**E29.8.1. Matters of discretion**

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

- (1) any activity that does not comply with Standard E29.6.1:
  - (a) the nature and extent of emergency management planning.

**E29.8.2. Assessment criteria**

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

- (1) any activity that does not comply with Standard E29.6.1:
  - (a) refer to Policy E29.3(2).

**E29.9. Special information requirements**

There are no special information requirements in this section.

**E29.10. Site Emergency Management Plan Template (non-statutory)**

Name/Address		
Contact details	Phone Email Website	Fax
Emergency contacts	Name Role Phone	Mobile
	Name Role Phone	Mobile
Contact details of Hazardous Facility / Facilities	Name Role Phone	Mobile
	Name Role Phone	Mobile
Date Plan provided to Auckland Council		

Date copy of Plan provided to Hazardous Facility Operator/s	
Date last updated and reprinted	
Date updated Plan provided to Auckland Council	
Date updated Plan provided to Hazardous Facility Operator/s	

**Note 1**

For the purposes of this Emergency Management Plan the term ‘Hazardous Facility’ means (delete any not relevant):

- Wiri Oil Terminal
- Wiri LPG Depot

**(1) Purpose**

This plan applies in addition to [name of organisation's] own building evacuation plan which addresses incidents arising from its own operations.

This plan outlines how [name of organisation] will respond to a potential emergency arising from the Hazardous Facility and thereby partly satisfies the requirements and obligations of the Resource Management Act 1991 and health and safety legislation. Located within the Hazardous Facility Emergency Management Area, the [name of the organisation] is in a location where it may be subject to such emergency scenarios.

The key hazard at the Hazardous Facility is the storage and handling of large quantities of flammable and combustible materials. There are two particular potential emergency scenarios that could occur at the Hazardous Facility with the potential to impact offsite areas:

- flammable vapour cloud with the risk of ignition and explosion; and
- hazardous substances fire (e.g. tank or bund fire at the Wiri Oil Terminal or LPG fire at the Wiri LPG Depot).

**(2) Site plan**

A copy of site plan showing location of on-site and off-site safe assembly areas and outside evacuation routes (to be attached as Appendix A).

Safe assembly areas and evacuation routes have been selected and meet the following criteria:

- designated off-site assembly area as far as reasonably practicable from the Hazardous Facility e.g. a minimum of 400 metres from Wiri Oil Terminal site

boundary or outside the Inner Emergency Management Area of the Wiri LPG Depot;

- the exits and outdoor evacuation routes avoid cul-de-sacs and routes that take any person closer to the Hazardous Facility. The route(s) lead away from the Hazardous Facility;
- exit points to be used should be as far away from the Hazardous Facility as possible;
- avoid assembly area being adjacent to large areas of glazing; and
- assembly area is preferably in an open area and or removed or remote from buildings.

### **(3) Notification (relevant only in relation to the Wiri Oil Terminal)**

Wiri Oil Terminal provides a warning/notification system in the event of an emergency scenario arising at the Wiri Oil Terminal. The [name of the organisation] will facilitate and enable the notification system to be implemented on site. Although mitigation and warning systems are in place at the Terminal, catastrophic failure of systems can never be ruled out and there may be little or no prior warning.

### **(4) Response actions (as appropriate):**

- Receive notification of incident from the Hazardous Facility or emergency services.
- Avoid operating any electrical switches, including lights, alarms or any other electrical appliances and systems.
- Leave immediately by the nearest safe exit route away from the Hazardous Facility.
- Evacuate on foot in a direction away from the Hazardous Facility to the assembly area.
- Do not rubberneck.
- Do not operate a vehicle.
- Report to the off-site safe-assembly area and building wardens to reconcile staff and visitor / customer names and numbers.
- Do not leave the assembly area or re-enter the building until advised it is safe to do so by the Fire Service.

### **(5) Plan testing and evaluation**

- Practise relevant drills such as evacuation simulations.
- Take part in scheduled Hazardous Facility emergency exercise as requested.
- Fully document all exercises undertaken.
- Address any difficulties and problems encountered during exercises and update Plan as required.

**(6) Plan review and updating**

Review and update the Plan at least annually and following any change in circumstances

(e.g. physical changes to building or on site activities, exits or routes or personnel).

**(7) Attach Site Plan**

## **E30. Contaminated land**

### **E30.1. Background**

This section addresses the effects of the discharge of contaminants from contaminated land or land containing elevated levels of contaminants into air, or into water, or onto or into land pursuant to section 15 of the Resource Management Act 1991. This is separate from and different to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 provides a national environmental standard for activities on pieces of land where soil may be contaminated in such a way as to be a risk to human health. The activities are removing or replacing a fuel storage system, sampling the soil, disturbing the soil, subdividing land, and changing the use of the piece of land. The activities are classed as permitted activities, controlled activities, restricted discretionary activities, or discretionary activities.

Consent required for activities under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 is separate from and different to the resource consent required for the discharge of contaminants under this section of the Plan.

This section contains thresholds beyond which a risk assessment process is required to assess whether the discharge will result in significant adverse effects, or whether it can be remediated or managed. All assessments and related reports are to be carried out in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines.

This section focuses on all of the following:

- the direct discharges arising from investigation activities on land containing elevated levels of contaminants;
- discharges associated with soil disturbance that may liberate contaminants;
- longer term discharges occurring as a result of residual contaminants, often known as passive discharges;
- legacy discharges associated with past incidents; and
- the assessment of risk around ongoing discharges.

This section does not address initial discharges. These are addressed by E31 Hazardous substances and E33 Industrial and trade activities.

### **E30.2. Objective [rp]**

- (1) The discharge of contaminants from contaminated land into air, or into water, or onto or into land are managed to protect the environment and human health and to enable land to be used for suitable activities now and in the future.



### E30.3. Policies [rp]

- (1) Identify and record the details of land containing elevated levels of contaminants in a public register.
- (2) Require any use or development of land containing elevated levels of contaminants resulting in discharges to air, land or water to manage or remediate the contamination to a level that:
  - (a) allows contaminants to remain in the ground/groundwater, where it can be demonstrated that the level of residual contamination is not reasonably likely to pose a significant adverse effect on human health or the environment; and
  - (b) avoids adverse effects on potable water supplies; and
  - (c) avoids, remedies or mitigates significant adverse effects on ecological values, water quality, human health and amenity values; while taking into account all of the following:
    - (d) the physical constraints of the site and operational practicalities;
    - (e) the financial implications of the investigation, remediation, management and monitoring options;
    - (f) the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land; and
    - (g) whether adequate measures are in place for the transport, disposal and tracking of contaminated soil and other contaminated material removed from a site to prevent adverse effects on the environment.

### E30.4. Activity table

Table E30.4.1 Activity table specifies the activity status for the discharge of contaminants from contaminated land into air, or into water, or onto or into land pursuant to section 15 of the Resource Management Act 1991.

Rules for the accidental discovery of contaminated land are contained in the following sections:

- E11 Land disturbance – Regional – Standard E11.6.1 Accidental discovery rule; and
- E12 Land disturbance – District - Standard E12.6.1 Accidental discovery rule.

**Table E30.4.1 Activity table**

Activity		Activity status
(A1)	Discharges of contaminants into air, or into water, or onto or into land from intrusive investigations, including sampling	P

	soil, that involve either chemical testing or monitoring, excluding soil fertility testing	
(A2)	Discharges of contaminants into air, or into water, or onto or into land from disturbing soil on land containing elevated levels of contaminants	P
(A3)	Discharges of contaminants into air, or into water, or onto or into land from land currently used for rural production activities	P
(A4)	Discharges of contaminants into air, or into water, or onto or into land from land not used for rural production activities	P
(A5)	Discharges of contaminants into air, or into water, or onto or into land from a fuel storage system	P
(A6)	Discharges of contaminants into air, or into water, or onto or into land not meeting permitted activity Standard E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5	C
(A7)	Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1	D

### E30.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E30.4.1 Activity table will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E30.4.1 Activity table and which is not listed in Rule E30.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E30.6. Standards

#### E30.6.1. Permitted activity standards

All activities listed as a permitted activity in Table E30.4.1 Activity table must comply with the following permitted activity standards.

##### **E30.6.1.1. Discharges of contaminants into air, or into water, or onto or into land from intrusive investigations, including sampling soil, that involve either chemical testing or monitoring, excluding soil fertility testing**

- (1) Prior to the activity commencing the Council must be advised of the activity in writing, including details of the measures or controls to be implemented to minimise discharges of contaminants to the environment,

and such controls are to be effective for duration of the activity and until the soil is reinstated to an erosion-resistant state.

**E30.6.1.2. Discharges of contaminants into air, or into water, or onto or into land from disturbing soil on land containing elevated levels of contaminants**

- (1) The volume of soil disturbed must not exceed:
  - (a) 200m<sup>3</sup> per site; or
  - (b) 200m<sup>3</sup> per project for sites or roads with multiple concurrent land disturbance projects, where the cumulative total volume of soil disturbance associated with each given project will be used when determining activity status; or
  - (c) an average depth and width of 1m for linear trenching by network utilities in the road or rail corridor. For the purpose of this rule the railway corridor does not include land more than 10m from the rail tracks.
- (2) Prior to the activity commencing:
  - (a) the Council must be advised of the activity in writing if the volume of soil disturbed on land containing elevated levels of contaminants exceeds 25m<sup>3</sup>, including details of the measures and controls to be implemented to minimise discharges of contaminants to the environment, and such controls are to be effective for duration of the activity and until the soil is reinstated to an erosion-resistant state; and
  - (b) controls on linear trenching must be implemented to manage discharges to the environment from trenches acting as migration pathways for contaminants.
- (3) Any discharge from land containing elevated levels of contaminants must not contain separate phase liquid contaminants including separate phase hydrocarbons.
- (4) The duration of soil disturbance on a site must not exceed two months.
- (5) Any contaminated material removed from the site must be disposed of at a facility or site authorised to accept such materials.

**E30.6.1.3. Discharges of contaminants into air, or into water, or onto or into land from land currently used for rural production activities**

- (1) The land must have been previously used only for rural production activities.

- (2) The land must not be redeveloped or used for non-rural production activities.
- (3) The discharge must not have adverse effects on potable water supplies.

**E30.6.1.4. Discharges of contaminants into air, or into water, or onto or into land from land not used for rural production activities**

- (1) For in-situ soil and fill material, the concentrations of contaminants (relevant to the site's history) in soil or fill material, or the 95 per cent upper confidence limit of the mean, determined in accordance with the Ministry for the Environment Contaminated Land Management Guidelines No.5 – Site Investigation and Analysis of Soils (Revised 2011), must not exceed:
  - (a) the criteria specified in Table E30.6.1.4.1 Permitted activity soil acceptance criteria; or
  - (b) for contaminants not included in Table E30.6.1.4.1:
    - (i) the tier 1 soil acceptance criteria for the protection of groundwater quality in sensitive aquifers specified in Table 4.20 Soil acceptance criteria for protection of groundwater quality in the Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand, Ministry for the Environment (Revised 2011); or
    - (ii) for contaminants not included in Table 4.20 Soil acceptance criteria for protection of groundwater quality in the Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand by the Ministry for the Environment (Revised 2011):
      - the soil quality guidelines for the current land use; or
      - in the case of a proposed change in land use, the proposed land use in the Canadian Environmental Quality Guidelines, Canadian Council of Ministers of the Environment (2013); or
      - for dieldrin and lindane only, the soil guideline values in Table A.5 Summary of soil guideline values (mg/kg) for individual pathways in Identifying, Investigating and Managing Risks Associated with Former Sheep Dip Sites: A Guide for Local Authorities, by the Ministry for the Environment November 2006; or
  - (c) the natural background levels for that soil or fill material or the relevant background levels specified in Table E30.6.1.4.2 Background ranges of trace elements in Auckland soils sources from Table 3 of TP153:

2001 Background Concentrations of Inorganic Elements in Soils from the Auckland Region.

- (2) Any discharge from land containing elevated levels of contaminants must not contain separate phase liquid contaminants including separate phase hydrocarbons.

**Table E30.6.1.4.1 Permitted activity soil acceptance criteria**

Contaminant	Permitted activity criteria (mg/kg)
Arsenic	100.0
Benzo (a) pyrene (equivalent)	20
Cadmium	7.5
Chromium (total)	400.0
Copper	325.0
Total DDT	12.0
Lead	250.0
Mercury	0.75
Nickel	105.0
Zinc	400.0

Note 1

Total DDT includes the sum of DDT (dichlorodiphenyltrichloroethane), DDD (dichlorodiphenyldichloroethane) and DDE (dichlorodiphenyldichloroethylene).

**Table E30.6.1.4.2 Background ranges of trace elements in Auckland soils sources from Table 3 of TP153:2001 Background Concentrations of Inorganic Elements in Soils from the Auckland Region**

Element (total recoverable)	Non-volcanic range mg/kg	Volcanic range mg/kg
Arsenic (As)	0.4 – 12	
Boron (B)	2 – 45	<2 - 260
Cadmium (Cd)	<0.1 – 0.65	
Chromium (Cr)	2 – 55	3 – 125*
Copper (Cu)	1 – 45	20 – 90
Lead (Pb)	<5 – 65*	
Mercury (Hg)	<0.03 – 0.45	
Nickel (Ni)	0.9 – 35	4 – 320
Zinc (Zn)	9 – 180	54 – 1160

\* Work suggests special cases have been found to apply for Ti Point Basalts (Cr), Mt Smart Volcanics (Pb) and as such these lithologies need to be considered individually.

**E30.6.1.5. Discharges of contaminants into air, or into water, or onto or into land from a fuel storage system**

- (1) For discharges of contaminants into air, or into water, or onto or into land from a fuel storage system:
- (a) the concentration of soluble contaminants in any of the following:
    - (i) overland stormwater at the site boundary;
    - (ii) surface water within the site; or
    - (iii) groundwater at the site boundary;must not exceed Table 3.4.1 Trigger values for toxicants at alternative levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000 Guidelines) for marine or freshwater, where relevant, at the level of protection of 80 per cent of species, except for benzene where 95 per cent of species shall apply; and
  - (b) the discharge must not contain separate phase hydrocarbons.
- (2) For discharges of contaminants into air, or into water, or onto or into land during and following the removal or replacement of a fuel storage system:
- (a) the concentration of soluble contaminants in any of the following:
    - (i) overland stormwater at the site boundary;
    - (ii) surface water within the site, and
    - (iii) groundwater at the site boundarymust not exceed the Table 3.4.1 Trigger values for toxicants at alternative levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000 Guidelines) for marine or freshwater, where relevant, at the level of protection 80 per cent of species, except for benzene where 95 per cent of species shall apply;
  - (b) the concentrations of contaminants remaining in the soil on the site following the removal or replacement of a fuel storage system must not exceed the tier 1 soil acceptance criteria for the protection of groundwater quality in sensitive aquifers specified in Table 4.20 Soil acceptance criteria for protection of groundwater quality in the Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand by the Ministry for the Environment (Revised 2011);
  - (c) the discharge must not contain separate phase hydrocarbons;

- (d) any contaminated materials removed from the site must be disposed of to a facility or site authorised to accept such materials;
- (e) the fuel storage system removal, investigation, remediation, validation and management processes must be carried out in accordance with the Ministry for the Environment Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand, (Revised 2011).

### **E30.6.2. Controlled activity standards**

All activities listed as a controlled activity in Table E30.4.1 Activity table must comply with the following controlled activity standards.

#### **E30.6.2.1. Discharges of contaminants into air, or into water, or onto or into land not meeting permitted activity standards E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5**

- (1) A detailed site investigation (contaminated land) must be prepared and submitted to Council for consideration.
- (2) A site management plan (contaminated land) must be prepared and submitted to Council for consideration.
- (3) A remedial action plan (contaminated land), relevant to the site and the proposed disturbance or remediation must be prepared and submitted to Council for consideration.
- (4) The report on the detailed site investigation (contaminated land) must state either that:
  - (a) the concentrations of soluble contaminants in any of the following:
    - (i) overland stormwater at the site boundary,
    - (ii) surface water within the site, or
    - (iii) groundwater at the site boundarymust not exceed the guideline values specified in Table 3.4.1 Trigger values for toxicants at alternative levels of protection in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000 Guidelines) for marine or freshwater, where relevant, at the level of protection for 80 per cent of species, except for benzene where 95 per cent of species shall apply; or
  - (b) discharges from the land are highly unlikely to cause significant adverse effects on the environment; or
  - (c) the contamination associated with the land must be contained beneath a continuous impervious layer and must be located above the highest seasonal groundwater level beneath the site.

### **E30.7. Assessment – controlled activities**

#### **E30.7.1. Matters of control**

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

- (1) the adequacy of the detailed site investigation report including:
  - (a) site sampling;
  - (b) laboratory analysis; and
  - (c) risk assessment.
- (2) the need for and adequacy of a site management plan (contaminated land);
- (3) the need for and adequacy of a remedial action plan (contaminated land);
- (4) how the discharge is to be:
  - (a) managed;
  - (b) monitored, including frequency and location of monitoring; and
  - (c) reported on.
- (5) the physical constraints of the site and operational practicalities;
- (6) the transport, disposal and tracking of soil and other materials taken away in the course of the activity;
- (7) the effect on potable water supplies;
- (8) methods to identify contaminant risks prior to works commencing such as qualitative assessments of risk;
- (9) protocols around notifying the Council of contaminant risks;
- (10) how stormwater is to be managed;
- (11) soil management during work and at the completion of the works;
- (12) odour control;
- (13) vapour control;
- (14) groundwater management;
- (15) contingency plans;
- (16) remediation or ongoing management of the site, its timing and standard;
- (17) the nature and type of close out criteria if proposed;
- (18) the need for a financial bond;
- (19) the need for any review conditions in the event that standards to be achieved are not achieved;
- (20) the timing and nature of the review conditions; and



(21) the duration of resource consent.

**E30.7.2. Assessment criteria**

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

(1) whether the reports and information provided adequately address the effects of discharges into air, or into water, or onto or into water from contaminated land.

**E30.8. Assessment – Restricted discretionary activities**

There are no restricted discretionary activities in this section.

**E30.9. Special information requirements**

There are no special information requirements in this section.

## **E31. Hazardous substances**

### **E31.1. Background**

Hazardous substances include substances defined in the Hazardous Substances and New Organisms Act 1996 and substances with radioactive properties or high biological oxygen demand. Substances fall within the definition if they have certain hazardous properties such as explosiveness, flammability or corrosiveness among other factors. The Hazardous Substances and New Organisms Act 1996 and associated regulations set minimum performance standards for the management of these substances. The Resource Management Act 1991 enables plans to include additional land use controls for the prevention or mitigation of any adverse effects of the storage, use, disposal and transport of hazardous substances. Land use controls may relate to matters such as the location of hazardous facilities, their potential impacts on other land uses and the natural environment, and the transport of hazardous substances that are undertaken as part of the hazardous facility's operation.

These rules manage the use, storage and disposal of hazardous substances on land and in the coastal marine area that can present a specific risk to human or ecological health and property. The sites where such activities take place are defined as hazardous facilities.

The rules should be read in conjunction with, and are complementary to all of the following:

- the industrial and trade activities (ITA) rules relevant to the discharge of contaminants onto or into land or into water in E33 Industrial and trade activities;
- the Hazardous Substances and New Organisms Act 1996 and the regulations made under that Act.

These rules are designed to apply in addition to the requirements of the Hazardous Substances and New Organisms Act 1996 legislation and are considered necessary in accordance with section 142 of the Hazardous Substances and New Organisms Act 1996. Standards, protocols and procedures established under other legislation assist in the management of hazardous substances and these standards are recognised in the design of the rules.

The rules address primarily the potential adverse effects, specifically risks, of the use of land for the use, storage, or disposal of hazardous substances in Auckland. Risks are influenced by the nature of the hazardous substance, its quantity, what parts of the environment may be affected by an adverse event, the likelihood of an event, and the degree of effect.

### **E31.2. Objective [rcp/dp]**

- (1) The risks of hazardous facilities to people, property and the environment are minimised to acceptable levels while recognising the benefits of these facilities.

### **E31.3. Policies [rcp/dp]**

- (1) Manage hazardous substances by:

- (a) locating, designing, constructing and managing hazardous facilities to avoid or adequately mitigate adverse effects, including risks, to people, property and the environment;
  - (b) identifying, assessing and managing cumulative effects of hazardous facilities so they do not increase to unacceptable levels of risk to people, property and the environment; and
  - (c) locating land use activities so that the adverse effects of the transport of hazardous substances on roading infrastructure and other land use activities are minimised.
- (2) Require adequate separation distances between hazardous facilities and activities sensitive to hazardous facilities to avoid or adequately mitigate risk to people and property and to avoid reverse sensitivity effects.

#### **E31.4. Activity table [rcp/dp]**

Table E31.4.1, Table E31.4.2 and Table E31.4.3 specify the activity status of hazardous facilities and the use, storage and disposal of hazardous substances on land pursuant to sections 9(3) and of the Resource Management Act 1991 and in the coastal marine area pursuant to section 12(3) of the Resource Management Act 1991.

Appendix 13 Hazardous substances classification contains the explanation of the hazardous substances classification system.

**Table E31.4.1 Activity table - Hazardous facilities and the storage, use and disposal of hazardous substances in all zones**

<b>Activity</b>		<b>Activity status</b>
(A1)	Hazardous facilities that store or use radioactive materials specified as an exempt activity in the Radiation Regulations 1982	P
(A2)	Hazardous facilities that store or use petrol associated with retail sale of fuel in underground storage - not more than 100,000 litres	C
(A3)	Hazardous facilities that store or use diesel associated with retail sale of fuel in underground storage - not more than 50,000 litres	C
(A4)	Hazardous facilities that store or use LPG associated with retail sale of fuel stored in a single vessel, or sold in a number of single vessels that in combination do not exceed 6 tonnes	C
(A5)	Use, storage and disposal of hazardous substance sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 9.1D and 9.2D	P
(A6)	The storage, use and disposal of compressed air at fire stations or fire-fighting training facilities	P
(A7)	Hazardous facilities that store or use hazardous substances	D

	above the specified thresholds for controlled activity and restricted discretionary activity status in the activity tables or are not otherwise provided for	
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**Table E31.4.2 Activity table – Storage of fertilizer in rural zones**

Activity		Activity status (Rural zones)
(A8)	Storage of fertiliser (classified as sub-class 6.1C and 6.3-6.9 only) for rural production activities in rural zones	P
(A9)	Temporary storage of fertilizer classified as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities	P
(A10)	Temporary storage of fertilizer classified as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities which do not comply with Standard E31.6.5	D

**Table E31.4.3 Activity table – Hazardous facilities that store or use the listed hazardous substances**

Activity			Activity status	
	Class	Sub-class (combined quantities)	P	RD
<b>Business – Light Industry Zone; Business – Heavy Industry Zone; Coastal – Defence Zone and Special Purpose – Quarry Zone</b>				
(A11)	Explosive Class 1	Sub-class 1.1	< 0.05t	up to < 0.1t (all storage)
(A12)		Sub-class 1.2	< 0.5t	up to < 1t (all storage)
(A13)		Sub-class 1.3	< 1.5t	up to < 3t (all storage)
(A14)		Sub-class 1.2 and 1.3 when stored with sub-class 1.1	< 0.05t	up to < 0.1t
(A15)	Flammable gas/aerosol Class 2	Sub-class 2.1 (all)	< 1t (2,000m <sup>3</sup> )	up to < 2t (2,000 up to <4,000 m <sup>3</sup> )
(A16)		Sub-class 2.1 within 50m of a more sensitive zone	< 0.2t (400 m <sup>3</sup> )	0.2 up to < 0.5t (400 up to <1,000 m <sup>3</sup> )
(A17)	Non-hazardous gases	All other non-hazardous gases	< 5t (10,000 m <sup>3</sup> )	up to < 10t (10,000 up to <20,000 m <sup>3</sup> )
(A18)		LPG	< 3t	up to < 6t
(A19)		LPG within 50m of a more sensitive zone	< 1t	up to < 2t

(A20)	Flammable liquids Class 3	Sub-class 3.1A and 3.1B	< 6t	up to < 12t
(A21)		Sub-class 3.1A and 3.1B within 50m of a more sensitive zone	< 2t	up to < 4t
(A22)		Sub-class 3.1C	< 20t	up to < 40t
(A23)		Sub-class 3.1D	< 60t	up to < 120t
(A24)		Sub-class 3.2 (all)	< 3t	< 6t
(A25)	Flammable solids Class 4	Sub-class 4.1 (all)	< 3t	up to < 6t
(A26)		Sub-class 4.2 (all)	< 1t	up to < 2t
(A27)		Sub-class 4.3 (all)	< 1t	up to < 2t
(A28)	Oxidising capacity Class 5	Sub-class 5.1.1 (all)	< 3t	up to < 6t
(A29)		Sub-class 5.1.2 Gases	< 1,000m <sup>3</sup>	up to < 2,000m <sup>3</sup>
(A30)		Sub-class 5.2 (all)	< 1t	up to < 2t
(A31)	Toxic Class 6	Sub-class 6.1 Gases	< 300 m <sup>3</sup>	up to < 600 m <sup>3</sup>
(A32)		Sub-class 6.1A	< 0.5t	up to < 1t
(A33)		Sub-class 6.1A within 50m of a more sensitive zone	< 0.2t	up to < 0.4t
(A34)		Subclass 6.1B	< 6t	up to < 12t
(A35)		Sub-class 6.1B within 50m of a more sensitive zone	< 2t	up to < 4t
(A36)		Sub-class 6.1C and 6.3-6.9	< 20 t	up to < 40 t
(A37)		Sub-class 6.1C and 6.3-6.9 within 50m of a more sensitive zone	< 6t	up to < 12t
(A38)		Corrosive Class 8	Sub-class 8.1, 8.2A and 8.3	< 6t
(A39)	Sub-class 8.2B and 8.2C		< 20t	up to < 40t
(A40)	Eco-toxic Class 9	Sub-class 9.1A, 9.2A, 9.3A and 9.4A	< 0.5 t	up to < 1t
(A41)		Sub-class 9.1A, 9.2A, 9.3A and 9.4A within 30m of a watercourse	<0.1t	up to < 0.3t
(A42)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B	< 10t	up to < 20t
(A43)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B within 30m of a watercourse	< 3t	up to < 6t
(A44)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C	<30t	up to < 60t
(A45)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C within 30m of a watercourse	< 10t	up to < 20t
(A46)		High BOD5 (>10,000 mg/l)	< 40t	up to < 80t
(A47)		Within 30m of a watercourse	< 20t	up to < 40t
<b>Business – Business Park Zone; Business – Local</b>			<b>Activity status</b>	

<b>Centre Zone; Business – Metropolitan Centre Zone; Business – Mixed Use Zone; Business – Town Centre Zone; Business – City Centre Zone; Business – Neighbourhood Centre Zone; Business – General Business Zone; Rural – Countryside Living Zone; Rural – Mixed Rural Zone ; Rural – Rural Conservation Zone; Rural – Rural Production Zone Rural – Rural Coastal Zone</b>				
<b>Class</b>		<b>Sub-class (combined quantities)</b>	<b>P</b>	<b>RD</b>
(A48)	Explosive Class 1	Sub-class 1.1	< 0.02t	up to < 0.04t (all storage)
(A49)		Sub-class 1.2	< 0.2t	up to < 0.4t (all storage)
(A50)		Sub-class 1.3	< 0.5t	up to < 1t (all storage)
(A51)		Sub-class 1.2 and 1.3 when stored with subclass 1.1	< 0.02t	up to < 0.04
(A52)	Flammable gas/aerosol	Sub-class 2.1 (all)	< 0.5t (1000 m <sup>3</sup> )	up to < 1t (up to < 2,000 m <sup>3</sup> )
(A53)	Class 2	Sub-class 2.1 within 50m of a more sensitive zone	< 0.1t (200 m <sup>3</sup> )	up to <0.2t (200 up to <400 m <sup>3</sup> )
(A54)	Non- hazardous gases	All other non-hazardous gases	< 2t (4,000 m <sup>3</sup> )	up to < 10 (10,000 up to < 20,000 m <sup>3</sup> )
(A55)		LPG	< 1.5t	up to < 3t
(A56)		LPG within 50m of a more sensitive zone	<0.5t	up to < 1t
(A57)	Flammable liquids Class 3	Sub-class 3.1A and 3.1B	< 2t	up to <4t
(A58)		Sub-class 3.1A and 3.1B within 50m of a more sensitive zone	< 0.6t	up to < 1.2t
(A59)		Sub-class 3.1C	< 6t	up to < 12t
(A60)		Sub-class 3.1D	< 20t	up to < 40t
(A61)		Sub-class 3.2 (all)	< 1t	< 2t
(A62)	Flammable solids Class 4	Sub-class 4.1 (all)	< 1t	up to < 2t
(A63)		Sub-class 4.2 (all)	< 0.4t	up to < 1t
(A64)		Sub-class 4.3 (all)	< 0.4t	up to < 1t
(A65)	Oxidising capacity	Sub-class 5.1.1 (all)	< 1.5t	up to < 3t
(A66)		Sub-class 5.1.2 Gases	< 400m <sup>3</sup>	up to < 1,000m <sup>3</sup>

(A67)	Class 5	Sub-class 5.2 (all)	< 0.5t	up to < 1t
(A68)	Toxic Class 6	Sub-class 6.1 Gases	< 100m <sup>3</sup>	up to < 200m <sup>3</sup>
(A69)		Sub-class 6.1A	< 0.1t	up to < 0.4t
(A70)		Sub-class 6.1A within 50m of a more sensitive zone	< 0.1t	up to < 0.2t
(A71)		Sub-class 6.1B	< 2t	up to < 4t
(A72)		Sub-class 6.1B within 50m of a more sensitive zone	< 1t	up to < 2t
(A73)		Sub-class 6.1C and 6.3-6.9	< 6t	up to < 12t
(A74)		Sub-class 6.1C and 6.3-6.9 within 50m of a more sensitive zone	< 2t	up to < 4t
(A75)		Corrosive Class 8	Sub-class 8.1, 8.2A and 8.3	< 2t
(A76)	Sub-class 8.2B and 8.2C		< 10t	up to < 20t
(A77)	Eco-toxic Class	Sub-class 9.1A, 9.2A, 9.3A and 9.4A	< 0.5t	up to < 1t
(A78)		Sub-class 9.1A, 9.2A, 9.3A and 9.4A within 30m of a watercourse	< 0.1t	up to < 0.3t
(A79)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B	< 10t	up to < 20t
(A80)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B within 30m of a watercourse	< 3t	up to < 6t
(A81)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C	< 30t	up to < 60t
(A82)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C within 30m of a watercourse	< 10t	up to < 20t
(A83)		High BOD <sub>5</sub> (>10,000 mg/l)	< 40t	up to < 80t
(A84)		Within 30 metres of a watercourse	< 20t	up to < 40t

**Residential – Terrace Housing and Apartment Buildings Zone**

**Residential – Mixed Housing Suburban Zone**

**Residential – Single House Zone**

**Residential – Rural and Coastal Settlement Zone**

**Residential – Large Lot Zone**

**Residential – Mixed Housing Urban Zone**

**Future Urban Zone**

**Open Space – Conservation Zone**

**Open Space – Informal Recreation Zone**

**Open Space – Sport and Active Recreation Zone**

**Open Space – Community Zone**

**Open Space – Civic Spaces Zone**

**Coastal – General Coastal Marine Zone**

**Coastal – Marina Zone**

**Coastal – Mooring Zone**

**Coastal – Ferry Terminal Zone**

<b>Coastal – Coastal Transition Zone</b> <b>Special Purpose – Māori Purpose Zone</b> <b>Special Purpose – Cemetery Zone</b> <b>Special Purpose – Major Recreation Facility Zone</b> <b>Special Purpose – Healthcare Facility Zone and Hospital Zone</b> <b>Special Purpose – School Zone</b> <b>Special Purpose –Tertiary Education Zone</b>				
	<b>Class</b>	<b>Subclass (combined quantities)</b>	<b>P</b>	<b>D</b>
(A85)	Explosives Class 1	1.1 – 1.3	0t	≥ 0t
(A86)	Flammable gas/aerosol Class 2	Sub-class 2.1 (all)	<0.2t (40m <sup>3</sup> )	≥ 0.2t (40m <sup>3</sup> )
(A87)	Non- hazardous gases	All other non-hazardous gases	< 0.1t (200m <sup>3</sup> )	≥ 0.1t (200m <sup>3</sup> )
(A88)		LPG	<0.1t	≥ 0.1t
(A89)	Flammable liquids Class 3	Sub-class 3.1A and 3.1B	<0.1t	≥ 0.1t
(A90)		Sub-class 3.1C	<0.3t	≥ 0.3t
(A91)		Sub-class 3.1D	<1t	≥ 1t
(A92)		Sub-class 3.2 (all)	<0.05t	≥ 0.05t
(A93)	Flammable solids Class 4	Sub-class 4.1 (all)	<0.05t	≥ 0.05t
(A94)		Sub-class 4.2 (all)	<0.02t	0.02t
(A95)		Sub-class 4.3 (all)	<0.02t	≥ 0.02t
(A96)	Oxidising capacity Class 5	Sub-class 5.1.1 (all)	<0.05t	≥ 0.05t
(A97)		Sub-class 5.1.2 Gases	<40 m <sup>3</sup>	≥ 40m <sup>3</sup>
(A98)		Sub-class 5.2 (all)	<0.02t	≥ 0.02t
(A99)	Toxic Class 6	Sub-class 6.1A	0	≥ 0
(A100)		Sub-class 6.1B	<0.05 t	≥0.05t
(A101)		Sub-class 6.1C and 6.3-6.9	< 0.3 t	≥ 0.3t
(A102)	Corrosive Class 8	Sub-class 8.1, 8.2A and 8.3	< 0.05 t	≥ 0.05t
(A103)		Sub-class 8.2B and 8.2C	<0.3 t	≥ 0.3t
(A104)	Eco-toxic Class 9	Sub-class 9.1A, 9.2A, 9.3A and 9.4A	<0.5 t	≥ 0.5t
(A105)		Sub-class 9.1A, 9.2A, 9.3A and 9.4A within 30m of a watercourse	<0.1 t	≥ 0.1t
(A106)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B	<10 t	≥ 10t
(A107)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B within 30m of a watercourse	<3 t	≥ 3t



(A108)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C	<30 t	≥ 30t
(A109)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C within 30m of a watercourse	<10 t	≥ 10t
(A110)		High BOD5 (>10,000 mg/l)	<40 t	≥ 40t
(A111)		Within 30m of a watercourse	< 20 t	≥ 20t

#### Note 1

Quantities are given in t (tonnes) or l (litres) except all permanent or compressed gases which are measured in m<sup>3</sup> (cubic metres) at standard temperature and pressure (20°C and 101.3 kPa).

#### Note 2

The tables specify the combined quantities of hazardous substances for each hazard classification. That is 0.5 tonnes of Class 5.1 + 0.25 tonnes of another Class 5.1 = 0.75 tonnes of Class 5.1 This 0.75 tonnes is the amount to use to assess which category of consent is required.

#### Note 3

For the purposes these provisions, a hazardous substance shall have the class and sub-class given by the Environmental Protection Authority when approving the importation and manufacture of that substance under the Hazardous Substances and New Organisms Act 1996.

#### Note 4

Many substances have more than one hazardous property. The activity status must be determined for each hazard classification and the most onerous activity status shall apply. For example, petrol is classified as a highly flammable liquid (3.1A), acutely toxic (6.1E), mildly irritating to skin (6.3B), a suspected human carcinogen (6.7B) and eco-toxic to the aquatic environment (9.1B).

#### Note 5

For hazardous facilities in the Business – Light Industry Zone and Business – Heavy Industry Zone, a 'more sensitive zone' includes all other zones. For hazardous facilities in business zones other than the Business – Light Industry Zone and the Business - Heavy Industry Zone and in all the rural zones, a 'more sensitive zone' includes all other zones except the Business – Light Industry Zone and the Business – Heavy Industry Zone.

#### Note 6

Where distances are specified in the table they refer to the distance between the location of a hazardous substance and any part of a 'more sensitive zone'.

#### Note 7

The thresholds in the tables do not apply to the storage of fertilizer (classified as sub-class 6.1C and 6.3-6.9 only) for rural production activities in rural zones.

Note 8

The thresholds in the tables do not apply to the temporary storage of fertilizer classified as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities in rural zones.

Note 9

The thresholds in the tables above do not apply to hazardous facilities located within the Strategic Transport Corridor Zone.

Note 10

The thresholds in the tables above do not apply to fire stations or fire-fighting training facilities.

### **E31.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E31.4.1, Table E31.4.2 or Table E31.4.3 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E31.4.1, Table E31.4.2 or Table E31.4.3 and which is not listed in E31.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E31.6. Standards**

Activities listed in Table E31.4.1, Table E31.4.2 and Table E31.4.3 must comply with the following standards.

#### **E31.6.1. Hazardous facilities site design**

- (1) Any part of a hazardous facility involved in the manufacture, mixing, packaging, storage, loading, transfer, usage or handling of hazardous substances must be located designed, constructed and operated to ensure that:
  - (a) on-site facilities are set back from the more sensitive uses and watercourses to comply with the distances specified in the activity tables above; and
  - (b) hazardous substances are stored to:
    - (i) ensure that in the event of an unintended spill or release substances are contained within the intended areas of the site; and
    - (ii) prevent the accumulation of any solid, liquid, gas or vapour outside of the site area.

#### **E31.6.2. Site drainage systems**

- (1) The site drainage systems (including for washwater) must be designed, constructed and operated to prevent the entry or discharge of hazardous substances into:
  - (a) the stormwater or sewerage systems unless authorised by the relevant network utility operator; and
  - (b) air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.

Note 11

Compliance can be achieved using precautionary methods, including clearly identified stormwater grates and access holes, roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.

**E31.6.3. Hazardous facilities spill containment system**

(1) Any part of the hazardous facility site where a hazardous substance spill may occur must be serviced by a suitable spill containment system that is:

- (a) constructed from impervious materials resistant to all hazardous substances on-site; and
- (b) for liquid hazardous substances:
  - (i) able to contain the maximum volume of the largest tank present plus an allowance for stormwater or fire water;
  - (ii) for drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or fire water;
  - (iii) able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from entering the stormwater drainage system, unless authorised by the relevant network utility; and
  - (iv) able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from discharging into air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.

**E31.6.4. Hazardous facilities waste management**

(1) Any hazardous facility generating waste containing hazardous substances must dispose of these wastes to lawfully operated facilities or be serviced by a Council approved waste disposal contractor.

**E31.6.5. Temporary storage of fertilizer classed as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities**

- (1) The storage location is located in excess of 30m from a watercourse.
- (2) The duration of the storage does not exceed 28 days within a 12 month period.
- (3) The substance stored is intended for rural production uses and is not to be sold for retail sale.

**E31.7. Assessment – controlled activities**

**E31.7.1. Matters of control**

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

- (1) all controlled activities:
  - (a) the proposed site design and layout in relation to:
    - (i) the sensitivity of the surrounding natural, human and physical environment;
    - (ii) potential hazards and exposure pathways arising from the proposed facility; and
    - (iii) interaction with natural hazards (flood hazards, coastal hazards, land instability), as applicable.
  - (b) proposed emergency management planning (spills, fire and other relevant hazards); and
  - (c) proposed monitoring and maintenance schedules.

#### **E31.7.2. Assessment Criteria**

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

- (1) all controlled activities:
  - (a) the character of the surrounding area including sensitive land use activities environments, the location infrastructure and relevant infrastructure on and off site (including drainage, roads);
  - (b) consideration of actually or potentially affected by the proposal on the surrounding environment, including pathways and receptors;
  - (c) a consideration of hazard and risk including a preliminary hazard and risk analysis; and
  - (d) potential cumulative risks presented in conjunction with neighbouring facilities.

#### **E31.8. Assessment – restricted discretionary activities**

##### **E31.8.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) the proposed operation and site layout;
  - (b) the separation distances from the receiving environment and other land uses;
  - (c) the degree and acceptability of residual risk;

- (d) consideration of potential health and environmental hazards and exposure pathways arising from the proposed facility;
- (e) minimising potential cumulative risks including in conjunction with other nearby hazardous facilities;
- (f) proposed emergency management planning;
- (g) transport routes times and frequencies for the transport of hazardous substances on and off-site;
- (h) waste management;
- (i) compliance with relevant codes of practice and standards for specific materials/substances;
- (j) measures to minimise or mitigate potential adverse effects that may result from natural hazards; and
- (k) the social and economic benefits of hazardous facilities.

#### **E31.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) whether the proposal will give effect to E31.2 Objective and E31.3 Policies;
  - (b) how the location of a hazardous facility:
    - (i) minimises adverse effects on the environment, human health and amenity values, particularly on sensitive activities to acceptable levels;
    - (ii) minimises the risk posed by the occurrence of natural hazards or that alternatively the potential adverse effects resulting from a natural hazard event have been avoided or mitigated; and
    - (iii) is consistent with the policies supporting the zone in which the activity is to occur.
  - (c) how the design, construction and management of a hazardous facility avoids or mitigates adverse effects, including risks, to people, property and the environment, including:
    - (i) site drainage, spill containment systems, site layout and waste processes; and
    - (ii) minimising any adverse effects associated with the transport of a hazardous substance on road infrastructure or on other land use activities along a transport route.

- (d) how the individual and cumulative effects of a hazardous facility have been identified, assessed and managed so they do not pose significant residual risks to people, property and the environment;
- (e) the measures proposed to manage the transport of hazardous substances associated with the hazardous facility to minimise adverse effects on road infrastructure and potentially affected land use activities along the transport route;
- (f) whether the risk assessment submitted with the proposal contains an appropriate level of detail, assessment and information which corresponds to the scale and nature of the facility proposed and the hazardous substances involved and adequately address the following:
  - (i) an assessment of the sensitivity of the receiving environment to any potential risks;
  - (ii) a hazard identification and risk management response;
  - (iii) whether there is a practicable alternative method of risk management that would present less risk; and
  - (iv) whether the proposal will adequately minimise or mitigate cumulative adverse effects with respect to other hazardous facilities in the area.
- (g) the presence of appropriate emergency management equipment and plans and the adequacy of overall emergency response capability; and
- (h) the demonstrated social and economic benefits of the hazardous facility.

#### **E31.9. Special information requirements**

There are no special information requirements in this section.

## **E32. Biosolids**

### **E32.1. Background**

Biosolids are sewage sludges or sewage sludges mixed with other materials that have been treated and stabilised to the extent that they are able to be safely and beneficially applied to land. Biosolids have significant fertilising and soil-conditioning properties as a result of the nutrients and organic materials they contain. In addition to natural nutrients, biosolids may also contain pathogens, heavy metals and synthetic organic compounds. They therefore require appropriate management to minimise the risk to public health and the contamination of land, surface and groundwater and the coastal marine area.

The application of biosolids to land can result in a number of beneficial outcomes, including economic benefits, waste minimisation and land rehabilitation. The application of biosolids to land may also have adverse effects on water quality, public health, amenity values or the environment.

The biosolids from many wastewater treatment plants are disposed of in landfills. This involves transport costs and uses valuable space in these landfills. More sophisticated wastewater treatment plants have enabled the production of more highly treated biosolids and more flexibility in their disposal to land. National guidelines provide direction on the grading of biosolids, according to their levels of contamination and stability. This grading system forms the technical basis for how the application of biosolids are managed in the Plan.

These rules should be read in conjunction with the Guidelines for the Safe Application of Biosolids to Land in New Zealand, August 2003. The grading system used in these provisions is adopted from Section 4.3 Biosolids Grading System of the Guidelines for the Safe Application of Biosolids to Land in New Zealand, August 2003.

### **E32.2. Objective [rp]**

- (1) The beneficial use of biosolids onto or into land is provided for while managing any adverse effects on water quality, public health, amenity values or the environment.

### **E32.3. Policy [rp]**

- (1) Enable the application of biosolids on or in land where it can be demonstrated that all of the following can be achieved:
  - (a) it will not result in significant adverse effects on surface and groundwater quality;
  - (b) it does not pose a threat to public health in terms of concentrations of nutrients, heavy metals, pathogens and synthetic organic chemicals;
  - (c) it does not adversely affect any Mana Whenua values associated with the site;
  - (d) it does not result in more than minor adverse effects to a water supply management area within the Water Supply Management Areas Overlay;



- (e) there is no offensive or objectionable odour or dust beyond the boundary of the property on which the biosolids are applied; and
- (f) land used for food production or residential activities is avoided.

#### **E32.4. Activity table**

Table E32.4.1 Activity table specifies the activity status for the application, use or discharge of biosolids onto or into land or into water pursuant to section 9(2) and section 15 of the Resource Management Act 1991.

**Table E32.4.1 Activity table**

<b>Activity</b>	<b>Activity status</b>
(A1) The application or discharge of Grade Aa biosolids onto or into land	P
(A2) The application or discharge of Grade Aa biosolids onto or into land that do not comply with Standard E32.6.1.1	RD
(A3) The application or discharge of Grade Ab, Ba and Bb biosolids onto or into land	RD
(A4) Any application or discharge of biosolids onto or into land which is not otherwise provided for	D
(A5) The direct discharge of biosolids into water	Pr

#### **E32.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E32.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E32.6. Standards**

##### **E32.6.1. Permitted activity standards**

All activities listed as a permitted activity in Table E32.4.1 Activity table must comply with the following permitted activity standards.

##### **E32.6.1.1. The application or discharge of Grade Aa biosolids onto or into land**

- (1) There must not be any direct application or direct runoff into any water body or the coastal marine area.
- (2) The application of biosolids must not be to land used for food production or residential activities.
- (3) Grade Aa biosolids must meet the requirements in Tables 4.1 Stabilisations requirements and Table 4.2 Soil limits and biosolids classification by contaminant levels of the Guidelines for the Safe

Application of Biosolids to Land in New Zealand, August 2003, including the soil limit concentrations and the requirement to obtain accredited quality assurance.

- (4) The application must not be to any water supply management area(s) as identified in the Water Supply Management Areas Overlay.
- (5) The biosolids must be stored and handled to avoid groundwater or surface water contamination.
- (6) The biosolids application must not occur at any site or place of significance to Mana Whenua as identified in the Sites and Places of Significance to Mana Whenua Overlay.
- (7) The application of biosolids must provide for buffer zones between the biosolids application area and neighbouring land uses or sensitive environments as follows for all of the following:
  - (a) 20 metres from any property boundary;
  - (b) 20 metres from any surface water body and the coastal marine area;
  - (c) 20 metres from any water supply bore; and
  - (d) 20 metres from a significant geothermal feature.
- (8) The application must not result in any offensive or objectionable odour or dust beyond the property boundary of the site on which the biosolids are applied.
- (9) The person that applies the biosolids must keep the following records and make these records available to Council upon request:
  - (a) the nature of the biosolids including dry solids content, application, volume, location and frequency; and
  - (b) the total nitrogen mass-load applied per hectare per annum.

### **E32.7. Assessment – controlled activities**

There are no controlled activities in this section.

### **E32.8. Assessment – restricted discretionary activities**

#### **E32.8.1. Matters of discretion**

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

- (1) the rate and frequency of application of biosolids to control nutrient and contaminant loading rates;
- (2) the type of blending material;

- (3) the risk to the environment or to human or stock health in terms of concentrations of nutrients, heavy metals, pathogens and synthetic organic chemicals;
- (4) the potential effects of not meeting a relevant permitted activity standard and how any such effects will be avoided or mitigated;
- (5) the effects on:
  - (a) scheduled sites or places of significance to Mana Whenua as identified in the Sites and Places of Significance to Mana Whenua Overlay;
  - (b) water supply management areas as identified in the Water Supply Management Areas Overlay;
  - (c) wetland management areas as identified in the Wetland Management Areas Overlay;
  - (d) natural stream management areas as identified in the Natural Stream Management Areas Overlay;
  - (e) natural lake management areas as identified in Natural Lake Management Areas Overlay;
  - (f) high-use stream management areas as identified in the High-use Stream Management Areas Overlay;
  - (g) high-use aquifer management areas as identified in the High-use Aquifer Management Areas Overlay; and
  - (h) quality-sensitive aquifer management areas as identified in the Quality-sensitive Aquifer Management Areas Overlay.
- (6) the effects of odour and dust beyond the site boundary;
- (7) contingency measures proposed in the event of mechanical failure or prolonged wet weather;
- (8) where relevant, the requirements in Table 4.1 Stabilisations requirements and Table 4.2 Soil limits and biosolids classification by contaminant levels of the Guidelines for the Safe Application of Biosolids to Land in New Zealand, August 2003 including the soil limit concentrations and the requirement to obtain accredited quality assurance;
- (9) monitoring and information requirements; and
- (10) compliance monitoring.

#### **E32.8.2. Assessment criteria**

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

- (1) whether the proposed application of biosolids demonstrates that:

- (a) it will not result in significant adverse effects on surface and groundwater quality and does not pose a threat to public health in terms of concentrations of nutrients, heavy metals, pathogens and synthetic organic chemicals;
- (b) it does not adversely affect a scheduled site or place of significance to Mana Whenua as identified in the Sites and Places of Significance to Mana Whenua Overlay;
- (c) it does not result in more than minor adverse effects to:
  - (i) water supply management areas as identified in the Water Supply Management Areas Overlay;
  - (ii) wetland management areas as identified in the Wetland Management Areas Overlay;
  - (iii) natural stream management areas as identified in the Natural Stream Management Areas Overlay;
  - (iv) natural lake management areas as identified in Natural Lake Management Areas Overlay;
  - (v) high-use stream management areas identified in the High-use Stream Management Areas Overlay;
  - (vi) high-use aquifer management areas as identified in the High-use Aquifer Management Areas Overlay; and
  - (vii) quality-sensitive aquifer management areas as identified in the Quality-sensitive Aquifer Management Areas Overlay.
- (d) there is no offensive or objectionable odour or dust beyond the boundary of the property on which the biosolids are applied.

### **E32.9. Special information requirements**

There are no special information requirements in this section.

### **E33. Industrial and trade activities**

#### **E33.1. Background**

Industrial and trade activities involve the use, handling and storage of environmentally hazardous substances as part of their production and operation. Unless these activities are appropriately managed, hazardous substances can be discharged from the site, as contaminants, onto land or into rivers and streams, groundwater systems and coastal waters. Appropriate management includes:

- disposal as trade waste to the wastewater network;
- collection for disposal or recycling to an appropriate facility;
- treatment onsite prior to discharge to the receiving environment; and
- adoption of appropriate industry standards, site practices, operating procedures and plans.

It is the overriding purpose of the land use provisions to avoid the discharge of contaminants in the first instance. Where the avoidance of discharges cannot be achieved, good onsite management practices remain the primary method of minimising the discharge of environmentally hazardous substances

#### **E33.2. Objective [rcp/rp]**

- (1) Industrial and trade activities are managed to avoid adverse effects on land and water from environmentally hazardous substances and discharge of contaminants, or to minimise adverse effects where it is not reasonably practicable to avoid them.

#### **E33.3. Policies [rcp/rp]**

- (1) Manage the use of land for industrial or trade activities to prevent or minimise any adverse effects of storage, use or disposal of environmentally hazardous substances.
- (2) Require industrial or trade activities to have, where reasonably practicable, onsite management systems, processes, containment, treatment, or disposal by lawful means.
- (3) Require measures to be implemented, where contaminants cannot be disposed as trade waste to the wastewater network or contained on site, to minimise adverse effects on land and water including:
  - (a) reducing contaminant volumes and concentrations as far as practicable; and
  - (b) applying measures, including treatment, management procedures, monitoring, controls, or offsite disposal, having regard to the nature of the discharge and the sensitivity of the receiving environment.

**E33.4. Activity table**

Table E33.4.1 specifies the activity status of use of land for industrial or trade activities pursuant to section 9(2) of the Resource Management Act 1991.

The industrial or trade activity land use and discharge rules address stormwater quality aspects of the discharge of contaminants from an industrial or trade activity area. The rules should be read in conjunction with E31 Hazardous substances, E8 Stormwater – Discharge and diversion and relevant zone rules.

For the purposes of this section ‘existing’ means existing at the date of notification of the Proposed Auckland Unitary Plan, being 30 September 2013.

**Table E33.4.1 Activity Table – Use of land for an industrial or trade activity**

<b>Activity</b>		<b>Activity status</b>
<b>Consented industrial or trade activities</b>		
(A1)	Use of land for an industrial or trade activity that is authorised by a resource consent to discharge contaminants	P
(A2)	Use of land for an industrial or trade activity that is listed in Appendix 22 Consented existing high risk industrial or trade activities and for which the specified consent(s) has not expired or may be exercised under section 124(1) and (3) of the Resource Management Act 1991	P
<b>Unlisted industrial or trade activities</b>		
(A3)	Use of land for an existing or new industrial or trade activity not listed in Table E33.4.3	P
<b>Low risk industrial or trade activities</b>		
(A4)	Use of land for an existing or new industrial or trade activity listed as low risk in Table E33.4.3	P
<b>Moderate risk industrial or trade activities</b>		
(A5)	Use of land for an Existing or new industrial or trade activity listed as moderate in Table E33.4.3	P
<b>High risk industrial or trade activities</b>		
<b>Existing sites</b>		
(A6)	Use of land for an existing industrial or trade activity listed as high risk in Table E33.4.3 (before the Table E33.4.3 timeframe expires)	P
(A7)	Use of land for an existing industrial or trade activity listed as high risk in Table E33.4.3 (after the Table E33.4.3 timeframe expires)	C
<b>New sites</b>		
(A8)	Use of land for a new industrial or trade activity listed as high risk in Table E33.4.3	C

<b>Unlisted, low, moderate and high risk industrial or trade activities that do not meet the relevant land use standards</b>		
(A9)	Any activity in this table that does not meet the relevant permitted or controlled land use standards	D

**Table E33.4.2 Activity table – Discharge of contaminants from an industrial or trade activity area**

Table E33.4.2 specifies the activity status of discharges of contaminants from industrial or trade activity areas pursuant to section 15 section of the Resource Management Act 1991.

The industrial or trade activity land use and discharge rules address stormwater quality aspects of the discharge of contaminants from an industrial or trade activity area. The rules should be read in conjunction with E31 Hazardous substances, E8 Stormwater – Discharge and diversion and relevant zone rules.

For the purposes of this section ‘existing’ means existing at the date of notification of the Proposed Auckland Unitary Plan, being 30 September 2013.

<b>Activity</b>		<b>Activity status</b>
<b>Consented industrial or trade activities</b>		
(A10)	The discharge of contaminants from an industrial or trade activity that is authorised by a resource consent to discharge contaminants.	P
<b>Unlisted industrial or trade activity areas</b>		
(A11)	Discharge of contaminants from an existing or new industrial or trade activity area not listed in Table E33.4.3	P
(A12)	Discharge of contaminants from an existing or new industrial or trade activity area not listed in Table E33.4.3 where the permitted discharge standards are not met	C
(A13)	Discharge of contaminants from an existing or new industrial or trade activity area not listed in Table E33.4.3 where the controlled discharge standards are not met	D
<b>Low risk industrial or trade activity areas</b>		
(A14)	Discharge of contaminants from an existing or new industrial or trade activity area listed as low risk in Table E33.4.3	P
(A15)	Discharge of contaminants from an existing or new industrial or trade activity area listed as low risk in Table E33.4.3 where the permitted discharge standards are not met	C
(A16)	Discharge of contaminants from an existing or new industrial or trade activity area listed as low risk in Table E33.4.3 where the controlled discharge standards are not met	D
<b>Moderate risk industrial or trade activity areas</b>		

(A17)	Discharge of contaminants from an existing or new industrial or trade activity area listed as moderate risk in Table E33.4.3	P
(A18)	Discharge of contaminants from an existing or new industrial or trade activity area listed as moderate risk in Table E33.4.3 where the permitted discharge standards are not met	C
(A19)	Discharge of contaminants from an existing or new industrial or trade activity area listed as moderate risk in Table E33.4.3 where the controlled discharge standards are not met	D
<b>High risk industrial or trade activity areas</b>		
<b>Existing sites</b>		
(A20)	Discharge of contaminants from an existing industrial or trade activity area listed as high risk in Table E33.4.3 (before the Table E33.4.3 timeframe expires)	P
(A21)	Discharge of contaminants from an existing industrial or trade activity area listed as high risk in Table E33.4.3 (before the Table E33.4.3 timeframe expires) where the permitted discharge standards are not met	C
(A22)	Discharge of contaminants from an existing industrial or trade activity area listed as high risk in Table E33.4.3 (before the Table E33.4.3 timeframe expires) where the controlled discharge standards are not met	D
(A23)	Discharge of contaminants from an existing industrial or trade activity area listed as high risk in Table E33.4.3 (after the Table E33.4.3 timeframe expires)	D
<b>New sites</b>		
(A24)	Discharge of contaminants from a new industrial or trade activity area listed as high risk in Table E33.4.3	D

### Table E33.4.3 Activity table – Industrial or trade activity risk criteria

Table E33.4.3 contains a list of industrial or trade activity risk criteria to assist in application of Table E33.4.1 and Table E33.4.2.

The industrial or trade activity land use and discharge rules address stormwater quality aspects of the discharge of contaminants from an industrial or trade activity area. The rules should be read in conjunction with E31 Hazardous substances, E8 Stormwater – Discharge and diversion and relevant zone rules.

For the purposes of this section ‘existing’ means existing at the date of notification of the Proposed Auckland Unitary Plan, being 30 September 2013.



Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
Agricultural support industries	Inorganic fertiliser manufacture, storage or handling	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Animal feedstuffs	Stock food manufacture storage or handling	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Pet food manufacture	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Chemical and associated product manufacturing	Batteries	Activity is never low risk	No activity area	Any activity area	12
	Cosmetics, toiletry, soap and other detergents	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Explosives and pyrotechnics	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Fungicides, herbicides, pesticides, timber preservatives and related products	Activity is never low risk	No activity area	Any activity area	12
	Industrial Gas	Activity is never low risk	Less than 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Medicinal, pharmaceutical or veterinary products	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Paint, pigment, inks and dyes	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Polishes, adhesives or sealants	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Solvents	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Synthetic resins	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Acids, alkalis or heavy metals	Activity is never low	No activity area	Any activity area	12
	Other chemical products (e.g. plastic manufacturing)	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Commercial livestock	Slaughter	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12

Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
processing industries	Manufacture, store or handle products derived from animal slaughter (e.g. gelatin, fertiliser or meat products)	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Scouring or carbonising greasy wool or fleeces	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Tanneries or Fellmongeries	Activity is never low risk	No activity area	Any activity area	12
	Rendering or fat extraction	Activity is never low risk	No activity area	Any activity area	12
Electronics	Circuit board manufacturing (excluding assembly only)	Activity is never low risk	No activity area	Any activity area	12
Food or beverage manufacturing or handling	Bakery product manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Bakery product handling	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A
	Beverages or malt product manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Beverages or malt product handling	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A
	Flour mill or cereal foods	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Meat and meat product manufacture (including fish)	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Meat product handling (including fish)	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A
	Oil or fat product manufacturing or handling	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Processed dairy foods manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Processed dairy foods handling	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A	

Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
	Vineyards or wine manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Other foodstuffs manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Other foodstuffs handling	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A
Research or defence	Research establishments	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A
	Naval and Air Force defence activities	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	0
Machinery or equipment manufacturing	Industrial machinery or equipment	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Motor vehicles or parts	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Other machinery or equipment	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Metal product manufacturing	Sheet and structural metal products	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A
Motor vehicle services facilities	Existing or new service stations that comply with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand, Ministry for the Environment, December 1998	Activity is never low risk	Activity is always moderate risk	Activity is never high risk	N/A
	All other service stations	Activity is never low risk	Activity is never moderate risk	Activity is always high risk	12
	Mechanical servicing of motor vehicles	Activity is never low risk	Activity is always moderate risk	Activity is never high risk	N/A

Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
Non-metallic mineral product manufacturing	Cement, lime, plaster and concrete products	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Concrete batching plants - ready mixed concrete	Activity is never low risk	No activity area	Any activity area	12
	Glass	Activity is never low risk	Less than 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Metal processing, metallurgical works or metal finishing	Metal plating, anodising or polishing	Activity is never low risk	No activity area	Any activity area	0
	Metal blasting or coating, excluding spray painting	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Refinement of ores	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Processing of metals e.g. smelting, casting	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Petroleum or coal product manufacturing	Bitumen/asphalt premix or hot mix	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Coal products	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Petroleum refining	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Petroleum hydrocarbon, oil or grease manufacturing	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
Power	Electricity generation	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Product storage or handling centres	Bulk chemicals	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Bulk hydrocarbons - non-service station	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Recycling, recovery, reuse or	Automotive dismantling	Activity is never low risk	No activity area	Any activity area	12

Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
disposal	Batteries	Activity is never low risk	No activity area	Any activity area	12
	Chemicals	Activity is never low risk	No activity area	Any activity area	12
	Crushing, grinding or separation works other than sand, gravel, rock or mineral e.g. slag, road base, demolition material	Activity is never low risk	Less than 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Hazardous materials storage or treatment	Activity is never low risk	No activity area	Any activity area	12
	Landfills	Activity is never low risk	No activity area	Any activity area	12
	Metals - crushing, grinding, sorting or storage	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	0
	Non-metal recycling e.g. composting, glass, paper or paper board	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Oil, petroleum hydrocarbon wastes	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Chemical containers cleaning, reconditioning, or recycling	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Sewage solids treatment or storage facilities	Activity is never low risk	No activity area	Any activity area	12
	Tyres	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Waste transfer stations	Activity is never low risk	No activity area	Any activity area	12
	Rubber industries	Tyre manufacturing or retreading	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>

Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
	Synthetic rubber manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Transport and related activities	Boat or ship construction, repair or maintenance	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	0
	Bus depots	Activity is never low risk	Less than 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Commercial airports other than Auckland International Airport Limited	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Auckland International Airport Limited activities contained within the secure area as declared from time to time by the Director of Civil Aviation under section 84 of the Civil Aviation Act 1990 provided that the stormwater runoff from that secure Area complies with Stormwater Management Devices: Design Guidelines Manual second edition, May 2003, Technical Publication 10	Activity is never low risk	Activity is always moderate risk	Activity is never high risk	N/A
	Heliports other than Auckland International Airport Limited	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Road freight transport depot (non-chemical) with mechanical servicing	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A
	Road freight transport depot (bulk chemical)	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
	Railway workshops or refuelling depots	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Shipping container reconditioning (not located at port areas)	Less than 1000m <sup>2</sup>	More than 1,000m <sup>2</sup>	Activity is never high risk	N/A

Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
	Commercial ports (including the Ports of Auckland Limited), shipping container reconditioning, and shipping loading/unloading	Activity is never low risk	Less than 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Existing or new truck refuelling facilities (non-service stations) that comply with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand, Ministry for the Environment, December 1998	Activity is never low risk	Less than 1,000m <sup>2</sup>	More than 1,000m <sup>2</sup>	12
Wood or paper product storage, manufacturing or fabrication	Log storage yards outside forested areas	Activity is never low risk	Less than 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Plywood or veneer manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Particle board or other wood panel manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Pulp, paper or paper board manufacturing	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
	Timber treatment	Activity is never low risk	Activity is never moderate risk	Any activity area	0
	Treated timber storage	Activity is never low risk	Less than 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12
Sewage treatment and handling	Environmentally hazardous substances storage or use (excluding sewage)	Activity is never low risk	No activity area	Any activity area	12

Description of Industrial or trade activity		Low risk	Moderate risk	High risk	Time-frame (mths)
(excluding any part of a sewage conveyance network as that network does not form an industrial or trade activity for the purposes of the industrial or trade activity rules	Sewage solids storage.	Less than 1000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	More than 5,000m <sup>2</sup>	12

#### Note 1

The risk is based on the size of the industrial or trade activity area. The level of risk e.g. low, moderate or high, determines the type of authorisation required for the activity. Thereafter compliance or otherwise with the provisions of the industrial or trade activity rules, or changes to the size of the industrial or trade activity area, dictate the site's status and therefore the site's risk status can change over time.

#### Note 2

Some activities are categorised as moderate risk even if they have no industrial or trade activity area.

#### Note 3

Timeframes should be interpreted as the number of months after this chapter of the Auckland Unitary Plan becomes operative.

#### Note 4

If the timeframe is 0, this means the timeframe expires the date the provisions becomes operative.

#### Note 5

The timeframes apply to high risk activities only.

#### Note 6

The owners or operators of high-risk industrial or trade activity whose permitted activity status expiry dates are approaching should commence the preparation of an Environmental Management Plan for the activity.



## Note 7

Electrical substations that contain 1,000 litres or less of oil, are not considered an industrial or trade activity for the purposes of the plan.

### **E33.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E33.4.1, Table E33.4.2 and Table E33.4.3 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E33.4.1, Table E33.4.2 and Table E33.4.3 and which is not listed in E33.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E33.6. Standards**

#### **E33.6.1. Permitted activities**

Activities listed as a permitted activity in Table E33.4.1, Table E33.4.2 and Table E33.4.3 must comply with the following permitted activity standards except activities (A1) and (A2) from Table E33.4.1 and Activity (A10) from Table E33.4.2 do not have to comply with the permitted activity standards.

##### **E33.6.1.1. Use of land for an industrial or trade activity**

Activities listed as a permitted activity in Table E33.4.1 must comply with Standards E33.6.1.1(1) to E33.6.1.1(12). In addition, activities (A17) and (A20) in Table E33.4.2 must also comply with Standards E33.6.1.1(13) and E33.6.1.1(14).

- (1) Wastewater and washwater produced by industrial or trade activities must be disposed of on-site via the sanitary sewer, subject to approval from Watercare, or it must be collected, either for recycling or disposal, to a system or facility with all the appropriate authorisations to accept wastewater of that type. For the purposes of this rule, wastewater or washwater also includes:
  - (a) boiler blow down and condensate;
  - (b) all waste liquids generated or collected as part of an industrial or trade activity;
  - (c) cooling tower water excluding vapour; and
  - (d) condensate from air compressors.

- (2) A spill response plan is prepared where any environmentally hazardous substance is handled, used or stored on land at a quantity greater than used for domestic purposes. These plans must meet the requirements of Table E33.9.1 as relevant and be supplied to the Council on request.
- (3) For environmentally hazardous substances in quantities covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, a spill response plan prepared in accordance with those regulations will be considered to comply with Standard E33.6.1.1(2) provided the emergency spill response plan also explicitly addresses matters (vi) to (x) in Table E33.9.1.
- (4) For environmentally hazardous substances not covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, a spill response plan prepared in accordance with Council's factsheet 'Being Prepared for a Spill' will be considered to comply with Standard E33.6.1.1(2).
- (5) When the quantity of environmentally hazardous substances stored above the ground exceeds that used for domestic purposes, it must be stored:
  - (a) in a container and in a manner that prevents the entry of rainwater into the container; and
  - (b) within a secondary containment device or within a containment system that is constructed of impervious materials that are resistant to chemical attack from the substances contained therein.
- (6) For environmentally hazardous substances in quantities covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, storage requirements in accordance with those regulations will be considered to comply with Standard E33.6.1.1(5).
- (7) For environmentally hazardous substances not covered by Part 4 of the Hazardous Substances (Emergency Management) Regulations 2001, storage requirements in accordance with council's factsheet 'Above Ground Storage' noting the following bund sizing criteria for secondary stage storage, will be considered to comply with Standard E33.6.1.1(5) where:
  - (a) for tanks the bund has a storage capacity of at least 110 per cent of the capacity of the largest tank taking into account the volume displaced by any equipment and/or materials stored within the bund; and
  - (b) for drums the bund has an effective storage height of at least 100mm, allowing for any sloping ground, and the bund is set back from the drums by a distance equal to half the height of the stacked or stored drums.

- (8) All secondary containment devices must be designed, constructed and managed so that uncontaminated rainwater and stormwater runoff is prevented from flowing into the contained area.
- (9) Weekly inspections must be undertaken and recorded to check that environmentally hazardous substances are stored and/or contained appropriately except as follows:
  - (a) National Grid - monthly inspections;
  - (b) electricity substations – annual inspections; and
  - (c) unmanned depots or facilities - monthly inspections.
- (10) A regular reconciliation process must be undertaken for any environmentally hazardous substance stored in an underground storage tank that will identify any leakage or unaccounted losses of material from the tank.
- (11) Any waste compactors and bins must be located and operated in such a manner that prevents leachate or waste leaking from them.
- (12) All on-site vehicle re-fuelling areas must be segregated and housed under cover, and/or surrounded by a drain that drains to an appropriately designed and sized stormwater treatment and spill containment device fitted with a shut-off valve.
- (13) Operations must be undertaken in accordance with an environmental management plan specific to the industrial or trade activity. This plan must be prepared in accordance with Table E33.9.2, and supplied to Council upon request.
- (14) Where the industrial or trade activity is located within a sewage treatment facility then the wastewater generated on site by that industrial or trade activity may be disposed of within that facility.

#### **E33.6.1.2. Discharge from an industrial or trade activity area**

Activities listed as a permitted activity in Table E33.4.2 must comply with the following standard.

- (1) The discharges of contaminants from an industrial or trade activity area must result in less than minor adverse environmental effects on the receiving environment without the need for stormwater treatment (with the exception of on-site vehicle refuelling areas requiring stormwater treatment and spill contaminant devices under the permitted activity Standard E33.6.1.1(12)).

#### **E33.6.2. Controlled Activities**

##### **E33.6.2.1. Use of land for an industrial or trade activity**

Activities listed as a controlled activity in Table E33.4.1 must comply with the following standard.

- (1) The activity must comply with ‘Use of land for an industrial or trade activity’ permitted activity standards E33.6.1.1(1) to E33.6.1.1(12).

**E33.6.2.2. Discharge from an industrial or trade activity area**

Activities listed as a controlled activity in Table E33.4.2 must comply with the following standards.

- (1) The activity must comply with the relevant ‘Use of land for an industrial or trade activity’ in Standard E33.6.1.1.
- (2) Treatment devices to treat the discharge of contaminants from the industrial or trade activity area are installed and operated to avoid, remedy or mitigate adverse environmental effects.

**E33.7. Assessment – controlled activities**

**E33.7.1. Matters of control**

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

- (1) management practices, treatment systems or devices, to the extent that they are required to avoid remedy or mitigate adverse environmental effects, having regard to:
  - (a) the degree to which the land use controls avoid or minimise the risk of discharge contaminants from the industrial or trade activity area; and
  - (b) the nature and sensitivity of the receiving environment and its susceptibility to the adverse effects of the contaminants of concern.
- (2) the operation and maintenance requirements of any structural controls or treatment devices.

**E33.7.1.1. Assessment criteria**

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

- (1) policies in E33.3 Policies.

**E33.8. Assessment - Restricted discretionary activities**

There are no restricted discretionary activities in this section.

**E33.9. Special information requirements**

**Table E33.9.1 Spill response plan requirements**

No.	Requirement
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i.	A protocol/method for identifying and stopping the discharge of environmentally hazardous substances to land or water and avoiding future events of this nature
ii.	Emergency containment and clean-up procedures
iii.	A list of appropriate spill kit contents to enable the containment and/or absorption of spilt material and a plan showing the location of the spill kits
iv.	A requirement for appropriate signage to identify the location of spill kits and the actions to be taken in the event of a spill
v.	Actions to remedy or mitigate any adverse effects on the environment or public health and safety arising from the discharges or spills of environmentally hazardous substances to land or water
vi.	Methods for disposal of spilt environmentally hazardous substances and any other contaminated materials used in the spill clean-up
vii.	A schedule of adequate training for personnel in the use of the emergency spill response plan and in anticipating and preventing the likelihood of spills
viii.	Up-to-date and accurate copies of all drainage plans for the land on which the industrial or trade activity is undertaken showing the location of the final discharge point to the public stormwater system or to land or water
ix.	A procedure for notifying as soon as practicable Council's 24-hour emergency response service and the relevant stormwater or wastewater network operator in the event of any discharge of environmentally hazardous substances that results in, or is likely to result in, contamination of any stormwater system, or land or water
x.	Methods for disposing of any spills in a secondary containment device. The plan must set out how it will be disposed of in an appropriate and authorised manner

**Table E33.9.2 Environmental management plan requirements**

No.	Requirement
i.	Specify how the permitted activity controls will be complied with
ii.	Identify the environmentally hazardous substances associated with the industrial or trade activity
iii.	Set out the methods to be used to avoid discharges of environmentally hazardous substances onto or into land or water
iv.	For discharge of contaminants arising from land on which the industrial or trade activity is undertaken, set out the primary treatment or source control methods that may be necessary to avoid, remedy or mitigate more than minor adverse effects on the receiving environment
v.	Specify the methods for the operation and maintenance of any treatment devices on site
vi.	Identifies assessment requirements to report on the performance of the environmental management plan

Note 1

The environmental management plan must be appropriate to the scale and significance of the risk at each site. Where appropriate, the environmental management plan may include cross references to relevant documentation that is readily accessible at the site, rather than including the full documents themselves.

## E34. Agrichemicals and vertebrate toxic agents

[CIV-2016-404-002339: Horticulture New Zealand Incorporated]

### E34.1. Background

Agrichemicals are any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related activity, to eradicate, modify or control flora and fauna. Agrichemicals include agricultural compounds, but excludes fertilizers, vertebrate pest control products and oral nutrition compounds.

Vertebrate pest control products are referred to in the Plan as vertebrate toxic agents, which are substances used to eradicate, modify or control vertebrate animals such as possums, mustelids, rats, rabbits and deer.

Agrichemicals are used by most primary producers and in many domestic or amenity situations for weed, pest and disease control. When used correctly agrichemicals can make a positive contribution to sustainable land use. People can use agrichemicals provided they do not result in adverse effects on other people, the environment or property and are used safely and responsibly in accordance with best practice.

The Plan's approach to the management of agrichemicals is consistent with the requirements of specific standards and quality assurance systems and relies on the provisions of the New Zealand Standard - Management of Agrichemicals (NZS 8409: 2004). Meeting the requirements of this standard will ensure best management approaches to the use, application, storage and disposal of agrichemicals.

Vertebrate toxic agents are products that are designed to kill or control vertebrate pests such as rabbits and possums. For managing vertebrate toxic agents, compliance with the requirements set by the Environment Protection Authority (EPA) is also necessary.

### E34.2. Objective [rp]

- (1) 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.

### E34.3. Policy [rp]

- (1) Avoid significant adverse effects, and minimise other adverse effects on the environment from the use of agrichemicals and vertebrate toxic agents including off-target spray drift, handling, storage, transport or disposal by all of the following:
  - (a) managing their application to prevent adverse effects on or near sensitive areas;
  - (b) using where practicable, the least toxic and volatile agrichemical or vertebrate toxic agents with the most harmless adjuvant (substance used to improve their performance) suitable for the purpose;

- (c) applying agrichemicals and vertebrate toxic agents in accordance with the product's label, including specified rates of application;
- (d) using an application method that minimises spray drift, giving particular attention to all of the following:
  - (i) type of spray equipment used;
  - (ii) spray volume and droplet size;
  - (iii) direction of spraying;
  - (iv) height of release above the ground;
  - (v) weather conditions;
  - (vi) proximity to sensitive areas; and
  - (vii) separation distances; and
- (e) considering the benefits and costs of alternatives to the use of agrichemicals and vertebrate toxic agents for plant and animal protection.

#### E34.4. Activity table

Table E34.4.1 Activity table specifies the activity status of the discharge of contaminants into the air, onto or into land and/or into water from agrichemicals and vertebrate toxic agents pursuant to section 15 of the Resource Management Act 1991.

**Table E34.4.1 Activity table**

Activity		Activity status
(A1)	The discharge from domestic applications of agrichemicals onto or into land for home and garden purposes that comply with Standard E34.6.1.1	P
(A2)	The discharge from non-domestic applications of agrichemicals onto or into land that comply with Standard E34.6.1.1 and Standard E34.6.1.2	P
(A3)	The discharge from land based application of vertebrate toxic agents onto or into land or into water that comply with Standard E34.6.1.3	P
(A4)	The discharge from the aerial application of vertebrate toxic agents into the air, onto or into land and/ or into water that comply with Standard E34.6.1.4	P
(A5)	The discharge from the application of agrichemicals directly into or onto water that comply with Standard E34.6.1.1 and Standard E34.6.1.5	P
(A6)	The discharge from the application of agrichemicals for biosecurity purposes into the air, onto or into land and/or into water that comply with Standard E34.6.1.1 and Standard E34.6.1.6	P
(A7)	The discharge from the application of agrichemicals and of vertebrate toxic agents that do not comply with Standard	D



	E34.6.1.1; Standard E34.6.1.2; Standard E34.6.1.3; Standard E34.6.1.4; Standard E34.6.1.5 or Standard E34.6.1.6	
(A8)	The discharge from the aerial application of agrichemicals and vertebrate toxic agents in urban areas for non-domestic uses into the air, onto or into land and/or into water	D
(A9)	The discharge from the application of agrichemicals and vertebrate toxic agents not otherwise provided for	D

### E34.5. Notification

- (1) Any application for resource consent for an activity listed in Table E34.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E34.6. Standards

#### E34.6.1. Permitted activity standards

All activities listed as a permitted activity in Table E34.4.1 Activity table must comply with the following general and activity specific permitted activity standards.

##### **E34.6.1.1. General standards for all permitted activities that discharge agrichemicals into the air, onto or into land and/or into water**

- (1) The following standards apply to all permitted activities that discharge agrichemicals to air and land and including circumstances when it may enter water or water.
- (2) The discharge must not result in:
  - (a) any concentration of agrichemical beyond the boundary of the site or into water that is likely to cause, significant adverse effects on human health, ecosystems or property; or
  - (b) any offensive or objectionable odour, dust, vapour, droplets, visible emissions or particulate beyond the boundary of the site.
- (3) All necessary steps are taken to avoid, remedy, or mitigate any possible adverse effects beyond the boundary of the site.
- (4) The discharge is not directly into water, including the coastal marine area or a freshwater body, unless the chemical is approved by the Environmental Protection Authority for use over or into water bodies.
- (5) The discharge is not directly onto or into water used for a potable water supply including roofs used for water collection.
- (6) There is no aerial spraying in urban areas.

- (7) The agrichemical is used according to controls imposed by the Environmental Protection Authority.
- (8) The application rate is in accordance with the product label, manufacturer's recommendations, safety data sheets or a maximum application rate approved by the Environmental Protection Authority.
- (9) Applicators must keep all GPS records of aerial applications of agrichemicals for at least three years and provide these to the Council on request. The records must include the spray swaths and secondary flight paths.

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

- (1) Industry best practice must be used, including:
  - (a) the application of agrichemicals for non-domestic uses must comply with all of the following sections of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004):
    - (i) Safe Storage of Agrichemicals (Users) in Appendix L4;
    - (ii) Safe Use of Agrichemical Compounds and Plant Protection Products in Section 5.3;
    - (iii) Disposal of Agrichemicals and Containers (Normative) in Appendix S; and
    - (iv) Agrichemical Application Records Sheet in Appendix C9; and
  - (b) following all instructions on the agrichemical label; and
  - (c) being suitably qualified and/or have a quality management systems that has regular external audits.
- (2) A spray plan must be prepared annually for the area where the agrichemical will be applied. All of the following must be identified:
  - (a) the sensitive areas that may be affected;
  - (b) any persons likely to be directly affected; and
  - (c) the affected persons to be advised and provided with the spray plan at least seven working days prior to the first application date. If spraying is in amenity areas or public places, as defined in New Zealand Standard -Management of Agrichemicals (NZS 8409:2004), then advising adjoining neighbours is not required.
- (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.
- (4) Any person applying agrichemicals who uses a motorised application method and is not an agrichemical contractor must:
- (a) hold a qualification that meets the minimum qualification requirements in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; or
  - (b) be under the direct supervision of someone who holds a higher qualification meeting the requirements in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.
- (5) Any person undertaking ground based agrichemical application who is contracted to apply those agrichemicals must:
- (a) hold a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; or
  - (b) hold a qualification that meets the minimum qualification requirements in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents and be under the direct supervision of someone who holds a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.
- (6) Any person undertaking aerial agrichemical application must:
- (a) ensure that the pilot holds a Pilot's Chemical Rating issued under Civil Aviation Rule Part 61; and
  - (b) ensure that the aircraft company/organisation has a quality management system that has regular external audits.
- (7) All mixing of agrichemicals must meet the requirements of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004, section 5.3.2 Handling and mixing agrichemicals). There must be no spillage into or onto soil or water.

- (8) Records must be kept in accordance with the requirements of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004, Appendix C9 Agrichemical Application Record Sheet) and must be made available to Council on request.
- (9) In addition to the requirements for all applications, where the discharge will occur adjacent to sensitive areas identified in the spray plan then Standards E34.6.1.2(10) to E34.6.1.2(16) must also be undertaken. Sensitive areas include all of the following:
  - (a) dwellings;
  - (b) education facilities;
  - (c) marae and papakāinga;
  - (d) hospitals and aged-care facilities;
  - (e) amenity areas and public places;
  - (f) sources of potable water including roof water collection;
  - (g) non-target crops, flora and fauna (such as bees) sensitive to agrichemicals and vertebrate toxic agents;
  - (h) certified organic farms and farms applying for certification; and
  - (i) freshwater systems, the coastal marine area and significant ecological areas as identified in the Significant Ecological Areas Overlay.
- (10) The landowner is responsible for notifying the application of agrichemicals where the application is adjacent to sensitive areas as outlined in Standard E34.6.1.2(9)(a) - (i) that are not public places, to any landowner or occupier of the sensitive area who has requested to be advised.
- (11) Any landowner or occupier of the sensitive area who has requested to be advised must be advised either by:
  - (a) written, telephone or email notification of intent to spray at least 24 hours prior to the proposed application date, unless there is an alternative agreed timeframe between the parties; or
  - (b) where practical, publicly notify, by a method such as the local newspaper or letter drop, at least seven working days prior to, but no more than one month before, the application date.
- (12) Where the application is in or adjacent to sensitive areas as outlined in Standard E34.6.1.2(9)(a) - (i) that are amenity or public places as defined in New Zealand Standard - Management of Agrichemicals (NZS

8409:2004) then the notification of all persons likely to be affected by the application of agrichemicals must be undertaken as follows:

- (a) placing a public notice in a local newspaper or letter drop in the area to be sprayed at least seven working days prior to the application date;
  - (b) placing signs in the immediate vicinity of the spraying during the spray period and any required stand-down period afterwards, or where spraying is occurring on or alongside roads, any vehicle associated with the spraying must display a sign on the front and rear of the vehicle advising that spraying is occurring; and
  - (c) the landowner is responsible for notifying all persons likely to be affected by the application of agrichemicals; the landowner may contract out the responsibility for notification to the applicator.
- (13) A risk assessment prior to the application of agrichemical must be carried out to ensure adequate measures, including reference to Table G1 the Drift hazard guidance chart in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004), are in place to avoid adverse effects on sensitive areas as outlined in Standard E34.6.1.2(9)(a) - (i).
- (14) Agrichemicals must only be applied when the wind direction is away from the sensitive area as outlined in Standard E34.6.1.2(9)(a) - (i).
- (15) The application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004).
- (16) The person applying the agrichemicals must demonstrate necessary steps are taken to avoid off-target spray drift with reference to Appendix G Spray Draft Hazard and Weather Conditions (Informative) of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004), and record each steps. Steps may include any of the following:
- (a) adding a spray-drift reduction adjuvant to the spray;
  - (b) reducing the spray release height;
  - (c) increasing the droplet size (spray quality); or
  - (d) using spray-modelling software.

**E34.6.1.3. The discharge from land based application of vertebrate toxic agents onto or into land or into water**

- (1) The application of vertebrate toxic agents must comply with all requirements for the use of the vertebrate toxic agent by the Environmental Protection Agency.

- (2) There must be no discharge of vertebrate toxic agents beyond the boundary of the property or application area.

**E34.6.1.4. The discharge from the aerial application of vertebrate toxic agents into the air, onto or into land and/or into water**

- (1) The application of vertebrate toxic agents must comply with all requirements for the use of it by the Environmental Protection Agency.
- (2) Best management practice must be followed to prevent the discharge of vertebrate toxic agents:
  - (a) beyond the boundary of the property or application area; and
  - (b) over lakes, or a wetland of greater than 1ha.
- (3) If there will be discharge of vertebrate toxic agents within 50m of a sensitive area as outlined in Standard E34.6.1.2(9)(a) - (i) the person responsible for the sensitive area (landowner) and any occupiers of the area must be advised at least seven working days prior to, but no more than one month before, the application date. All of the following information must be provided to occupiers and landowners:
  - (a) the application date and duration;
  - (b) the trade name and the chemical name of the vertebrate pest control product to be used;
  - (c) the method of application including whether the aircraft will be fixed wing or a helicopter;
  - (d) details of all safety precautions that will be taken; and
  - (e) the name and contact phone number of those carrying out the application.
- (4) Records of consultation and information provided must be kept and made available to Council on request.
- (5) The operators must keep all GPS records of aerial vertebrate toxic agent applications for at least three years and provide these to the Council on request. The records must include the spray swaths and secondary flight paths.
- (6) The pilot must hold a Pilot's Chemical Rating issued under Civil Aviation Rules Part 61 Pilot Licences and Ratings and the aircraft company/organisation must have a quality management system that has regular external audits.

Note 1

Best management practices may include the use of GPS technology or direct boundary supervision by qualified people.

Note 2

Permission is required from the Department of Conservation for any vertebrate toxic agent operation that is undertaken on land administered or managed by the Department of Conservation.

Note 3

Permission is required from the Medical Officer of Health whenever certain vertebrate toxic agents are used or applied in a catchment area from which water is drawn for human consumption, or in any area where there is a risk to public health, for example in places where the public has access as of right (e.g. parks).

**E34.6.1.5. The discharge from the application of agrichemicals directly into or onto water**

- (1) The substances, including any adjuvants, must be approved by the Environmental Protection Authority for discharge directly into or onto water and the discharge must comply with all the requirements made by the Environmental Protection Authority including the requirements covering the person in charge, training, signage, storage, emergency management.
- (2) The person undertaking the discharge direct to water must notify:
  - (a) every person taking water for potable supply within 1km downstream of proposed discharge at least 12 hours prior to discharge occurring; and
  - (b) every resource consent holder for taking of water for public potable water supply purposes downstream of proposed discharge at least one week before commencing discharge.
- (3) Discharge of agrichemicals directly into or onto water must be undertaken by persons who:
  - (a) hold a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; or
  - (b) hold a minimum qualification meeting the requirements in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents and be under the direct supervision of someone who holds a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.

- (4) For the discharge of agrichemicals directly into or onto water by aerial application:
  - (a) the pilot must hold a Pilot's Chemical Rating Certificate issued under Civil Aviation Rule Part 61 Pilot Licences and Ratings; and
  - (b) the application company/organisation must have a quality management system that has regular external audits.
- (5) Where the discharge is occurring in a public place, signs must be placed within the immediate vicinity of the discharge prior to commencing and maintained until the discharge has ceased.
- (6) All users must keep records consistent with Agrichemical Application Records Sheet in Appendix C9 of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004) as evidence and information that provides an authentic record to verify that the application of agrichemical(s) directly into or onto water has been carried out in accordance with these provisions. Such records must be provided to the Council when requested.

**E34.6.1.6. The discharge from the application of agrichemicals for biosecurity purposes into the air, onto or into land and/or into water**

- (1) The application of agrichemicals for biosecurity purposes must be in accordance with the Biosecurity Act 1993.
- (2) A copy of the public notice or declaration given by the responsible minister must be provided to the Council at least 48 hours prior to any application occurring, and the Council is advised of all of the following:
  - (a) organism to be eradicated;
  - (b) principal actions that are to be taken in the attempt to eradicate the organism;
  - (c) geographical area of the intended application;
  - (d) duration of the application;
  - (e) name of the agrichemical to be used;
  - (f) rate and method of application;
  - (g) details of all safety precautions that will be taken; and
  - (h) the name and contact phone number of those carrying out the application.

**E34.7. Assessment – controlled activities**

There are no controlled activities in this section.



**E34.8. Assessment – restricted discretionary activities**

There are no restricted discretionary activities in this section.

**E34.9. Special information requirements**

There are no special information requirements this section.

## **E35. Rural production discharges**

### **E35.1. Background**

Farming activities generate various waste products and contaminants that have the potential to pollute rivers, streams and groundwater. Many of the activities which produce these contaminants are essential for the operation of rural production activities.

However, these activities can give rise to increased levels of suspended sediment, chemicals, nutrients and bacteria from faecal matter. Some of the most common discharges from rural production activities that need to be managed are the disposal of effluent from dairy sheds, as well as, leachate from offal holes, silage storage and composted materials.

The application of fertiliser to land is a critical component of a productive farming unit. However, the runoff of fertiliser into rivers and streams and seepage into groundwater is a contributor to nutrient enrichment in Auckland's rural streams and coastal water. This in turn can affect the biological values of the water and can encourage the growth of unwanted aquatic vegetation. Nitrate contamination from rural production activities in the south Auckland volcanic aquifers is also a matter of concern.

The principal management approach is one that focuses on containing discharges from rural production activities onsite, and treating the discharges using appropriate measures. The use of best industry practices for the application of potential contaminants such as fertiliser form the basis for controlling these types of discharges.

The National Policy Statement for Freshwater Management 2012 requires that freshwater objectives for quality and quantity are established and environmental flows or levels set for all freshwater bodies in Auckland. The standards and methods in this section will be reviewed and updated by a plan change or plan changes to meet the requirements of the National Policy Statement for Freshwater Management.

### **E35.2. Objective [rp]**

- (1) Discharges from rural production activities are managed to protect the life supporting capacity of land and water resources.

### **E35.3. Policies [rp]**

- (1) Avoid more than minor adverse effects of discharges from rural production activities on water bodies, aquifers and artificial watercourses.
- (2) Enable dairy effluent discharges to land provided that discharge systems are designed and operated to minimise overland flow to surface water bodies and leaching of nutrients and other contaminants to groundwater.
- (3) Enable discharges of fertilisers to land where:
  - (a) its application is in accordance with best industry practice; and
  - (b) the rate of application does not exceed the assimilative capacity of the soil and its vegetative cover; and

- (c) the vulnerability of the south Auckland volcanic aquifer to potential groundwater contamination has been considered and any effects are avoided or minimised.
- (4) Avoid the discharge of contaminants generated from rural production activities directly into surface water, intermittent streams and artificial watercourses that connect to surface water.
- (5) Manage discharges from rural production activities to land that could run overland into water where:
- (a) best industry practice will be used to avoid more than minor effects on land, water bodies and groundwater; and
  - (b) adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai are avoided where practicable, or otherwise minimised; and
  - (c) there are no hazardous substances or human waste/sewage in the discharge; and
  - (d) offal holes, silage storage facilities, and stockpiled and composted vegetative material or animal waste are appropriately sited and constructed; and
  - (e) silage storage facilities are sealed and silage stacks covered; and
  - (f) leachate is collected, stored and appropriately disposed of to land or off-site; and
  - (g) there is no offensive or objectionable odour or dust beyond the boundary of the property where the contaminants are being discharged.

#### E35.4. Activity table

Table E35.4.1 Activity table specifies the activity status for the application and discharge of contaminants from rural production activities onto or into land and/or into water pursuant to section 9(2) and section 15 of the Resource Management Act 1991.

**Table E35.4.1 Activity table**

Activity		Activity status
<b>Discharges of dairy farm effluent onto or into land and/or into water</b>		
(A1)	Discharge of dairy effluent onto or into land that complies with Standard E35.6.1.1 and Standard E35.6.1.2	P
(A2)	Discharge of dairy effluent onto or into land that does not comply with Standard E35.6.1.1 or Standard E35.6.1.2	D
(A3)	Discharge of treated dairy effluent into water	D
(A4)	Discharge of untreated dairy effluent to water	Pr
<b>Application and discharge of fertiliser onto or into land</b>		
(A5)	Application and discharge of fertiliser onto or into land that	P

	complies with Standard E35.6.1.1 and Standard E35.6.1.3	
(A6)	Application and discharge of fertiliser that does not comply with Standard E35.6.1.1 or Standard E35.6.1.3	D
<b>Other rural production activities</b>		
(A7)	The use of land to stockpile and compost vegetative material or animal waste and the discharge of vegetative material or animal waste onto or into land that complies with Standard E35.6.1.1 and Standard E35.6.1.4	P
(A8)	The use of land as a silage storage facility and the discharge of silage leachate onto or into land that complies with Standard E35.6.1.1 and Standard E35.6.1.5	P
(A9)	The emergency discharge of milk onto or into land but not directly into water that complies with Standard E35.6.1.1	P
(A10)	The discharge of greenhouse nutrient solution onto or into land where the total floor area of the greenhouse is up to 1 hectare and that complies with Standard E35.6.1.1 and Standard E35.6.1.6	P
(A11)	The discharge of greenhouse nutrient solution onto or into land where the total floor area of the greenhouse is greater than 1 hectare and that complies with Standard E35.6.2.1	C
(A12)	The disposal of dead stock and offal onto or into land that complies with Standard E35.6.1.1 and Standard E35.6.1.7	P
(A13)	The discharge of other liquid contaminants onto or into land where the discharge volume is up to 10m <sup>3</sup> per discharge system per day that complies with Standard E35.6.1.1	P
(A14)	Rural production discharges that do not meet the permitted activity standards or controlled activity standards	D
(A15)	Any other rural production discharge onto or into land or into water not otherwise provided for	D

### E35.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E35.4.1 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.
- (2) Any application for resource consent for an activity listed in Table E35.4.1 Activity table and which is not listed in E35.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

## **E35.6. Standards**

### **E35.6.1. Permitted activity standards**

All permitted activities in Table E35.4.1 Activity table must comply with the following general and activity specific standards.

#### **E35.6.1.1. General standards for all permitted activities**

- (1) There must be no direct discharge or runoff to surface water, intermittent streams or artificial watercourses that connect to surface water.
- (2) Discharges must not result in surface ponding of more than three hours in duration.
- (3) The application rate of nitrogen from any combination of dairy effluent (excluding urine from grazing animals), nitrogenous fertiliser and other nitrogen discharges from the other rural production activities must not:
  - (a) exceed 150kg nitrogen/hectare/year and 30kg nitrogen/hectare/31 days onto grazed pasture underlain by sandy and volcanic soils; or
  - (b) exceed 200kg nitrogen/hectare/year and 50kg nitrogen/hectare/31 days onto grazed pasture underlain by soils other than those listed above; or
  - (c) exceed the reasonable nitrogen requirements of the crop being grown on ground other than grazed pasture.

#### **E35.6.1.2. Discharge of dairy effluent onto or into land**

- (1) All new and modified feedpads and permanent standoff pads must be sealed and the permeability of the sealing layer must not exceed  $1 \times 10^{-9}$  m/s.
- (2) Certification of the permeability of the sealing layer of all new and modified feedpads and permanent standoff pads must be submitted to the Council upon completion of the system.
- (3) Effluent from dairy sheds and feedpads must discharge into an effluent storage system and the effluent storage system must comply with all of the following:
  - (a) the volume of all systems constructed or modified after 30 September 2013 will be determined using the Dairy Effluent Storage Calculator for the Auckland Region 2012;
  - (b) all new and modified effluent storage systems must be sealed and the permeability of the sealing layer must not exceed  $1 \times 10^{-9}$  m/s;

- (c) confirmation of the storage system volume and certification of the permeability of the sealing layer must be submitted to the Council upon completion of the system; and
- (d) any effluent storage system that meet the following criteria must not be solely made up of sump storage:
  - (i) effluent storage systems in place from 30 September 2021; or
  - (ii) new or modified effluent storage systems.
- (4) Stormwater diversion must be in place to direct stormwater from ancillary roof areas and hardstand areas which do not hold animals or animal products away from the effluent storage system.
- (5) Effluent from standoff pads must be contained within the pad area, and either discharged to the effluent storage system or directly applied to the effluent discharge field or disposed of in a lawful manner off-site.
- (6) To determine the area to be irrigated, a nutrient budget must be undertaken using best practice methods to plan and carry out the effluent discharge.

Note 1

The OVERSEER® model would satisfy best practice for this purpose.

**E35.6.1.3. Application and discharge of fertiliser onto or into land**

- (1) Fertiliser must not be discharged onto or into land within 20m of any of the following:
  - (a) a Wetland Management Area as identified in the Wetland Management Areas Overlay;
  - (b) the shoreline of any lake in a Natural Lake Management Area as identified in the Natural Lake Management Areas Overlay; or
  - (c) a stream in a Natural Stream Management Area as identified in the Natural Stream Management Areas Overlay.
- (2) The storage, use and disposal of fertiliser must be in accordance with The Fertiliser Association of New Zealand's Code of Practice for Nutrient Management (2013).

**E35.6.1.4. The use of land to stockpile and compost vegetative material or animal waste and the discharge of vegetative material or animal waste onto or into land**

- (1) The stockpiling and compost of vegetative material or animal waste must occur:

- (a) on a sealed surface with a permeability not exceeding  $1 \times 10^{-9}$  m/s; and
- (b) on a surface that collects all discharges.

**E35.6.1.5. The use of land as a silage storage facility and the discharge of silage leachate onto or into land**

- (1) All new and modified silage storage facilities must be situated on a sealed pad and the sealing layer must not exceed  $1 \times 10^{-9}$  m/s.
- (2) The silage facility must be securely covered to prevent stormwater from entering it.
- (3) Silage storage facilities must not be located within 20m of a surface water body, floodplain or the coastal marine area.

**E35.6.1.6. Discharge of greenhouse nutrient solution onto or into land where the total floor area of the greenhouse is up to 1 hectare**

- (1) The discharge of greenhouse nutrient solution must be in accordance with the A Code of Practice for The Management of Greenhouse Nutrient Discharges (June 2007).

**E35.6.1.7. Disposal of dead stock and offal onto or into land**

- (1) The disposal must be into an offal hole, shallow trench or by composting.
- (2) The material must not originate from a commercial animal processing business.
- (3) Offal holes or trenches must not be located within 20m of a surface water body, floodplain or the coastal marina area.

**E35.6.2. Controlled activity standards**

All activities listed as a controlled activity in Table E35.4.1 Activity table must comply with the following controlled activity standards.

**E35.6.2.1. The discharge of greenhouse nutrient solution onto or into land where the total floor area of the greenhouse is greater than 1 hectare and that complies with Standard E35.6.2.1**

- (1) The nutrient solution must be discharged to a defined disposal area.
- (2) The discharge system must incorporate secure storage.

**E35.7. Assessment – controlled activities**

**E35.7.1. Matters of control**

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

(1) for the discharge of greenhouse nutrient solution onto or into land where the total floor area of the greenhouse is greater than 1 hectare and that complies with Standard E35.6.2.1:

(a) the effects on the environment as a result of all of the following:

- (i) the disposal area;
- (ii) the collection treatment and disposal equipment;
- (iii) the storage system; and
- (iv) monitoring requirements.

#### **E35.7.2. Assessment criteria**

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

(1) for the discharge of greenhouse nutrient solution onto or into land where the total floor area of the greenhouse is greater than 1 hectare and that complies with Standard E35.6.2.1:

(a) whether the disposal area is suitable, including consideration of adjacent water bodies and land uses;

(b) whether the equipment for the collection, treatment and disposal of any discharge is adequate; and

(c) whether the capacity and security of the storage is suitable taking into account all of the following:

- (i) the design and construction methods and materials used;
- (ii) the potential for adverse effects on any adjacent natural resource overlay areas including the Wetland Management Areas Overlay, the Water Supply Management Areas Overlay, the Natural Stream Management Areas Overlay, the High-use Stream Management Areas Overlay, the Natural Lake Management Areas Overlay and the Quality-sensitive Aquifer Management Areas Overlay ; and
- (iii) the measures to avoid, remedy or mitigate more than minor adverse effects on surface and groundwater water bodies.

#### **E35.8. Assessment – restricted discretionary activities**

There are no restricted discretionary activities in this section.

#### **E35.9. Special information requirements**

There are no special information requirements in this section.



## **E36. Natural hazards and flooding**

### **E36.1. Background**

Auckland is affected by natural hazards including:

- those that occur frequently such as flooding, coastal erosion (including the effects of sea level rise), freshwater erosion and land instability; and
- those that occur less frequently such as wildfires, volcanic activity, tsunamis, earthquakes and meteorological hazards such as cyclones, tornados and drought.

All of these hazards can affect people, property and the wider environment.

The risk that these natural hazards pose is made up of factors including:

- the nature, magnitude and extent of the hazard;
- the anticipated frequency or probability of the hazard event occurring; and
- the exposure and vulnerability of the environment to the hazard.

Decisions on how to avoid or mitigate natural hazards can affect not only the subject site but also neighbouring properties and the wider environment, and may unintentionally exacerbate the risk. Risk assessment is a key means to identify and understand risks, and to determine which aspects of risk can be managed through appropriate land use planning tools and development methods. Both current and future risks (including the effects of climate change such as sea level rise) need to be considered.

A flexible risk-based approach has been taken to address the risks associated with natural hazards. A risk management approach applies to existing development and infrastructure while a risk reduction (including avoidance where appropriate) approach applies to development of greenfield land.

The Plan has defined criteria to identify land which may be subject to natural hazards. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:

- coastal erosion;
- coastal storm inundation;
- flooding;
- land instability; and
- wildfires.

The Council is working to gather, assess and refine information so that a more comprehensive range of natural hazards can be assessed and, as appropriate, subdivision, use and development can be better managed through provisions in the Plan.

Some risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be better addressed through measures put in place by emergency management groups such as Civil Defence. These include education, warning systems and emergency preparedness.

### **E36.2. Objectives**

- (1) Subdivision, use and development outside urban areas does not occur unless the risk of adverse effects to people, property, infrastructure and the environment from natural hazards has been assessed and significant adverse effects are avoided, taking into account the likely long-term effects of climate change.
- (2) Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.
- (3) Subdivision, use and development on rural land for rural uses is managed to ensure that the risks of adverse effects from natural hazards are not increased and where practicable are reduced.
- (4) Where infrastructure has a functional or operational need to locate in a natural hazard area, the risk of adverse effects to other people, property, and the environment shall be assessed and significant adverse effects are sought first to be avoided or, if avoidance is not able to be totally achieved, the residual effects are otherwise mitigated to the extent practicable.
- (5) Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths.
- (6) Where appropriate, natural features and buffers are used in preference to hard protection structures to manage natural hazards.

### **E36.3. Policies**

#### *General*

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- (1) Identify land that may be subject to natural hazards, taking into account the likely effects of climate change, including all of the following:
  - (a) coastal hazards (including coastal erosion and coastal storm inundation, excluding tsunami);
  - (b) flood hazards;
  - (c) land instability; and

- (d) wildfires.
- (2) Investigate other natural hazards to assess whether risks to people, property or the environment should be managed through the Plan or otherwise.
- (3) Consider all of the following, as part of a risk assessment of proposals to subdivide, use or develop land that is subject to natural hazards:
  - (a) the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;
  - (b) the type of activity being undertaken and its vulnerability to natural hazard events;
  - (c) the consequences of a natural hazard event in relation to the proposed activity;
  - (d) the potential effects on public safety and other property;
  - (e) any exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location;
  - (f) whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, inundation or shoreline retreat;
  - (g) the ability to use non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate hazards, rather than hard protection structures;
  - (h) the design and construction of buildings and structures to mitigate the effects of natural hazards;
  - (i) the effect of structures used to mitigate hazards on landscape values and public access;
  - (j) site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event; and
  - (k) the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the likely effects of climate change.
- (4) Control subdivision, use and development of land that is subject to natural hazards so that the proposed activity does not increase, and where practicable reduces, risk associated with all of the following adverse effects:
  - (a) accelerating or exacerbating the natural hazard and/or its potential impacts;
  - (b) exposing vulnerable activities to the adverse effects of natural hazards;

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- (c) creating a risk to human life; and
- (d) increasing the natural hazard risk to neighbouring properties or infrastructure.

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*Coastal hazards (including coastal erosion and coastal storm inundation)*

- (5) Ensure that subdivision, use and development on rural land for rural uses and in existing urban areas subject to coastal hazards avoids or mitigates adverse effects resulting from coastal storm inundation, coastal erosion and sea level rise of 1m through location, design and management.
- (6) Avoid subdivision, use and development in greenfield areas which would result in an increased risk of adverse effects from coastal hazards, taking account of a longer term rise in sea level.
- (7) Ensure that buildings in areas subject to coastal hazards are located and designed to minimise the need for hard protection structures.
- (8) Ensure that when locating any new infrastructure in areas potentially subject to coastal hazards consider, where appropriate, an adaptive management response taking account of a longer term rise in sea level.
- (9) Require habitable areas of new buildings and substantial additions, alterations, modifications or extensions to existing buildings located in coastal storm inundation areas to be above the 1 per cent annual exceedance probability (AEP) coastal storm inundation event including an additional sea level rise of 1m.

*Defences against coastal hazards*

- (10) Avoid the modification, alteration or removal of sand dunes and vegetation on sand dunes which would compromise their function as natural defences for an area subject to coastal hazards and ensure adverse effects on wider coastal processes are avoided or mitigated.
- (11) Consider hard protection works to protect development only where existing natural features will not provide protection from the natural hazard and enhancement of natural defences is not practicable.
- (12) Require hard protection works involving the placement of any material, objects or structures in or on any area located above mean high water springs to be designed and located to avoid, remedy or mitigate adverse environmental effects including all of the following:
  - (a) location of structures as far landward as possible to retain as much natural beach buffer as possible;
  - (b) any likely increase in the coastal hazard, including increased rates of erosion, accretion, subsidence or slippage;
  - (c) undermining of the foundations at the base of the structure;

- (d) erosion in front of, behind or around the ends or down-drift of the structure;
- (e) settlement or loss of foundation material;
- (f) movement or dislodgement of individual structural elements;
- (g) offshore or long-shore loss of sediment from the immediate vicinity;
- (h) long-term adverse visual effects on coastal landscape and amenity values;  
and
- (i) effects on public access.

*Floodplains in urban areas*

- (13) In existing urban areas require new buildings designed to accommodate more vulnerable activities to be located:
  - (a) outside of the 1 per cent annual exceedance probability (AEP) floodplain; or
  - (b) within or above the 1 per cent annual exceedance probability (AEP) floodplain where safe evacuation routes or refuges are provided.
- (14) Require redevelopment of sites where existing more vulnerable activities are located within the 1 per cent annual exceedance probability (AEP) floodplain to address all of the following:
  - (a) minimise risks from flood hazards within the site;
  - (b) minimise the risks from flood hazards to people and property upstream and downstream of the site;
  - (c) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the 1 per cent annual exceedance probability floodplain;
  - (d) location of habitable rooms above flood levels; and
  - (e) provide safe evacuation routes or refuges from buildings and sites.
- (15) Within existing urban areas, enable buildings containing less vulnerable activities to locate in the 1 per cent annual exceedance probability (AEP) floodplains where that activity avoids, remedies or mitigates effects from flood hazards on other properties.

*Floodplains in rural areas*

- (16) In rural areas, avoid where practicable locating buildings accommodating more vulnerable activities in the 1 per cent annual exceedance probability (AEP) floodplain and manage other buildings and structures so that flood hazards are not exacerbated.

*Floodplains in greenfield areas*

- (17) On greenfield land outside of existing urban areas, avoid locating buildings in the 1 per cent annual exceedance probability (AEP) floodplain.
- (18) Enable flood tolerant activities to locate in the 1 per cent annual exceedance probability (AEP) floodplain where these activities do not involve buildings or structures that exacerbate the flood hazard to other properties upstream or downstream of the site.
- (19) Require fences, storage of materials and goods and car parking in the 1 per cent annual exceedance probability (AEP) floodplains to not exacerbate the flood hazard to other properties upstream or downstream of the site.
- (20) Require earthworks within the 1 per cent annual exceedance probability (AEP) floodplain to do all of the following:
  - (a) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the floodplain;
  - (b) not exacerbate flooding experienced by other sites upstream or downstream of the works; and
  - (c) not permanently reduce the conveyance function of the floodplain.

*Floodplains - general*

- (21) Ensure all development in the 1 per cent annual exceedance probability (AEP) floodplain does not increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site.
- (22) Required the storage and containment of hazardous substances in floodplains so that the integrity of the storage method will not be compromised in a flood event.
- (23) Provide for flood mitigation measures which reduce flood-related effects and provide for the reconstruction of culverts and bridges where those measures do not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.
- (24) Enable the planting and retention of vegetation cover to enhance amenity values, green linkages and ecological values in floodplains as long as it does not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.
- (25) When considering mitigation of flood hazards where buildings are located in floodplains, promote measures such as use of water resistant materials and flood-proof utility connections to increase resilience to flood damage.
- (26) Construct accessways, including private roads, so that flood hazard risks are not increased.

- (27) Enable the construction and maintenance of flood mitigation works to reduce flood risks to people, property, infrastructure and the environment.
- (28) Take into account any authorised earthworks or drainage infrastructure which avoids, remedies or mitigates flood hazards when assessing proposed subdivision, use or development.

*Overland flow paths*

- (29) Maintain the function of overland flow paths to convey stormwater runoff safely from a site to the receiving environment.
- (30) Require changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment.

*Land instability*

- (31) Identify land that may be subject to land instability taking into account all of the following features:
  - (a) proximity to cliffs;
  - (b) steepness of land;
  - (c) geological characteristics; and
  - (d) uncontrolled fill.
- (32) Require risk assessment prior to subdivision, use and development of land subject to instability.
- (33) Locate and design subdivision, use and development first to avoid potential adverse effects arising from risks due to land instability hazards, and, if avoidance is not practicably able to be totally achieved, otherwise to remedy or mitigate residual risks and effects to people, property and the environment resulting from those hazards.

*Wildfire hazards*

- (34) Ensure that plan provisions for subdivision and vegetation management appropriately take into account wildfire hazards.

Note 1

Areas of high wildfire risk may be determined applying the National Rural Fire Authority New Zealand Wildfire Threat Analysis.

*Infrastructure in areas subject to natural hazards*

- (35) Allow for the operation, maintenance, upgrading and construction of infrastructure, in areas subject to natural hazards when:

(a) infrastructure is functionally or operationally required to locate in hazard areas or it is not reasonably practicable that it be located elsewhere;

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(b) in coastal hazard areas the infrastructure does not significantly increase risk to people, property and the environment, and where risks cannot be avoided, adverse effects are mitigated; and

(c) in all flood hazard areas risks to people, property and the environment are mitigated to the extent practicable.

#### E36.4. Activity table

Table E36.4.1 Activity table specifies the activity status of land use and development activities pursuant to section 9(3) of the Resource Management Act 1991.

Note 1

Where activities are located in the coastal marine area then see Chapter F Coastal.

**Table E36.4.1 Activity table**

Activity		Activity status
<b>Activities on land which may be subject to coastal erosion</b>		
(A1)	External alterations to buildings which do not increase the gross floor area of the building, on land which may be subject to coastal erosion	P
(A2)	External alterations to buildings which increase the gross floor area of the building on land which may be subject to coastal erosion	RD
(A3)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m <sup>2</sup> on land which may be subject to coastal erosion Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	P
(A4)	All other buildings and structures on land which may be subject to coastal erosion	RD
(A5)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields on land which may be subject to coastal erosion	RD
<b>Activities on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)</b>		
(A6)	External alterations to buildings which do not increase the gross floor area on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)	P
(A7)	External alterations to buildings which increase the gross floor area of the building on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)	RD
(A8)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m <sup>2</sup> on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) Note 1	P

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	Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	
(A9)	All other buildings and structures on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)	RD
(A10)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)	RD
<b>Activities in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise (CSI1)</b>		
(A11)	Additions of habitable rooms up to 25m <sup>2</sup> to existing buildings in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI1)	P
(A12)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m <sup>2</sup> ) to existing buildings in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI1) that comply with standard E36.6.1.1	P
(A13)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m <sup>2</sup> ) to existing buildings in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI1) that do not comply with Standard E36.6.1.1	D
<b>Defences against coastal hazards</b>		
(A14)	Beach nourishment	P
(A15)	Dune stabilisation	P
(A16)	Beach nourishment which does not comply with Standard E36.6.1.2	D
(A17)	Dune stabilisation which does not comply with Standard E36.6.1.3	D
(A18)	Modification, alteration or removal of sand dunes and vegetation on sand dunes within 40m of mean high water springs not otherwise provided for	D
(A19)	Repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures landward of mean high water springs that may serve as a defence against coastal erosion or inundation	P
(A20)	Extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures	RD
(A21)	New hard protection structures located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation	RD
(A22)	Hard protection structures not otherwise provided for	D
<b>Activities in the 1 per cent annual exceedance probability (AEP) floodplain</b>		
(A23)	Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A24)	Surface parking and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that comply with Standard E36.6.1.7	P
(A25)	Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that do not comply with Standard E36.6.1.7	C

(A26)	Below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A27)	Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A28)	Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A29)	Storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A30)	On-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A31)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A32)	Construction of stormwater management devices or flood mitigation works that are to be vested in the Council or which are identified in a precinct plan incorporated into the Plan or an approved network discharge consent in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A33)	Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A34)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m <sup>2</sup> within the 1 per cent annual exceedance probability (AEP) floodplain that comply with standard E36.6.1.9	P
(A35)	New structures and buildings designed to accommodate flood tolerant activities up to 100m <sup>2</sup> gross floor area within the 1 per cent annual exceedance probability (AEP) floodplain	P
(A36)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m <sup>2</sup> within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9	RD
(A37)	All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A38)	Use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain	RD
<b>Activities in overland flow paths</b>		
(A39)	Fences and walls located within or over an overland flow path that do not obstruct the overland flow path	P
(A40)	Flood mitigation works within an overland flow path required to reduce the risk to existing buildings from flooding hazards	P
(A41)	Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path	RD
(A42)	Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path	RD

<b>Activities on land which may be subject to land instability</b>		
(A43)	Buildings and structures on land which may be subject to land instability that comply with Standard E36.6.1.11	P
(A44)	On-site septic tanks, onsite wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and access ways on land which may be subject to land instability that comply with Standard E36.6.1.12	P
(A45)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields, on land which may be subject to land instability that do not comply with Standard E36.6.1.12	RD
(A46)	Storage of hazardous substances on land which may be subject to land instability	RD
(A47)	External alteration to any building, on land which may be subject to land instability which does not increase the gross floor area	P
(A48)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area up to 100m <sup>2</sup> on land which may be subject to land instability Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	P
(A49)	Alterations to existing structures and buildings (excluding dwellings) ancillary to farming activities which do not increase the gross floor area, on land which may be subject to land instability Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	P
(A50)	External additions to buildings and to any structures excluding decks under 1.2m high and 20m <sup>2</sup> gross floor area on land which may be subject to land instability	RD
(A51)	All other buildings and structures, on land which may be subject to land instability not otherwise provided for	RD
<b>Infrastructure:</b>		
<ul style="list-style-type: none"> <li>• on land which may be subject to coastal erosion;</li> <li>• on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP);</li> <li>• in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI);</li> <li>• in the 1 per cent annual exceedance probability (AEP) floodplain;</li> <li>• in overland flow paths</li> <li>• infrastructure on land which may be subject to instability</li> </ul>		
(A52)	Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that complies with Standard E36.6.1.13	P
(A53)	Construction, operation, maintenance, renewal and repair of road network activities within the legal road or road formation width in areas listed in the heading above	P
(A54)	Infrastructure within roads or the Strategic Transport Corridor Zone in areas listed in the heading above	P
(A55)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in areas listed in the heading the above that	RD

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	do not comply with Standard E36.6.1.13	
(A56)	All other infrastructure in areas listed in the heading above not otherwise provided for	RD

### E36.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E36.4.1 Activity table will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E36.4.1 Activity table and which is not listed in E36.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E36.6. Standards

#### E36.6.1. Permitted activity standards

Activities listed as a permitted activity in Table E36.4.1 Activity table must comply with the specified permitted activity standards.

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*Activities in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise (CS1)*

#### **E36.6.1.1. Habitable rooms in new buildings and additions of habitable rooms (greater than 25m<sup>2</sup>) to existing buildings in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CS1)**

- (1) Finished floor levels of habitable rooms must be above the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise.

*Defences against coastal hazards*

#### **E36.6.1.2. Beach nourishment**

- (1) Depositing must be for the purpose of:
  - (a) erosion management;
  - (b) beach (including dune system) replenishment or re-contouring;
  - (c) habitat enhancement; or

- (d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.
- (2) Written advice must be given to the council at least 10 working days prior to the work starting.
- (3) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.
- (4) The deposited material must have similar physical characteristics to the sediment at the location it will be deposited, and must generally be of slightly coarser grain size.
- (5) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
- (6) There must be no release of contaminants from equipment being used for the activity.
- (7) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.

**E36.6.1.3. Dune stabilisation**

- (1) Dune stabilisation must be for the purpose of:
  - (a) erosion management;
  - (b) beach (including dune system) replenishment or re-contouring;
  - (c) habitat enhancement; or
  - (d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.
- (2) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (3) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.
- (4) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
- (5) There must be no release of contaminants from equipment being used for the activity.
- (6) The reshaped dune toe must not extend seaward of the typical extent of the natural dune toe position, and the seaward slope must lie within the slope range of 1:5 (around 11 degrees) to 1:3 (around 18 degrees).

- (7) Any foreign material; including clay fill or soil material that has been placed on the dune must be removed and lawfully disposed off-site.
- (8) Works must be timed in accordance with favourable weather patterns and, where necessary, carried out in stages to enable planting work to commence immediately to minimise risk of wind erosion.
- (9) Planting of native vegetation must be sourced from the same ecological district and must use plants that are appropriate for the location considering dune form and function.

**E36.6.1.4. The repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures, landward of mean high water springs that may serve as a defence against coastal erosion or inundation**

- (1) The work must maintain the structure or building in a good and safe working condition.
- (2) The work must not use materials which alter the form or external appearance of the structure in more than a minor way.
- (3) The work must not change the area occupied by the structure.

*Activities in the 1 per cent annual exceedance probability (AEP) floodplain*

**E36.6.1.5. Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain**

- (1) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain must be designed to allow for the passage of flood waters where those flood waters exceed 300mm in depth.
- (2) Standard E36.6.1.5(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.

Note 1

The following fence designs would comply with Standard E36.6.1.5(1) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain:

- post and wire fences and wire mesh fences;
- railing type fences where at least 70 per cent of the surface area of the fence is not solid; or
- solid fences and walls with an opening of sufficient size at flood level that can convey the 1 per cent annual exceedance probability (AEP) flood flow.

**E36.6.1.6. Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain**

- (1) Goods and materials stored in the 1 per cent annual exceedance probability (AEP) floodplain for longer than 28 consecutive days must:
  - (a) not impede flood flows; and
  - (b) where capable of creating a safety hazard by being shifted by floodwaters, be contained and secured in order to minimise movement in times of floods; and
  - (c) be stored in watertight containers if they are hazardous substances.

**E36.6.1.7. Surface parking areas and above ground parking areas within the 1 per cent annual exceedance probability (AEP) flood plain**

- (1) Surface parking areas and vehicle entry and exit points to above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain must be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.

**E36.6.1.8. Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain**

- (1) Where the road or accessway serves more than two lots, the road or accessway is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.

**E36.6.1.9. New structures and buildings with a gross floor area of up to 10m<sup>2</sup> within the 1 per cent annual exceedance probability (AEP) floodplain**

- (1) The structure or building is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 300mm above ground level.

*Activities in overland flow paths*

**E36.6.1.10. Fences and walls located within or over an overland flow path that do not obstruct the overland flow path**

- (1) Any ponding of floodwater caused by any fence or wall must not extend beyond (upstream of or adjacent to) the site.
- (2) Standard E36.6.1.10(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.

Note 1

The following fence designs would comply with Standard E36.6.1.10(1) above:

- (a) post and wire fences and wire mesh fences;
- (b) railing type fences where at least 70 per cent of the surface area of the fence is not solid; or
- (c) solid fences and walls with an opening at ground level sufficient to convey the overland flow.

*Activities on land which may be subject to land instability*

**E36.6.1.11. Buildings and structures on land which may be subject to land instability**

(1) Buildings and structures located on land which may be subject to land instability must be constructed in accordance with:

- (a) a geotechnical completion report or similar professional report, approved by Council; and
- (b) any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.

**E36.6.1.12. On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability**

(1) On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability must be constructed in accordance with:

- (a) a geotechnical completion report or similar professional report, approved or endorsed by Council; and
- (b) any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.

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*Infrastructure:*

- *on land which may be subject to coastal erosion;*
- *on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP);*
- *in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise (CS1);*
- *in the 1 per cent annual exceedance probability (AEP) floodplain;*
- *in overland flow paths and*



- *on land which may be subject to instability*

**E36.6.1.13. Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above**

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- (1) Minor infrastructure upgrading of infrastructure must comply with the following (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; or
  - (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 per cent; or
  - (ii) when installing a new low voltage circuit on an existing pole, the total number of new conductors or wires/lines must not exceed 8, consisting specifically of 4 lines for electricity circuit, 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6;
  - (iii) the provisions in E36.6.1.13(b)(i) and (ii) above exclude service connections and lateral network connections;
  - (iv) include additional cross arms that do not exceed the length of the existing cross arm by more than 100 per cent, up to a maximum of 4m;
  - (v) additional or replacement electricity and telecommunication lines that do not exceed 30mm in diameter;
- (c) the addition or replacement of:
  - (i) earthwires, either overhead or underground, and underground earthgrids, which may contain telecommunication lines, and earthpeaks; or
  - (ii) above-ground insulators on the poles;

- (d) any pole which replaces an existing pole provided that:
  - (i) it must not have a diameter or width that is more than the existing pole's diameter or width at its largest point plus 50 per cent and in the case of double pole 100 per cent, and
  - (ii) it must not have a height greater than 25m;
- (e) modification of an existing pole:
  - (i) only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment, such as stay wires, anchor blocks, on overhead electricity and telecommunication lines; or
  - (ii) when modifications to structures are required to meet mechanical loading requirements provided that the height and profile of any modified support structures remains the same as existed prior to the improvements;
- (f) the installation of new mid-span electricity poles in existing networks to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001;
- (g) an increase in the power carrying or operating capacity, efficiency or security of electricity lines, gas distribution lines and telecommunications lines, where this uses the existing network utility and meets the requirements of E36.6.1.13(c) to (f) above;
- (h) the alteration, replacement or relocation of water, wastewater or stormwater structures (excluding pipes):
  - (i) there must be no more than a 10 per cent increase in the width, length and/or height of the structure;
  - (ii) the structure must be located within the 2m of existing alignment or location;
  - (iii) must not involve a new or relocated outfall structure that discharges to an area outside the influence of the current outfall structure;
- (i) the alterations or replacement of water, wastewater, stormwater, gas pipes provided that:
  - (i) above ground pipes must not exceed 300mm increase in diameter of the pipe;
  - (ii) underground pipes must not exceed a 50 per cent increase in the diameter of the pipe;

- (j) the replacement of any antennae with a new antenna provided that the new antenna does not exceed the maximum dimension of the antenna, or the diameter where it is a dish antenna, by more than 20 per cent, and the overall height of the facility to which the antenna is attached either does not increase or that any height increase is as a result of the antenna size increase only.

### **E36.6.2. Controlled activity standards**

Activities listed as a controlled activity in Table E36.4.1 Activity table must comply with the specified controlled activity standards.

#### **E36.6.2.1. Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.7**

- (1) Surface parking areas and above ground parking areas (excluding parking on roads) within the 1 per cent annual exceedance probability (AEP) floodplain:
  - (a) must be located where depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 500mm above ground level; and
  - (b) vehicles can be contained within the site during the flood event.

### **E36.7. Assessment – controlled activities**

#### **E36.7.1. Matters of control**

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

- (1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:
  - (a) the effects of the location and design of parking;
  - (b) actions necessary to protect people in flood events; and
  - (c) the design of containment structures.

#### **E36.7.2. Assessment criteria**

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

- (1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:
  - (a) the adequacy of the site design to contain vehicles displaced by flood waters within the site;
  - (b) whether actions are necessary to ensure that people will not be placed in danger during a flood event when parking or retrieving vehicles; and

- (c) the extent to which the containment structures will not result in increased flood hazards upstream or downstream through blockage or displacement of flood waters.

### **E36.8. Assessment – restricted discretionary activities**

#### **E36.8.1. Matters of discretion**

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

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#### *Activities on land which may be subject to coastal erosion*

- (1) for external alterations to existing buildings which increase the gross floor area of the building on land which may be subject to coastal erosion; for all other buildings and structures on land which may be subject to coastal erosion; and for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields on land which may be subject to coastal erosion:
  - (a) the type of activity being undertaken and its vulnerability to natural hazard events including the consequences of a natural hazard event in relation to more or less vulnerable activities;
  - (b) the likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment taking into account the likely effects of climate change, including sea level rise;
  - (c) the effects on landscape and other environmental values, associated earthworks and land form modifications;
  - (d) the effects on public access; and
  - (e) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long term likely effects of climate change.

#### *Activities on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)*

- (2) for external alterations to existing buildings which increase the gross floor area of the building on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP); for all other buildings and structures on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP); for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP):

- (a) the type of activity being undertaken and its vulnerability to natural hazard events including the consequences of a natural hazard event in relation to more or less vulnerable activities;
- (b) the likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment taking into account the likely effects of climate change, including sea level rise;
- (c) effects on landscape and other environmental values, associated earthworks and land form modifications;
- (d) effects on public access; and
- (e) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long term likely effects of climate change.

*Defences against coastal hazards*

- (3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation:
  - (a) any relevant management strategy, strategic plan or hazard risk assessment relating to the area where hard protection structures are proposed, including the ability to relocate buildings, structures, infrastructure or land uses which the structure is designed to protect;
  - (b) effects on coastal processes, ecological values, landscape values and visual amenity;
  - (c) effects on public access and safety;
  - (d) effects on existing uses and activities (including other infrastructure);
  - (e) consent duration and monitoring;
  - (f) the operational or functional need for the structure;
  - (g) the design, location and construction including:
    - (i) the ability to locate the structure as far landward as practicable from mean high water springs;
    - (ii) the ability to use, retain or enhance natural defences non-structural solutions in place of hard protection structures;
    - (iii) the ongoing management, maintenance and monitoring of structures;

- (iv) construction or works methods, timing and hours of construction, including any associated earthworks; and
- (v) location, design and materials.

*Activities in the 1 per cent annual exceedance probability (AEP) flood plain*

- (4) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.5:
  - (a) the design of the fence or wall;
  - (b) the effects on flood depth and velocity from the blocking or channelling of water; and
  - (c) the effects of the flood hazard within the site and on other properties upstream or downstream of the site.
- (5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain:
  - (a) the effects of the location of the structures and building platforms;
  - (b) the effects of flood hazards on the structural integrity of a building or structure;
  - (c) the effects of storage of outdoor goods and materials;
  - (d) the effects of the location and design of roads, accessways and parking areas;
  - (e) the extent of any associated earthworks;
  - (f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;
  - (g) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;
  - (h) the effects of the use of spaces under buildings; and
  - (i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.
- (6) for the storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain:
  - (a) the location, design and management of facilities where hazardous substances are stored, used or disposed;
  - (b) the potential risk to public health; and
  - (c) the potential contamination of water.

- (7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain:
- (a) the design of the device including flood proofing;
  - (b) the potential risk to public health; and
  - (c) the potential contamination of groundwater.
- (8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the effects that the flooding may have on the function of the device including the potential mobilisation of accumulated contaminants.
- (9) for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m<sup>2</sup> within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9; and all other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the effects of the location of the structures and building platforms;
  - (b) the effects of flood hazards on the structural integrity of a building or structure;
  - (c) the effects of storage of outdoor goods and materials;
  - (d) the effects of the location and design of roads, accessways and parking areas;
  - (e) the extent of any associated earthworks;
  - (f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;
  - (g) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;
  - (h) the effects of the use of spaces under buildings; and
  - (i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.
- (10) for use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability(AEP) floodplain:

- (a) the type of activity being undertaken and its vulnerability to flood events;
- (b) the likelihood and consequences of a flood event in relation to more vulnerable activities;
- (c) the possible effects on public safety and other property resulting from the proposed development or activity;
- (d) the effects on landscape values, associated earthworks and land form modifications;
- (e) the effects on public access;
- (f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures or the site and the management of people and property during a flood event;
- (g) any exacerbation of an existing flood hazard or creation of a new flood hazard as a result of the proposed activity or development and possible effects on public safety and other property;
- (h) the proposed use of, necessity for and design of hard engineering solutions to mitigate the hazard;
- (i) the ability to relocate buildings or structures, including the proposed duration of occupation of the buildings or structures, taking into account the long term likely effects of climate change; and
- (j) the ability to design, construct and maintain buildings or structures so that they are resilient to the effects of the hazard.

*Activities in overland flow paths*

- (11) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:
  - (a) the design of the fence or wall;
  - (b) the potential impacts on the overland flow path including all of the following:
    - (i) the obstruction of flows;
    - (ii) any change to location and capacity;
    - (iii) any changes in depth and velocity of flow; and
    - (iv) any change to overland flow on the site and on other properties upstream or downstream of the site.
- (12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:
  - (a) the potential impacts on the overland flow path including:



- (i) the obstruction of flows; and
  - (ii) any change to location and capacity; and
  - (iii) any changes in depth and velocity of flow; and
  - (iv) any change to overland flow on other properties.
- (b) the provision of alternative overland flow paths;
  - (c) the extent of any associated earthworks; and
  - (d) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided.
- (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 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.

*Activities on land which may be subject to land instability*

- (14) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:
- (a) the likely effect of land instability on the design, location and functioning of the device;
  - (b) the potential risk to public health; and
  - (c) the potential for contamination of groundwater.
- (15) for the storage of hazardous substances on land which may be subject to land instability:
- (a) the likely effect of land instability on the design, location and management of facilities where hazardous substances are stored, used or disposed; and
  - (b) the potential risk to public health.
- (16) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m<sup>2</sup> gross floor area on land which may be subject to

instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:

- (a) the type of activity being undertaken and its vulnerability to the potential effects of land instability;
  - (b) the consequences of the potential effects of land instability in relation to more vulnerable activities;
  - (c) the possible effects on public safety and other property resulting from the proposed development or activity;
  - (d) the likelihood of a hazard arising from unstable land event and the likely extent of any damage;
  - (e) the effects on landscape values, associated earthworks and land form modifications;
  - (f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures and the management of people and property during a hazard event;
  - (g) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the proposed activity or development and possible effects on public safety and other property;
  - (h) the proposed use of, necessity for and design of hard engineering solutions for land instability hazards;
  - (i) the ability to relocate buildings or structures within a hazard area, including the proposed duration of occupation of the structures or building; and
  - (j) the ability to design, construct and maintain buildings or structures so that they are resilient to land instability hazards.
- (17) for all other infrastructure on land which may be subject to land instability not otherwise provided for:
- (a) the functional and/or operational need to locate within the hazard area;
  - (b) the risk of adverse effects to other people, property and the environment including all of the following:
    - (i) risk to public health and safety;
    - (ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from land instability hazards;
    - (iii) the management or regulation of other people and property required to mitigate land instability hazard risks resulting from the location of the network utility or infrastructure;

- (iv) the storage or use of hazardous substances in relation to the activity;
- (v) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the structure;
- (vi) the use of non-structural solutions instead of hard engineering solutions; and
- (vii) the ability to relocate or remove structures.

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*Infrastructure:*

- *on land which may be subject to coastal erosion;*
- *on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP);*
- *in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise (CS11);*
- *in the 1 per cent annual exceedance probability (AEP) floodplain;*
- *in overland flow paths and*
- *on land which may be subject to instability*

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(18) Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that do not comply with Standard E36.6.1.13:

- (a) the functional and/or operational need to locate within the hazard area;
- (b) the risk of adverse effects to other people, property and the environment including all of the following:
  - (i) risk to public health and safety;
  - (ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from the natural hazard;
  - (iii) the management or regulation of other people and property required to mitigate natural hazard risks resulting from the location of the infrastructure;
  - (iv) the storage or use of hazardous substances in relation to the activity;
  - (v) any exacerbation of an existing natural hazard or creation of a new natural hazard as a result of the structure;
  - (vi) the use of non-structural solutions instead of hard engineering solutions; and
  - (vii) the ability to relocate or remove structures.

### E36.8.2. Assessment criteria

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

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#### *Activities on land which may be subject to coastal erosion*

- (1) for external alterations to existing buildings which increase the gross floor area of the building on land which may be subject to coastal erosion; for all other buildings and structures on land which may be subject to coastal erosion; and for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields on land which may be subject to coastal erosion:
  - (a) the likelihood of a coastal hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;
  - (b) the extent to which site specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;
  - (c) the extent to which landscape and other environmental values are affected by any works proposed in association with the building or structure or mitigation of the hazard; and
  - (d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.

#### *Activities on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)*

- (2) for external alterations to existing buildings which increase the gross floor area of the building on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP); for all other buildings and structures on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP); for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP):
  - (a) the likelihood of a coastal storm inundation hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;
  - (b) the extent to which site-specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;

- (c) the extent to which landscape and other environmental values are affected by any works proposed in association with the building or structure or mitigation of the hazard; and
- (d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.

*Defences against coastal hazards*

- (3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation:
  - (a) the extent to which the structure or works for the structure are located and designed to avoid, remedy or mitigate adverse effects;
  - (b) the extent to which the structure avoids, remedies or mitigates effects on public access, including pedestrian access, access to the coastline and access to areas of public open space;
  - (c) the extent of consent duration sought and whether it is necessary for the functional and operational needs of the activity or whether an adaptive management approach can be achieved;
  - (d) the extent of monitoring required to avoid, remedy or mitigate adverse environmental effects;
  - (e) whether the construction works can be undertaken at a time that will avoid or minimise adverse effects on marine mammals, roosting, nesting and feeding areas, and recreational users of the coastal marine area;
  - (f) whether the construction works or methods avoid, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
  - (g) whether the structure is located and designed to avoid, remedy or mitigate adverse effects on the environment; and
  - (h) the extent to which material used are compatible with the surrounding coastal environment and where practicable, with the natural material at the site. This includes texture, colour, composition, grain size, level of contamination and potential for leaching.

*Activities in the 1 per cent annual exceedance probability (AEP) flood plain*

- (4) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.5:

- (a) whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;
  - (b) whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and
  - (c) the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.
- (5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) whether the parking area can be located outside of the 1 per cent annual exceedance probability (AEP) floodplain so as not to block or impede the flood hazard;
  - (b) where the parking area cannot be practically located outside or above the floodplain, how the parking areas can be designed and managed to minimise any increase in flood related risks to people and property on site and to other properties upstream or downstream of the site;
  - (c) the extent of potential adverse effects resulting from vehicles being mobilised by a 1 per cent annual exceedance probability (AEP) flood event;
  - (d) whether the building or structure maintains structural integrity during a flood event; and
  - (e) whether site layout and management can avoid hazardous and floatable materials, including cars and other stored items, being carried off the site.
- (6) for the storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the extent to which the proposal ensures that hazardous substances stored in flood hazard areas are protected from flooding, spillage and leakage should a flood hazard event occur;
  - (b) the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and
  - (c) whether groundwater contamination in a flood event can be avoided.
- (7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain:
- (a) whether the design of the device impedes flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;

- (b) whether the design of the device is resilient to damage from a range of flood events;
  - (c) whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;
  - (d) the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and
  - (e) whether groundwater contamination in a flood event can be avoided.
- (8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) whether the design of and works or devices impede flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;
  - (b) whether the design of the works or any device is resilient to damage from a range of flood events; and
  - (c) whether access to the works or device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route.
- (9) for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m<sup>2</sup> within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9; and all other new structures and buildings and (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) whether the building platform can be located outside of the 1 per cent AEP floodplain so as not to block or impede the flood waters;
  - (b) where the building cannot be practically located outside or above the flood plain, how the building can be designed and managed to minimise increase in flood related risks experienced by other properties, including those upstream or downstream such as, maintaining a clear undercroft, allowing for the passage of flood waters;
  - (c) whether buildings likely to be affected by flood waters should be wet proofed or dry proofed to minimise damage to the building and its contents; and
  - (d) site layout and management to avoid hazardous and floatable materials including cars and other stored items being carried off site.

- (10) for new buildings designed to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the likelihood of a flood hazard event occurring and its magnitude and duration, and the consequences of the event, its possible effects on public health, safety, property and the environment;
  - (b) the extent to which a flood hazard assessment or mitigation plan addresses methods provided to manage activities or uses within the site;
  - (c) whether sufficient actions can be undertaken to ensure that people will not be placed in danger during a flood event;
  - (d) the extent to which the proposal and any subsequent land use is likely to exacerbate the flood hazard or create a new flood on the subject land and/ or on any adjacent land; and
  - (e) whether the building or structure maintains structural integrity during a flood event.

*Activities in overland flow paths*

- (11) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:
- (a) whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;
  - (b) whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and
  - (c) the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.
- (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.

*Activities on land which may be subject to land instability*

- (13) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:
  - (a) the extent to which the location, design and functioning of the device would be adversely affected by the land instability hazard and how such effects can be avoided or mitigated;
  - (b) whether the design of the device is resilient to damage from the land instability hazard;
  - (c) whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;
  - (d) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided; and
  - (e) whether groundwater contamination from the land instability hazard can be avoided.
- (14) for the storage of hazardous substances on land which may be subject to land instability:
  - (a) the extent to which the proposal ensures that hazardous substances are protected from spillage or leakage should a natural hazard event occur; and
  - (b) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided.
- (15) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m<sup>2</sup> gross floor area on land which may be subject to instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:
  - (a) the likelihood of a land instability hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;

- (b) the extent to which site-specific analysis, such as engineering, or stability reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;
  - (c) the extent to which landscape and other environmental values are affected by any works proposed in association with the building or structure or mitigation of the hazard; and
  - (d) the extent to which any building or structure can be relocated in the event of a land instability hazard occurring.
- (16) for all other infrastructure on land which may be subject to land instability not otherwise provided for:
- (a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;
  - (b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;
  - (c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;
  - (d) the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and
  - (e) the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.
- (17) for operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure on land which may be subject to coastal erosion; or on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP); or in areas subject to coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI1); or in the 1 per cent annual exceedance probability (AEP) floodplain; or in overland flow paths; or on land which may be subject to land instability:
- (a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;

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- (b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;
- (c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;
- (d) the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and
- (e) the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.

### E36.9. Special information requirements

[CIV-2016-404-002331: Man O' War Farm Limited]

[ENV-2016-AKL-000261: Man O' War Farm Limited]

(1) A hazard risk assessment must be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which may be subject to any one or more of the following:

- (a) coastal erosion;
- (b) coastal storm inundation 1 per cent annual exceedance probability (AEP);
- (c) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m seal level rise;
- (d) coastal hazards;
- (e) the 1 per cent annual exceedance probability (AEP) floodplain;
- (f) overland flow paths; or
- (g) land instability.

The level of information required to be provided should be proportionate to the hazard risk, the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. For coastal hazards this should include a consideration of the effects of climate change over at least a 100 year timeframe.

(2) A hazard risk assessment report must accompany a resource consent application for the subdivision, use or development referenced in E36.9(1) above and must identify whether the land is or is likely to be subject to coastal erosion; coastal storm inundation 1 per cent annual exceedance probability (AEP); coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre seal level rise; coastal hazards; the 1 per cent annual exceedance probability (AEP) floodplain; overland flow paths; or land instability, over at least the next 100 years and, if found to be subject to one

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or more of these hazards, should provide an assessment, which does not need to duplicate an assessment of environmental effects, which addresses all of the following:

- (a) the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;
- (b) the type of activity being undertaken and its vulnerability to natural hazard events;
- (c) the consequences of a natural hazard event in relation to the proposed activity and the people likely to be involved in that activity;
- (d) the potential effects on public safety and other property;
- (e) any exacerbation of an existing natural hazard risks or creation of a new natural hazard risks;
- (f) whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, coastal storm inundation or shoreline retreat;
- (g) the ability to use of non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate the hazard, rather than hard engineering solutions or protection structures;
- (h) the design and construction of buildings and structures to mitigate the effects of natural hazards;
- (i) the effect of structures used to mitigate hazards on landscape values and public access;
- (j) site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event;
- (k) the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the effects of climate change; and
- (l) any measures and/ or plans proposed to mitigate the natural hazard or the effects of the natural hazard.

## **E37. Genetically modified organisms**

[CIV-2016-404-002299: Federated Farmers of New Zealand Incorporated]

### **E37.1. Background**

The outdoor use of genetically modified organisms (GMOs) has the potential to cause adverse effects on the environment, economy and social and cultural wellbeing. The objectives and policies seek to protect the community and receiving environment from risks associated with any genetically modified organism activity. The application of a precautionary approach to the outdoor use, storage, cultivation, harvesting, processing or transportation of genetically modified organisms in Auckland means that:

- the release of a genetically modified organism is prohibited (this is to avoid the risk that significant adverse environmental effects will arise, including adverse effects on the economy, community and/or Mana Whenua resources and cultural heritage values); and
- outdoor field trialling of a genetically modified organism (with prior approval of the Environmental Protection Authority (EPA)) is a discretionary activity.

Pastoral farming, dairying, horticulture and forestry are important land uses in Auckland and are significant contributors to the local and regional economy. Aquaculture is also a growing primary industry in New Zealand. Therefore there are a range of outdoor genetically modified organisms that genetically modified organism developers could consider using in Auckland, including genetically modified food crops, trees, animals, aquaculture products and pharmaceutical crops. The potential for adverse effects, including accidental contamination, resulting from the outdoor use of genetically modified organisms poses a risk to the community and environment. By specifying classes of genetically modified organisms and applying standards to the outdoor use of genetically modified organisms, the risks associated with their use, storage, cultivation, harvesting, processing or transportation can be reduced.

Within Auckland, this will involve managing and limiting the outdoor use of genetically modified organisms. Further, rules and controls will be used to mitigate any adverse effects associated with contamination by genetically modified organisms beyond the subject site, thereby reducing the risks to the community, environment and economy. Accidental or unintentional migration of genetically modified organisms that result in genetically modified organism contamination and subsequent clean up and remediation can be expensive. The Council therefore requires a genetically modified organism consent holder to meet all potential costs associated with the activity and will secure long term financial accountability through appropriate standards and bonding requirements.

The Environmental Protection Authority is not obliged to set monitoring requirements as a part of its approval process, and can only require monitoring where it is relevant to assessing environmental risk. Under section 35 of the Resource Management Act 1991, the Council has a duty to monitor, which can be expensive. Requiring a genetically modified organism consent holder to meet the costs of monitoring, via consent conditions, ensures the costs are met by the consent holder, rather than the community.

The resource consent status indicates the levels of risk considered acceptable by the community for that particular genetically modified organism activity and class.

[CIV-2016-404-2318: The University of Auckland]

The use of genetically modified veterinary vaccines is a permitted activity where they are not viable and their administration is a specific delivery dose supervised by a veterinarian. Any other use of genetically modified vaccines is a discretionary activity. Non-viable genetically modified veterinary vaccines tend not to persist in the environment, appear to be low risk and are difficult to monitor, making control by the Plan less appropriate. Viable genetically modified veterinary vaccines can have higher risks if their administration is not supervised or controlled by a veterinarian. An example is a genetically modified veterinary vaccine distributed by way of edible food or edible plants, which cannot be supervised by a veterinarian, and may present higher risks to the environment and to the health and safety of people. In this circumstance the Council will have the discretion to require controls or to decline an application. The Council will also be able to respond quickly if there are compelling reasons for its use to benefit human or animal health and welfare. It is generally expected that if a discretionary activity consent is granted, it would apply as a consent for the use of the viable genetically modified veterinary vaccine on any land in the region, noting that specific conditions such as exclusions of specified areas may apply.

A relevant Environmental Protection Authority approval is required as a precondition for all applications for resource consent. The duration of any consent granted will be aligned with the Environmental Protection Authority approval terms.

### **E37.2. Objective [rcp/dp]**

[CIV-2016-404-2318: The University of Auckland]

- (1) The environment, including people and communities and their social, economic and cultural well-being and health and safety, is protected from potential adverse effects associated with the outdoor use, storage, cultivation, harvesting, processing or transportation of genetically modified organisms.

### **E37.3. Policies [rcp/dp]**

[CIV-2016-404-2318: The University of Auckland]

[CIV-2016-404-2318: The University of Auckland] – Addition sought

- (1) Adopt a precautionary approach by prohibiting the general release of a genetically modified organism, and by making outdoor field trialling of a genetically modified organism and the use of viable genetically modified veterinary vaccines not supervised by a veterinarian a discretionary activity.
- (2) Require that the holder of a resource consent granted for the outdoor field trialling of a genetically modified organism is financially accountable (to the extent possible) for any adverse effects associated with the activity, including clean-up costs and remediation, including through the use of bonds.
- (3) Require outdoor field trialling of genetically modified organisms to avoid, as far as can reasonably be achieved, risks to the environment or to the mauri of flora and fauna or to the relationship of Mana Whenua with flora and fauna from the use,

storage, cultivation, harvesting, processing or transportation of a genetically modified organism.

- (4) Require all monitoring costs to be met by the consent holder.
- (5) Require that the outdoor use of genetically modified organisms does not result in migration of genetically modified organisms beyond the area designated by:
  - (a) ensuring adequate site design, construction and management techniques;
  - (b) preventing the escape of genetically modified organisms from transporting vehicles or vessels; and
  - (c) ensuring all heritable material is removed upon the conclusion of the activity.
- (6) Adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism through periodic reviews of these plan provisions, particularly if new information on the benefits and/or adverse effects of a genetically modified organism activity becomes available.
- (7) Require, where appropriate, more stringent measures than those required under the provisions of the Hazardous Substances and New Organisms Act 1996 to manage potential risks.

#### E37.4. Activity table

Table E37.4.1 Activity table specifies the activity status of the use of genetically modified organisms on land pursuant to section 9(3) of the Resource Management Act 1991 and the activity status of works, occupation and activity in the coastal marine area pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991.

**Table E37.4.1 Activity table**

Activity		Activity status
(A1)	Genetically modified organism activities not specifically provided for or prohibited, including research within contained laboratories and medical or veterinary applications involving use of non-viable genetically modified products	P
(A2)	Genetically modified organism field trials on land and within the coastal marine area and any structure intended to house, or otherwise contain, plants and animals which are associated with the conducting of genetically modified organism field trials	D
(A3)	The use of any viable genetically modified veterinary vaccine of a specific dose supervised by a veterinarian	P
(A4)	The use of any viable genetically modified veterinary vaccine not otherwise provided for	D
(A5)	Genetically modified organism releases – food-related on	Pr

	land and within the coastal marine area and any structure intended to house or otherwise contain plants and animals which are associated with outdoor genetically modified organisms releases, except as specifically provided for	
(A6)	Genetically modified organism releases – non food-related on land and within the coastal marine area and any structure intended to house or otherwise contain plants and animals which are associated with outdoor genetically modified organism releases, except as specifically provided for	Pr

### E37.5. Notification

- (1) Any application for resource consent for the following activities must be publicly notified:
- (a) genetically modified organism field trials on land and within the coastal marine area and any structure intended to house or otherwise contain plants and animals which are associated with the conducting of genetically modified organism field trials; or
  - (b) the use of any viable genetically modified veterinary vaccine not otherwise provided for.
- (2) Any application for resource consent for an activity listed in Table E37.4.1 Activity table and which is not listed in E37.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

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### E37.6. Standards

All activities listed as a discretionary activity in Table E37.4.1 Activity table must comply with the following discretionary activity standards. These standards are in addition to any controls/conditions imposed by the Environmental Protection Authority.

#### E37.6.1. Approvals

- (1) All genetically modified organism discretionary activities must:
- (a) have the relevant approval from the Environmental Protection Authority; and
  - (b) be undertaken in accordance with Environmental Protection Authority approval conditions for the activity.



### **E37.6.2. Bond requirements**

- (1) The Council requires the holder of a resource consent for an activity involving the use of a genetically modified organism to provide a bond in respect of the performance of any one or more conditions of the consent, including conditions relating to monitoring required of the genetically modified organism activity (prior to, during and after the activity), and that this bond be available to pay or reimburse any costs incurred by, or on behalf of, the Council to avoid, remedy or mitigate any adverse environmental effects and any other adverse effects to, or on, third parties (including economic effects), that become apparent during the exercise or after the expiry of the consent.
- (2) The exact time and manner of implementing and discharging the bond will be decided by, and be executed to the satisfaction of, the Council.
- (3) All of the following matters will be considered when determining the amount and type of the bond:
  - (a) what adverse effects could occur and the potential significance, scale and nature of those effects, notwithstanding any measures taken to avoid those effects;
  - (b) the degree to which the consent holder for the activity has sought to avoid those adverse effects, and the certainty associated with whether the measures taken will avoid those effects:
  - (c) the level of risk associated with any unexpected adverse effects from the activity;
  - (d) the likely scale of costs associated with remediating any adverse effects that may occur;
  - (e) the timescale over which effects are likely to occur or arise; and
  - (f) the extent of monitoring that may be required in order to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied.

### **E37.6.3. Monitoring**

- (1) A discretionary activity for a genetically modified organism may require monitoring during, and beyond, the duration of consent. Monitoring is to be carried out by either the Council, or the consent holder, with appropriate reporting procedures to the relevant regulatory authority.
- (2) A monitoring strategy for a discretionary activity for a genetically modified organism can include all of the following matters:
  - (a) inspection schedules for the site, storage areas and equipment (daily, weekly, monthly, events based);
  - (b) testing of procedures (e.g. accidental release response);

- (c) training programmes for new staff, and updates for existing staff;
- (d) audits of sites and site management systems; and
- (e) sample testing of plants, soils and water in neighbouring properties or localities for the presence of migrated genetically modified organisms.

#### **E37.6.4. Reporting**

- (1) Reporting requirements by the consent holder must be stipulated in the consent conditions.

#### **E37.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **E37.8. Assessment – restricted discretionary activities**

There are no restricted discretionary activities in this section.

#### **E37.9. Special information requirements**

- (1) An application for:

- (a) the use of any viable genetically modified veterinary vaccine not otherwise provided for; or
- (b) for genetically modified organism field trials on land and within the coastal marine area and any structure intended to house or otherwise contain plants and animals which are associated with the conducting of genetically modified organism field trials

must be accompanied by all of the following:

- (i) evidence of approval from the Environmental Protection Authority for the specific genetically modified organism for which consent is sought;
- (ii) details of the proposed containment measures for the commencement, duration and completion of the proposed activity;
- (iii) details of the species, its characteristics and lifecycle, to which the genetically modified organism activities will relate;
- (iv) research on adverse effects to the environment and economy associated with the activity should genetically modified organisms escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects;
- (v) evidence of research undertaken that characterises and tests the genetically modified organisms, and the certainty associated with the accuracy of that information;
- (vi) a management plan outlining on-going research and how monitoring will be undertaken during, and potentially beyond, the duration of consent;

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- (vii) details of areas in which the activity is to be confined; and
- (viii) a description of contingency and risk management plans and measures.

## **E38. Subdivision - Urban**

### **E38.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in E39 Subdivision – Rural.

### **E38.2. Objectives**

- (1) Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) Subdivision to protect indigenous vegetation or wetlands is provided for in the residential zones.
- (10) Subdivision:
  - (a) within urban and serviced areas, does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards;
  - (b) avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and

- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, while taking into account the likely long term effects of climate change.

### **E38.3. Policies**

- (1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.
- (3) Require subdivision design to respond to the natural landscapes by:
  - (a) avoiding building platforms and, where practicable, infrastructure, on identified or dominant ridgelines on sites zoned Residential – Large Lot Zone or Residential – Rural and Coastal Settlement Zone;
  - (b) locating and designing roads, access and infrastructure in a manner which minimises earthworks; and
  - (c) locating roads and development to follow land contours.
- (4) Require subdivision to be designed to retain, protect or enhance scheduled features including those in the Historic Heritage Overlay and Sites and Places of Significance to Mana Whenua Overlay.
- (5) Provide for subdivision of residential zoned sites containing indigenous vegetation scheduled in the D9 Significant Ecological Areas Overlay where the significant ecological area is to be protected, and enable the same or a similar number of sites to be created as would be enabled if the site did not contain a significant ecological area.
- (6) Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with Auckland-wide and zone rules.
- (7) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (8) Avoid subdivision of minor dwellings or converted dwellings not complying with minimum lot size.
- (9) Require any staged subdivision to be undertaken in a manner that promotes efficient development.

- (10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
- (a) a road network that achieves all of the following:
    - (i) is easy and safe to use for pedestrians and cyclists;
    - (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
    - (iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and
  - (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.
- (11) Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by:
- (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and
  - (b) aligning sites to the road to maximise opportunities for buildings fronting the road.
- (12) Limiting rear sites to places where the site topography, existing boundaries, natural features, or scheduled places will prevent the creation of front sites.
- (13) Require subdivision to deliver sites that are of an appropriate size and shape for development intended by the zone by:
- (a) providing a range of site sizes and densities; and
  - (b) providing for higher residential densities in locations where they are supportive of pedestrians, cyclists, public transport and the viability and vibrancy of centres.
- (14) Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.
- (15) 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.

- (16) Require shared vehicle access to be of a width, length and form that:
- (a) encourages low vehicle speed environments; and
  - (b) provides for the safety of users of the access and the adjoining road network.
- (17) Require sufficient road reserves to accommodate the needs of:
- (a) different types of transport modes;
  - (b) stormwater networks;
  - (c) network utilities; and
  - (d) lighting, street furniture, landscaping and reticulated infrastructure in a way that will not create future safety and maintenance issues.

*Recreation and Amenity Spaces*

- (18) Require subdivision to provide for the recreation and amenity needs of residents by:
- (a) providing open spaces which are prominent and accessible by pedestrians;
  - (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and
  - (c) providing for pedestrian and/or cycle linkages.

*Infrastructure*

- (19) Require subdivision to provide servicing:
- (a) to be coordinated, integrated and compatible with the existing infrastructure network;
  - (b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and
  - (c) to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.
- (20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks:
- (a) wastewater;
  - (b) stormwater; and
  - (c) potable water.

- (21) Require sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via:
    - (i) an on-site wastewater treatment system, or
    - (ii) approval to connect to a private wastewater network; and
  - (c) potable water.
- (22) Require subdivision to be designed to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management;
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain, or progressively improve, water quality;
  - (f) to integrate drainage reserves and infrastructure with surrounding development and open space networks; and
  - (g) in an integrated and cost-effective way.
- (23) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

*Esplanade Reserves and Strips*

- (24) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (25) Avoid reducing the width of esplanade reserve or strip, or the waiving of the requirement to provide an esplanade reserve or strip, except where the following apply:



- (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on, and adjoining, the subject land area will not be adversely affected;
  - (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any scheduled historic heritage places and sites and places of significance to Mana Whenua will be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
  - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to the policies in B8.4 relating to public access and open space in the coastal marine area;  
or
  - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (26) Require esplanade reserves rather than esplanade strips unless the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) the opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
  - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;

- (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
- (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

*Subdivision Variation Control identified in the planning maps*

- (27) Manage the existing pattern and density of subdivision in locations identified in the Subdivision Variation Control shown on the planning maps to protect their low density character.
- (28) Avoid subdivision that detracts from the natural landscape qualities which are defined by the low density settlement pattern.
- (29) Manage subdivision of land where there are known infrastructure constraints.

*Subdivision in Special Character Areas Overlay – Residential and Business*

- (30) Maintain the distinctive pattern of subdivision as identified in the character statements for special character areas.

**E38.4. Activity table**

[CIV-2016-404-002330: Transpower New Zealand Limited] – subdivision within the National Grid Yard

Tables E38.4.1 to E38.4.5 specify the activity status of subdivision pursuant to section 11 of the Resource Management Act 1991.

For subdivision within the D26 National Grid Corridor Overlay, the activity status for subdivision in the urban zones as listed in Tables E38.4.1 to E38.4.5 below will apply unless there are different provisions in D26 National Grid Corridor Overlay in which case the overlay provisions will take precedence.

For subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone see E39 Subdivision – Rural.

The activities listed in Table E38.4.1 Subdivision for specific purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E38.4.2, E38.4.3, E38.4.4, and E38.4.5. Where the proposed subdivision activity fits into activities listed in Table E38.4.1 Subdivision for specific purposes and those listed in tables E38.4.2, E38.4.3, E38.4.4, and/or E38.4.5 then the activity status listed for each activity in each table also applies.

**Table E38.4.1 Activity table - Subdivision for specific purposes**

	Activity	Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P

(A2)	Subdivision for a network utility	P
(A3)	Conversion of a cross lease to a fee simple title	C
(A4)	Cross lease, company lease, unit title and strata-title subdivision	C
(A5)	Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A6)	Boundary adjustments which do not exceed 10 per cent of the net site area of each site	C
(A7)	Subdivision of a site with two or more zones or subdivision along an undefined zone boundary	RD
(A8)	Subdivision establishing an esplanade reserve	RD
(A9)	Subdivision establishing an esplanade strip	D
(A10)	Any reduction or waiver of esplanade reserves or strips	D
(A11)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• one per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation one per cent annual exceedance probability;</li> <li>• coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise;</li> <li>• land which may be subject to coastal hazards; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A12)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A13)	Any subdivision listed in this activity table not meeting the permitted, controlled, or restricted discretionary activities standards in E38.7 Standards for subdivision for specific purposes	D

**Table E38.4.2 Activity table - Subdivision in residential zones**

	<b>Activity</b>	<b>Activity status</b>
(A14)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1	RD

(A15)	Subdivision around existing buildings and development complying with Standard E38.8.2.2	RD
(A16)	Vacant sites subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.3	RD
(A17)	Vacant sites subdivision involving parent sites of less than 1ha not complying with Standard E38.8.2.3.	D
(A18)	Vacant sites subdivision involving parent sites of 1ha or greater complying with Standard E38.8.3.1	D
(A19)	Vacant sites subdivision involving parent sites of 1ha or greater not complying with Standard E38.8.3.1	NC
(A20)	Subdivision of sites identified in the Subdivision Variation Control complying with Standard E38.8.2.4	RD
(A21)	Subdivision of sites identified in the Subdivision Variation Control not complying with Standard E38.8.2.4	NC
(A22)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay complying with Standard E38.8.2.5	RD
(A23)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay not complying with Standard E38.8.2.5	NC
(A24)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business complying with Standard E38.8.2.6	RD
(A25)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business not complying with Standard E38.8.2.6	NC
(A26)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A27)	Subdivision of a 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
(A28)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A29)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites do not comply	Pr

	with the minimum site size requirement for subdivision in the applicable zone	
(A30)	Any subdivision listed in this activity table not meeting E38.6 General standards for subdivision	D
(A31)	Any subdivision listed in this activity table not meeting the standards in E38.8 Standards for subdivision in residential zones	D
(A32)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.2	D

**Table E38.4.3 Activity table - Subdivision in business zones**

	<b>Activity</b>	<b>Activity status</b>
(A33)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1	RD
(A34)	Subdivision around existing buildings and development complying with Standard E38.9.2.2	RD
(A35)	Vacant sites subdivision complying with Standard E38.9.2.3	RD
(A36)	Vacant sites subdivision not complying with Standard E38.9.2.3	NC
(A37)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A38)	Any subdivision listed in this activity table not meeting standards in E38.9 Standards for subdivision in the business zones	D
(A39)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.3	D

**Table E38.4.4 Activity table - Subdivision in open space zones**

	<b>Activity</b>	<b>Activity Status</b>
(A40)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.10.1.1	RD
(A41)	Subdivision around existing buildings and development complying with Standard E38.10.1.2	RD
(A42)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A43)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.4	D

**Table E38.4.5 Activity table - Subdivision in all other zones excluding those covered by E39 Subdivision - Rural**

	<b>Activity</b>	<b>Activity status</b>
(A44)	Any subdivision not meeting the standards in E38.6 General standards for subdivision	D
(A45)	Subdivision not otherwise provided for in Table E38.4.1	D

**E38.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E38.4.1 Activity table - Subdivision for Specific Purposes will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E38.4.1 to E38.4.5 Activity tables and which is not listed in E38.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**E38.6. General standards for subdivision**

All subdivision listed in Tables E38.4.1 to E38.4.5 Activity tables must comply with the standards set out in E38.6 General standards for subdivision unless otherwise specified, as well as the standards in E38.7 Standards for subdivision for specific purposes to E38.10 Standards for subdivision in open space zones as relevant.

**E38.6.1. Site size and shape**

- (1) Except where the purpose of the site is for a network utility (including a site to be vested in Council), sites must meet one of the following:
  - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
  - (b) be in accordance with an approved land use resource consent; or
  - (c) be around an existing lawfully established development.

**E38.6.2. Access and entrance strips**

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
  - (a) are being created for reserves and network utilities; or

(b) will be amalgamated with another site that already has legal and physical access to a road.

(2) Entrance strips must be less than 7.5 metres wide unless otherwise stated.

### **E38.6.3. Services**

(1) For all proposed sites capable of containing a building, or for cross lease or unit title, strata title, company lease, each lot must be designed and located so that provision is made for the following services:

(a) collection, treatment and disposal of stormwater;

(b) collection, treatment and disposal of wastewater;

(c) water supply;

(d) electricity supply; and

(e) telecommunications.

(2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

### **E38.6.4. Staging**

(1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This must include all of the following:

(a) the time period over which the development is likely to take place;

(b) the areas of land subject to the proposed stages; and

(c) the balance area of the site remaining after the completion of each stage.

### **E38.6.5. Overland flow paths**

(1) All subdivision must be designed to incorporate overland flow paths on the site.

(2) Stormwater must exit the site in a location that does not increase the risk of hazards to downstream properties.

### **E38.6.6. Existing vegetation on the site**

- (1) All subdivision plans, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
  - (a) any areas identified as Significant Ecological Area in the Significant Ecological Areas Overlay; or
  - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

### **E38.7. Standards for subdivision for specific purposes**

#### **E38.7.1. Standards – specific purposes permitted activities**

Subdivision listed as permitted activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.1 Standards – specific purposes permitted activities.

##### **E38.7.1.1. Lease in excess of 35 years of a building or part of a building where a cross lease, company lease or unit title subdivision is not involved:**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

##### **E38.7.1.2. Subdivision for a network utility**

- (1) The network utility activity must:
  - (a) be a permitted activity pursuant to E26 Infrastructure; or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice will be required to state that land that is no longer required for the network utility after it disestablishes must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.



- (4) Sites must have access to a legal road through an appropriate legal mechanism.

### **E38.7.2. Standards – specific purposes controlled activities**

Subdivision listed as controlled activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.2 Standards – specific purposes controlled activities.

#### **E38.7.2.1. Boundary adjustments which do not exceed 10 per cent of the net site area of each site**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

#### **E38.7.2.2. Conversion of a cross-lease to a fee simple title**

- (1) All existing development must meet one of the following:
  - (a) comply with the relevant overlays, Auckland-wide and zone rules;
  - (b) be in accordance with an approved resource consent;
  - (c) have existing use rights;
  - (d) be in accordance with an approved building consent,
  - (e) have a code of compliance certificate, or
  - (f) have a certificate of acceptance.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

#### **E38.7.2.3. Cross lease, company lease, unit title and strata-title subdivision; and Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant Auckland-wide and zone rules; or
  - (c) be in accordance with an approved land use resource consent.

- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building and any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent. Instead parking spaces must be created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

### **E38.7.3. Standards – specific purposes restricted discretionary activities**

Subdivision listed as restricted discretionary activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.3 Standards – specific purposes restricted discretionary activities.

#### **E38.7.3.1. Subdivision of a site with two or more zones or subdivision along an undefined zone boundary**

- (1) Where a site has two or more zones the lot boundaries of the subdivision must follow, as near as possible to, the zone boundaries.
- (2) Where a proposed site is located entirely within a single zone, the proposed site must comply with the relevant subdivision standards for that zone.
- (3) The lots created must comply with the overlay, Auckland-wide and zone rules applying to that particular part of the site.

#### **E38.7.3.2. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectares and the proposed site adjoins the line of mean high water springs or the bank of a river or stream 3 metres or more in width or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The width of any esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water spring, or the bank of a river or stream or margin of any lake.

- (3) Standards E38.7.3.2(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

**E38.7.3.3. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
- (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; or
  - (b) be in accordance with a land use consent that authorises development or building in the floodplain.

**E38.7.3.4. Subdivision of land which may be subject to coastal hazards**

- (1) Each proposed site on land which may be subject to coastal hazards must demonstrate that all of the relevant areas/features in E38.7.3.4(a) to (c) below are located outside of any land that may be subject to coastal hazards:
- (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
  - (b) access to all proposed building platforms or areas; and
  - (c) on-site private infrastructure required to service the intended use of the site.

**E38.8. Standards for subdivisions in residential zones**

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

**E38.8.1. General standards in residential zones**

**E38.8.1.1. Site shape factor in residential zones**

- (1) Access and manoeuvring must meet the requirements of E27 Transport.
- (2) All vacant sites must be able to contain a rectangle of 8 metres by 15 metres except the Residential - Terrace Housing and Apartment Buildings Zone must contain a rectangle of 15 metres by 20 metres, to accommodate a building that complies with all applicable standards of the zone and is located outside:
- (a) the one per cent annual exceedance probability floodplain;

- (b) land which may be subject to coastal hazards;
- (c) land affected by coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise;
- (d) land which may be subject to instability;
- (e) the protected root zone of trees identified in the Notable Trees Overlay;
- (f) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
- (g) areas identified as scheduled historic heritage places, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the sites and Places of Significance to Mana Whenua Overlay;
- (h) network utilities, including private and public lines;
- (i) right-of-way easements;
- (j) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (k) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (l) the separation distance from the National Grid Corridor Overlay.

**E38.8.1.2. Access to rear sites**

- (1) A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites.
- (2) Vehicle access to proposed sites without direct vehicular access to a formed legal road must be by way of an entrance strip, jointly owned access lot or right-of-way easement over adjoining land, or by a combination of these mechanisms, provided the total width and other dimensions of the access comply with the standards in Table E38.8.1.2.1 Access to rear sites below.

[Env-2016-  
AKL-000197:  
Robert  
Adams]

**Table E38.8.1.2.1 Access to rear sites**

[ENV-2016-AKL-000197: Robert Adams]

	Total number of sites served		
	1	2 – 5	6 - 10
Minimum legal width	3.0m	3.5m	6.5m
Minimum formed width	2.5m	3.0m	5.5m
Minimum service strip	0.5m	0.5m	1.0m
Maximum length	50m	50m	100m Note 1
Maximum gradient	1 in 4	1 in 5	
Minimum vertical clearance from buildings or structures	3.8m		
Minimum inside turning radius for bends	6.5m		

**Note 1**

For accessways greater than 50 metres in length speed management measures should be considered.

- (3) Accessways serving six or more rear sites must provide separate pedestrian access, which may be located within the formed driveway.
- (4) The pedestrian access required by E38.8.1.2(3) must meet all of the following:
  - (a) have a minimum width of 1 metre;
  - (b) can include the service strip; and
  - (c) be distinguished from the vehicle carriageway through the use of a raised curb or different surface treatment.

**E38.8.2. Standards – residential restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.2 Standards – residential restricted discretionary activities as relevant.

**E38.8.2.1. Subdivision in accordance with an approved land use resource consent**

- (1) Any subdivision relating to an approved land use consent must comply with that resource consent.

**E38.8.2.2. Subdivision around existing buildings and development**

- (1) Prior to subdivision occurring, all development must meet one of the following:

- (a) have existing use rights;
- (b) comply with the relevant overlay, Auckland-wide and zone rules; or
- (c) be in accordance with an approved land use resource consent.

### **E38.8.2.3. Vacant sites subdivisions involving parent sites of less than 1 hectare**

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare below.

**Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare**

<b>Zone</b>	<b>Minimum net site area for vacant proposed sites</b>
Residential - Terrace Housing and Apartment Buildings Zone	1,200m <sup>2</sup>
Residential - Mixed Housing Urban Zone	300m <sup>2</sup>
Residential - Mixed Housing Suburban Zone	400m <sup>2</sup>
Residential - Single House Zone	600m <sup>2</sup>
Residential - Large Lot Zone	4,000m <sup>2</sup>
Residential - Rural and Coastal Settlement Zone	2,500m <sup>2</sup>

[ENV-2016-AKL-000195]<sup>1</sup>

### **E38.8.2.4. Subdivision of sites identified in the Subdivision Variation Control**

- (1) E38.8.2.3 Vacant sites subdivision involving parent sites of less than 1 hectare and E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater do not apply to sites identified in the Subdivision Variation Control in the planning maps.
- (2) Proposed sites identified in the Subdivision Variation Control in the planning maps must comply with the minimum net site area in Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

<sup>1</sup> [ENV-2016-AKL-000195: The Puhoi Community Forum Incorporated]

**Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control**

Area	Minimum net site area
Beachlands	700m <sup>2</sup>
Bombay	800m <sup>2</sup> for proposed sites serviced by a private wastewater network 2,500m <sup>2</sup> for proposed sites serviced by on-site wastewater systems
Buckland	800m <sup>2</sup>
Clarks Beach	800m <sup>2</sup>
Eastern Whangaparaoa Peninsula	700m <sup>2</sup>
Glenbrook Beach	800m <sup>2</sup>
Herald Island	800m <sup>2</sup>
Maraetai/Omana Beach	700m <sup>2</sup>
Patumahoe	800m <sup>2</sup>
Point Wells	1,000m <sup>2</sup>
Waiiau Beach	800m <sup>2</sup>
Waimauku	800m <sup>2</sup> for proposed sites serviced by a private wastewater network 2,500m <sup>2</sup> for proposed sites serviced by on-site wastewater systems
Parau	4,000m <sup>2</sup>
Huia	4,000m <sup>2</sup>
Little Huia	4,000m <sup>2</sup>
Karekare	4,000m <sup>2</sup>
Piha	4,000m <sup>2</sup>
Bethells/ Te Henga	4,000m <sup>2</sup>
Cornwallis	4,000m <sup>2</sup>

**E38.8.2.5. Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay**

- (1) The subdivision scheme plan must identify the following areas:
- (a) the indigenous vegetation scheduled in the Significant Ecological Areas Overlay and to be marked for protection; and
  - (b) the areas available for residential subdivision.

- (2) The following standards apply to the areas available for residential subdivision:
  - (a) the total number of lots created must not exceed the total number of lots which could be created over the net site area of the parent site subject to meeting Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater;
  - (b) residential lots to be created must be located entirely within the areas available for residential subdivision;
  - (c) the minimum net site areas in Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater do not apply to the area available for residential development of the parent site outside the Significant Ecological Areas Overlay as determined under E38.8.2.5(1)(b) above;
  - (d) a plan showing the proposed development on the areas available for residential subdivision must be provided;
  - (e) the proposed development must meet the relevant standards in the residential zones; and
- (3) The indigenous vegetation area scheduled in the Significant Ecological Areas Overlay must be legally protected and maintained in accordance with the process outlined in Appendix 15 Subdivision information and process; and
- (4) The subdivision resource consent must be made subject to a consent condition which requires that the subdivision scheme plan creating the sites is to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation, or area of restoration planting to be protected, as applicable.

**E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business**

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.



**Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls**

<b>Special Character Areas Overlay – Residential and Business – Sub area</b>	<b>Minimum net site area</b>
Isthmus A	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor
Isthmus B1 and B3	1,000m <sup>2</sup>
Isthmus B2	600m <sup>2</sup>
Isthmus C1	400m <sup>2</sup> or 500m <sup>2</sup> where the site does not comply with the shape factor
Isthmus C2	600m <sup>2</sup>
Isthmus C2a (refer to Figure E38.8.2.6 below)	1,000m <sup>2</sup> on sites identified in Figure E38.8.2.6 below
North Shore Area A	450m <sup>2</sup>
North Shore Area B	500m <sup>2</sup>
North Shore Area C	600m <sup>2</sup>

Figure E38.8.2.6 Isthmus C2a sites



**E38.8.3. Standards – residential discretionary activities**

Subdivision listed as a discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.3 Standards – residential discretionary activities, as relevant.

**E38.8.3.1. Vacant sites subdivision involving parent sites of 1 hectare or greater**

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed vacant sites subdivision in the Residential - Large Lot Zone, Residential - Rural and Coastal Settlement Zone and Residential - Terrace Housing and Apartment Buildings Zone, must meet the minimum net site area for subdivision in the relevant zone as set out in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare above.
- (3) For other residential zones, each vacant site must comply with the minimum net site area in Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater.
- (4) The minimum average net site area calculated over the total of all sites created must comply with Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent site of 1 hectare or greater.

**Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater**

<b>Zone</b>	<b>Minimum Net Site Area</b>	<b>Minimum Average Net Site area</b>	<b>Maximum Average Net Site area</b>
Single House Zone	480m <sup>2</sup>	600m <sup>2</sup>	720m <sup>2</sup>
Mixed Housing Suburban Zone	320m <sup>2</sup>	400m <sup>2</sup>	480m <sup>2</sup>
Mixed Housing Urban Zone	240m <sup>2</sup>	300m <sup>2</sup>	360m <sup>2</sup>

- (5) When calculating the minimum average net site area for the purpose of Standard E38.8.3.1(3), any proposed site with a net site area greater than the maximum average net site area specified for the applicable zone in Table E38.8.3.1.1 Minimum net site areas for subdivision involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.

- (6) For all subdivision on a parent site greater than 1 hectare where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.

### **E38.9. Standards for subdivisions in the business zones**

Subdivision listed in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivision and E38.9.1 General standards for business zones.

#### **E38.9.1. General standards for business zones**

##### **E38.9.1.1. Site shape factor in business zones**

- (1) All vacant sites must be able to contain a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides to accommodate a building that complies with all applicable controls of the zone and is located outside all of the following:
- (a) the one per cent annual exceedance probability floodplain;
  - (b) land affected by coastal storm inundation one per cent annual exceedance probability;
  - (c) land affected by coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise;
  - (d) land affected by coastal erosion as identified;
  - (e) land which may be subject to land instability;
  - (f) the protected root zone of trees identified in the Notable Trees Overlay;
  - (g) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
  - (h) areas identified as scheduled historic heritage place, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay;
  - (i) private and public network utilities;
  - (j) private and public stormwater and wastewater lines;
  - (k) building line restrictions;

- (l) right-of-way easements;
- (m) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (n) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (o) separation distance from the National Grid Corridor Overlay; and

#### **E38.9.1.2. Parking areas**

- (1) Where parking spaces are permitted in association with a development or required as part of a development, where resource consent has been obtained and any such development is subdivided under the Unit Titles Act 2010, the parking spaces must be:
  - (a) held together with the principal units; or
  - (b) form a part of the common property.
- (2) Any parking spaces identified as a principal unit must be tied to the approved land use by way of a legal instrument on the title.
- (3) Discretion may be applied where specific approval has been granted by resource consent for shared car parking with other development within close proximity to the site.
- (4) This standard does not apply to buildings or land used exclusively for car parking.

#### **E38.9.1.3. Signs and billboards**

- (1) Where signs or billboards have been approved on a building with resource consent and the development is subdivided under the Unit Titles Act 2010, the signs or billboards must not be created as principal units on the survey plan. The sign or billboard must be identified as an accessory unit or alternatively form a part of the common property.

#### **E38.9.2. Standards – business restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.9.1 General standards in business zones and E38.9.2 Standards – business restricted discretionary activities, as relevant.

##### **E38.9.2.1. Subdivision in accordance with an approved land use resource consent**

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

**E38.9.2.2. Subdivision around existing buildings and development**

- (1) Prior to subdivision occurring, all development must:
- (a) have existing use rights;
  - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
  - (c) be in accordance with an approved land use resource consent.

**E38.9.2.3. Vacant sites subdivision**

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision below.
- (3) Rear sites must not exceed 20 per cent of the total number of proposed sites.
- (4) Entrance strips and accessways for rear sites must comply with Table E27.6.4.3.2 Vehicle crossing and vehicle access widths.

**Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision**

<b>Standard</b>	<b>Business - City Centre Zone</b>	<b>Business - Metropolitan Centre Zone</b>	<b>Business - Town Centre Zone</b>	<b>Business - Local Centre Zone</b>	<b>Business - Neighbourhood Centre Zone</b>
Minimum net site size	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>
Minimum frontage	10m for sites over 2,000m <sup>2</sup>	10m for sites over 2,000m <sup>2</sup>	10m for sites over 2,000m <sup>2</sup>	N/A	N/A
<b>Standard</b>	<b>Business - Mixed Use Zone</b>	<b>Business - General Business Zone</b>	<b>Business - Business Park Zone</b>	<b>Business - Light Industry Zone</b>	<b>Business - Heavy Industry Zone</b>
Minimum net site size	200m <sup>2</sup>	200m <sup>2</sup>	1,000m <sup>2</sup>	1,000m <sup>2</sup>	2,000m <sup>2</sup>
Minimum average site size	N/A	N/A	N/A	2,000m <sup>2</sup>	5,000m <sup>2</sup>

Minimum frontage	N/A	N/A	10m	20m	20m
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### **E38.10. Standards for subdivision in open space zones**

#### **E38.10.1. Standards – open space restricted discretionary activities**

Subdivision listed in Table E38.4.4 Subdivision in open space zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.10.1 Standards – open space restricted discretionary activities as relevant.

##### **E38.10.1.1. Subdivision in accordance with an approved land use resource consent**

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

##### **E38.10.1.2. Subdivision around existing buildings and development**

- (1) Prior to subdivision occurring, all development must meet one of the following matters:
- (a) have existing use rights;
  - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
  - (c) be in accordance with an approved land use resource consent.

### **E38.11. Assessment – controlled activities**

#### **E38.11.1. Matters of control**

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

- (1) all controlled activities:
- (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
  - (c) the effects of infrastructure provision; and
  - (d) the effects on historic heritage and cultural heritage items.

#### **E38.11.2. Assessment criteria**

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

- (1) all controlled activities:

- (a) compliance with an approved resource consent except for boundary adjustment subdivision:
  - (i) refer to Policy E38.3(6);
- (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
  - (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
  - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
  - (iii) refer to Policy E38.3(1), (10) and (22);
- (c) the effects of infrastructure provision:
  - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
  - (ii) refer to Policy E38.3(17); and
- (d) the effects on historic heritage and cultural heritage items:
  - (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
  - (ii) refer to Policy E38.3(4).

## **E38.12. Assessment – restricted discretionary activities**

### **E38.12.1. Matters of discretion**

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

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain:
  - (a) the effects of the hazard on the intended use of the site or sites created by the subdivision and the vulnerability of the uses to flood hazard events.



- (2) subdivision of a site subject to coastal storm inundation one per cent annual exceedance probability or coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise:
  - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site subject to coastal hazards:
  - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal hazards.
- (4) subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (5) subdivision establishing an esplanade reserve:
  - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) subdivision around existing buildings and development; and subdivision in accordance with an approved land use resource consent:
  - (a) the effect of the design and layout of the proposed sites created.
- (7) all other restricted discretionary activity subdivisions:
  - (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;
  - (b) the effect of infrastructure provision and management of effects of stormwater
  - (c) the effect on the functions of floodplains and provision for any required overland flow paths:
  - (d) the effect on historic heritage and cultural heritage items:
  - (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
  - (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;

- (g) the effects arising from any significant increase in traffic volumes on the existing road network;
  - (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
  - (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
  - (j) the effect on recreation and open space.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
- (a) the matters in E38.12.1(7); and
  - (b) the effects on the significant ecological area.
- (9) subdivision of sites identified in the Subdivision Variation Control:
- (a) the matters in E38.12.1(7); and
  - (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas.

#### **E38.12.2. Assessment Criteria**

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

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain:
  - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
    - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
    - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
    - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
    - (iv) refer to Policy E38.3(2).
- (2) subdivision of a site subject to coastal storm inundation one per cent annual exceedance probability or coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise:

- (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
  - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area, taking into account in urban and serviced areas a 1 metre rise in sea levels;
  - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
  - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
  - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
  - (v) refer to Policy E38.3(2).
- (3) subdivision of a site subject to coastal hazards:
  - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal hazards:
    - (i) whether public access to the coast is affected;
    - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
    - (iii) refer to Policy E38.3(2).
- (4) subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) refer to Policy E38.3(2).

(5) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:

(i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and

(ii) refer to Policies E38.3(24), (25) and (26).

(6) subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent:

(a) the effect of the design and layout of the proposed sites created:

(i) whether the design and layout of the proposed sites create result in new or increased non-compliance with Auckland-wide and zone rules;

(ii) whether there is appropriate provision made for infrastructure;

(iii) whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

(iv) refer to Policies E38.3(1) and (6).

(7) all other restricted discretionary activity subdivisions:

(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).

(b) the effect of infrastructure provision and management of effects of stormwater

(i) whether there is appropriate provision of and adequate access to existing and new infrastructure, and provision of appropriate management of effects of stormwater;

(ii) the extent to which drainage reserves are integrated into the layout of the subdivision and neighbourhood;

(iii) whether the design and implementation of any necessary physical works including those associated with site preparation works, infrastructure and access are carried out in accordance with

recognised best engineering practice or in accordance with Section 2 - Earthworks and Geotechnical Requirements of the Auckland Council Code of Practice for Land Development and Subdivision Version 1.6 dated 24 September 2013.

- (iv) refer to Policies E38.3(19) to (23).
- (c) the effect on the functions of floodplains and provision for any required overland flow paths:
  - (i) refer to Policy E38.3(2).
- (d) the effect on historic heritage and cultural heritage items:
  - (i) the extent to which any sites identified in the Historic Heritage Overlay, or Sites and Places of Significance to Mana Whenua Overlay are protected or avoided; and
  - (ii) refer to Policy E38.3(4).
- (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
  - (i) refer to Policy E38.3(10).
- (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
  - (i) refer to Policy E38.3(11).
- (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).
- (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
  - (i) refer to Policy E38.3(3).
- (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
  - (i) refer to Policy E38.3(14).
- (j) the effect on recreation and open space:
  - (i) the extent to which reserves and open space are provided and their integration with the surrounding open space network and

suitability for the intended function and future requirements of the area;

(ii) refer to Policy E38.3(18).

(8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:

(a) the matters in E38.12.1(7);

(i) the assessment criteria listed in E38.12.2(7); and

(b) the effects on the significant ecological area:

(i) whether the legal protection proposed for the significant ecological area is appropriate;

(ii) whether there are positive effects associated with the protection of the significant ecological area; and

(iii) refer to Policy E38.3(5).

(9) subdivision of sites identified in the Subdivision Variation Control

(a) the matters in E38.12.1(7): and

(i) the assessment criteria listed in E38.12.2(7); and

(b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas:

(i) refer to Policies E38.3(27), (28) and (29).

### **E38.13. Special information requirements**

There are no special information requirements in this section.

## **E39. Subdivision – Rural**

### **E39.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural – Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural – Rural Conservation Zone and Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision provisions in all other zones refer to E38 Subdivision – Urban.

### **E39.2. Objectives**

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Māori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.

<sup>2</sup>[ENV-206];<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];<sup>9</sup>[ENV-248]

(9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land amalgamation incentivised area, and the transfer of titles to certain Rural – Countryside Living Zone areas.

(10) Fragmentation of rural production land by:

(a) subdivision of land containing elite soil is avoided;

(b) subdivision of land containing prime soil is avoided where practicable; and

(c) subdivision of land avoids contributing to the inappropriate, random and wide dispersal of rural lifestyle lots throughout rural and coastal areas.

<sup>1</sup>[ENV-189];<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-248]

(11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.

<sup>4</sup>[ENV-212];<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];<sup>9</sup>[ENV-248]

(12) Rural lifestyle subdivision is primarily limited to the Rural – Countryside Living Zone, and to sites created by protecting or creating significant areas of indigenous vegetation or wetlands.

(13) Subdivision of any minor dwellings and workers' accommodation from the parent site is avoided.

<sup>1</sup>[ENV-189];<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-248]

(14) Subdivision is provided for by either:

(a) Limited in-situ subdivision through the protection of significant indigenous vegetation and/or through indigenous revegetation planting; or

(b) Transfer of titles, through the protection of indigenous vegetation and wetlands and/or through indigenous revegetation planting to Countryside Living zones.

(15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.

(16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]



(17) Subdivision:

- (a) outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;
- (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters while taking into account the likely long term effects of climate change;

**E39.3. Policies**

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.
- (3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:
  - (a) restricting further subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone for a range of rural production activities; and
  - (b) providing for the transfer of titles to certain Rural – Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in Appendix 14 Land amalgamation incentivised area through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict in-situ subdivision for rural lifestyle living to where:
- (a) the site is located in the Rural – Countryside Living Zone;
  - (b) the site is created through the protection of indigenous vegetation; or
  - (c) the site is created through indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural – Countryside Living Zone which are identified using the subdivision variation control on the planning maps.
- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

*Protection of indigenous vegetation and wetland and revegetation planting*

- (15) Enable limited in-situ subdivision through the protection of indigenous vegetation identified in the Significant Ecological Areas Overlay and indigenous revegetation planting.
- (16) Encourage the transfer of titles through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay and indigenous revegetation planting.

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

(17) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.

<sup>1</sup>[ENV-189];<sup>2</sup>[ENV-206];<sup>3</sup>[ENV-207];<sup>4</sup>[ENV-212];<sup>5</sup>[ENV-215];<sup>6</sup>[ENV-216];<sup>7</sup>[ENV-219];<sup>8</sup>[ENV-227];<sup>9</sup>[ENV-234];<sup>10</sup>[ENV-248]  
(18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:

(a) there will be significant environmental protection of indigenous vegetation;

(b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;

(c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;

(d) adverse effects on rural and coastal character are avoided, remedied or mitigated;

(e) sites are of sufficient size to absorb and manage adverse effects within the site; and

(f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.

(19) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

#### *Natural features and landscape*

(20) Require subdivision, including site boundaries and specified building areas and access, to:

(a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;

(b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;

(c) avoid adverse effects on riparian margins and protected natural features; and

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<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

- (d) avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

*Esplanade Reserves and Strips*

- (21) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (22) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where the following apply:
  - (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;
  - (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
  - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or
  - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.

- (23) Require esplanade reserves rather than esplanade strips unless the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
  - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
  - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
  - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

*Amenity*

- (24) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (25) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (26) Restrict the location and design of sites and specified building areas to:
- (a) integrate development with the existing landscape; and
  - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.
- (27) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

*Infrastructure*

- (28) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (29) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
  - (b) stormwater; and

- (c) potable water.
- (30) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
  - (c) potable water.
- (31) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management;
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain or progressively improve water quality;
  - (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
  - (g) in an integrated and cost-effective way.
- (32) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.
- (33) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

#### **E39.4. Activity table**

[CIV-2016-404-002330: Transpower New Zealand Limited] – subdivision within the National Grid Yard

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply

unless there are different provisions in D26 National Grid Corridor Overlay in which case the overlay provisions will take precedence.

For all other subdivision refer to E38 Subdivision – Urban.

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to D12 Waitākere Ranges Heritage Area Overlay for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

**Table E39.4.1 Subdivision for specified purposes**

Activity		Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D
(A7)	Any reduction or waiver of esplanade reserves or strips	D
(A8)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• one per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation one per cent annual exceedance probability;</li> <li>• coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise;</li> <li>• land which may be subject to coastal hazards; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and E39.6.3	D

**Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone)**

Activity		Activity status	
(A11)	Subdivision for open spaces, reserves or road realignment	D	
(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D	
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC	
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D	
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC	
<sup>1</sup> [ENV-189]; <sup>2</sup> [ENV-206]; <sup>3</sup> [ENV-207]; <sup>4</sup> [ENV-212]; <sup>5</sup> [ENV-215]; <sup>6</sup> [ENV-216]; <sup>7</sup> [ENV-219]; <sup>8</sup> [ENV-227]; <sup>9</sup> [ENV-234]; <sup>10</sup> [ENV-248]	(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
	(A17)	In-situ subdivision creating additional sites through protection of indigenous vegetation identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
	(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
	(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
	(A20)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6	RD
	(A21)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6	NC
	(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
	(A23)	Transferable rural sites subdivision through establishing revegetative planting not complying with Standard E39.6.4.6	NC

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]



(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area not complying with Standard E39.6.4.7	NC
(A26)	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
(A27)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

**Table E39.4.3 Subdivision in Future Urban Zone**<sup>4</sup>[ENV-198];<sup>5</sup>[ENV-204:];<sup>6</sup>[ENV-223]

Activity		Activity status
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

<sup>1</sup>[ENV-206];<sup>2</sup>[ENV-207];<sup>3</sup>[ENV-248]**Table E39.4.4 Subdivision in Special Purpose – Quarry Zone**

Activity		Activity status
(A30)	Any other subdivision not provided for in Table E39.4.1	D

<sup>1</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]<sup>2</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]<sup>3</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]<sup>4</sup>[ENV-2016-AKL-000198: Welsford Family Trust]<sup>5</sup>[ENV-2016-AKL-000204: James Richard Davies and Johanne Kahlenberg as Trustees of the Davies Khahlenberg Family Trust]<sup>6</sup>[ENV-2016-AKL-000223: Albany North Landowners' Group (ANLG)]

**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 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

**E39.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**E39.6. Standards**

Subdivision listed in Tables E39.4.1 to E39.4.5 must comply with the relevant standards in E39.6.1 General standards, and the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in E39.6.2 to E39.6.5.

### **E39.6.1. General standards**

#### **E39.6.1.1. Specified building area**

- (1) A specified building area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
  - (a) the location of the existing dwelling;
  - (b) indicate that the dwelling will be removed from the site; or
  - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
  - (a) include a single area of at least 2,000m<sup>2</sup> clear of all of the following:
    - (i) all yards;
    - (ii) one per cent annual exceedance probability floodplain areas;
    - (iii) land affected by coastal storm inundation one per cent annual exceedance probability;
    - (iv) land affected by coastal storm inundation one per cent annual exceedance probability plus 1m sea level rise;
    - (v) land which may be subject to coastal hazards;
    - (vi) land which may be subject to land instability;
    - (vii) access to all proposed building platforms or areas; and
    - (viii) on-site private infrastructure required to service the intended use of the site.
  - (b) be able to be linked by adequate and appropriate vehicle access to a formed public road;
  - (c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and
  - (d) be located outside of the Quarry Buffer Area Overlay.

#### **E39.6.1.2. Access and entrance strips**

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
  - (a) are being created for reserves, network utilities or road closure; or

- (b) will be amalgamated with another site that already has legal and physical access to a road.

#### **E39.6.1.3. Services**

- (1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:
  - (a) collection, treatment and disposal of stormwater;
  - (b) collection, treatment and disposal of wastewater;
  - (c) water supply;
  - (d) electricity supply; and
  - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

#### **E39.6.1.4. Staging**

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
  - (a) the time period over which the development is likely to take place;
  - (b) the areas of land subject to the proposed stages; and
  - (c) the balance area of the site remaining after the completion of each stage.

#### **E39.6.1.5. Overland flow paths**

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

#### **E39.6.1.6. Existing vegetation on the site**

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:

(a) any areas identified as an Significant Ecological Area in the D9 Significant Ecological Areas Overlay; or

(b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

### **E39.6.2. Standards – permitted activities**

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

#### **E39.6.2.1. Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease or unit title subdivision is not involved**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

#### **E39.6.2.2. Subdivision for a network utility**

- (1) The network utility activity must meet one of the following:
  - (a) be a permitted activity pursuant to E26 Infrastructure; or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

### **E39.6.3. Standards - controlled activities**

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

**E39.6.3.1. Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant overlays, Auckland-wide and zone standards;  
or
  - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

**E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-219];  
<sup>7</sup>[ENV-227];  
<sup>8</sup>[ENV-248]

- (5) If any boundary adjustment under this control creates the potential for additional subdivision or dwellings over and above what was possible for each site prior to the boundary adjustment a legal covenant or consent notice under s. 221 of the RMA is to be registered on the titles prohibiting;
- (a) any further subdivision; and/or
- (b) new dwellings.

#### **E39.6.4. Standards – restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

##### **E39.6.4.1. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

##### **E39.6.4.2. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
- (a) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>7</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>8</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

- (b) be in accordance with a land use consent that authorises development or building in the floodplain.

**E39.6.4.3. Subdivision of land which may be subject to coastal hazards**

- (1) Each proposed site on land which may be subject to coastal hazards must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal hazards:
- (a) a specified building area that meets the requirements of Standard E39.6.1 General standards;
  - (b) access to all proposed building platforms or areas; and
  - (c) on-site private infrastructure required to service the intended use of the site.

**E39.6.4.4. In-situ subdivision creating additional sites through protection of indigenous vegetation identified in the Significant Ecological Areas Overlay**

Refer to Appendix 15 Subdivision information and process for further information in relation to in-situ subdivisions.

- (1) The indigenous vegetation to be protected must be identified in the Significant Ecological Areas Overlay.
- (2) The maximum number of sites created from the protection of an indigenous vegetation must comply with Table E39.6.4.4.1

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]



<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

**Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from the protection of indigenous vegetation identified in Significant Ecological Areas Overlay**

the Areas of indigenous vegetation to be protected	Maximum number of rural residential sites that may be created for Transferable Rural Site Subdivision	Maximum number of rural residential sites that may be created for in-situ subdivision
5ha – 9.9999ha	1	1
10ha – 14.9999ha	2	2
15ha – 20ha	3	3 (maximum)
For every 10ha increment of SEA (indigenous vegetation) which is protected beyond the protection of 20ha	No maximum	

- (3) A 20 metre buffer is to be applied to the perimeter of the indigenous vegetation and included as part of the protected area.
- (4) The additional sites must be created on the same site as the indigenous vegetation subject to protection.

Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.

- (5) The additional sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation proposed to be legally protected in accordance with Appendix 15 Subdivision information and process must be identified on the subdivision scheme plan.
- (7) Areas of indigenous vegetation to be legally protected as part of the proposed subdivision must not already be subject to legal protection.

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

- (8) Areas of indigenous vegetation to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.
- (9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation or wetland.

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

- (10) All applications must include all of the following:
- (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation and buffer area remain protected in perpetuity. Refer to legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process for further information;
  - (b) the plans required in E39.6.4.4(10)(a) must be prepared by a suitably qualified and experienced person.
- (11) Indigenous vegetation to be protected must be made subject to a legal protection mechanism meeting all of the following:
- (a) protection of all the indigenous vegetation and buffer existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area; and
  - (b) consistent with the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process.
- (12) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
- (a) the establishment of secure stock exclusion;
  - (b) the maintenance of the indigenous vegetation must ensure that all invasive plant pests are eradicated

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

(c) the maintenance of the indigenous vegetation must ensure animal and plant pest control occurs.

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

**E39.6.4.5. In-situ subdivision creating additional sites through establishing indigenous revegetation planting**

(1) Any established revegetation planting must meet all of the following:

- (a) not be located on land containing elite soil or prime soil;
- (b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays; and

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

(c) be contiguous with existing indigenous vegetation identified in the Significant Ecological Area Overlay.

(d) the criteria as set out in Appendix 16 Guideline for native revegetation plantings.

(2) The maximum number of new sites created through establishing revegetation planting must comply with Table E39.6.4.5.1.

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<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

**Table E39.6.4.5.1 Maximum number of new sites from establishing native revegetation planting (to be added to existing indigenous vegetation identified in the Significant Ecological Area Overlay) subject to protection**

Minimum area of established native revegetation planting (to be added to an existing indigenous vegetation identified in the Significant Ecological Area Overlay) subject to protection	Maximum number of new sites for Transferable Rural Site Subdivision	Maximum number of new sites for in-situ subdivision
5ha – 9.9999ha	1	1
10ha – 14.9999ha	2	2
15ha or more	3 (maximum)	3 (maximum)

(3) Any new site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.

(4) Any established revegetation planting proposed must be legally protected.

(5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:

(a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any revegetation planting; and

(b) meets the requirements as set out in Appendix 15 Subdivision information and process.

(6) All applications must include all of the following:

(a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation and buffer area remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process for further information;

<sup>1</sup>[ENV-189];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];

<sup>1</sup>[ENV-189];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

<sup>1</sup>[ENV-189];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

(b) a planting plan for revegetation planting which outlines the restoration measures proposed to be carried out within or adjacent to the indigenous vegetation proposed to be protected in accordance with Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings ; and

(c) the plans required in E39.6.4.5(6)(a) and (b) must be prepared by a suitably qualified and experienced person.

(7) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:

(a) the establishment of secure stock exclusion;

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

(b) the maintenance of plantings that must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;

(c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;

(d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and

(e) the maintenance of plantings must ensure animal and plant pest control occurs.

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

(8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation to be protected.

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<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

**E39.6.4.6. Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or transferable rural sites subdivision through establishing revegetation planting**

Refer to Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings for further information on transferable rural sites subdivisions and revegetation planting.

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation must meet all of the standards that are applicable for:
  - (a) the protection of indigenous vegetation identified in the Significant Ecological Areas Overlay as set out in Standard E39.6.4.4; or
  - (b) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.
- (2) All transferable rural site subdivision applications involving protection of wetlands must meet:
  - (a) Clauses 1 and 3-12 in E39.6.4.4 as if references to indigenous vegetation are references to wetlands;
  - (b) The maximum number of new sites created through the protection of wetlands must comply with Table E39.6.4.6.1.

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<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-234];  
<sup>10</sup>[ENV-248]

**Table E39.6. 4.6.1 Maximum number of new sites to be created from the protection of wetland identified in the Significant Ecological Areas Overlay**

Area of wetland to be protected	Maximum number of rural residential sites that may be created for Transferable Rural Site Subdivision	Maximum number of rural residential sites that may be created for in-situ subdivision
Minimum 5,000m <sup>2</sup>	1	No in-situ subdivision
1,000m <sup>2</sup> – 1.9999ha	2 (maximum)	

- (3) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (4) The receiver site must be located within a Rural – Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (5) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural – Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (6) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

**E39.6.4.7. Transferable rural site subdivision through the amalgamation of donor sites, including sites identified in Appendix 14 Land amalgamation incentivised area**

- (1) Prior to amalgamation of donor sites, all applications for amalgamation of donor sites must meet the following:
  - (a) donor sites must be abutting;

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000234: Radiata Properties Limited]

<sup>10</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

- (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;
  - (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
  - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
  - (e) each site must have a net site area of between 1 and 20 hectares;
  - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
  - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:
- (a) be held in a single certificate of title;
  - (b) rescinded in such a way that replacement titles cannot be reissued;
  - (c) made subject to a legal protection mechanism that states all of the following:
    - (i) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
    - (ii) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
    - (iii) the new site has no further potential to be used for the purpose of a transferable rural sites subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:



- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

**Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites**

<b>Transferable rural sites subdivision by way of amalgamation</b>	
<b>Criteria</b>	<b>Maximum Number of new sites for transfer</b>
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	Two new sites for every two donor sites amalgamated
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

### **E39.6.5. Standards – discretionary activities**

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.2.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards – discretionary activities.

#### **E39.6.5.1. Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, and Rural – Rural Conservation Zone**

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

**Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision**

<b>Zone</b>	<b>Minimum average site size (ha)</b>	<b>Minimum site size (ha)</b>
Rural – Rural Production	100	80
Rural – Mixed Rural	50	40
Rural – Rural Coastal	50	40
Rural – Rural Conservation	20	10

**E39.6.5.2. Subdivision in the Rural – Countryside Living Zone**

- (1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:
- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
  - (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
  - (c) the minimum frontage for all front sites must be 15 metres; and
  - (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

**Table E39.6.5.2.1 Minimum and minimum average net site areas**

<b>Location of Rural – Countryside Living Zone</b>	<b>Minimum net site area and average net site area without transferable rural site subdivision</b>	<b>Minimum net site area and average net site area with transferable rural site subdivision</b>
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha

Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Whitford (excluding precinct and Caldwell's Road)	Minimum: 2ha Minimum average: 4ha	N/A
Whitford – Caldwell's Road	Minimum: 1ha Minimum average: 2ha	N/A
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m <sup>2</sup> Minimum average: 7,500m <sup>2</sup>	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A
Okura East	Minimum: 4ha	N/A

<sup>1</sup>[ENV-215];  
<sup>2</sup>[ENV-219];  
<sup>3</sup>[ENV-227];

[ENV-2016-  
AKL-000196;  
Weili Yang,  
Zhi Li and  
Jing Niu]  
[ENV-2016-  
AKL-000211;  
Okura  
Holdings  
Limited]

### E39.6.5.3. Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

<sup>1</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>2</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>3</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

## **E39.7. Assessment – controlled activities**

### **E39.7.1. Matters of control**

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

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
  - (c) the effects of infrastructure provision; and
  - (d) the effects on historic heritage and cultural heritage items.

### **E39.7.2. Assessment criteria**

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

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision:
    - (i) refer to Policy E39.3(6);
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
    - (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
    - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
    - (iii) refer to Policy E39.3(25), (26) and (27);

<sup>1</sup>[ENV-189];

<sup>2</sup>[ENV-215];

<sup>3</sup>[ENV-219];

<sup>4</sup>[ENV-227];

<sup>5</sup>[ENV-248]

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>3</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>4</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>5</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

(c) the effects of infrastructure provision:

(i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

(ii) refer to Policy E39.3(28) and (32).

(d) the effects on historic heritage and cultural heritage items;

(i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and

(ii) refer to Policy E39.3(4).

(2) Subdivision in the Rural – Waitākere Foothills Zone:

(a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (17), (20), (25) and (28) – (33).

## **E39.8. Assessment – restricted discretionary activities**

### **E39.8.1. Matters of discretion**

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

(1) subdivision of a site within the one per cent annual exceedance probability floodplain:

(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.

(2) subdivision of a site subject to coastal storm inundation one per cent annual exceedance probability or coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise:

(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.

(3) subdivision of a site subject to coastal hazards:

(a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal hazards.

<sup>1</sup>[ENV-189];

<sup>2</sup>[ENV-215];

<sup>4</sup>[ENV-219];

<sup>5</sup>[ENV-227];

<sup>6</sup>[ENV-248]

<sup>1</sup>[ENV-189];

<sup>2</sup>[ENV-215];

<sup>3</sup>[ENV-216];

<sup>4</sup>[ENV-219];

<sup>5</sup>[ENV-227];

<sup>6</sup>[ENV-248]

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>3</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>4</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>5</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>6</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

(4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:

(a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.

(5) subdivision establishing an esplanade reserve:

(a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-248]

(6) in-situ subdivision creating additional sites through protection of indigenous vegetation identified in the Significant Ecological Areas Overlay; in-situ subdivision creating additional sites through establishing revegetation planting:

(a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas, do not unnecessarily compromise other elements of rural character and amenity:

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-248]

(i) the number of sites created, site size, building platforms locations, access;

(ii) the rural character, landscapes and amenity;

(iii) the location of the indigenous vegetation and/or revegetation planting relative to proposed new sites and to existing vegetation;

(iv) the quality of the indigenous vegetation and/or revegetation planting to be protected;

(v) the compliance with Auckland-wide rules;

<sup>1</sup>[ENV-189];  
<sup>2</sup>[ENV-206];  
<sup>3</sup>[ENV-207];  
<sup>4</sup>[ENV-212];  
<sup>5</sup>[ENV-215];  
<sup>6</sup>[ENV-216];  
<sup>7</sup>[ENV-219];  
<sup>8</sup>[ENV-227];  
<sup>9</sup>[ENV-248]

(vi) any management plans for the ongoing protection and management of indigenous vegetation or revegetation planting;

(vii) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

<sup>1</sup>[ENV-189];

<sup>2</sup>[ENV-206];

<sup>3</sup>[ENV-207];

<sup>4</sup>[ENV-212];

<sup>5</sup>[ENV-215];

<sup>6</sup>[ENV-216];

<sup>7</sup>[ENV-219];

<sup>8</sup>[ENV-227];

<sup>9</sup>[ENV-248]

- (viii) the legal protection for indigenous vegetation or revegetation planting;
- (ix) any reverse sensitivity effects; and
- (x) the location of identified building areas platforms relative to areas of significant mineral resources.

<sup>1</sup>[ENV-189];

<sup>2</sup>[ENV-206];

<sup>3</sup>[ENV-207];

<sup>4</sup>[ENV-212];

<sup>5</sup>[ENV-215];

<sup>6</sup>[ENV-216];

<sup>7</sup>[ENV-219];

<sup>8</sup>[ENV-227];

<sup>9</sup>[ENV-248]

- (7) transferable rural site subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay; transferable rural site subdivision through establishing revegetation planting:
  - (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas, do not unnecessarily compromise other elements of rural character and amenity:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural – Countryside Living Zone; and
    - (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.
- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in Appendix 14 Land amalgamation incentivised area:
  - (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the location and the soil qualities of the donor sites;
    - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
    - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

<sup>1</sup>[ENV-2016-AKL-000189: Cabra Rural Developments Limited and Others]

<sup>2</sup>[ENV-2016-AKL-000206: Cato Bolam Consultants Limited]

<sup>3</sup>[ENV-2016-AKL-000207: David Mason, Better Living Landscapes Ltd, Parallax Surveyors Ltd, Fluker Surveyors Ltd, and Sayes In Trust Ltd]

<sup>4</sup>[ENV-2016-AKL-000212: Smithies Family Trust]

<sup>5</sup>[ENV-2016-AKL-000215: Man O'War Farm Limited]

<sup>6</sup>[ENV-2016-AKL-000216: Zakara Investments Limited]

<sup>7</sup>[ENV-2016-AKL-000219: Houghton Family Trust]

<sup>8</sup>[ENV-2016-AKL-000227: Kumeu-Huapai Residents and Ratepayers Association Incorporated]

<sup>9</sup>[ENV-2016-AKL-000248: Terra Nova Planning Limited]

### **E39.8.2. Assessment criteria**

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

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain and flood prone areas:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
    - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
    - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
    - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
    - (iv) refer to Policy E39.3(2).
- (2) subdivision of a site subject to coastal storm inundation one per cent annual exceedance probability and coastal storm inundation one per cent annual exceedance probability plus 1 metre sea level rise:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
    - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;
    - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
    - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
    - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
    - (v) Policy E39.3(2).
- (3) subdivision of site subject to coastal hazards:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal hazards:
    - (i) whether public access to the coast is affected;
    - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and



- (iii) Policy E39.3(2).
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) Policy E39.3(2).
- (5) subdivision establishing an esplanade reserve:
  - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:
    - (i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and
    - (ii) Policies E39.3(1), (21), (22) and (23).
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation identified in the Significant Ecological Areas Overlay; in-situ subdivision creating additional sites through establishing revegetation planting:
  - (a) Policies E39.3(1), (15), (16), (17), (18), (24) – (27) and (29) to (31).
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay; transferable rural sites subdivision through establishing revegetation planting:
  - (a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), (18), (24) – (27) and (29) to (31).
- (8) transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area:
  - (a) Policies E39.3(1), (3), (9), (11), (12), (13), (15), (16), (17), (18) and (29) to (31).

**E39.9. Special information requirements**

There are no special information requirements in this section.

## **E40. Temporary activities**

### **E40.1. Background**

Temporary activities contribute to Auckland's vibrancy and to the social, cultural and economic well-being of communities. Temporary activities also enable filming and training activities to be undertaken.

Temporary activities may restrict public access and have adverse effects on amenity values, communities and the natural environment. To manage these effects the Plan contains rules for temporary activities on land and in the coastal marine area, and the particular effects of various activities are managed through bylaws. Events on public land or water must also obtain an event licence or permit under the relevant bylaws.

### **E40.2. Objectives [rcp/dp]**

- (1) Temporary activities and events contribute to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.
- (2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.
- (3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.
- (4) Temporary activities involving large numbers of people predominantly occur in the Business – City Centre Zone, the Business – Metropolitan Centre Zone and the Auckland Domain.
- (5) Temporary activities for training purposes are undertaken in appropriate locations so that amenity values are maintained and any adverse effects are avoided, remedied or mitigated.

### **E40.3. Policies [rcp/dp]**

- (1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:
  - (a) noise associated with the activity meets the specified standards;
  - (b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;
  - (c) noise from outdoor events using electronically amplified equipment is controlled through limiting the times, duration and the frequency of events;
  - (d) waste and litter are effectively managed and minimised; and
  - (e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.

- (2) Enable temporary activities for filming purposes, including associated film sets, while managing any adverse effects.
- (3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:
  - (a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and
  - (b) the well-being of residents and reasonable functioning of businesses on surrounding sites.
- (4) Require any disturbance of the foreshore or seabed from a temporary activity to be remedied, unless this can be achieved by natural processes.
- (5) Require temporary activities involving large numbers of people to locate in areas where there is:
  - (a) capacity to safely host large numbers of people;
  - (b) sufficient parking where necessary;
  - (c) sufficient road network capacity for the event;
  - (d) capacity in the public transport network to service the event, or the ability for the event to be temporarily serviced by mass passenger transport; and
  - (e) the ability to avoid, remedy or mitigate adverse effects on the environment.
- (6) Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.
- (7) Manage the noise effects of temporary military training activities, and any adverse effects from other temporary training activities, so that amenity values are maintained.

#### **E40.4. Activity table**

Table E401.4.1 Activity table specifies the activity status of temporary activities under section 9(3) and section 12 of the Resource Management Act 1991 unless the activity is subject to a specific rule in an overlay, zone or precinct.

The Auckland-wide transport provisions (Section E27 Transport) do not apply to temporary activities.

All other Auckland-wide provisions, including Sections E25 Noise and vibration and E24 Lighting apply, unless a more specific rule provides for an activity in this chapter.

Note 1. The standards of the relevant zone in which the temporary activity is undertaken e.g. building height and yards, do not apply to the buildings and structures that are accessory to a temporary activity.

Note 2. The duration of the temporary activities specified in Table E401.4.1 and in the standards includes the time required to establish and remove all structures and activities associated with the activity and reinstate the site to its original condition.

**Note 3. These rules apply to temporary activities in the coastal marine area, other than:**

- rules for temporary military training activities (refer to Section F2 Coastal – General Coastal Marine Zone); and
- rules for temporary buildings including structures (refer to Section F2 Coastal – General Coastal Marine Zone).

Note 4. In addition to the rules in this Plan, temporary activities are also subject to the other acts and bylaws. All events on public land or water must obtain an event licence or permit under the relevant bylaws.

Note 5. For the purposes of the following activity table, standards and assessment criteria, the reference to ‘the City Centre and Metropolitan Centres’ means:

- the Business - City Centre Zone, the Business – Metropolitan Centre Zone and public open spaces (including the open space zones) within the area bound by the Business – City Centre Zone and Business – Metropolitan Centre Zones;
- the Coastal - Marina Zone at Westhaven; and
- the coastal marine area within the City Centre precincts for Westhaven, Wynyard, Viaduct Harbour, Central Wharves and the Port precincts.

**Table E40.4.1 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
<b>Temporary Activities – General (temporary activities that are not provided for as a Specific Temporary Activity below)</b>			
(A1)	Temporary activities in public places for up to six consecutive days, outside of the City Centre and Metropolitan Centres	NA	P
(A2)	Temporary activities in public places for more than six consecutive days, outside of the City Centre and Metropolitan Centres	NA	D
(A3)	Temporary activities on private land for up to six days, but not for more than three consecutive days, in any 12 month period, outside of the City Centre and	P	P

	Metropolitan Centres		
(A4)	Temporary activities on private land for more than six days, or for more than three consecutive days, in any 12 month period, outside of the City Centre and Metropolitan Centres	D	D
(A5)	Temporary activities in public places and on private land for up to 21 consecutive days within the area of the City Centre and Metropolitan Centres	P	P
(A6)	Temporary activities in public places and on private land for more than 21 consecutive days within the area of the City Centre and Metropolitan Centres	RD	RD
(A7)	Temporary activities in the Auckland Domain involving more than 20,000 people for up to 12 consecutive days, and up to three times between 2 October and 31 April	NA	P
(A8)	Temporary activities in the Auckland Domain not otherwise provided for	NA	RD
(A9)	Temporary activities in public places in the coastal marine area, for up to 14 consecutive days in a six-month period, outside of the City Centre and Metropolitan Centres	P	NA
(A10)	Temporary activities in public places in the coastal marine area outside of the City Centre and Metropolitan Centres not otherwise provided for	RD	NA
(A11)	Temporary activities in Significant Ecological Area - Marine -1 areas, Outstanding Natural Character areas, or Outstanding Natural Feature Type A, B, C, E, F and V areas	D	NA
<b>Specific Temporary Activities</b>			
(A12)	Noise events in public places	P	P
(A13)	Noise events on private land, outside of land within a residential zone	NA	RD
(A14)	Noise events on land within a residential zone	NA	D
(A15)	Filming activities up to, and including, 30 consecutive days	P	P
(A16)	Filming activities for more than 30 consecutive days	RD	RD
(A17)	Fund-raising events, including markets, up to six per site annually if undertaken by schools, churches, charities and community groups	P	P
(A18)	Temporary storage or stacking of goods for up to six consecutive months in any 24-month period within a residential zone	NA	P
(A19)	Temporary placement and use of shipping containers for one month in any 12 month period within a residential zone	NA	P

(A20)	Temporary activities associated with building or construction, (including structures and buildings that are accessory activities), for the duration of the project, or up to 24 months, whichever is the lesser	NA	P
(A21)	Temporary activities (including accessory structures) on private land associated with construction or restoration projects for recreational purposes (for example the restoration of boats or caravans) for up to 12 months in any 24 month period	NA	P
(A22)	Lighting of fireworks	P	P
(A23)	Temporary military training activities	NA	P
(A24)	Specific temporary activities that are not provided as a permitted activity in rules (A12) to (A23)	RD	RD

#### **E40.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E40.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **E40.6. Standards**

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

##### **E40.6.1. Measurement of noise events**

- (1) Noise limits for noise events must be met 1m from any adjacent occupied building outside the venue used for a noise event.
- (2) Noise events in the City Centre must meet the noise limits both within and outside the City Centre.
- (3) The LAeq noise levels to be met are incidence noise levels averaged over the duration of the event but are not to include sound testing or balancing.
- (4) No corrections can be made to the measured incident noise level.
- (5) Crowd noise must not be included in any noise measurement.

##### **E40.6.2. Traffic associated with temporary activities**

- (1) An event in a rural zone or Future Urban Zone must not generate more than 500 vehicle movements per day on adjacent roads.

**E40.6.3. Temporary activities in public places in the coastal marine area, for up to 14 consecutive days in a six-month period, outside of the City Centre and Metropolitan Centres**

- (1) Temporary activities for up to 14 consecutive days in a six-month period in the coastal marine area must:
  - (a) not cause a hazard to safe navigation;
  - (b) remove any building material, spoil, construction equipment or litter associated with a temporary activity from the coastal marine area within 24 hours on completion of the activity;
  - (c) not be located in any Significant Ecological Area - Marine -1, Outstanding Natural Character area, or Outstanding Natural Feature Type A, B, C, E, F and V area; and
  - (d) remedy or restore any visible disturbance to the foreshore and seabed associated with a temporary activity (that cannot be achieved by natural processes) within seven days of completion of the event.

**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 two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event;
  - (b) the noise event does not exceed a noise level of 70dB LAeq and 80dBA L<sub>A01</sub> except;
    - (i) three noise events can have a noise limit of 80dB LAeq and 90dBA L<sub>A01</sub> 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 starts before 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am.

**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 two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event;
- (b) the noise event does not exceed a noise level of 70dB LAeq and 80dBA L<sub>A01</sub> except;
  - (i) three noise events can have a noise limit of 80dB LAeq and 90dBA 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 LAeq and 95dBA 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 starts before 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am.

**E40.6.6. Temporary storage or stacking of goods for up to six consecutive months in any 24-month period within a residential zone**

- (1) Temporary storage or stacking of goods for up to six consecutive months in any 24-month period within a residential zone must not result in any stack or material stored being greater than 2m high within 2m of the boundary of a site in a residential zone.

**E40.6.7. Lighting of fireworks**

- (1) The lighting of fireworks must:
  - (a) be undertaken between 5pm and 10.30pm, except for New Year's Eve;
  - (b) may be undertaken between 5pm on New Year's Eve and 1am on New Year's Day; or
  - (c) may be undertaken between 5pm and 12am with an event licence or permit.

**E40.6.8. Temporary military training activities**

- (1) Temporary military training activities involving weapons firing or the use of explosives must:
  - (a) provide notice, and a noise management plan prepared by a suitably qualified acoustic engineer, to the Council at least 48 hours prior to the commencement of the activity, with the notice specifying:
    - (i) whether the activity involves live firing and/or the use of explosives or firing of blank ammunition;

- (ii) the location of the activity and the boundaries within which the activity will take place;
  - (iii) the distances to buildings used for activities sensitive to noise; and
  - (iv) the timing and duration of the activity.
- (b) meet the standards in Table E40.6.8.1 Temporary military training activities noise separation distances.

**Table E40.6.8.1 Temporary military training activities noise separation distances**

Type of military noise	Time (on all days)	Separation distance to activities sensitive to noise	
Live firing of weapons and single or multiple explosive events	7am to 7pm (day time)	1500m minimum	Less than 1500m if Standard E40.6.8(1) and (2) are complied with
	7pm to 7am (night time)	4500m minimum	Less than 4500m if Standard E40.6.8(1) and (3) are complied with
Firing of blank ammunition	7am to 7pm	750m minimum	Less than 750m if Standard E40.6.8(1) and (2) are complied with
	7pm to 7am	2250m minimum	Less than 2250m if Standard E40.6.8(1) and (3) are complied with

- (2) Day time noise levels must not exceed a peak sound level of 120dBC measured at or within the notional boundary of any activity sensitive to noise.
- (3) Night time noise levels must not exceed a peak sound level of 90dBC when measured at or within the notional boundary of any activity sensitive to noise.
- (4) Temporary military training activities involving mobile noise sources, other than those provided for in Table E40.6.8.1 Temporary military training activities noise separation distances, shall comply with the noise limits set out in Tables 2 and 3 in the New Zealand Standard on Acoustics – Construction Noise (NZS 6803:1999) with reference to ‘construction noise’ taken to refer to other, mobile noise sources.
- (5) Temporary military training activities involving stationary noise sources, other than those provided for in Table E40.6.8.1 Temporary military training activities noise separation distances, must not exceed the noise levels in when measured at or within the notional boundary of any activity sensitive to noise.

**Table E40.6.8.2 Noise levels for temporary military training stationary noise sources**

Time	Noise level
7am to 10pm	55dB $L_{Aeq(15\text{ min})}$
10pm to 7am on all days	45dB $L_{Aeq(15\text{ min})}$ 75dB $L_{AFmax}$

#### **E40.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **E40.8. Assessment – restricted discretionary activities**

##### **E40.8.1. Matters of discretion**

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

- (1) the effects from the noise, lighting, hours and duration of an activity;
- (2) the effects of the activity on traffic generation, parking, pedestrian safety and access; and
- (3) the effects of any disturbance to land, foreshore, seabed or vegetation associated with an activity.

##### **E40.8.2. Assessment criteria**

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

- (1) the extent to which any significant adverse effects from the noise, lighting, hours and duration of an activity on the amenity values of surrounding properties can be mitigated through:
  - (a) the proposed location, duration, hours, times and day/s of the week on which the event will occur;
  - (b) the measures proposed to mitigate noise and light spill; and
  - (c) the measures proposed to manage levels of low-frequency noise or very loud noise, particularly for night time activities.
- (2) the extent to which the activity will have adverse effects on traffic movement, parking, public transport and pedestrian safety and access, and the extent to which these effects can be adequately addressed through:
  - (a) the location, scale and intensity of the activity;
  - (b) the duration, hours, times and day/s of the week on which the event will occur;
  - (c) the provision made to address any impacts from traffic generated by the activity, including impacts on public transport, and other activities at the location;
  - (d) addressing the need for, and if necessary, the provision of adequate parking; and
  - (e) the provision made for pedestrian safety and to address any restrictions on public access.

- (3) the extent to which any land disturbance, earthworks or disturbance to the foreshore, seabed or vegetation resulting from a temporary activity can be avoided, remedied or mitigated.

**E40.9. Special information requirements**

There are no special information requirements in this section.