



## **Addendum Hearing Report for Proposed Plan Change 102 to the Auckland Unitary Plan (Operative in part) 2016 and Proposed Plan Modification 15 to the Auckland Council District Plan – Hauraki Gulf Islands Section – Operative 2018**

First Addendum to the Section 42A Hearing Report under the Resource Management Act 1991

<b>Report to:</b>	Hearing Commissioners
<b>Hearing Date/s:</b>	12 and 19 February 2025
<b>File No:</b>	Addendum Hearing Report – Proposed Plan Change 102 (PC102) and Proposed Plan Modification 15 (PM15)
<b>File Reference</b>	U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC102 - SOS Tranche 2 (& PM 15)
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<b>Report Approver</b>	Craig Cairncross, Team Leader Central South
<b>Report produced</b>	3 February 2025

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**Summary of Proposed Plan Change 102:** The purpose of this proposed plan change is to recognise and protect the tangible and intangible Māori cultural values of sites and places within Tāmaki Makaurau, to provide for the relationship of mana whenua with their cultural heritage.

This plan change proposes to introduce nine Sites and Places of Significance to Mana Whenua to Schedule 12 of the Auckland Unitary Plan (Operative in Part) 2016 (AUP). Changes are also proposed to two other schedules in the AUP to recognise the association mana whenua have with scheduled Outstanding Natural Features (ONF) and Historic Heritage Places (HHP) in Schedules 6 and 14.1. A name change is proposed to one already scheduled HHP site and consequential changes are proposed to the planning maps to reflect the scheduling.

**Summary of Proposed Plan Modification 15:** The purpose of this proposed plan modification is to recognise and protect the tangible and intangible Māori cultural values of sites and places within Tāmaki Makaurau, to provide for the relationship of mana whenua with their cultural heritage.

The plan modification proposes to introduce five sites on Aotea / Great Barrier into Appendix 2f Schedule of Māori heritage sites – outer island of the Auckland Council District Plan – Hauraki Gulf Islands Section (HGI). It also proposes introductory wording and listing the key reasons for scheduling in the appendix for plan consistency. The plan modification proposes a change to standards in Part 7.13 Māori Heritage to employ the use of the plan defined term ‘earthworks’ and introduce permitted earthworks activities to align the HGI provisions more closely with those of the AUP. The sites are proposed to be added to the HGI planning maps.

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**Attachments****Attachment 1**

Submission points affected by the withdrawal of the nominated sites Te Rae o Kāwharu and Waipapa Awa

**Attachment 2**

Combined amendments in response to submitter evidence

## 1. EXECUTIVE SUMMARY

1. Plan Change 102 (**PC102**) to the Auckland Unitary Plan (Operative in Part) 2016 and Plan Modification 15 (**PM15**) to the Auckland District Council Plan – Hauraki Gulf Islands Section – Operative 2018 are Auckland Council initiated plan changes.
2. These plan changes seek to recognise and protect the tangible and intangible Māori cultural values of sites and places within Tāmaki Makaurau, to provide for the relationship of mana whenua with their cultural heritage.
3. The plan changes were publicly notified on 23 May 2024. Direct notification was also served on affected landowners and occupiers, and on landowners and occupiers within 100m of the nominated sites.
4. This is an addendum to the original Section 42A Report which was issued on 18 December 2024. It responds to five briefs of evidence received before 31 January 2025. It excludes submitter evidence received on the site ‘Manukapua’ on 31 January 2025 which will be addressed in a second addendum report on or before 10 February 2025<sup>1</sup>.
5. No submitter evidence has been received for PM15.
6. In response to a request from Ngāti Whātua Ōrākei Trust, Auckland Council has agreed to withdraw the nominated sites of Te Rae o Kāwharu and Waipapa Awa from PC102. The withdraw of the two sites will be notified prior to the hearing on these matters.
7. **Attachment 1** is a list of all submission points (and associated further submissions) affected by these withdrawals.
8. Three of the five briefs of evidence relate to Waipapa Awa and are therefore not responded to in this addendum.
9. The remaining two briefs of evidence have been submitted Auckland International Airport Limited (AIAL) and Karaka Harbourside Estates Limited & Pararēkau Island Limited (KHEL & PIL).
10. The planner providing evidence on behalf of AIAL is supportive of the changes recommended to Te Wai o Ruarangi / Oruarangi and Waitomokia Creeks, having consulted with other submitters and some mana whenua groups.
11. The planner submitting on behalf of KHEL & PIL is largely supportive of the recommendations of the Section 42A Report, including the retention of the site over the private ways and causeways.
12. KHEL & PIL seek further minor changes to the descriptions in the schedule are requested (to reflect the now issued titles), and maintain their view that eight sites they see as no longer existing be removed from Schedule 14.1 (Historic Heritage Places).

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<sup>1</sup> The submitters on Manukapua were granted a one week extension for the filing of their evidence (until 31 January 2025).

13. It is my recommendation that the minor changes be supported, and that the removal of the eight entries from Schedule 14.1 be treated as 'out of the scope' of PC102.
14. **Attachment 2** of this addendum is a record of all recommended amendments in response to the submissions and evidence received to date, including the partial withdrawal of PC102. The changes recommended following the submitter evidence and withdrawals are highlighted in **red**.

## 2. EXPERIENCE AND CODE OF CONDUCT FOR EXPERT WITNESSES

15. My qualifications and relevant experience is stated in the Section 42A Hearing Report for Plan Change 102 and Plan Modification 15.

## 3. SUBMITTER EVIDENCE AND RESPONSES

### 3.1 Waipapa Awa – Domain Gardens Limited, Summerset Villages (Parnell) Ltd, Carlaw Campus Limited Partnership (PC102)

16. Three briefs of planning evidence have been received from landowners and developers affected by the nominated site of Waipapa Awa, a site which runs adjacent to the Auckland Rail Network between the Britomart and Parnell train stations.
17. These briefs challenge the application of the nominated site over the intangible (historic) sections of the awa, citing the submissions and recent communications from Ngāti Whātua Ōrākei Trust<sup>2</sup>. Ngāti Whātua Ōrākei is the nominating mana whenua entity for both the Waipapa Awa and Te Rae o Kāwharu.
18. On 28 January 2025, Ngāti Whātua Ōrākei formally requested that Council withdraw both Waipapa Awa and Te Rae o Kāwharu from PC102. They have raised concerns as to how their tangata whenua and ahi kā status is recognised and provided for in the Unitary Plan and related processes. These concerns were raised in their submissions on PC102 and are the subject of further discussion between Council and the hapū.
19. Council has agreed to withdraw both Waipapa Awa and Te Rae o Kāwharu from PC102, and public notification of this withdrawal will occur prior to the plan change hearing on 19 February 2025.
20. This partial withdrawal of PC102 will result in any submission points (and associated further submissions) specifically on those sites no longer being 'on' the plan change. This includes the recommended response to the submissions in the Section 42A Report.
21. The three briefs of submitter evidence address the Waipapa Awa site exclusively. Accordingly, there is no need to address this evidence further in this addendum report.
22. A list of all submission points that are affected by the withdrawal of the two nominated sites is included as **Attachment 1**.

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<sup>2</sup> Evidence of Mr. C McGarr on behalf of Summerset Villages (Parnell) Limited. Attachment 1.

### 3.2 Te Wai o Ruarangi / Oruarangi and Waitomokia Creeks – Auckland International Airport Limited (PC102)

23. The Auckland International Airport Limited (AIAL) has provided a brief hearing statement in response to recommendations of the Section 42A report.
24. The AIAL notes that it has engaged directly with Foodstuffs North Island and RB Takeoff LP ('Southpark') who are other submitters on this site. The submitter has also discussed the Section 42A Report recommendations with the nominating iwi (Te Ahiwaru Waiohua) and Te Kawerau ā Maki. None of these parties have expressed opposition to the Section 42A Report recommendations.
25. AIAL supports the mapping recommendations within the Section 42A Report and seeks that these be adopted by the Hearing Commissioners.

### 3.3 Pahurehure Islands – Karaka Harbourside Estates Limited & Pararēkau Island Limited (PC102).

26. Mr. V Hodgson has submitted planning evidence on behalf of these submitters. The evidence addresses three submission points.
27. With respect to Submission Point 8.1, Mr. Hodgson notes that the Section 42A Report supports the relief sought by KHEL and PIL to replace street address references with the land appellations in the location column of Schedule 12. Mr Hodgson supports the changes recommended in the Section 42A Report.
28. The submitter evidence then addresses Submission Point 8.2, which seeks to amend Schedule 14.1 to remove eight of the currently scheduled Historic Heritage Places and amend four others.
29. With respect to the four amendments, Mr, Hodgson notes that the Section 42A Report supports the changes sought. The evidence notes at para 27 that the listed entries for ID 00660 and 00661 can now be updated further to reflect their location on the recently created land parcel of Lot 703 Deposited Plan 577805. I agree with this and have recommended updated text in **Attachment 2**.
30. In reference to the eight sites<sup>3</sup> which the submitter seeks to remove entirely from schedule 14.1, Mr. Hodgson states that it is his understanding that detailed site examinations and engagement undertaken during the planning and development of Pararēkau Island have confirmed that these sites do not exist<sup>4</sup>. In his view, it is better planning practice to remove the sites should the opportunity be available.
31. In my opinion, while it may be convenient and possibly expedient to undertake the removal of the eight sites through PC102, this does not equate to achieving the purpose of the RMA in the most appropriate way<sup>5</sup>.
32. The updating of scheduled Historic Heritage sites is not the purpose of this plan change, which is to 'provide for the relationship of mana whenua with their

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<sup>3</sup> ID 658, 650, 662, 663, 682, 683, 684, 689

<sup>4</sup> Evidence of Mr. V Hodgson on behalf of Karaka Harbourside Estates Limited & Pararēkau Island Limited. Para 28

<sup>5</sup> RMA, section 32(1).

cultural heritage by recognising and protecting the tangible and intangible Māori cultural values of 12 sites and places within Tāmaki Makaurau<sup>6</sup>.

33. Through the development of PC102, an assessment of the removal of scheduled Historic Heritage sites has not been undertaken in accordance with section 32 of the RMA.
34. In my view, PC102 has also not provided an appropriate opportunity for any such assessment to be tested by interested parties through a notification, evaluation and hearing process.
35. For these reasons, I remain of the view that the deletion of scheduled Historic Heritage places is out of the scope of PC102.
36. The final submission point responded to in Mr. Vance's evidence is with respect to Submission Point 8.3. In their submission, KHEL & PIL seek to amend the proposed site extent of the Pahurehure Islands to remove any private ways and causeways.
37. This arose out of pragmatic concerns that the schedule would unnecessarily capture activities associated with the operation, maintenance, renewal and upgrading of the access and network utilities serving the Pahurehure Islands.
38. This matter was addressed in the Section 42A Report where it was concluded that existing dispensation exists in the AUP to undertake these activities as Permitted Activities on private ways.
39. Mr. Hodgson has considered this response and agrees that suitable dispensation exists for these activities without modifying the proposed scheduled extent.

#### **4. MANUKAPUA – MT REX SHIPPING LTD (PC102)**

40. Planning evidence was submitted on behalf of Mt Rex Shipping on 31 January 2025. As directed by the Hearing Commissioners, this will be addressed in a second addendum report on or before 10 February 2025.

#### **5. PLAN MODIFICATION 15**

41. No submitter evidence has been received for Plan Modification 15 to the Auckland Council District Plan – Hauraki Gulf Islands Section.

#### **6. CONCLUSIONS**

42. In total, six briefs of submitter planning evidence have been received for PC102.
43. Three of these are with respect to the Waipapa Awa, a site which Council is withdrawing from PC102. They have therefore not been responded to in this addendum.
44. The remaining two sets of planning evidence are largely in support of the recommendations in the Section 42A Report, with the outstanding matter

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<sup>6</sup> S32 Evaluation Report. Para. 2.5.



regarding the removal of sites from Schedule 14.1 being considered 'out of the scope' of PC102.



45. A second addendum to the Section 42A Report will respond to the submitter evidence for Manukapua on or before 10 February 2025.

## 7. RECOMMENDATIONS

46. I recommend that, the Hearing Commissioners accept or reject the submissions (and associated further submissions) as outlined in this report.

47. I recommend that Plan Change 102 to the Auckland Unitary Plan and Plan Modification 15 to the Auckland Council District Plan – Hauraki Gulf Islands Section be approved with the modifications identified in **Attachment 2** of this report.

## 8. SIGNATORIES

	Name and title of signatory
Author	Matthew Gouge Senior Policy Planner – Central/South Planning Team Planning and Resource Consents Department 
Reviewer/ Approver	Craig Cairncross Team Leader, Central South 



**Attachment 1 – Submission points affected by the Withdrawal of the Nominated Sites Te Rae o Kāwharu and Waipapa Awa**



Plan Change 102 - Sites and Places of Significance to Mana Whenua Tranche 2a				Plan Change 102 - Sites and Places of Significance to Mana Whenua Tranche 2a					
Further Submissions				Summary of Decisions Requested					
FS	FS name	Agent	Support or Oppose	Sub #	Sub Point	Submitter Name	Summary of Decisions Requested	Theme	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Oppose	2	2.1	Qiping Sun	Decline the plan change	Waipapa Awa	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Oppose	5	5.1	John Darroch	Decline the plan change	Waipapa Awa	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Oppose	6	6.1	BA Trustees Ltd	Decline the plan change	Te Rae o Kāwharu	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Oppose	7	7.1	Carlaw Campus Limited Partnership	Decline the plan change	Waipapa Awa	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Support	9	9.1	Domain Gardens Ltd	That the section of Waipapa Awa on the Domain Gardens' property is not included in the schedule	Waipapa Awa	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Support in part	9	9.2	Domain Gardens Ltd	Clearly identify the relevant Mana Whenua group to be consulted with for proposed resource consent and other planning processes affecting Waipapa Awa.	Waipapa Awa	
FS01	Domain Gardens Ltd	Simon Berry Craig Malone	Supports	10	10.3	Ngāti Whātua Ōrākei Trust	For the sites Te Rae o Kāwharu and Waipapa Awa, Ngāti Whātua Ōrākei be listed as the 'correct' hapū in the 'Nominated by Mana Whenua' column of Schedule 12	Te Rae o Kāwharu and Waipapa Awa	
FS01	Domain Gardens Ltd	Simon Berry Craig Malone	Supports	10	10.4	Ngāti Whātua Ōrākei Trust	Retain Te Rae o Kāwharu as notified	Te Rae o Kāwharu	
				10	10.5	Ngāti Whātua Ōrākei Trust	Reduce the spatial extent of the SSMW overlay for Waipapa Awa so it applies only to open/daylighted part of the stream and those on public land	Waipapa Awa	
FS01	Domain Gardens Ltd	Simon Berry Craig Malone	Supports	17	17.1	Summerset Villages (Parnell) Limited	Reduce the spatial extent of the SSMW overlay for Waipapa Awa so it applies only to daylighted part of the stream and not over the Summerset site	Waipapa Awa	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Support						
FS01	Domain Gardens Ltd	Simon Berry Craig Malone	Supports	17	17.2	Summerset Villages (Parnell) Limited	The scheduling (planning constraints) of Waipapa Awa be limited to the surveyed extent rather than the whole of any property it passes through.	Waipapa Awa	
FS01	Domain Gardens Ltd	Simon Berry Craig Malone	Supports	17	17.3	Summerset Villages (Parnell) Limited	Identify the specific matters/ issues that apply to each scheduled site (as opposed to broadly at issue generically in the Mana Whenua Overlay).	Waipapa Awa	
FS01	Domain Gardens Ltd	Simon Berry Craig Malone	Supports	17	17.4	Summerset Villages (Parnell) Limited	Amend the activity status for new buildings and structures in the undaylighted portion of the Waipapa Awa that intersects the Summerset site from Discretionary to Controlled Activities (with associated matters of control introduced).	Waipapa Awa	
				18	18.1	Allan Matson	Decline the proposed overlay over the Grey Lynn Library site (474 Great North Road).	Te Rae o Kāwharu	
FS04	Ngāti Whātua Ōrākei	Phil Wihongi and David Badham	Support	19	19.1	Parnell Community Committee (Inc)	Approve the scheduling of both Waipapa Awa and Te Rae o Kāwharu	Te Rae o Kāwharu and Waipapa Awa	



**Attachment 2 – Modifications in Response to Submitter Evidence and the Partial Withdrawal of PC102**





## **Lux**

The unit of illumination, being one lumen per m<sup>2</sup>.

## **M**

### **Maintenance dredging**

Excavating material from the bed of the coastal marine area and removing the excavated material, where the excavation is for the purpose of removing accumulated sediment so that the seabed is returned to previously approved levels.

### **Mana Whenua**

Māori with ancestral rights to resources in Auckland and responsibilities as kaitiaki over their tribal lands, waterways and other taonga. Mana Whenua are represented by iwi authorities.

### **Mana Whenua cultural heritage**

In a Plan context, this includes sacred sites and places and the cultural landscape context in which sites and places are located. Mana Whenua cultural heritage includes:

- archaeology of Māori origin;
- wāhi (location, locality, place);
- wāhi tapu (sacred ancestral sites and places of significance to iwi, hapū or whānau);
- sites and places are significant to Mana Whenua for the tangible and intangible values they hold;
- Māori cultural landscapes;
- wāhi pakanga (battle site);
- wāhi tohi (ritual site);
- urupā (Māori burial ground);
- tō waka (waka portage);
- rākau pito and wāhi pito (tree marking the burial site of a placenta or umbilical cord);
- taonga (a treasured item, it can be tangible or intangible); and
- cultural and spiritual associations with these areas, features or sites.

### ~~**Mana Whenua Responsive Design**~~

~~A design that enables mana whenua to protect and enhance their cultural heritage by recognising local histories and their whakapapa following mana whenua mātauranga and design principles.~~

### **Managed fill**

Facility where managed fill material is accepted for deposit.

### **Managed fill material**

Managed fill material is:

- contaminated soil and other contaminated materials;
- natural materials such as clay, gravel, sand, soil, rock; or
- inert manufactured materials such as concrete and brick: and

That does not contain:

- hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- products or materials derived from hazardous waste treatment stabilisation or disposal practices;
- materials such as medical and veterinary waste, asbestos, or radioactive substances;
- combustible components; or
- more than 2 per cent by volume of incidental or attached biodegradable materials (e.g. vegetation).

### **Mangrove removal**

Partially or wholly removing, burying or clearing mangroves.

Includes:

- pruning mangrove branches;
- pulling out mangrove seedlings;
- removing mangroves at the trunk; and
- removing mangrove root systems.

### **Mangrove seedling**

A mangrove with:

- a single supple stem and is no more than 60cm tall; and
- shows no reproductive capability.

### **Manufacturing**

Making items by physical labour or machinery.

Includes:

- assembly of items.

## **D21. Sites and Places of Significance to Mana Whenua Overlay**

### **D21.1. Background**

The Sites and Places of Significance to Mana Whenua Overlay applies to sites and places that have been scheduled and protected for their significance to Mana Whenua. A schedule of the sites and places of significance is provided in [Schedule 12 Sites and Places of Significance to Mana Whenua Schedule](#). Sensitive information regarding the significance of the sites and places to Mana Whenua may be subject to special protocols.

Sites and places of significance to Mana Whenua have tangible and intangible cultural values in association with historic events, occupation and cultural activities. Mana Whenua values are not necessarily associated with archaeology, particularly within the highly modified urban landscape where the tangible values may have been destroyed or significantly modified.

Mana Whenua are aware of many other sites and places that may be equally or more significant, and acknowledge there may be shared interests over scheduled locations. It is intended to identify further sites and places nominated by Mana Whenua through future plan changes including those identified through other legislation.

Some sites and places of significance to Mana Whenua may also be scheduled as historic heritage. These sites and places are identified in [Schedule 14 Historic Heritage Schedule, Statements and Maps](#).

[new text to be inserted]

### **D21.2. Objective [rcp/dp]**

- (1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.
- (2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.

### **D21.3. Policies [rcp/dp]**

- (1) Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.
- (2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.
- (3) Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:

PC 78 ([see Modifications](#))

- (a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal;
  - (b) incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
  - (c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;
  - (d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and
  - (e) 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.
- (4) Reflect within the development the relationship of the scheduled site or place of significance within the context of the wider local history and whakapapa.
- (5) Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.
- (6) Manage the adverse effects of subdivision where scheduled sites and places of significance to Mana Whenua are split into multiple land parcels.
- (7) Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.
- (8) Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or place has been significantly modified or destroyed.
- (9) Enable existing network utilities and electricity generation facilities on sites and places of significance including:
- (a) use and operation; and
  - (b) minor upgrading, maintenance and repair in a manner that avoids, where practicable, or otherwise remedies or mitigates adverse effects on cultural values.

- (10) Avoid where practicable the use of scheduled sites and places of significance to Mana Whenua for new infrastructure where this affects cultural values.
- (11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.

**D21.4. Activity table [rcp/dp]**

Table D21.4.1 Activity table specifies the activity status of land use and development pursuant to section 9(3) of the Resource Management Act 1991, subdivision pursuant to section 11 of the Resource Management Act 1991 and works, occupation or activity in the coastal marine area pursuant to sections 12(1), 12(2) or 12(3) of the Resource Management Act 1991.

[Schedule 12 Sites and Places of Significance to Mana Whenua Schedule](#) identifies sites and places where this section applies. [Schedule 12 Sites and Places of Significance to Mana Whenua Schedule](#) also identifies sites and places of significance that have intangible values associated with historic events, occupation and cultural activities that do not necessarily contain archaeology, where the site exception rule applies.

**Table D21.4.1 Activity table [rcp/dp]**

Activity		Activity status
<b>Development</b>		
(A1)	Non-invasive archaeological survey	P
(A2)	Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua	P
(A3)	Temporary activities	RD
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
(A4)	Disturbance in the coastal marine area	D
(A5)	New buildings and structures	D
<del>(A5A)</del>	<del>New buildings and structures when in a Mana Whenua Responsive Design Area identified in Schedule 12</del>	<del>RD</del>
(A6)	Alterations and additions to existing buildings where the building footprint is increased	D
<del>(A6C)</del>	<del>Alterations and additions to existing buildings where the building footprint is increased when in a Mana Whenua Responsive Design Area identified in Schedule 12</del>	<del>RD</del>
[new text to	[new text to be inserted]	[new text to be inserted]

PC 106 (see Modifications)

PC 78 (see Modifications)

<b>Land Disturbance</b>		
Refer to the rules in <a href="#">E11 Land disturbance – Regional</a> (this includes <a href="#">Standard E11.6.1 Accidental discovery rule</a> ) and <a href="#">E12 Land disturbance – District</a> (this includes <a href="#">Standard E12.6.1 Accidental discovery rule</a> )		
<b>Infrastructure</b>		
Refer to the rules in <a href="#">E26 Infrastructure</a>		
<b>Subdivision</b>		
(A7)	Subdivision that results in a site or place of significance to Mana Whenua extending across multiple lots	D

### D21.5. Notification

- (1) Any application for resource consent for an activity listed in Table D21.4.1 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\(4\)](#).

### D21.6. Standards

All activities listed as a permitted activity in Table D21.4.1 Activity table must comply with the following permitted activity standards.

#### D21.6.1. Accidental discovery rules

- (1) Refer to the Accidental discovery rules in:
  - (a) [E11 Land disturbance – Regional](#) - [Standard E11.6.1 Accidental discovery rule](#)); and
  - (b) [E12 Land disturbance – District](#) - [Standard E12.6.1 Accidental discovery rule](#).

#### D21.6.2. Non-invasive archaeological survey

- (1) Minor earthworks or disturbance of the coastal marine area to define the location or extent of archaeological sites of features:
  - (a) must not be undertaken in areas where archaeological remains are evident, or known to be present. If during the investigation archaeological material is encountered, that material must not be disturbed or removed;
  - (b) must conform to accepted archaeological practice;

- (c) must be undertaken with a probe not exceeding a diameter of 10mm, or a spade. Mechanical tools must not be used;
- (d) spade holes must not exceed 250mm x 250mm in size;
- (e) after completion of works, the ground must be reinstated to at least to the condition existing prior to any works starting; and
- (f) must be undertaken in the presence of a mandated Mana Whenua representative unless confirmed by Mana Whenua in writing that this is not required.

### **D21.6.3. Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua**

- (1) Minor works for the purpose of maintaining scheduled sites and places of significance to Mana Whenua must be undertaken in the presence of a mandated Mana Whenua representative (except for routine maintenance of grounds, including gardening, buildings and structures) unless confirmed by Mana Whenua in writing that this is not required.

PC 106 ([see Modifications](#))

[new text to be inserted]

### **D21.7. Assessment – controlled activities**

There are no controlled activities in this section.

### **D21.8. Assessment – restricted discretionary activities**

#### **D21.8.1. 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 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.
- (2) the nature, location, design and extent of the proposal.
- (3) the purpose and necessity for the works and any alternatives considered.
- (4) the provisions of any relevant iwi planning document.

~~(5) the effect of Mana Whenua Responsive Design on the values and associations of Mana Whenua with the site or place.~~

#### **D21.8.2. Assessment criteria**

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

- (1) Policies D21.3(1), D21.3(2) and D21.3(3) ~~D21.3(4), and D21.3(8).~~
- (2) the extent to which the proposal:

## D21 Sites and Places of Significance to Mana Whenua Overlay

- (a) 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.
- (b) recognises the benefits derived from the upgrading of existing infrastructure to the community and the functional and operational needs of the network.
- (c) considers the appropriate location of temporary activities to avoid, remedy or mitigate adverse effects on values and associations of Mana Whenua with the site or place.

### **D21.9. Special information requirements**

There are no special information requirements in this section.



Schedule **12.1** Sites and Places of Significance to Mana Whenua Schedule

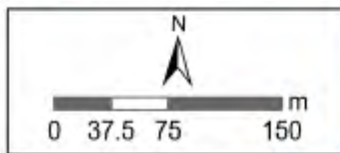
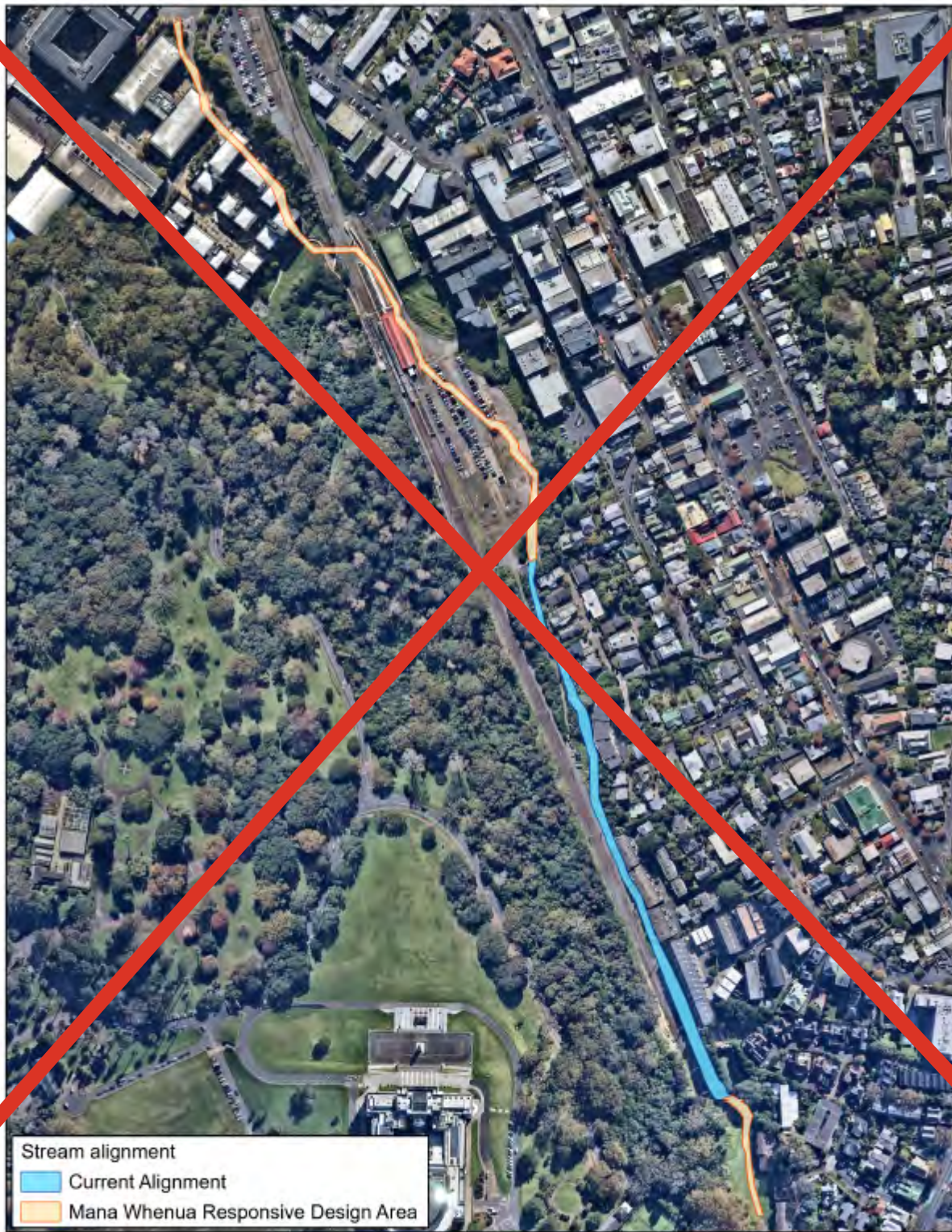
Schedule ID	Name	Location	Description	Nominated by Mana Whenua
		Papatoetoe	wāhi tapu	
096	Te Tapuwae O Mataaoho	Sturges Park, Mt Robertson Otahuhu	Pā, kāinga, wāhi tapu	
097	Te Taurere	Taylor's Hill, Glendowie	Pā, kāinga, wāhi tapu	
098	Mutukaroa	Hamlins Hill, Mt Wellington	Pā, kāinga, wāhi tapu	
099	Ōpaheke	Headland at the confluence of Hingaia Stream and Ngakoroa Stream to the South.	Wāhi tapu and pā.	
100	Te Pou a Rangiwihwi	Drury Creek Recreation Reserve	Wāhi tapu, nohoanga and mahinga kai.	
101	Te Kohuroa	Matheson Bay, Leigh	Kāinga, wāhi tapu and pakanga	
102	Te Kiri-Pātu-Parāoa	Pakiri Regional Park and 1066 Pakiri Road	Ancient pā and kāinga	
103	Motururu Urupā Omaha	Omaha Block Access Road, Leigh	Traditional urupā	
104	Hihiorapa	Falls Road, Papakura	Puna, wāhi tapu and ara	
105	Te Rangihoua	33-165 Onetangi Road, Waiheke	Pā site, wāhi tapu, rawa tūturu	
<a href="#"><u>1067</u></a>	<a href="#"><u>Komahunga</u></a>	<a href="#"><u>984C Aotea Road, Great Barrier Island</u></a>	<a href="#"><u>Pā and kāinga</u></a>	
<a href="#"><u>1078</u></a>	<a href="#"><u>Korotiti</u></a>	<a href="#"><u>270 Harataonga Road, Great Barrier Island</u></a>	<a href="#"><u>Pā and Kāinga</u></a>	
<a href="#"><u>1089</u></a>	<a href="#"><u>Te Wai o Ruarangi / Oruarangi and Waitomokia Creeks</u></a>	<a href="#"><u>Oruarangi Road, Mangere</u></a>	<a href="#"><u>Awa</u></a>	
<a href="#"><u>10940</u></a>	<a href="#"><u>Pahurehure Islands (Kopuahingahinga/ Waikirihinau and Orona/Orewa Islands</u></a>	<a href="#"><u>149 Capriana Drive, Hingaia Auckland 2580</u></a> <a href="#"><u>Part Tidal Lands of Manukau Harbour Survey Office Plan 67474: CMA</u></a> <a href="#"><u>Allot 45 Parish of Papakura</u></a> <a href="#"><u>Lot 1 Deposited Plan 449405 RT 685651</u></a>	<a href="#"><u>Islands, kāinga, mahinga kai, wāhi tapu</u></a>	

<u>1101</u>	<u>Kaarearea Paa</u>	<u>206 Peach Hill Road Drury</u>	<u>Pā</u>	
<u>1112</u>	<u>Whakahuranga Pā</u>	<u>Lot 1 DP 211035, Journeys End Tapora 0977</u>	<u>Pā</u>	
<u>1123</u>	<u>Manukapua</u>	<u>Gum Store Road, Tapora 0977</u>	<u>Island, mahinga kai</u>	
<del>1134</del>	<del>Te Rae o Kāwharu</del>	<del>474 Great North Road, Arch Hill</del>	<del>Wāhi tupuna</del>	<del>Ngāti Whātua Ōrākei</del>
<del>1145<sup>#</sup></del>	<del>Waipapa Awa</del>	<del>Auckland Domain</del>	<del>Awa</del>	<del>Ngāti Whātua Ōrākei</del>

[\* denotes that site exception rule applies]

~~[# denotes that a Mana Whenua Responsive Design Area applies in Schedule 12.2]~~

*NB: **Yellow highlight** – change in numbering refer to section 9 of s42A report. Note that notified site exception annotation is replaced with Mana Whenua Responsive Design Area annotation for Waipapa Awa. Changes in response to submissions. This text is not part of the schedule.*



Waipapa Awa



## **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 or 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 or mitigate adverse effects on accidentally discovered sensitive material; and
  - (c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- (3) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.
- (4) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:
  - (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;

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

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

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

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

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

For drilling holes and bores refer to Section [E7 Taking, using, damming and diversion of water and drilling](#).

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

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

If any activity listed in rules (including standards) E12.4.1 to E12.6.4 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

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

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

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

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

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

- The land disturbance rules that apply to network utilities are located in [E26 Infrastructure](#).

**Table E12.4.1 Activity table – all zones and roads**

Activity		Activity status						
		Residential zones	Business zones and City Centre Zone	Rural – Rural Conservation Zone)	Future Urban Zone and rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation and Open Space – Conservation Zone	Special Purpose – Quarry Zone
<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	RD	P	P	P	RD	P	P

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	500m <sup>2</sup> up to 1000m <sup>2</sup>							
(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 <a href="#">H28 Special Purpose – Quarry Zone</a>	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 <a href="#">H28 Special Purpose – Quarry Zone</a>	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

Lava caves, fossils and sub-fossils								
(A12)	Land disturbance that disturbs known lava caves more than 1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD
Farming								
(A13)	Ancillary farming earthworks	P	P	P	P	P	P	P
Forestry								
(A14)	Ancillary forestry earthworks	P	P	P	P	P	P	P
Hauraki Gulf islands								
(A15)	Hauraki Gulf islands	Refer to the Auckland Council District Plan (Hauraki Gulf Islands Section) for district activity status and <a href="#">E11 Land Disturbance – Regional</a> 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](#);
- [D18 Special Character Areas – Residential and Business Overlay](#); and

PC 78 (see [Modifications](#))

[new text to be inserted]



- [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						[new text to be inserted]				
		Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	Whenua Overlay	Significance to Mana Whenua Overlay		Sites and Places of	Isthmus C – Residential: Isthmus C (except – Residential: Isthmus C – Three Kings)	Special Character Areas Overlay – Residential: Isthmus C – Three Kings	Special Character Areas Overlay – Residential: Isthmus C
		<b>Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks</b>										
(A16)	Earthworks for maintenance and repair	P	P	P	P							
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals  RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P	RD*	RD						
(A18)	Earthworks for interments in a burial	P	P	P	P							

PC 78 (see Modifications)

	ground, cemetery or urupā (within the burial plot for that interment)							
(A19)	Earthworks for gardening or planting	P	P	P	P			
<b>Driveways, parking areas and, sports fields and major recreational facilities</b>								
(A20)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P			
<b>Cultivation</b>								
(A21)	Up to 500m <sup>2</sup>	RD	P	RD	D			
(A22)	Greater than 500m <sup>2</sup> up to 2500m <sup>2</sup>	RD	P	RD	D			
(A23)	Greater than 2500m <sup>2</sup>	RD	P	D	D			
<b>Irrigation or land drainage</b>								
(A24)	Works below the natural ground level	RD	P	D				
<b>Farming</b>								
(A25)	Ancillary farming earthworks for maintenance of tracks  RD* where archaeologi	P	P	P RD*	P			

	cal rules apply as listed in Schedule 14.1							
<b>Forestry</b>								
(A26)	Ancillary forestry earthworks for maintenance  RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	P			
<b>Temporary activities</b>								
(A27)	Earthworks associated with the installation of the temporary activity  RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	RD			
<b>Land disturbance not otherwise listed in this table<sup>3</sup></b>								
(A28)	Up to 5m <sup>2</sup>  RD* where archaeological rules apply as listed in Schedule	P	P	P RD*	<del>D RD# RD# when in a Mana Whenua Responsive Design Area Identified in Schedule 12</del>			

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	14.1							
(A29)	Greater than 5m <sup>2</sup> up to 50m <sup>2</sup>	RD	P	RD	D <del>RD#</del>			
(A30)	Greater than 50m <sup>2</sup>	RD	RD	RD	D <del>RD#</del>			
(A31)	Up to 5m <sup>3</sup>  RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	D <del>RD#</del>  <del>RD# when in a Mana Whenua Responsive Design Area identified in Schedule 12</del>			
(A32)	Greater than 5m <sup>3</sup> up to 250m <sup>3</sup>	RD	P	RD	D <del>RD#</del>	D		
(A33)	Greater than 250m <sup>3</sup>	RD	RD	RD	D <del>RD#</del>	D	D	
(A33A)	Up to 50m <sup>3</sup>						P	
(A33B)	Greater						RD	

PC 78 (see [Modifications](#))

Note 2

*[deleted]*

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
(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
<b>Irrigation or land drainage</b>											
(A36)	Land disturbance for irrigation or land drainage	P	P	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

<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(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E12.4.1 Activity table all zones and roads Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) and Table E12.4.3 Activity table Outstanding Natural Features Overlay and which is not listed in E12.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

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

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

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, 'sensitive material' means:
  - (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;
  - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);

- (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
- (f) a lava cave greater than 1m in diameter on any axis.

(3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

*Cease works and secure the area*

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

*Inform relevant authorities and parties*

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

*Wait for and enable inspection of the site*

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

must cease, and any changes to controls on discharges of contaminants, until the requirements of E12.6.1(3)(f) are met.

*Resumption of work*

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

**E12.6.2. General standards**

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

- (1) Land disturbance within riparian yards and coastal protection yards are limited to:



- (a) operation, maintenance and repair (including network utilities);
  - (b) less than 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 earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
  - (a) effect on the relationship of Mana Whenua and their culture and traditions with wāhi tapu in the precinct, especially wāhi whenua and wāhi pito.

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

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

- (1) all controlled activities:
  - (a) whether applicable standards are complied with;
  - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
  - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;

- (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
  - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made; and
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
- (2) additional assessment criteria for earthworks that exceeds 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
- (a) conditions may be imposed on consents to avoid, remedy or mitigate any adverse effects of works to support Mana Whenua, including:
    - (i) a requirement to notify the Council and Mana Whenua before any earthworks start;
    - (ii) supervision of works by a Council-appointed archaeologist and Mana Whenua representatives; and
    - (iii) control how earthworks are managed, such as hand digging rather than mechanical digging.

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

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

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

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

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

(d) within the Outstanding Natural Features Overlay:

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

(e) within the Special Character Area – Residential: Isthmus C – Three Kings:

- (i) the objectives and policies in Chapter D18 as they relate to Special Character Areas – Residential areas;
- (ii) nature and extent of any disturbance to the biophysical components in Isthmus C – Three Kings (i.e. landform, tuff ring or vegetation) that contribute to the identified special character values;
- (iii) degree of existing modification to the landform and vegetation;
- (iv) landscape, visual and amenity effects;
- (v) mana whenua values, in particular mātauranga, tikanga, spiritual values for those landforms and vegetation that contribute to the identified special character values; and
- (vi) cumulative effects in the identified special character values.

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[new text to be inserted]

- (3) Additional matters of discretion for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
  - (a) effects on known lava caves, fossils and sub-fossils.

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

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

- (1) all restricted discretionary activities:
  - (a) whether applicable standards are complied with;
  - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
  - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;



- (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
  - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
  - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;
  - (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
  - (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;
  - (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
  - (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
  - (l) for land disturbance near Transpower New Zealand Limited transmission towers:
    - (i) the outcome of any consultation with Transpower New Zealand Limited; and
    - (ii) the risk to the structural integrity of transmission lines.
  - (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.
- (2) additional assessment criteria for land disturbance within overlay areas:
- (a) within the Outstanding Natural Character and High Natural Character Overlay or the Outstanding Natural Landscapes Overlay:
    - (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of:
      - protected trees;
      - cliff faces/cliff tops; and
      - identified landscape features

- (ii) the extent to which the proposal will adversely affect amenity and identified natural character values, and whether the proposed mitigation measures can ensure there will be no more than minor effects on:
    - amenity values or views, both from land and sea;
    - landscape and natural character values; and
    - people's experience and values associated with an area, including the predominance of nature and wilderness values.
  - (iii) the extent to which there are adverse visual and or ecological effects from any land disturbance, associated with creating farm tracks, driveways or other servicing requirements;
  - (iv) the extent to which the activity impacts on Mana Whenua values;
  - (v) the extent to which the functional need for farm tracks, driveways or other servicing requirements to be in the location proposed; and
  - (vi) the objectives and policies in [D10 Outstanding Natural Landscapes Overlay](#) and [D11 Outstanding Natural Character and High Natural Character Overlay](#).
- (b) within the Historic Heritage Overlay;
- (i) the extent to which the land disturbance, its design, location and execution provide for the maintenance and protection of heritage sites.
- (c) within the Sites and Places of Significance to Mana Whenua Overlay:
- (i) whether the proposal will protect the relationship of Mana Whenua with their cultural heritage by:
    - avoiding the physical destruction in whole or in part of the site or place of significance to Mana Whenua;
    - avoiding significant adverse effects on the values and associations of Mana Whenua with the site or place;
    - where relevant, recognising and providing for the outcomes articulated by Mana Whenua through the cultural impact assessment process and within iwi planning documents;
    - incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
    - demonstrating consideration of practicable alternative methods, locations or designs which would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; or
    - demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for

karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.

(d) within the Outstanding Natural Features Overlay:

- (ii) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;
- (iii) whether the activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;
- (iv) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;
- (v) 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;
- (vi) 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;
- (vii) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and
- (viii) the objectives and policies in [D10 Outstanding Natural Features Overlay](#)

(e) within the Special Character Area – Residential: Isthmus C – Three Kings:

- (i) Policies D18.3(1) to (7) in Chapter D18 Special Character Areas Overlay Residential areas;
- (ii) the impact of the proposal on the special character values as identified in the special character statement;
- (iii) the extent to which land disturbance, its design, location and execution will:
  - adversely impact on the physical integrity of those volcanic landforms identified as contributing to the identified special character values;
  - maintain or enhance the visual integrity of the landscape values identified in the special character statement, including the effects of the proposal on the volcanic landform and vegetation;
  - maintain or enhance the relationship of built form to the natural landscape context identified as contributing to the stated special character values; and
  - avoid, remedy, or mitigate any adverse effects on mana whenua values, in particular mātauranga, tikanga and spiritual values, where they are relevant to the identified special character values.
- (iv) the degree to which the biophysical components of Isthmus C – Three Kings, including volcanic landscapes and vegetation have already been modified,

and the extent to which further modification would adversely impact on the special character values of the area.

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[new text to be inserted]

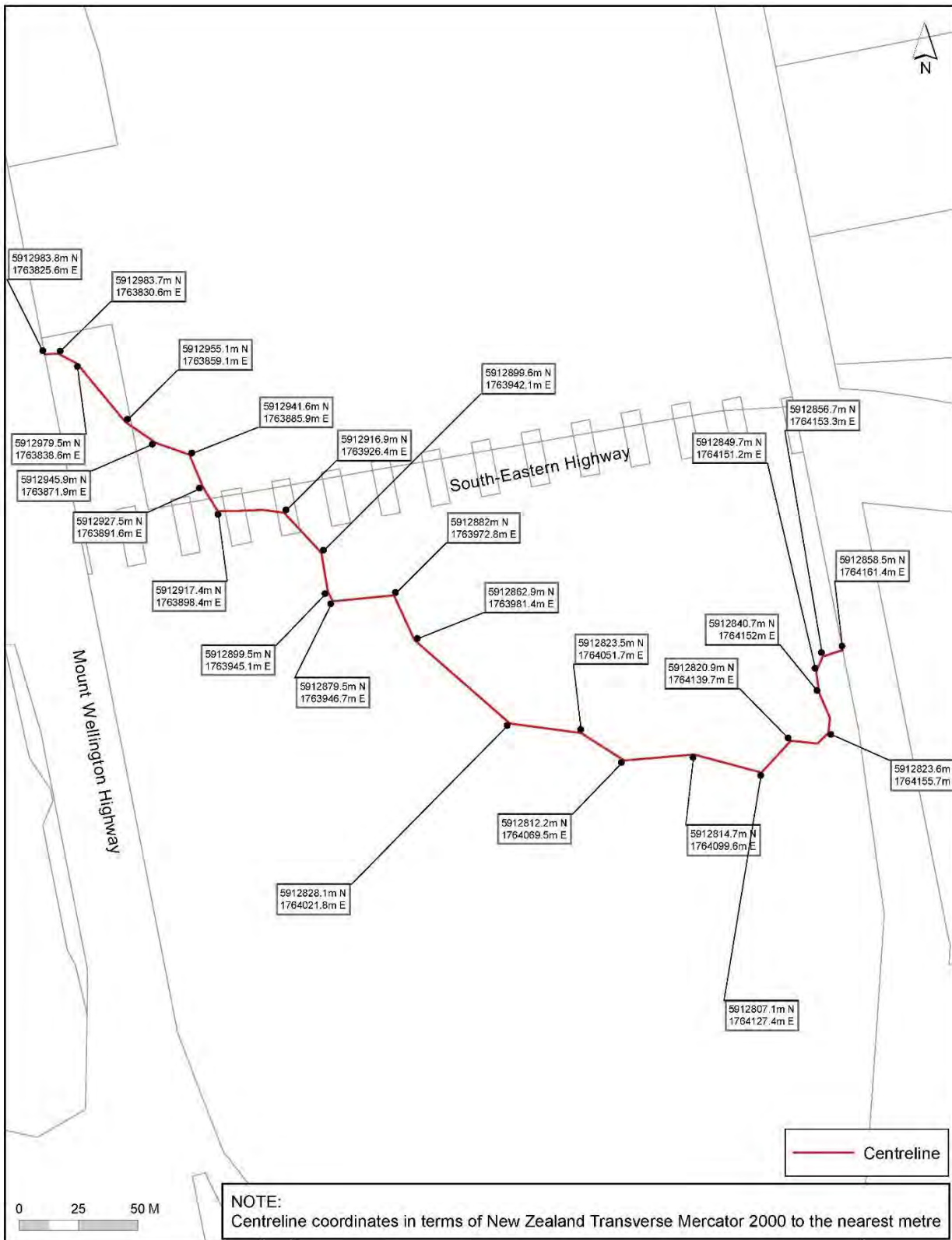
- (3) additional assessment criteria for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
- (a) the extent to which adverse effects on the features can be avoided or mitigated having regard to:
    - (i) the provision of a satisfactory record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

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

There are no special information requirements in this section.

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

Figure E12.10.1 Limited earthworks corridor



## E26. Infrastructure

### E26.1. Introduction and other relevant regulatory requirements

#### E26.1.1. Introduction

Infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment. This section provides a framework for the development, operation, use, maintenance, repair, upgrading and removal of infrastructure.

As well as benefits infrastructure can have a range of adverse effects on the environment, visual amenity of an area, and public health and safety. The sensitivity of adjacent activities, particularly residential, to these effects can lead to complaints and ultimately constraints on the operation of infrastructure. Managing these reverse sensitivity effects is essential. Equally in some circumstances other activities and development need to be managed in a way that does not impede the operation of infrastructure.

Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts), such as the National Grid Corridor Overlay, Auckland Airport Precinct and the Strategic Transport Corridor Zone are also provided throughout the plan and should be referred to where applicable. Designations may also provide for infrastructure.

The overlay and Auckland-wide provisions that are included in this section are set out in Table E26.1.1.1.

**Table E26.1.1.1 Structure**

Overlay or Auckland-wide provisions	E26 sub-section reference	Page number
Network utilities and electricity generation – All zones and roads	<a href="#">E26.2 Network utilities and electricity generation – All zones and roads</a>	3
<a href="#">D9 Significant Ecological Areas Overlay</a>  <a href="#">E15 Vegetation management and biodiversity</a>	<a href="#">E26.3 Network utilities and electricity generation – Vegetation management</a>	33
<a href="#">D13 Notable Trees Overlay</a>  <a href="#">E16 Trees in open space zones</a>  <a href="#">E17 Trees in roads</a>	<a href="#">E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay</a>	44
<a href="#">E11 Land disturbance – Regional</a>  <a href="#">E12 Land disturbance – District</a>	<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>	53  62

	Outstanding Natural Features Overlay  E26.7 Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay	76
<a href="#">D17 Historic Heritage Overlay</a>	E26.8 Network utilities and electricity generation – Historic Heritage Overlay	88
<a href="#">D18 Special Character Areas Overlay – Residential and Business</a>	E26.9 Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business	93
<a href="#">D21 Sites and Places of Significance to Mana Whenua Overlay</a>	E26.10 Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay	98
<a href="#">D14 Volcanic Viewshafts and Height Sensitive Areas Overlay</a>	E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay	101
<a href="#">D15 Ridgeline Protection Overlay</a>  <a href="#">D16 Local Public Views Overlay</a>  <a href="#">D19 Auckland War Memorial Museum Viewshaft Overlay</a>  <a href="#">D20A Stockade Hill Viewshaft Overlay</a>	E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays	106
<a href="#">D10 Outstanding Natural Landscapes Overlay</a>  <a href="#">D11 Outstanding Natural Character and High Natural Character Overlay</a>	E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	112
<a href="#">D10 Outstanding Natural Features Overlay</a>	E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	117

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### E26.1.2. Other relevant regulatory requirements

- (1) Where relevant, the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors will apply to the placement, maintenance, improvement and removal of utility structures in the road, unformed road and Strategic Transport Corridor.
- (2) The requirements of the Resource Management (National Environmental Standards for Electricity Transmission Activities "NESETA") Regulations 2009 apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s) that were operating or able to be operated on or prior to 14 January 2010 and remain part of the National Grid. In the case

of conflict with any other provision of this plan, including any provision in the activity table in this section, the NESETA provisions shall prevail.

- (3) The Resource Management (National Environmental Standards for Telecommunication Facilities “NESTF”) Regulations 2016 provide for:
- (a) the planning and operation of a telecommunication facility such as a mobile phone transmitter, that generates radio frequency fields as a permitted activity provided it complies with the New Zealand Standard on Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300 GHz (NZS 2772.1: 1999);
  - (b) the installation of telecommunication equipment cabinets in the road reserve as a permitted activity, subject to specified limitations on their size and location;
  - (c) noise from telecommunication equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits; and
  - (d) the installation or replacement of masts and antennas on existing structures in the road reserve as a permitted activity, subject to specified limitations on height and size.
- (4) Compliance with the NZECP 34:2001 is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34:2001, including any activities that are otherwise permitted by the Plan must comply with this regulation.
- (5) Connections to a network utility require approval of the relevant network utility operator and works within roads require approval of the relevant road controlling authority.

(6) ***Resource Management (National Environmental Standards for Freshwater) Regulations 2020***

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (‘Freshwater NES’) came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

If an activity provided for in rules E26.2.3 to E26.14.8, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

## **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, natural resources, coastal environment, historic heritage, special 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 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 E26.2.3.1 Activity table - Network utilities and electricity generation – All zones and roads**

Activity	Roads, unformed roads and the Strategic Transport Corridor Zone	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Industrial zones and the Business – General Business Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Open space zones and the Special Purpose – Cemetery Zone
<b>General</b>							
(A1)	Operation, maintenance and repair of network utilities and electricity generation facilities in existence on 30 September 2013 or which have been lawfully established or granted resource consent	P	P	P	P	P	P
(A2)	Minor infrastructure upgrading of network utilities	P	P	P	P	P	P
(A3)	Service connections	P	P	P	P	P	P
(A4)	Minor utility structure	P	P	P	P	P	P
(A5)	Electric vehicle charging stations	P	P	P	P	P	P
(A6)	Removal of network utilities and electricity generation facilities	P	P	P	P	P	P
(A7)	Ancillary telecommunication equipment/devices and networks for supporting the operation of a network utility and/or electricity generation facility, including but not limited to smart meters, antennae and aerials(excludes microwave and satellite dish	P	P	P	P	P	P

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	aerials)							
(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
(A18)	Substations within new buildings *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C *RD#	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	RD
(A21)	Unenclosed Substations *Business – Heavy Industry Zone	NA	RD#	D	D	D *RD	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 the Strategic Transport Corridor Zone, this activity shall have the same status as the adjacent zone ** Industrial zones *** within areas of the road, unformed road and the Strategic Transport Corridor Zone, where the area is adjacent to the relevant zone and is located outside the RUB	*	P	P	RD P***	RD P**	RD	RD P***
(A24)	Overhead electricity lines up to and including 110kV * within areas of the Road, Unformed Road and Strategic Transport Corridor this activity shall have the same status as the adjacent zone; ** Business – Heavy Industry Zone	*	P	P	D	RD P**	D	D
(A25)	Overhead electricity lines greater than 110kV * Business – Heavy Industry Zone	D	D	D	D	D P*	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	D	D	D	D	D RD*	D	D

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	* Business – Heavy Industrial Zone							
(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 Regulations 28 and 29 of the NESTF	C	NA					
(A32)	Antennas attached to retaining walls, tunnels, bridges and other structures (other than replacement utility structures under the NESTF) in the road, unformed Road and Strategic Transport Corridor Zone	P	NA					
(A33)	Antennas attached to a building and/or structure where the face of the antenna does not exceed 1.5m <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 ** within the Strategic Transport Corridor zone	RD# P**	P	P	D	P	P RD*#	RD#
(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>• 1.6m high;</li> <li>• 650mm horizontal length for dipole antennas; and</li> <li>• Whip or cross rod section of 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	P	P	P	P	P	P	P

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	existing telephone exchanges							
<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
(A51A)	Water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2 (3)(a) *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C *RD#	RD#
(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) and E26.2.5.1(6)	NC	NC	NC	NC	NC	NC	NC
(A66)	Any activity that does not comply with Standard E26.2.5.2(7) and E26.2.5.1(7)	NC	NC	NC	NC	NC	NC	NC

\* rainwater tank standards listed below do not apply to item (A52) which only relates to network utility tanks.

- H3.6.13 Single House Zone

PC 78 (see Modifications)

[new text to be inserted]



- H1.6.8 Large Lot Zone
- H2.6.11 Rural and Coastal Settlement Zone
- H4.6.16 Mixed Housing Suburban Zone
- H5.6.17 Mixed Housing Urban Zone
- H6.6.18 Terrace Housing and Apartment Buildings Zone
- H19.10.17 Rural Zones
- H20.6.9 Waitākere Foothills Zone
- H21.6.9 Waitākere Ranges Zone
- H27.6.9 Special Purpose - Māori Purpose Zone

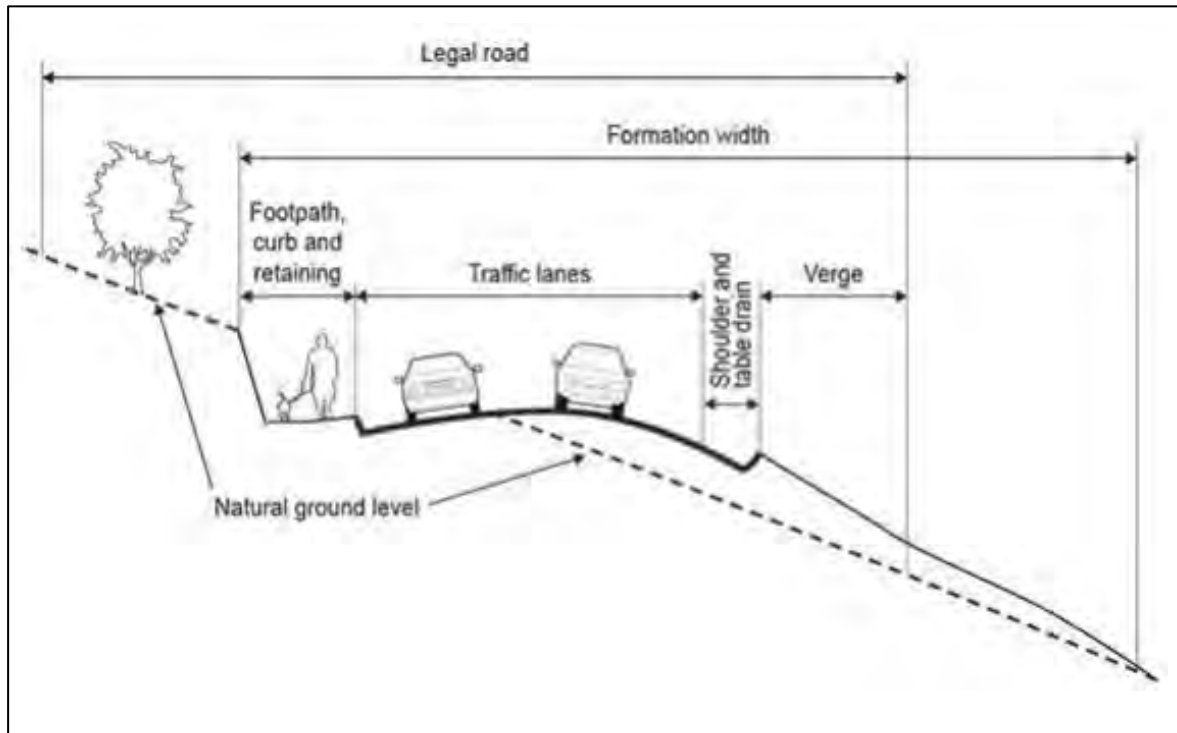
Table E26.2.3.2 Activity table specifies the activity status of land use and development for road network activities pursuant to section 9(3) of the Resource Management Act 1991.

(1) The rules in Table E26.2.3.2 apply to the local public road network operated by Auckland Transport and any private road (provided the private road is in private ownership, provides public access and is connected to the public road network).

(2) in this section:

(a) 'existing road' has the same meaning as in section 315 of the Local Government Act 1974 and includes legally established private roads (a road in private ownership providing public access and is connected to the public road network). Section 315 does not include a motorway within the meaning of the Government Rounding Powers Act 1989; and

(b) for the purposes of these rules, the existing road includes activities undertaken within the formation width of the road which may extend beyond the legal road width refer to Figure E26.2.3.1; and

**Figure E26.2.3.1 Formation width of the road**

(c) 'unformed road' means land that is vested or dedicated that has never been formed in full or in part,

- (3) Any zoning (including precinct provisions) ceases to have effect from the time the land is vested or dedicated as a road.
- (4) In the case of stopped roads, the zoning reverts to that of the adjoining land at the time when the road is stopped, and where there are two different zones, the adjacent zone extends to the centre line of the former road.
- (5) This section controls the road network activities (including structures) undertaken in the local public road network, and associated/ancillary structures and activities adjacent to but within the formation width of the existing road by Auckland Transport (or its agents) except where the overlay and Auckland-wide rules apply additional rules that must also be complied with.
- (6) Where an existing road (as defined in Rule E26.2.3(2) above) is also identified as having an underlying zoning, the rules as set out below will have precedence over any zone rules in regard to the activity status and standards.

**Table E26.2.3.2 Activity table for road network activities**

Activity		Existing Road	Unformed Road
(A67)	Construction, operation, use, maintenance and repair of road network activities	P	P
(A68)	Transportation of people, goods and services	P	P
(A69)	Construction of unformed roads	NA	RD#
(A70)	Public amenities	P	P

**E26.2.4. Notification**

- (1) An application for resource consent for a controlled or restricted discretionary activity listed in Table E26.2.3.1 Activity table or Table E26.2.3.2 Activity table for road network activities above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) 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 2m<sup>2</sup>. This excludes:
  - (i) *[intentionally blank]*
  - (ii) telecommunication cabinets permitted under NESTF;
  - (iii) distribution substations and gas distribution regulator stations provided they do not exceed 6m<sup>2</sup>;
  - (iv) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas provided they do not exceed 10m<sup>2</sup>; and
  - (v) pole mounted transformers provided the transformer does not exceed 2m<sup>3</sup>.

(3) Height:

- (a) the maximum height for structures, excluding electricity and telecommunication support structures, telecommunication devices, earth peaks, lightning rods, smart meters and GPS antennas is 1.8m;
- (b) the maximum height for support structures for electricity lines, telecommunication lines, telecommunication equipment/devices, including telecommunication equipment/devices is 25m. This measurement of height of the structure excludes any earth peaks, lightning rods, smart meters, omni-directional whip antennas and GPS antennas; and
- (c) the maximum height for of 2.5m applies to:
  - (i) telecommunication kiosk; and
  - (ii) distribution substations that specifically connect between networks operating at different voltages or phase angles, and are located outside of urban areas.

(4) Electric vehicle charging stations:

- (a) maximum height of 1.8m;
- (b) maximum area of 1.5m<sup>2</sup>;
- (c) either have a socket connection, or a fitted cable management accessory;

- (d) the equipment must be removed by the owner when the equipment becomes obsolete; and
- (e) in addition to the above, where the electric vehicle charging station is located on an arterial road:
  - (i) it must be located adjacent to part of a road on which car parking is authorised by Auckland Transport for a time period of at least 30 minutes for either general vehicle use or reserved for electric vehicles;
  - (ii) the equipment must be removed by the owner (at the owner's sole cost) at least 30 days prior to the adjacent car parking space being permanently removed; and
  - (iii) written notice of any proposed installation of the equipment must be given to Auckland Transport at least 2 months prior to the lodgement of any request to access the road corridor.
- (5) Minor infrastructure upgrading
  - (a) All activities and works must be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (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.

#### **E26.2.5.2. 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 and electricity storage facilities in rural zones, where a maximum height of 3m applies;
- (b) the maximum height for support structures for electricity lines and telecommunication lines is 25m.
- (c) The maximum height for rainwater tanks is 3m

(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 [rcp/dp]*

- (1) Minor infrastructure upgrading of network utilities must comply with the following controls (where relevant):
- (a) minor re-alignment, configuration, relocation or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures:
    - (i) that is within 2m of the existing alignment or location;
    - (ii) that is within 5m of the existing alignment or location when associated with road widening reasons or road safety or electricity clearance reasons.
  - (b) alterations and additions to overhead electricity and telecommunication lines on existing poles:
    - (i) do not increase the number of conductors or wires/lines by more than 100 percent;
    - (ii) or when installing a new low voltage circuit on an existing pole, the total number of new conductors or wires/lines must not exceed 8, consisting specifically of 4 lines for electricity circuit (or single bundled line containing up to 4 electricity lines), 1 hot water pilot

line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6 (unless some of the electricity lines are bundled in a single bundled line, in which case the maximum number of new conductors or wires/lines must not exceed 7, less the number of electricity lines in the bundled line).

- (iii) the provisions in E26.2.5.3(1)(b)(i) and E26.2.5.3(1)(b)(ii) above exclude service connections and lateral network connections
- (iv) additional cross arms that do not exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m; and
- (v) additional or replacement electricity and telecommunication lines that:
  - do not exceed 30mm in diameter; or
  - in the case of a single bundled line containing up to 4 electricity lines provided for under E26.2.5.3(1)(b)(ii), does not exceed 44mm in diameter. Only one bundled electricity line per span is permitted.

(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 by more than 20 per cent; and
  - (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 and electricity storage facilities*

- (2) Noise from substations must not exceed the following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
  - (a) 55 dB  $L_{Aeq}$  between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
  - (b) 45 dB  $L_{Aeq}$ /75 dB  $L_{Amax}$  for all other times
- (2A) Noise from electricity storage facilities must not exceed:
  - (a) The noise limits in E26.2.5.3(2) when the electricity storage facility is located on the same site as a substation and the noise levels are assessed cumulatively; or
  - (b) The following noise limits when measured within the boundary of a residential zone site or within the notional boundary of a rural zone site:
    - (i) 50 dB  $L_{Aeq}$  between Monday to Saturday 7am to 10pm and Sundays 9am to 6pm and
    - (ii) 40 dB  $L_{Aeq}$ /75 dB  $L_{Amax}$  for all other times.
- (3) Noise from substations and electricity storage facilities 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 and electricity storage facilities within roads, unformed roads and Strategic Transport Corridor Zone must not exceed 40 dB  $L_{Aeq}$ :
  - (i) in adjacent residential areas – 6m from the distribution substation or electricity storage facility, or at the nearest residential boundary (whichever is furthest); and
  - (ii) in adjacent rural zones – 6m from the distribution substation or electricity storage facility, or at the nearest rural notional boundary (whichever is furthest).
- (5) In respect of E26.2.5.3(3) and (4) above noise levels must be measured in accordance with NZS6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with NZS6802:2008 “Acoustics – Environmental noise”.
- (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**

<b>Zone group</b>	<b>Permitted height</b>
<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> <li>• Special Purpose – Cemetery Zone</li> </ul>	3.5m

(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**

<b>Roof area (plan view)</b>	<b>Maximum number of antennas per site</b>
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, omni-directional whip antennas 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> <li>• Special Purpose – Healthcare Facility and Hospital Zone;</li> <li>• Business – Business Park Zone;</li> <li>• Business – General Business Zone;</li> <li>• Coastal – Minor Port Zone (land);</li> <li>• Future Urban Zone;</li> <li>• Coastal – Marina Zone (land); and</li> <li>• Special Purpose – Quarry Zone</li> </ul>	25m

*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**

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

The plan must include the information set out in E26.8.8 and be provided to the council no less than 5 days prior to the works commencing.

#### **E26.2.5.5. Controlled activity standards**

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

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

- (2) Substations within new buildings, substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
  - (a) the substation building or pump station must comply with the standards for the relevant zone; and
  - (b) noise from substations must not exceed the noise limits in Standards E26.2.5.3(2) - (5).

#### **E26.2.6. Assessment – controlled activities**

##### **E26.2.6.1. Matters of control**

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

- (1) antennas attached to replacement utility structure that do not comply with Regulation 7 of the NESTF in roads, unformed roads and the Strategic Transport Corridor Zone:
  - (a) compliance with Standard E26.2.5.5(1) Controlled activity standard for antennas.



- (2) stormwater detention and retention ponds and wetlands:
  - (a) effects on the use of open space;
  - (b) provision of safe access for maintenance; and
  - (c) effects on health and safety.
  
- (3) substations within new buildings and substations within existing buildings that require an increase in building platform area or building height, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
  - (a) external building appearance;
  - (b) landscaping and fencing;
  - (c) compliance with Standard E26.2.5.5(2); and
  - (d) effects on health and safety.

#### **E26.2.6.2. Assessment criteria**

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

- (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 and

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

- (a) whether Standard E26.2.5.5(2) is complied with;
- (b) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the pump station or substation;
- (c) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pump station or substation; and
- (d) the extent to which fencing can be used to minimise potential health and safety hazards.

### **E26.2.7. Assessment – restricted discretionary activities**

#### **E26.2.7.1. Matters of discretion**

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

- (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, and water, wastewater and stormwater pump stations that do not comply with standards E26.2.5.2(2)(a) or E26.2.5.2(3)(a):
  - (i) effects of external building appearance on amenity values of the streetscape and adjoining properties; and
  - (ii) effects on health and safety.

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

- (a) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features without compromising the functional requirements of the pump station or substation;
  - (b) the extent to which the visual effects of the building can be softened by landscaping without compromising the functional requirements of the pump station or 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 areas (for the meaning of 'coastal areas' and 'riparian areas', refer to [E15 Vegetation management and biodiversity](#) and in particular [Table E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules](#));
- [D9 Significant Ecological Areas Overlay](#); (SEA)
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#); and (ONF) and (ONL)
- [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); (ONC) and (HNC)

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 areas [rp]	SEA [rp]	ONF [dp]	HNC [dp]	ONL [dp]	ONC [dp]
<b>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading</b>							
(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\(4\)](#).

#### **E26.3.4A General Standard**

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

##### *Disposal of kauri material*

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

#### **E26.3.5. Permitted activity standards**

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

##### **Regional [rp]**

*Permitted activity standards for vegetation management in rural zones, coastal areas, riparian areas 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) 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) *[deleted]*
- (3) Must not result in the removal of more than 50m<sup>2</sup> of vegetation within a coastal area or riparian area 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:
- (a) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and not result in the removal of more than 20m<sup>2</sup> of vegetation, except within the formation width of the road; or
  - (b) the operation, maintenance, renewal, repair or removal of network utilities or electricity generation facilities or minor infrastructure upgrading and must be undertaken in any of the following:
    - (i) within the formation width of existing roads, except where Standard E26.3.5.2(4) applies; or
    - (ii) within 1m of the network utility, or existing access track; or
    - (iii) in accordance with the Electricity (Hazards from Trees) Regulations 2003; or
  - (c) maintaining the safety of the network utility and must be undertaken in any of the following:
    - (i) within state highway designations as at 30 September 2013; or
    - (ii) within railway designations as at 30 September 2013; or
  - (d) installing a service connection and must not result in the removal of more than 10m<sup>2</sup> of vegetation.
- (7A) Tree trimming or alteration of trees must comply with the following standards:
- (a) the maximum branch diameter must not exceed 50mm;
  - (b) no more than 10 per cent of live growth of the tree is removed in any one calendar year;
  - (c) the trimming or alteration must retain the natural shape, form and branch habit of the tree;
  - (d) trimming or alteration must meet accepted modern arboricultural practice.
- (8) Standards E26.3.5.2(1)-(7A) 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 0.5m above any traffic signal, or road safety and directional signage located above the road carriageway;

- (b) clearance of a 0.5m width back from the road kerb;
- (c) clearance of a 0.6m width back from the un-kerbed road; or
- (d) clearance for any over dimension route requirement.

**District [dp]**

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

**E26.3.5.3. 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 0.5m above any traffic signal, or road safety and directional signage located above the road carriageway;
  - (b) clearance of a 0.5m width back from the road kerb;
  - (c) clearance of a 0.6m width back from the un-kerbed road; or
  - (d) clearance for any over dimension route requirement.

### **E26.3.6. 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 areas and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:
  - (a) ecological values:
    - (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.
  - (aa) hazard mitigation:
    - (i) the role of the vegetation in avoiding or mitigating natural hazards and the extent to which the vegetation alteration or removal will increase any hazard risk.
  - (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 areas and the [D9 Significant Ecological Areas Overlay](#) that do not comply with the permitted activity standards [rp]:

(a) ecological values:

- (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
- (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
- (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in [D9 Significant Ecological Areas Overlay](#), [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#) and [E15 Vegetation management and biodiversity](#).

(aa) hazard mitigation:

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

(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 to enable 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 any tree less than 4m in height and/or less than 400mm in girth	P	P	NA
(A92)	Tree alteration or removal of any tree greater than 4m in height and/or greater than 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(9) 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;
  - (d) the natural shape, form and branch habit of the tree must be retained for trees in streets where practicable; and
  - (e) All works must be carried out in accordance with best arboricultural practice.
- (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 up to 0.5m above any traffic signal, or road safety and directional signage located above the carriageway;
    - (ii) maintain the clearance of 0.5m width back from the road kerb;
    - (iii) maintain the clearance of 0.6m width back from the unkerbed road; or
    - (iv) maintain clearance requirements for over dimension routes;

(c) within the legal road or the formation width of the road where the road adjoins any rural zone for maintaining visibility.

(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 qualified arborist;

(d) replacement of structures kerbs, and hard surfaces must be done so that:

(i) the removal of the surface is carried out without damage to any tree roots; and

- (ii) the machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.
  - (e) Standards E26.4.5.2(1)(a) - (d) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.
- (2) For roots greater than 60mm but less than 80mm:
- (a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:
    - (i) works must not disturb more than 20% of the protected root zone;
    - (ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance;
    - (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket;
  - (b) Standard E26.4.5.2(2)(a) above do not apply to any tree works undertaken inside infrastructure such as pipes and meter boxes.

*Notable trees*

**E26.4.5.3. Notable trees - tree trimming or alteration**

- (1) Tree trimming or alteration of notable trees must meet the following standards:
- (a) the maximum branch diameter must not exceed 50mm at severance;
  - (b) must not result in the removal of more than 10 per cent of live growth of the tree in any one calendar year;
  - (c) the trimming must retain the natural shape, form and branch habit of the tree.
  - (d) the works must meet best arboricultural practice

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

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 1m<sup>2</sup>.
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.

- (4) Works must not disturb more than 10 per cent of the protected root zone.
- (5) Any machines must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

#### **E26.4.6. Assessment – controlled activities**

##### **E26.4.6.1. Matters of control**

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

- (1) for deadwood removal not undertaken by a qualified arborist:
  - (a) the extent of the alteration of the tree; and
  - (b) the method to be employed.
- (2) for tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:
  - (a) the required Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003;
  - (b) the extent of the alteration to the tree; and
  - (c) the method to be employed.

##### **E26.4.6.2. Assessment criteria**

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

- (1) for deadwood removal not undertaken by a qualified arborist:
  - (a) criteria for the extent of the alteration of the tree and the method to be employed:
    - (i) the tree will not be unduly damaged or its health endangered through removal of deadwood;
    - (ii) the timing of the deadwood removal;
    - (iii) the size of the wounds; and
    - (iv) the position of the wounds.

- (2) tree trimming of branch diameters greater than 50mm at severance in accordance with Electricity (Hazards from Trees) Regulations 2003 up to the Growth Limit Zone:
  - (a) that the trimming must not exceed the Growth Limit Zone clearances required by the Electricity (Hazards from Trees) Regulations 2003; and
  - (b) whether the trimming retains the natural shape, form and branch habit of the tree, as far as practicable.

#### **E26.4.7. Assessment – restricted discretionary activities**

##### **E26.4.7.1. Matters of discretion**

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

- (1) trees in roads and open space zones:
  - (a) for tree trimming or alteration not meeting Standard E26.4.5.1;
    - (i) the methods proposed to reduce any adverse effects; and
    - (ii) the extent of the alteration of the tree or trees.
  - (b) for work within the protected root zone not otherwise provided for:
    - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
    - (ii) the extent of area of the protected root zone or zones that is affected.
  - (c) tree alteration or removal of greater than 4m in height and trees 400mm in girth:
    - (i) the effect on the values of the tree or trees; and
    - (ii) any loss or reduction of amenity values provided by the tree or trees;
    - (iii) any mitigation proposed; and
    - (iv) the functional and operational requirements and benefits derived from infrastructure.
- (2) Notable Tree Overlay:
  - (a) for tree trimming or alteration not meeting Standard E26.4.5.3:
    - (i) the methods proposed to reduce any adverse effects; and
    - (ii) the extent of the alteration of the tree or trees.

- (b) for work within the protected root zone not otherwise provided for:
  - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
  - (ii) the extent of area of the protected root zone or zones that is affected.

#### **E26.4.7.2. Assessment criteria**

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

- (1) trees in roads and open space zones:
  - (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
  - (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
  - (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
  - (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;
  - (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
  - (f) whether there is a need for the direction and supervision of a qualified arborist while the works are being carried out; and
  - (g) the extent to which functional and operational requirements make the works necessary.
- (2) Notable Tree Overlay:
  - (a) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
  - (b) the extent to which any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided;
  - (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;



- (d) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;
- (e) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (f) the need for the direction and supervision of a qualified arborist while the works are being carried out; and
- (g) the functional and operational requirements and benefits derived from infrastructure.

**E26.4.8. Special information requirements**

There are no special information requirements in this sub-section.

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

### E26.5.1. Objectives

The objectives for earthworks are located in:

- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

### E26.5.2. Policies

The policies for earthworks are located in:

- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

### E26.5.3. Activity table

Table E26.5.3.1 Activity table specifies the activity status of land use and development activities to pursuant to section 9(3) of the Resource Management Act 1991.

- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

**Table E26.5.3.1 Activity table - Earthworks all zones and roads [dp]**

Activity		Residential zones	Business zones and Business – City Centre Zone	Future Urban Zone and rural zones (excluding Rural – Rural Conservation)	Open space zones	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
(A94)	Earthworks for maintenance, repair, renewal, minor infrastructure upgrading and service connections	P	P	P	P	P	P	P
(A95)	Earthworks up to 2500m <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

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	renewal, minor infrastructure upgrading							
(A97A)	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 <a href="#">Table E12.4.1 Activity table – all zones and roads</a>						
<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 Zones - City Centre	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 <a href="#">Table E11.4.1 Activity table – all zones and roads</a> [rp]						
(A109)	Activities ancillary to erosion and sediment control	Refer <a href="#">Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water</a> [rp]						

#### 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(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E26.5.3.1 and E26.5.3.2 and which is not listed in E26.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### **E26.5.5. Standards**

#### **E26.5.5.1. Accidental discovery rule**

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

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

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

#### *Inform relevant authorities and parties*

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

- (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or.
  - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.5.5.1(3)(f) are met.

*Recommencement of work*

- (f) work within the area determined by the Council at step E26.5.5.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
  - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - (iii) the requirements of the Unitary Plan – Section [E30 Contaminated land](#) and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;

- (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.5.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
  - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
  - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
- (vii) resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent; and
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014.

#### **E26.5.5.2. General standards**

All activities listed as permitted, controlled and restricted discretionary in Table E26.5.3.1 and E26.5.3.2 must comply with the following standards.

#### **Regional [rp]**

- (1) Earthworks associated with the operation, repair, renewal, upgrading and maintenance of existing roads, will be undertaken within the legal road or the formation width of existing roads if this extends beyond the legal road width.
- (2) Land disturbed for the operation, repair, renewal, upgrading or maintenance of utilities will be stabilised by re-vegetation, grassing or other suitable means as soon as practicable after completion of the works to avoid erosion and scouring.
- (3) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

- (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
  - (e) any significant adverse effects on aquatic life.
- (4) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.

Note 1

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

- (5) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
- (6) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (7) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (8) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that area 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 1% 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 controlled resource consent application:

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

#### **E26.5.6.2. Assessment criteria**

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

- (1) all regional controlled activities [rp]:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the Coastal Marine Area; and
    - (ii) ecological health including of the Coastal Marine Area.
  - (c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
  - (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;

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

#### **E26.5.7. Assessment – restricted discretionary activities**

##### **E26.5.7.1. Matters of discretion**

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

- (1) all regional restricted discretionary activities [rp]:
  - (a) compliance with the standards;
  - (b) the design and suitability of erosion and sediment control measures to be implemented;
  - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
  - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;
  - (e) the proportion of the catchment which is exposed;
  - (f) staging of works and progressive stabilisation;
  - (g) timing and duration of works;
  - (h) term of consent;
  - (i) potential effects on significant ecological and indigenous biodiversity values;
  - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; and
  - (k) information and monitoring requirements.
- (2) all district restricted discretionary activities [dp]:
  - (a) compliance with the standards;
  - (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;
  - (c) effects on the stability and safety of surrounding land, buildings and structures;

- (d) effects on overland flow paths and flooding;
- (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
- (f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;
- (g) staging of works and progressive stabilisation;
- (h) information and monitoring requirements;
- (i) timing and duration of works;
- (j) term of consent;
- (k) potential effects on significant ecological and indigenous biodiversity values;
- (l) risk that may occur as a result of natural hazards;
- (m) protection of or provision of network utilities and road networks.
- (n) potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and
- (o) positive effects enabled through the land disturbance.

#### **E26.5.7.2. Assessment criteria**

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

- (1) all regional restricted discretionary activities [rp]:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the coastal marine area;
    - (ii) ecological health including of the coastal marine area;
    - (iii) riparian margins;
    - (iv) the mauri of water;
  - (c) the quality of taiāpure or mahinga mātaītai;
  - (d) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;

- (e) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
  - (f) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or
  - (g) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
  - (h) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) general district assessment criteria [dp]:
- (a) whether applicable standards are complied with;
  - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
  - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
  - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
  - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
  - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;
  - (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
  - (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;

- (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Unitary Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:
  - (i) the outcome of any consultation with Transpower New Zealand Limited; and
  - (ii) the risk to the structural integrity of transmission lines; or
- (m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

#### **E26.5.8. Special information requirements**

There are no special information requirements in this sub-section.

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

#### **E26.6.1. Objectives**

The objectives for earthworks are located in:

- [D9 Significant Ecological Areas Overlay](#);
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);
- [D17 Historic Heritage Overlay](#);
- [D18 Special Character Areas Overlay – Residential and Business](#)
- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

#### **E26.6.2. Policies**

The policies for earthworks are located in:

- [D9 Significant Ecological Areas Overlay](#);
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);

- [D17 Historic Heritage Overlay](#);
- [D18 Special Character Areas Overlay – Residential and Business](#)
- [E11 Land disturbance – Regional](#); and
- [E12 Land disturbance – District](#).

### **E26.6.3. Activity table**

Table E26.6.3.1 Activity table specifies the activity status of land use and development activities pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991 in the:

- [D9 Significant Ecological Areas Overlay](#); (SEA)
- [D7 Water Supply Management Areas Overlay](#);(WSMA)
- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#); (ONF) and (ONL)
- [D11 Outstanding Natural Character and High Natural Character Overlay](#); (ONC) and (HNC)
- [D17 Historic Heritage Overlay](#); (HH)
- [D21 Sites and Places of Significance to Mana Whenua Overlay](#); (SSMW) and
- [D18 Special Character Areas Overlay – Residential and Business](#) (Special Character)

The acronyms in brackets after the overlays identified above (and the words “Special Character”) are used to identify those overlays in the headings in Table E26.6.3.1

For Table E26.6.3.1 Activity table:

- additional controls apply for earthworks within the [D26 National Grid Corridor Overlay](#); and
- for network utilities the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.



**Table E26.6.3.1 Activity table - Earthworks in overlay areas except Outstanding Natural Features Overlay**

Activity	SEA [rp]	ONC [dp]	WSM A [rp]	ONL and HNC [dp]	Historic Heritage [dp]	SSMW [dp]	Special Charact er [dp]
(A110) Earthworks for maintenance, renewal and repair of network utilities and electricity generation activities  RD* where archaeological controls apply as listed in <a href="#">Schedule 14</a>	P	P	P	P	P RD*	P	P
(A111) Earthworks for service connections  P* where identified as a site exception <del>of Mana Whenua Responsive Design Area</del> in <a href="#">Schedule 12</a>  RD* where archaeological controls apply as listed in <a href="#">Schedule 14</a>	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 <a href="#">Schedule 14</a>	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 <a href="#">Schedule 14</a>	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 <a href="#">Schedule 14.1</a>					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 <a href="#">Schedule 14</a>	P	P	P	P	P RD*	D	P
(A117)	Earthworks from 10m <sup>2</sup> to 2500m <sup>2</sup> and from 5m <sup>3</sup> to 2500m <sup>3</sup>  *Earthworks greater than 5m <sup>3</sup> within the Isthmus C Special Character Overlay <sup>3</sup>	RD	RD	RD	RD	RD	D	RD D*
(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 <a href="#">Table E11.4.3 Activity table overlays for regional overlays</a> and <a href="#">Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) for district overlays</a> .				

#### E26.6.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.6.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

## **E26.6.5. Standards**

### **E26.6.5.1. Accidental discovery rule**

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

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

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

#### *Inform relevant authorities and parties*

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

- (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or
  - (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- (e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.6.5.1(3)(f) are met.

*Recommencement of work*

- (f) work within the area determined by the Council at step E26.6.5(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
  - (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - (iii) the requirements of the Unitary Plan – Section [E30 Contaminated land](#) and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;

- (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.6.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
  - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
  - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.
- (vii) resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent; and
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014.

#### **E26.6.5.2. General standards**

All activities listed as permitted, controlled or restricted discretionary in Table E26.6.3.1 Activity table must comply with the following standards.

#### **Regional [rp]**

*Regional permitted activity standards for the Significant Ecological Areas Overlay and Water Supply Management Area Overlay*

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m<sup>2</sup> and 5m<sup>3</sup>
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed.

- (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 area 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 that exceed 10m<sup>2</sup> and 5m<sup>3</sup> shall not exceed an excavation depth of 0.6m, or the depth of land previously disturbed and for the Sites and Places of Significance to Mana Whenua overlay, only to the depth of land previously disturbed.
- (17) Earthworks for network utilities within the Historic Heritage Overlay must not:
- (a) take place within 20m of any building or structure within the scheduled historic heritage place, except for road maintenance, repair, renewal and minor upgrading of road network activities (excluding bridges, retaining walls and tunnels); or
  - (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](#).
  - (c) *[deleted]*
- (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 <a href="#">Table D10.4.1</a> for activity tables applying to outstanding natural features									
		A1	A	V1	V2	B	C	D	E	F1	F2
(A110)	Earthworks for maintenance, renewal and repair of network activities and electricity generating facilities	P	P	P	P	P	P	P	P	P	P
(A111)	Earthworks for minor infrastructure upgrading P* within the legal road or the formation width of the road	P	P	RD P*	RD P*	RD	RD	RD	RD	RD	RD
(A112)	Earthworks for minor utility structures	P	P	RD	RD	RD	RD	RD	RD	RD	RD

	P* within the legal road or the formation width of the road			P*	P*						
(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 <a href="#">Table E12.4.3 Activity table Outstanding Natural Features Overlay</a>									

#### E26.7.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.7.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

#### E26.7.5. Standards

##### E26.7.5.1. Accidental discovery rule

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, “sensitive material” means:
  - (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;
  - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);

- (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
  - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

*Cease works and secure the area*

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

*Inform relevant authorities and parties*

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

*Wait for and enable inspection of the site*

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

consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives, or

(iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.

(e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E26.7.5.1(3)(f) are met.

*Recommencement of work*

(f) work within the area determined by the Council at step E26.7.5.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:

- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
- (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
- (iii) the requirements of the Unitary Plan – Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
- (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E26.7.5.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
  - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
  - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values;



- (vii) resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent; and
- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014.

#### **E26.7.5.2. General standards**

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

- (1) Earthworks for network utilities outside the legal road or the formation width of the road shall be limited to the area and depth of the land previously disturbed or modified or within a width or depth not exceeding 2m either side of a National Grid structure or cable.
- (2) Earthworks for network utilities (excluding road maintenance, repair and renewals, and minor infrastructure upgrading) within the legal road or the formation width of the road shall not exceed 10m<sup>2</sup> and 5m<sup>3</sup>.
- (3) Earthworks for the minor upgrading of road network activities that exceed 10m<sup>2</sup> or 5m<sup>3</sup> shall not exceed an excavation depth of land previously disturbed.
- (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 should not result in the removal of any tree or other planting identified in [Schedule 14.1 Schedule of Historic Heritage](#).
- (3) Minor infrastructure upgrading must:
  - (a) not increase the size or alter the existing location of the existing footprint;
  - (b) not result in the removal of any tree or other planting identified in [Schedule 14.1 Schedule of Historic Heritage](#); and
  - (c) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (4) Minor upgrading of road network activities must:
  - (a) only occur within the legal road or the formation width of the road;

- (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure; and
  - (c) not result in the removal of any tree or other planting identified in [Schedule 14.1 Schedule of Historic Heritage](#).
- (5) Road network activities involving the renewal or minor upgrading of road pavement (excluding footpaths), bridges, retaining walls and tunnels, within 20m of any building or structure included in the [Schedule 14.1 Schedule of Historic Heritage](#), a vibration management plan must be prepared by a suitably qualified and experienced person to establish that vibration levels will meet E25.6.30 Vibration. The Plan must include the information set out in E26.8.8 and be provided to the Council no less than 5 days prior to the works commencing.
- (6) Minor utility structures must:
- (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in [Schedule 14.1 Schedule of Historic Heritage](#)) or a contributing property or feature in a historic heritage area;
  - (b) not exceed a maximum height of 0.9m and a maximum area of 0.5m<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](#))

- [of Historic Heritage](#)) or a contributing property or feature in a historic heritage area;
- (b) be co-located on an existing (non-heritage) structure; and
  - (c) where co-location is not possible, there shall be no more than one sign and support structure for regulatory control within any single road frontage within any individual scheduled historic heritage extent of place
- (10) Temporary buildings, structures and signs must:
- (a) not be affixed or attached to a primary feature of a historic heritage place (other than if it is a noted exclusion in [Schedule 14.1 Schedule of Historic Heritage](#)) or a contributing property or feature in a historic heritage area; and
  - (b) not be in place longer than either:
    - (i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or
    - (ii) 21 consecutive days in any 60 day period.

#### **E26.8.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.8.7. Assessment – restricted discretionary activities**

##### **E26.8.7.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) effects on the known heritage values of a historic heritage place from the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;
  - (b) effects on the heritage and Mana Whenua values;
  - (c) effects on the setting of the historic heritage place, and on the inter-relationship between buildings, structures and features within the place;
  - (d) effects of the proposal on the overall significance of the place;
  - (e) effects on the inter-relationship between contributing places within a historic heritage area, including the views to, within or from the place or area;



- (f) the purpose and necessity for the works and any alternatives considered;
- (g) effects of the proposal on the long term viability and/or the ongoing functional use of the place;
- (h) the mitigation of effects; and
- (i) the functional or operation need for any infrastructure in the location proposed.

#### **E26.8.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) on the heritage values of the place and the extent to which adverse effects are avoided, remedied or mitigated;
  - (b) whether the proposed works will maintain or enhance the heritage values of the place;
  - (c) whether the proposed works will compromise the ability to interpret features within the place and the relationship of the place to other scheduled historic heritage places;
  - (d) whether the proposed works, including the cumulative effects of proposed works, will result in adverse effects on the overall significance of the place such that it no longer meets the significance thresholds for which it was scheduled;
  - (e) the extent to which the activity, building or structure will impact on Mana Whenua values;
  - (f) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#).

#### **E26.8.8. Special information requirements**

- (1) The vibration management plan must include a description of the following:
  - (a) a description of the area affected by the works;
  - (b) a contact name and number of the works supervisor who can be contacted if any issues arise;

- (c) a description of the works and its duration, anticipated equipment to be used and the processes to be undertaken; and
- (d) a methodology for monitoring the proposed works to measure compliance with DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures in relation to the scheduled historic heritage building or structure.

## **E26.9. Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business**

### **E26.9.1. Objectives**

The objectives for this sub-section are located in [D18 Special Character Areas Overlay – Residential and Business](#).

### **E26.9.2. Policies**

The policies for this sub-section are located in [D18 Special Character Areas Overlay – Residential and Business](#).

### **E26.9.3. Activity table**

Table E26.9.3.1 Activity table specifies the activity status of land use and development activities in the Special Character Areas Overlay – Residential and Business pursuant to section 9(3) of the Resource Management Act 1991:

- areas in the Special Character Areas Overlay - General may contain a mix of sites zoned residential or business. In such cases, for any site/s in a business zone, the Special Character Areas Overlay - Business rules in [Table D18.4.2](#) Activity table will apply and for any site/s in a residential zone, the Special Character Areas Overlay - Residential rules in [Table D18.4.1](#) Activity table will apply;
- these rules do not cover total demolition, substantial demolition, relocation or removal of buildings in the Special Character Areas Overlay – Residential and Business. If the activity affects buildings other than accessory buildings in these overlays, the rules of [D18](#) apply;
- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table; and
- in respect of network utilities and electricity generation activities within this overlay, also refer to:
  - Table E26.3.3.1 Activity table – Network utilities and electricity generation and vegetation management; and
  - Table E26.6.3.1 Activity table - earthworks in overlay areas except Outstanding Natural Features Overlay

**Table E26.9.3.1 Activity table - Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business**

Activity		Special Character Areas Overlay - Residential Activity status	Special Character Areas Overlay - Business Activity status
<b>Network utilities and electricity generation facilities</b>			
(A132)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P
(A133)	Minor infrastructure upgrading	P	P
(A134)	Minor upgrading of road network activities	P	P
(A135)	Minor utility structure	P	P
(A136)	Service connections	P	P
(A137)	Antennas and aerials	P	P
(A138)	Distribution substations that meet Standard E26.2.5.1(2)	RD	RD
(A139)	Small and community scale electricity generation facilities	RD	RD
(A140)	Road network activities comprising road lighting and associated support structures	P	P
(A141)	Road network activities comprising traffic operation and safety signs, direction signs and road name signs	P	P
(A142)	Road network activities comprising traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P	P
(A143)	Temporary buildings, structures and signs,	P	P
(A144)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.9.5.1	RD	RD
(A145)	Network activities and electricity generation facilities not otherwise provided for	D	D

#### **E26.9.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.9.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

#### **E26.9.5. Standards**

All activities listed as permitted in Table E26.9.3.1 Activity table must comply with the following permitted activity standards.

##### **E26.9.5.1. Permitted activity standards**

- (1) Minor infrastructure upgrading:
  - (a) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
  - (b) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;
  - (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
  - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must comply with the following standards:
  - (a) the alteration, replacement or relocation of ancillary structures for road network activities:
    - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
    - (ii) the structure must be located within 2m of the existing alignment or location.
  - (b) any support structure or pole which replaces an existing support structure or pole:
    - (iii) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
    - (iv) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.

(c) all activities and works must only occur within the legal road or the formation width of the road.

(3) Antennas and aerials must:

(a) not have a cross sectional dimension greater than 300mm; and

(b) must not protrude above the roof line of the part of the building to which they are attached. Where attached to the front facade, the antenna or aerial must be attached so it has a maximum horizontal projection of 450mm from the face of the building and must be colour matched to the part of the building to which it is attached;

(c) E26.9.5.1(3)(b) does not apply where the antenna or aerial is not visible when viewed at a height 1.8m above street level from any part of any road which is located within the character overlay.

(4) Temporary buildings, structures and signs must:

(a) not be in place longer than either:

(i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or

(ii) 21 consecutive days in any 60 day period.

#### **E26.9.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.9.7. Assessment – restricted discretionary activities**

##### **E26.9.7.1. Matters of discretion**

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

(1) all restricted discretionary activities:

(a) effects on the on the special character values and context of the areas as identified in the special character area statements;

(b) effects on the on the special character qualities, design and architectural features of buildings;

(c) the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;

(d) the purpose and necessity for the works and any alternatives considered;

(e) the mitigation of effects; and

- (f) the functional or operation need for any infrastructure in the location proposed.

#### **E26.9.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) special characteristics of the streetscape and area and the extent to which adverse effects are avoided, remedied or mitigated.
  - (b) whether the proposed works will maintain or enhance the special character qualities and the design and architectural features of buildings.
  - (c) whether design or location alternatives have been considered to minimise the adverse effects on the special characteristics of the streetscape, area or building
  - (d) whether the location and design of any attachments minimises effects on the building through the use of appropriate colour, design, form and location on the building
  - (e) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section [E26 Infrastructure](#).

#### **E26.9.8. Special information requirements**

There are no special information requirements in this sub-section.

## E26.10. Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay

### E26.10.1. Objectives

The objectives for this sub-section are located in [D21 Sites and Places of Significance to Mana Whenua Overlay](#).

### E26.10.2. Policies

The policies for this sub-section are located in [D21 Sites and Places of Significance to Mana Whenua Overlay](#).

### E26.10.3. Activity table

Table E26.10.3.1 Activity table specifies the activity status of land use and development activities in the Sites and Places of Significance to Mana Whenua Overlay pursuant to section 9(3) of the Resource Management Act 1991.

**Table E26.10.3.1 Activity table - Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay**

Activity		Activity status
<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 <del>or Mana Whenua Responsive Design Area</del> in <a href="#">Schedule 12 Sites and Places of Significance to Mana Whenua Schedule</a>	RD
(A151)	Network utilities and electricity generation facilities not otherwise provided for where the site is not identified as a site exception <del>or Mana Whenua Responsive Design Area</del> in <a href="#">Schedule 12 Sites and Places of Significance to Mana Whenua Schedule</a>	D

### E26.10.4. Notification

- (1) Any application for resource consent for an activity listed in Table E26.10.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### **E26.10.5. Standards**

All activities listed as permitted in Table E26.10.3.1 Activity table must comply with the following permitted activity standards.

#### **E26.10.5.1. Minor infrastructure upgrading**

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint within a site or place of significance and must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint within a site or place of significance and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

#### **E26.10.6. Assessment – controlled activities**

There are no controlled activities in this sub-section.

#### **E26.10.7. Assessment – restricted discretionary activities**

##### **E26.10.7.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (f) the effects of the proposal on the values and associations of Mana Whenua with the site or place including effects on the context of the local history and whakapapa;
  - (g) the nature, location, design and extent of the proposal;
  - (h) the purpose and necessity for the works and any alternatives considered; or
  - (i) the provisions of any relevant iwi planning document.

##### **E26.10.7.2. Assessment criteria**

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

- (2) all restricted discretionary activities:
  - (a) Policies D21.3(1) - (3), ~~D21.3(4), and D21.3(8).~~
  - (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.

PC 78 ([see Modifications](#))

## 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.

PC 78 ([see Modifications](#))

### 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

PC 78 ([see Modifications](#))

(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 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 E26.11.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

#### **E26.11.5. Standards**

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

##### **E26.11.5.1. Permitted activity standards**

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading:
  - (a) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
  - (b) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;

- (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines; and
  - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor upgrading of road network activities must comply with the following standards:
- (a) the alteration, replacement or relocation of ancillary structures for road network activities:
    - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
    - (ii) the structure must be located within 2m of the existing alignment or location
  - (b) any support structure or pole which replaces an existing support structure or pole:
    - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
    - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.
  - (c) all activities and works must only occur within the legal road or the formation width of the road.
- (4) Minor utility structures must not exceed a maximum height of 0.9m and a maximum area of 0.5m<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 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.

PC 78 (see [Modifications](#))

**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](#).

PC 78 (see [Modifications](#))

PC 78 (see [Modifications](#))

**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](#), [D19 Auckland War Memorial Museum Viewshaft Overlay](#) and [D20A Stockade Hill Viewshaft Overlay](#).

### E26.12.2. Policies

The policies for this sub-section are located in [D15 Ridgeline Protection Overlay](#), [D16 Local Public Views Overlay](#), [D19 Auckland War Memorial Museum Viewshaft Overlay](#) and [D20A Stockade Hill 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, Auckland War Memorial Museum Viewshaft Overlay and the Stockade Hill Viewshaft Overlay pursuant to section 9(3) of the Resource Management Act 1991:

- network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.
- the Auckland War Memorial Museum Viewshaft provisions do not apply to structures that do not exceed the height limits specified on Figures D19.6.1.1, D19.6.1.2 and D19.6.1.3 within the areas identified on the planning maps.

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

Activity		Activity status		
Network utilities and electricity generation activities				
		Auckland War Memorial Museum Viewshaft	Local Public Views and Stockade Hill Viewshaft Overlay	Ridgelines
(A166)	Operation, maintenance, renewal and repair of network utilities and electricity generation facilities	P	P	P
(A167)	Minor infrastructure upgrading	P	P	P
(A168)	Minor upgrading of road network activities	P	P	P
(A169)	Minor utility structure	P	P	P
(A170)	Service connections	P	P	P
(A171)	Antennas and aerials	P	P	P

(A172)	Road network activities comprising road lighting and associated support structures	P	P	P
(A173)	Road network activities comprising traffic and direction signs, road name signs	P	P	P
(A174)	Road network activities comprising traffic signals and support structures	P	P	P
(A175)	Temporary construction and safety structures	P	P	P
(A176)	Small and community scale electricity generation facilities	NC	RD	RD
(A177)	Network activities and electricity generation facilities that do not comply with permitted activity standards  RD* modified ridgelines NC* natural ridgelines	NC	RD	RD* NC*
(A178)	Network utilities and electricity generation facilities not otherwise provided for  D* modified ridgelines NC* natural ridgelines	NC	D	D* NC*

#### **E26.12.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.12.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

#### **E26.12.5. Standards**

All activities listed as permitted in Table E26.12.3.1 Activity table must comply with the following permitted activity standards.

##### **E26.12.5.1. Permitted activity standards**

- (1) Height must be measured using the rolling height method.
- (2) Minor infrastructure upgrading in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
  - (a) not increase the size or alter the existing location of the existing footprint; and



- (b) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (3) Minor infrastructure upgrading in the Local Public Views and Modified Ridgelines Overlays:
  - (a) maximum height no greater than 25m or 10 per cent in addition to the existing height of the structure whichever is the lesser;
  - (b) replacement pole diameter will be no greater than 20 per cent larger than that of the original pole;
  - (c) any new lines attached to existing poles shall be no higher than the maximum height of the existing lines;
  - (d) must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (4) Minor upgrading of road network activities in the Auckland War Memorial Museum Viewshaft Overlay and Natural Ridgelines Overlays must:
  - (a) only occur within the legal road or the formation width of the road; and
  - (b) not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.
- (5) Minor upgrading of road network activities in the Local Public Views Overlay and Modified Ridgelines Overlays must comply with the following standards:
  - (a) the alteration, replacement or relocation of ancillary structures for road network activities:
    - (i) there must be no more than a 10 percent increase in the width, length and/or height of the structure; and
    - (ii) the structure must be located within 2m of the existing alignment or location.
  - (b) any support structure or pole which replaces an existing support structure or pole:
    - (i) must not have a diameter or width that is greater than 20 percent larger than the existing support structure or pole; and
    - (ii) must not have a height greater than 25m or 10 percent in addition to the existing support structure or pole.

- (c) all activities and works must only occur within the legal road or the formation width of the road.
- (6) Minor utility structures in the Auckland War Memorial Museum Viewshaft and Natural Ridgelines Overlays must not:
  - (a) exceed a maximum height of 0.9m and a maximum area of 0.5m<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

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	generation facilities			
(A182)	Buildings and structures for network utilities and electricity generation facilities that do not comply with permitted activity standards E26.13.5.2	RD	RD	NC
(A183)	Network utilities within an existing building	P	P	P
(A184)	Minor infrastructure upgrading	P	P	P
(A185)	Service connections	P	P	P
(A186)	Antennas and aerials with a cross-sectional dimension that does not exceed 300mm	P	P	P
(A187)	Minor upgrading of road network utilities	P	P	P
(A188)	Road lighting and associated support structures	P	P	RD
(A189)	Traffic operation and safety signs, direction signs, road name signs	P	P	P
(A190)	Traffic operational signals and associated cabinets, equipment and support structures, traffic monitoring equipment and support structures	P	P	RD
(A191)	Temporary buildings, structures and signs	P	P	P
(A192)	Network utilities and electricity generation facilities that do not comply with permitted activity standards in E26.13.5.1	RD	RD	NC
(A193)	Network utilities and electricity generation facilities not otherwise provided for	D	D	NC

**E26.13.4. Notification**

- (1) Any application for resource consent for an activity listed in Table E26.13.3.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### **E26.13.5. Standards**

All activities listed as permitted in Table E26.13.3.1 Activity table must comply with the following permitted activity standards.

#### **E26.13.5.1. Minor infrastructure upgrading**

- (1) Minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint and must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in E26.2.5.3(1).
- (2) Minor upgrading of road network activities must not increase the size or alter the location of the existing footprint and any replacement of existing buildings and structures is to be within the same location of the existing building or structure, and will not result in any increase to the height or bulk of the existing building or structure.

#### **E26.13.5.2. Buildings and structures for network utilities and electricity generation facilities**

- (1) The gross floor area shall not exceed 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:

- (1) all restricted discretionary activities:
- (a) the nature, form and extent of proposed works;
  - (b) the degree of existing geological modification;
  - (c) the necessity of the works to provide for the functional and operational needs of infrastructure;
  - (d) alternative methods and locations;
  - (e) protection or enhancement of the feature; and
  - (f) effects on Mana Whenua values.

**E26.14.7.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
- (a) the extent to which the nature, form and extent of the proposed use or development adversely affects the criteria or values for which the feature was scheduled taking into account all of the following:
    - (i) whether the use or development will result in increased erosion, of the feature;
    - (ii) whether the use or development will result in increased compaction or erosion of the feature, or changes to the vegetation will adversely affect the values for which the feature is scheduled;
    - (iii) whether the use or development will result in ground disturbance or earthworks that will affect the values for which the feature is scheduled; and
    - (iv) whether the use or development will interfere with natural processes associated with the feature.

- (b) the extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature;
- (c) the extent to which the proposed use or development will cause any significant loss of geological value of a feature, taking into account the extent a feature has already been modified and whether further modification will cumulatively result in a significant loss of geological value;
- (d) the extent to which modification of a feature is necessary to provide for the proposed use or development and the proposed structure has a functional or operational need to be in the location proposed;
- (e) whether there are alternative methods and locations available to undertake the use or development that will not affect a scheduled feature;
- (f) the extent to which the proposed works will protect the feature from damage, such as providing for erosion protection, or remediate previous damage, excluding any damage resulting from the use or development itself;
- (g) the extent to which the proposed use or development will adversely affect Mana Whenua values;
- (h) the extent to which the use and development is necessary to provide for, or improve, the resilience and security of the infrastructure network having regard to the objectives and policies in Section E26 Infrastructure.

**E26.14.8. Special information requirements**

- (1) An application for an activity must be accompanied by:
  - (a) a site plan showing location of the outstanding natural feature and the location of the proposed activity.



ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
00609	Silverdale Pioneer Village	Silverdale Reserve, 19 Wainui Road (also known as 31 and 33 Silverdale Street), Silverdale	ALLOT 556 PSH OF WAIWERA SO 40407	B	Wade School building; parsonage; Methodist church; school house	A,B,D,F,H	Refer to planning maps	Interior of building(s)		
00612	Wade Hotel	2 Tavern Road, Silverdale	LOT 2 DP 420269	B		A,B,D,F,H	Refer to planning maps	Interior of building(s)		
00614	Silverdale Hall	7 Silverdale Street, Silverdale	PT ALLOT 178 PSH OF WAIWERA SO 892	B		A,B,D,F,H	Refer to planning maps	Interior of building(s)		
00615	Glanville House (former)	17 and 18 Claude Road, Stanmore Bay	LOT 1 DP 33497; LOT 2 DP33497; LOT 3 DP 33497	B		A,B,D,F,H	Refer to planning maps	Interior of building(s)		
00616	St Stephen's Anglican Church	5 Stanmore Bay Road, Manly	PT ALLOT S190 PSH OF WAIWERA DP 11235	B	1917 church	A,B,D,F,H	Refer to planning maps	Interior of building(s); buildings and structures that are not the primary feature; freestanding sign		
00617	Stanmore Bay Cemetery	149 Stanmore Bay Road, Stanmore Bay	PT ALLOT 51 PSH OF WAIWERA	B		A,H	Refer to planning maps			
00618	Thorburn Family burial site	82 Duck Creek Road, Stillwater	PT ALLOT 10 PSH OFOKURA; road reserve	B		A	Refer to planning maps			
00619	Hobbs Homestead	5 Daisy Burrell Drive, Whangaparoa	LOT 1 DP 152517	B		A,B,D,F,H	Refer to planning maps	Interior of building(s)		
00652	Pukekiwiriki Pa R12_4	94R Red Hill Road, Papakura	PT ALLOT 104 SBSC SEC 1 PARISH OF OPAHEKE	B		A,C,D	Refer to planning maps		Yes	Yes
00653	Settlement site R12_65	Hays Creek Esplanade Reserve, 230 Hunua Road, Drury	Lot 1 DP 161014; Lot 3 DP161014	B		D	Refer to planning maps		Yes	Yes
00654	Midden R11_995	2/1 Great South Road, Conifer Grove	Sec 7 Blk XIV Otahuhu SD	B		D	To be defined#		Yes	Yes
00655	Orona settlement site R12_167	Orona / Orewa Island (east of Pararekau Island), Manukau Harbour	Part Tidal Lands of Manukau Harbour Survey Office Plan 67474; CMA	B		C,D	Refer to planning maps		Yes	Yes
00657	Midden R12_191	Conifer Grove Esplanade Reserve, 9 Elana Court, Conifer Grove	Lot 1 DP 102688	B		D	Refer to planning maps		Yes	Yes
00658	Midden R12_192	Pararekau Island, 149 Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00659	Midden R12_193	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00660	Midden R12_194	Pararekau Island, 149A Capriana Drive, Hingaia	LOT 1000 DP 476406 Local Purpose (Esplanade) Reserve Lot 703 Deposited Plan 577805	B		D	Refer to planning maps		Yes	Yes
00661	Midden R12_195	Pararekau Island, 149A Capriana Drive, Hingaia	LOT 1000 DP 476406 Local Purpose (Esplanade) Reserve Lot 703 Deposited Plan 577805	B		D	Refer to planning maps		Yes	Yes
00662	Midden R12_196	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00663	Pit R12_197	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00664	Gum digger site R12_198	147 Capriana Drive, Hingaia Kopuahingahinga / Waikirihinau Island	Allotment 46 PSH OF Papakura Lot 1 Deposited Plan 449405	B		D	Refer to planning maps		Yes	
00665	Midden R12_199	Hingaia Esplanade Reserve, 206 Oakland Road, Hingaia	Lot 14 DP 22402	B		D	Refer to planning maps		Yes	Yes
00666	Midden R12_203	50 Hayfield Way, Hingaia	Lot 4 DP 206639	B		D	Refer to planning maps		Yes	Yes
00667	Midden R12_667	265R Harbourside Drive, Hingaia	Lot 702 DP 382903	B		D	Refer to planning maps		Yes	Yes
00668	Midden R12_676	18 Pescara Point, Hingaia	Lot 128 DP 382903	B		D	Refer to planning maps		Yes	Yes
00669	Midden R12_677	2 Portofino Point, Hingaia	Lot 104 DP 382903	B		D	Refer to planning maps		Yes	Yes
00670	Midden R12_678	5 Asola Place, Hingaia	Lot 71 DP 382903	B		D	Refer to planning maps		Yes	Yes

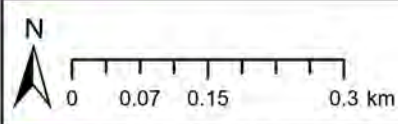
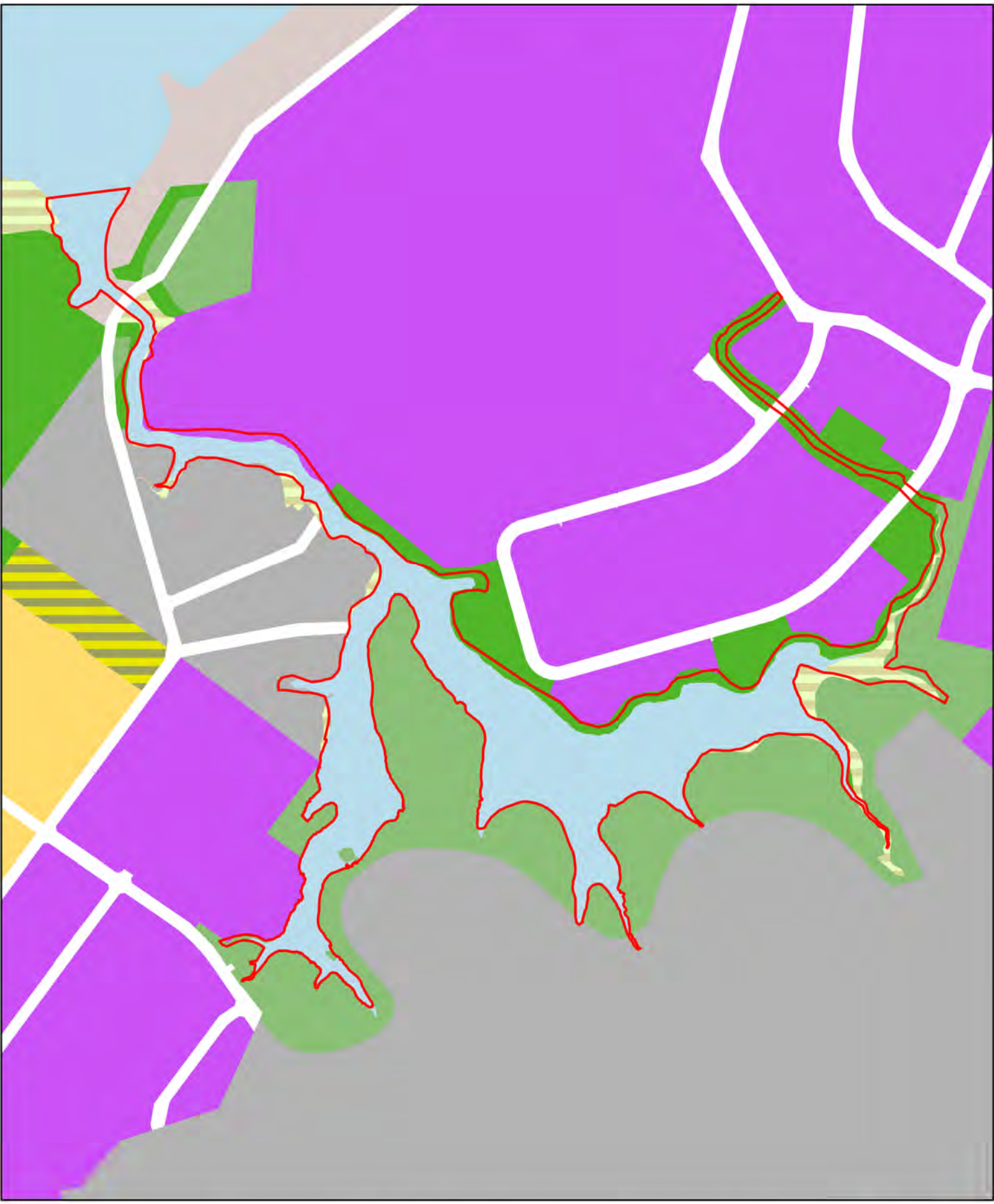
00671	Midden R12_679	58 Derbyshire Lane, Hingaia	Lot 11 DP 105149	B		D	Refer to planning maps		Yes	Yes
00672	Midden R12_680	Hingaia Esplanade Reserve, 36 Derbyshire Lane and 146 Pararekau Road, Hingaia	Lot 3 DP 128108; Lot 17 DP105149	B		D	Refer to planning maps		Yes	Yes
00673	Midden R12_681	Hingaia Esplanade Reserve, 206 Oakland Road, Hingaia	Lot 14 DP 22402	B		D	Refer to planning maps		Yes	Yes

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
00674	Midden R12_682	Hingaia Esplanade Reserve, 21 Hayfield Way, Hingaia	Lot 4 DP 103473; Lot 1 DP186470	B		D	Refer to planning maps		Yes	Yes
00675	Midden R12_683	Hingaia Esplanade Reserve, 21 Hayfield Way, Hingaia	Lot 4 DP 103473	B		D	Refer to planning maps		Yes	Yes
00676	Midden R12_684	55 Hayfield Way, Hingaia	Lot 3 DP 206639	B		D	Refer to planning maps		Yes	Yes
00677	Midden R12_685	50 Hayfield Way, Hingaia	Lot 4 DP 206639	B		D	Refer to planning maps		Yes	Yes
00678	Midden R12_686	264 Hingaia Road, Hingaia	Lot 1 DP 203719	B		D	Refer to planning maps		Yes	Yes
00679	Midden R12_687	264 Hingaia Road, Hingaia	Lot 1 DP 203719	B		D	Refer to planning maps		Yes	Yes
00680	Undefended settlement site R12_688	279 Park Estate Road, Hingaia	Pt Lot 14 DP 4963; PART TIDAL LANDS OF MANUKAU HARBOUR; CMA	B		D	Refer to planning maps		Yes	Yes
00682	Midden R12_692	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00683	Midden R12_693	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00684	Midden R12_694	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00685	Midden R12_737	50 Hayfield Way, Hingaia	Lot 4 DP 206639	B		D	Refer to planning maps		Yes	Yes
00686	Midden R12_738	50 Hayfield Way, Hingaia	Lot 4 DP 206639	B		D	Refer to planning maps		Yes	Yes
00687	Midden R12_739	50 Hayfield Way, Hingaia	Lot 4 DP 206639	B		D	Refer to planning maps		Yes	Yes
00688	Midden R12_743	152 Park Estate Road, Hingaia	Section 1 SO 432649	B		D	Refer to planning maps		Yes	Yes
00689	Midden R12_744	Pararekau Island, 149 Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00690	Midden R12_745	147 Capriana Drive, Hingaia	Allotment 46 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00691	Midden R12_746	147 Capriana Drive, Hingaia	Allotment 46 PSH OF Papakura	B		D	Refer to planning maps		Yes	Yes
00692	Pa, tramway terminus and wharf site R12_8	27 Bremner Road, Drury	Section 1 SO 395394; PT TIDAL LANDS OF MANUKAU HARBOUR; CMA	B		C,D	Refer to planning maps		Yes	Yes
00693	<a href="#">Kaarearea Paa</a> /Ballards Cone pa site R12_278	1189 Ponga Road, 121 MacWhinney Drive, 475 Quarry Road, and 206 Peach Hill Road, Drury	Allotment 37 PSH OF Hunua; Allotment 199 PSH OF Hunua; Lot 1 DP 19546; Lot 2 DP 206902	B		C,D	Refer to planning maps		Yes	Yes
00694	Settlement site R12_331	491 Drury Hills Road, Drury	Lot 9 DP 209270	B		D	Refer to planning maps		Yes	Yes
00695	Settlement site R12_332	41 Elizabeth Place, Drury	Lot 3 DP 210899	B		D	Refer to planning maps		Yes	Yes
00696	Pa site R12_334	577 Ponga Road, Drury	Lot 2 DP 164558	B		D	Refer to planning maps		Yes	Yes
00697	Settlement site R12_335	52 Elizabeth Place, Drury	Lot 7 DP 105179	B		D	Refer to planning maps		Yes	Yes
00698	Settlement site R12_336	52 Elizabeth Place, Drury and 469 Drury Hills Road, Drury	Lot 7 DP 105179; Lot 2 DP105179	B		D	Refer to planning maps		Yes	Yes
00700	Rings/Kirikiri redoubt R11_956	931 and 935 Papakura-Clevedon Road, Ardmore	LOT 1 DP 493110; Lot 1 DP62570	B		A,D	Refer to planning maps	Existing buildings	Yes	Yes
00701	St James' Church and graveyard	630 Papakura- Clevedon Road, Ardmore	PART ALLOT 52 PSH OF PAPA KURA	B		A,B,F,G,H	Refer to planning maps			
00702	Christ Church	1444 Alfriston Road, Alfriston	PART ALLOT 18 PSH OF PAPA KURA	B		A,B,F,G,H	Refer to planning maps			
00704	Aroha Cottage	201 Jesmond Road, Drury	LOT 1 DP 365133	B		A,F	Refer to planning maps	Interior of building(s)		



00705	Alfriston Hall, including World War I Memorial	300 Mill Road, Alfriston	LOT 1 DP 57676	B		B,G	Refer to planning maps			
00706	Military milestone plaque	312 Great South Road, Papakura		B		D	Refer to planning maps		Yes	
00707	St John's Church and cemetery	9 Cameron Place, Drury	LOT 9 DEEDS WHAU 72	B		A,B,F,G,H	Refer to planning maps	Interior of building(s); hall		
00708	Christ Anglican Church and Selwyn Chapel	105 Great South Road, Papakura	Part Lot 1 DP 30968; PartLot 2 DP 30968; Lot 3 DP30968	B		A,B,F,G,H	Refer to planning maps			





**Tranche 2a – Post-Submissions Recommended Extent**  
 Site Name - Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek  
 Site ID - 0125



- Residential - Mixed Housing Suburban Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Business - Light Industry Zone
- Green Infrastructure Corridor (Operative in some Special Housing Areas)
- Rural - Rural Production Zone
- Special Purpose Zone
- Coastal - General Coastal Marine Zone [rcp]
- Coastal - Coastal Transition Zone
- Road [i]
- Tranche 2a – Post-Submissions Recommended Extent



## 7.13 Maori heritage

The relationship of Maori and their culture and traditions to their ancestral lands, sites, waterways, waahi tapu, wai tapu, and other taonga is of national importance under the RMA. The Plan must therefore recognise and provide for that relationship. This can be done by identifying sites and areas of significance to Maori, and establishing appropriate protection.

At the time of notification of the Plan, Maori heritage sites were not included because essential information collected by the council about archaeological sites had not yet been considered by iwi. This information will assist iwi to determine which Maori heritage sites or areas to request for inclusion in the Plan, whether these are archaeological sites or not.

In consultation with tangata whenua, a variation or change to the Plan may be introduced to identify, protect, and recognise such sites in accordance with good RMA practice and the principles of Te Tiriti o Waitangi. These sites may include waahi tapu, tauranga waka, urupa, kauhanga riri, mahinga maataitai, wai tapu and other taonga. (Refer to clause 7.17 for a glossary of Maori terms).

The custody of privileged information about Maori heritage sites will be retained and managed by identified heritage staff within the council. It will be held in a form that is not at risk of disclosure (unless this has been specifically authorised by iwi on a case-by-case basis). At the same time, landowners need to be provided with sufficient information about acceptable activities on the sites so as to maximise protection of the sites without unnecessarily constraining the activities of landowners.

The Plan will accurately identify all sites that iwi request be protected under the Plan. The council will work with iwi to develop criteria and protocols applicable to the individual sites or areas.

### 7.13.1 Issue

How to ensure that Maori heritage sites are not accessed or modified in such a way that detracts from their cultural value.

### 7.13.2 Objective

To recognise and protect sites of spiritual, cultural or tikanga value to Maori.

#### Policies

1. By identifying and protecting, in consultation and partnership with tangata whenua, significant Maori spiritual, cultural or tikanga sites.
2. By avoiding a reduction in the historical, cultural and spiritual values associated with Maori heritage sites.
3. By ensuring that tangata whenua (and other relevant iwi authorities) will be consulted over the use, development or protection of natural and physical resources where these affect Maori heritage sites.

### 7.13.3 Criteria for scheduling Maori heritage sites

To determine whether a site is worthy of protection in the Plan, potential sites have been evaluated against the criteria listed in [appendix 4 – Criteria for scheduling Maori heritage sites](#).

### 7.13.4 Rules for Maori heritage sites

#### 7.13.4.1 Permitted activities

~~The following are permitted activities for~~ Any activity or work located **within** an area scheduled as a Maori heritage site ~~which does not involve either of:~~

- ~~1. ground disturbance earthworks (excluding within Area A of Land Unit - Open Space 3 (Rangihoua Park) earthworks for parks maintenance and the use of park facilities limited to areas and ground depths which have previously been disturbed or modified and which comply with the earthworks development controls in Part 10c).~~
2. gardening for domestic purposes.
3. earthworks for the maintenance and repair of fences and effluent disposal systems limited to areas and ground depths which have previously been disturbed or modified.
4. earthworks for the maintenance and repair of existing farming, walking and cycling tracks limited to areas and ground depths which have previously been disturbed or modified.
5. earthworks for the operation, maintenance and repair of driveways and parking areas limited to areas and ground depths which have previously been disturbed or modified.
- ~~6. toilets (including portaloos) or changing facilities.~~ Any activity or work not otherwise specified in rule 7.13.4.1 (1 to 5) and 7.13.4.2.

#### 7.13.4.2 Discretionary activities

~~Any activity or work within an area scheduled as a Maori heritage site which involves either or both of the following:~~ Except where provided for as a permitted activity in rule 7.13.4.1, the following are discretionary activities within the scheduled site surrounds of a Maori heritage site:

- ~~1. ground disturbance earthworks.~~
- ~~2. toilets (including portaloos) or changing facilities.~~

#### 7.13.5 Assessment criteria for discretionary activities

The council's assessment of applications for a discretionary activity will include consideration of the following matters:

- Whether the proposal is consistent with the objectives and policies for Maori heritage sites.
- Whether the proposal has appropriate regard to the protocol for Maori heritage sites.
- Whether an archaeological assessment has been undertaken to assess the archaeological values of the site.
- Whether the modification is necessary, and any alternative methods available to the applicant for carrying out the work and activities.
- Whether there has been consultation with the relevant tangata whenua.
- Whether tangata whenua will have access to the site for karakia and monitoring.

#### 7.14.1