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

**Dates and Venues: LOCAL SESSION ON AOTEA / GREAT BARRIER ISLAND:**

Date: **Wednesday 12 February 2025**

Time: **1:00pm**

Venue: **Boardroom**

**Aotea / Great Barrier Local Board Office**

**81 Hector Sanderson Road, Great Barrier Island**

Please note that this session is intended to focus on Aotea/GBI matters only

**GENERAL SESSION IN AUCKLAND CENTRAL:**

Date: **Wednesday 19 February 2025**

Time: **9:00am**

Venue: **Council Chambers**

**Auckland Town Hall**

**301 Queen Street, Auckland Central**

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## HEARING REPORT

### PLAN CHANGE 102 & PLAN MODIFICATION 15

SITES AND PLACES OF SIGNIFICANCE TO MANA WHENUA – TRANCHE 2A

## AUCKLAND COUNCIL

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### COMMISSIONERS

**Chairperson  
Commissioners**

**Mark Farnsworth  
Nicholas Manukau  
David Mead**

**Patrice Baillargeon  
Senior Hearings Advisor / Kaitohutohu Mataamua Whakawā**

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**Note:** The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

## **WHAT HAPPENS AT A HEARING**

### **Te Reo Māori and Sign Language Interpretation**

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

### **Hearing Schedule**

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

### **Cross Examination**

No cross examination by submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

### **The Hearing Procedure**

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- The **reporting officer** may provide a brief overview of the plan change.
- **Submitters** (for and against the plan change) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
  - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
  - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

### **Please note**

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

**A NOTIFIED PLAN CHANGE TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART) 2016 & PLAN MODIFICATION TO THE AUCKLAND COUNCIL DISTRICT PLAN – HAURAKI GULF ISLANDS SECTION 2018**

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**Reporting officer, Matthew Gouge**

Reporting on a proposed plan change to introduce nine Sites and Places of Significance to Mana Whenua to Schedule 2 of the Auckland Unitary Plan (Operative in Part) and introduce five Māori Heritage Sites to Appendix 2f of the Auckland Council District Plan - Hauraki Gulf Islands Section

**Plan Change 102 & Plan Modification 15 – Sites and Places of Significance to Mana Whenua**  
**Dates: 12 & 19 February 2025**

<b>PLAN CHANGE 102 - SUBMITTERS:</b>	
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Page 113-114	Qiping Sun
Page 115-148	Mt Rex Shipping Limited
Page 149-152	Stevenson Aggregates Limited
Page 153-155	John Darroch
Page 156-157	BA Trustees Ltd
Page 158-162	Carlaw Campus Limited Partnership
Page 163-175	Karaka Harbourside Estates Limited & Pararēkau Island Limited
Page 176-183	Domain Gardens Limited
Page 184-199	Ngāti Whātua Ōrākei Trust
Page 200-203	Foodstuffs North Island Limited
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Page 216-224	R B Takeoff LP
Page 225-229	Auckland International Airport Limited
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Page 232-240	Summerset Villages (Parnell) Limited
Page 241-242	Allan Matson
Page 243-292	Parnell Community Committee (Inc)
Page 293-296	Louis Scott

<b>PLAN MODIFICATION 15 - SUBMITTERS:</b>	
Page 297-298	L Dixon I Fordham
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## 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

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>	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)
<b>Report Author</b>	Matthew Gouge, Senior Planner, Central/South Planning Unit, Planning and Resource Consents
<b>Report Approver</b>	Craig Cairncross, Team Leader Central South
<b>Report produced</b>	18 December 2024

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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.

<b>Plan subject to change</b>	Auckland Unitary Plan (Operative in Part) 2016
<b>Number and name of change</b>	Proposed Plan Change 102: Sites and Places of Significance to Mana Whenua Tranche 2a
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Council-initiated proposed plan change
<b>Committee date of approval (or adoption) for notification</b>	11 April 2024
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	The additions and amendments to scheduled items occurs in the following schedules:  Schedule 12 - Sites and Places of Significance to Mana Schedule 6 - Outstanding Natural Features Overlay, Schedule 14.1 - Schedule of Historic Heritage Planning Maps (via the AUP online viewer)
<b>Date draft proposed plan change was sent to iwi for feedback</b>	27 November 2023
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	23 May 2024 - Public Notification
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received</b>	20 submissions
<b>Date summary of submissions notified</b>	12 July 2024
<b>Number of further submissions received (numbers)</b>	Four
<b>Legal Effect at Notification</b>	Yes
<b>Date of site visits</b>	Between April 2021 and July 2024 – All sites, some sites revisited as part of pre-hearing submitter discussions.
<b>Main issues or topics emerging</b>	Submissions in support:

<p><b>from all submissions</b></p>	<ul style="list-style-type: none"> <li>- Approve the plan change without amendments.</li> <li>- Approve the scheduling of Waipapa Awa</li> <li>- Approve Te Rae o Kāwharu as notified.</li> </ul> <p>Submissions partially in support:</p> <ul style="list-style-type: none"> <li>- Approve the plan change with amendments to the Manukapua site extent and text.</li> <li>- Approve the plan change with amendments to the Pahurehure Islands extent and text.</li> <li>- Approve the plan change with amendments to the Waipapa Awa site extent and text.</li> <li>- Approve the plan change with changes to the provisions to recognise the 'appropriate' hapū to be recognised as 'tangata whenua' for the purposes of engagement.</li> <li>- Approve the plan change subject to amendments to the Te Wai o Ruarangi site extent.</li> </ul> <p>Submissions in opposition:</p> <ul style="list-style-type: none"> <li>- Decline or amend the plan change with respect to Waipapa Awa site extent and/or text.</li> <li>- Decline the plan change with respect to Te Rae o Kāwharu</li> <li>- Decline the plan change with respect to Te Wai o Ruarangi</li> </ul> <p>Submissions other:</p> <ul style="list-style-type: none"> <li>- Repeal the Manukau Harbour Control Act 1911</li> </ul>
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**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.

<b>Plan subject to change</b>	Auckland Council District Plan – Hauraki Gulf Islands – Operative 2018
<b>Number and name of change</b>	Proposed Plan Modification 15: Sites and Places of Significance to Mana Whenua Tranche 2a
<b>Status of Plan</b>	Operative
<b>Type of change</b>	Council-initiated proposed plan change
<b>Committee date of approval (or adoption) for notification</b>	11 April 2024
<b>Parts of the Auckland Council District Plan affected by the proposed plan change</b>	The additions occur in the following parts of the plan: Appendix 2f - Schedule of Māori Heritage Sites (outer islands) Part 7.13 Māori Heritage HGI Planning Maps
<b>Date draft proposed plan change was sent to iwi for feedback</b>	27 November 2023
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	23 May 2024 - Public Notification
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received</b>	Three
<b>Date summary of submissions notified</b>	12 July 2024
<b>Number of further submissions received (numbers)</b>	Nil
<b>Legal Effect at Notification</b>	Yes
<b>Date of site visits</b>	12-16 April 2021
<b>Main issues or topics emerging from all submissions</b>	Submissions in support: - Approve the plan modification without any



	<p>amendments</p> <p>Submissions partially in support:</p> <ul style="list-style-type: none"><li>- Physically define the boundary of the Ruahine site. Enhance public understanding. Consider recent Government changes to the RMA.</li></ul> <p>Submissions in opposition:</p> <ul style="list-style-type: none"><li>- Decline the plan modification</li></ul>
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## Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
AUP	Auckland Unitary Plan (Operative in Part) 2016
CMA	Coastal Marine Area
Council	Auckland Council
CVA	Cultural Values Assessment
HGI	Auckland Council District Plan – Hauraki Gulf Islands Section – Operative 2018
HHP	Historic Heritage Schedule (schedule 14.1 of the AUP)
MACA	Marine and Coastal Area (Takutai Moana) Act 2011
Mana whenua	Māori with ancestral rights to resources in Auckland and responsibilities as kaitiaki over their tribal lands, waterways and other taonga.
Mātauranga (Māori)	Māori knowledge
MCHP	Māori Cultural Heritage Programme
MHS	Māori Heritage Site (HGI)
NWO	Ngāti Whātua Ōrākei Trust (nominating hapū and submitter to PC102)
ONF	Outstanding Natural Feature (Schedule 6 of the AUP)
PC102	Proposed Plan Change 102 to the Auckland Unitary Plan
PM15	Proposed Plan Modification 15 to the Auckland Council District Plan – Hauraki Gulf Islands Section
RMA or 'the Act'	Resource Management Act 1991
RPS	Auckland Unitary Plan Regional Policy Statement
Section 32 Report	The statutory assessment report produced under section 32 of the RMA supporting the plan changes

SSMW	Sites and Places of Significance to Mana Whenua (AUP)
Tāmaki Makaurau	Auckland
Tauranga waka	Landing place of waka
the 'plans'	The Auckland Unitary Plan (Operative in Part) 2016 and the Auckland Council District Plan – Hauraki Gulf Islands Section – Operative 2018
The 'plan changes'	PC102 and PM15
The 'Treaty'	Te Tiriti o Waitangi / The Treaty of Waitangi
Tikanga	Customary lore and practice. Māori protocols

#### Terminology note

Throughout this document there are references to the two terms ***Tangata Whenua*** and ***mana whenua***.

***Tangata Whenua*** is the term used in the RMA and other policy documents such as the New Zealand Coastal Policy Statement. It is defined within the RMA as: *'in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area'*.

***Mana whenua*** is defined within the AUP as: *'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'*.

The use of the term mana whenua within Tāmaki Makaurau arises as a result of the terminology used within the Local Government (Auckland Council) Act 2009<sup>1</sup>, the legislation which established the Council. For the purposes of this report, these two terms can be considered equivalent and their respective use reflects the statutory and regulatory documents being discussed at the time.

Attachments	
<b>Appendix 1</b>	Statutory Assessment Report for PC102 and PM15 (Section 32 Report)
<b>Appendix 2</b>	Further evaluation under s32AA for <i>Mana Whenua Responsive Design</i> provisions
<b>Appendix 3</b>	Copy of Submissions and Further Submissions on PC102 and PM15

<sup>1</sup> Refer to the AUPIHP Report to AC Hearing Topic 009 Mana Whenua July 2016. P.8.

<b>Appendix 4</b>	Recommended Changes to PC102 and PM15 following submissions
<b>Appendix 5</b>	Specialist Technical Reports
<b>Appendix 6</b>	Site Photos
<b>Appendix 7</b>	Local Board Resolutions
<b>Appendix 8</b>	Pahurehure Causeway Retrospective Reclamation Consent 12 October 1998

## 1. EXECUTIVE SUMMARY

1. Plan Change 102 to the Auckland Unitary Plan (Operative in Part) 2016 and Plan Modification 15 to the Auckland District Council Plan – Hauraki Gulf Islands Section – Operative 2018 are 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. They represent the second tranche of an ongoing series of plan changes seeking to progressively identify, evaluate and protect sites and places which are culturally significant to mana whenua. They seek to address an under-representation and degradation of such sites within the region.
4. Plan Change 102 proposes to schedule nine Sites and Places of Significance to Mana Whenua across the Auckland isthmus and its surrounds. Plan Modification 15 introduces the first five Māori Heritage Sites into Appendix 2f of the Auckland District Council Plan – Hauraki Gulf Islands Section – Operative 2018.
5. Two of the nominated sites are identified in both the Auckland Unitary Plan and Hauraki Gulf Islands Section, recognising their land and sea extents. Of the 12 sites in total which have been nominated, ten of them are totally or partially in private ownership. Plan Modification 15 schedules the first privately owned Māori Heritage Sites in the Hauraki Gulf islands.
6. During the development of the plan changes, a lengthy period of landowner and key stakeholder engagement was undertaken. Public and direct notification processes have been undertaken to ensure both those directly affected, and those within 100m of the nominated sites, have been provided an opportunity to participate in the plan change process.
7. As a result of submissions received on the plan changes, changes are proposed to three of the nominated sites, Pahurehure Islands, Waipapa Awa and Te Wai o Ruarangi.
8. New provisions for *Mana Whenua Responsive Design* are proposed for the historic sections of Waipapa Awa. These respond to concerns from submitters as to the planning outcomes being sought for sections of the nominated extent where the stream no longer physically exists in that alignment. Ngāti Whātua Ōrakei, the nominating mana whenua group for the Waipapa Awa, are favourable of the approach.
9. Minor changes in mapping are proposed for the southern banks of Te Wai o Ruarangi, and minor changes to the Schedule 12 entry is proposed for the Pahurehure Islands.
10. Some submissions, specifically those of Ngāti Whātua Ōrakei Trust seeking that ahi kā be recognised in the AUP, are considered to be ‘out of scope’ of the plan changes and are most appropriately addressed through a subsequent plan change.
11. In response to two errors identified post-notification, amended wording has been proposed for Part 7.13 of the Hauraki Gulf Islands Plan. Collectively, the

changes seek to strike an appropriate balance between allowing for reasonable use of privately owned sites, and recognising and protecting mana whenua cultural heritage.

12. The seven local boards who are affected by these plan changes have provided their views, and are supportive of the scheduling. Key stakeholders have been engaged with and none have chosen to lodge submissions on the plan changes.
13. During the development of these plan changes, and throughout the hearings, Mana Whenua cultural evidence is relied upon, in recognition that mana whenua are the exclusive holders of their mātauranga (cultural knowledge) within their rohe (territory). This assessment also recognises that mana whenua have overlapping areas of interest across Tāmaki Makaurau.
14. Numerous plans and strategies relevant to the Resource Management Act 1991 and which arise from other legislation have been considered. These include matters under Treaty settlement legislation, the Marine and Coastal Area (Tukutai Moana) Act 2011, the Local Government Act 2002, and the Reserves Act 1977.
15. This hearing report has been prepared in accordance with section 42A of the Resource Management Act 1991. It forms part of Auckland Council's ongoing obligations under section 32 of the Resource Management Act 1991, to consider the appropriateness of the proposed objectives and provisions in the plan changes, as well as the benefits and costs of any policies, rules or other methods, and the consideration of issues raised in submissions on the plan changes.
16. I recommend that Plan Change 102 to the Auckland Unitary Plan and Plan Modification 15 to the Auckland Council District Plan be accepted by the Hearing Commissioners subject to the amendments identified in **Appendix 4** of this report.

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

17. My Matthew Dennis Gouge and I hold the qualifications of Bachelor of Science from Auckland University (1998), Graduate Diploma in Environmental Planning from Waikato University (2010), and Master of Resource and Environmental Planning from Massey University (2015).
18. I am employed as a Senior Policy Planner at Auckland Council, a position I have held since 2017. I am an Intermediate Member of the NZ Planning Institute and have 14 years' experience in the field of resource management planning. This time has been split between private consultancy and local government work both in Auckland and within the Waikato Region. I have worked in both resource consenting and policy development, including spatial planning.
19. Since late 2017, my policy work at Auckland Council has been focussed on the Māori provisions of the Auckland Unitary Plan and I am currently engaged in a significant body of work looking at the efficiency and effectiveness of the provisions across the plan (s35 monitoring).
20. Since January 2018 I have been studying te reo Māori (the Māori language) through the Auckland University of Technology and Te Wānanga o Aotearoa. I

completed Level 5 Te Rōnakitanga ki te reo Kairangi in 2023. This has given me a level of ability to understand and write Te Reo Māori. It has also given me an understanding into te ao Māori (the Māori world) and an emerging understanding of Māori values and tikanga.

21. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this report is within my area of expertise. I am the author of the Section 32 Report for these plan changes.

### 3. INTRODUCTION AND BACKGROUND

22. Plan Change 102 (**PC102**) to the Auckland Unitary Plan (Operative in Part) 2016 (**AUP**) and Plan Modification 15 (**PM15**) to the Auckland District Council – Hauraki Gulf Island Plan (Operative) 2018 (**HGI**) are Council initiated plan changes which 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.
23. Collectively the plan changes introduce 12 sites into the respective plans, nine into the AUP and five into the HGI. Two sites appear in both plans as a result of them having both land (in the HGI) and coastal marine area (in the AUP) extents.
24. Within the AUP, PC102 proposes to introduce nine Sites and Places of Significance to Mana Whenua (**SSMW**) to Schedule 12 of the 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.
25. Within the HGI, PM15 introduces the first five Māori Heritage Sites (**MHS**) on Aotea/ Great Barrier into Appendix 2f *Schedule of Māori heritage sites – outer islands*. It also proposes introductory wording and listing the key reasons for scheduling in the appendix for plan consistency.
26. PM15 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.
27. The plan changes seek to schedule these identified sites in the respective plans to provide greater protection and recognition of these significant sites and places. The sites include land, islands, streams, and the coastal marine area. They are located across the Auckland isthmus and surrounding areas and are also on Aotea/Great Barrier Island. Photos of the sites are included as **Appendix 5** to this report.
28. In the case of sites on Aotea/Great Barrier Island, the district plan level provisions applying to the five sites on land are contained within the HGI. The balance of the proposed sites and all sites (or portions of sites) within the Coastal Marine Area (**CMA**) are regulated by the Regional Coastal Plan



provisions in the AUP. The regional level controls which apply to Aotea/Great Barrier Island, such as those applying to lakes, rivers and streams, are also contained within the AUP.

29. The formal recognition of the nominated sites engages existing objectives, policies, rules and other methods throughout both plans which seek to identify, protect and enhance Māori cultural heritage across the region. These are found within the dedicated Māori cultural heritage sections of the plans and also within other related chapters such as those dealing with land disturbance, temporary activities, infrastructure and the coastal environment.
30. In the case of PM15, changes are proposed to some of the rules applying to Māori Heritage Sites in the HGI. No changes to the supporting objectives and policies have been identified as being necessary.
31. PC102 and PM15 represent the second tranche in a series of Council initiated plan changes which are intended to progressively recognise and protect culturally significant sites and places to mana whenua within the Auckland Region.

#### *The Māori Cultural Heritage Programme*

32. As outlined from paragraph 3.1 of the Section 32 Statutory Assessment Report (**Section 32 Report**), in 2014 Auckland Council's Heritage Unit initiated a Māori Cultural Heritage Programme (**MCHP**) in collaboration with mana whenua.
33. The purpose of the MCHP is to improve the understanding and protection of Māori cultural heritage within the Auckland region. One aspect of this programme has been to work alongside all 19 mana whenua entities within Tāmaki Makaurau to understand their cultural values and identify sites and places of cultural significance to mana whenua within the region.
34. The methodology by which these plan changes were developed in consultation with mana whenua is outlined from paragraph 14.1 of the Section 32 Report. A copy of that report is included as **Appendix 1** to this report. This methodology involved the nomination of sites, the identification of the spatial extent and the identification of cultural values of the sites. Council's Māori Heritage Expert, Mr Nico Donovan-Pereira also discusses the programme and identification of sites in more detail in his evidence in **Appendix 5**.
35. As of the date of these plan changes, no Mana Whakahono ā Rohe agreement requiring specific engagement requirements exists between any iwi authorities or hapū and Auckland Council<sup>2</sup>.

#### *Notification*

36. Both PC102 and PM15 were publicly notified on 23 May 2024. A summary of decisions requested was publicly notified on 12 July 2024 for further submissions. For PC102, where the Council had obtained landowner addresses during pre-hearing engagement, the notifications were also sent to these emails.

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<sup>2</sup> Refer to clause 1A of Schedule 1 of the RMA – Mana Whakahono a Rohe to be complied with

*The resource management issue to be addressed*

37. Throughout the unitary plan hearings from 2014 to 2016, it was maintained by Council experts and mana whenua groups that Māori cultural heritage since 1840 has been subject to modification, destruction, and ongoing threats<sup>3</sup> as well as there being an under-representation of scheduled sites across Tāmaki Makaurau.
38. In response to these concerns, the protection of mana whenua culture, landscapes and historic heritage is identified as an issue of significance to Māori and iwi authorities in the region at the RPS level<sup>4</sup>. Council developed the Sites of Significance to Mana Whenua (**SSMW**) provisions in the AUP to recognise sites scheduled within legacy district plans, and new sites proposed for inclusion in the schedule during the Unitary Plan development process<sup>5</sup>.
39. PC102 and PM15 seek to address the under-representation and degradation of Māori cultural heritage, mana whenua values and cultural associations by formally identifying these sites within the respective plans in a manner that offers recognition and targeted protection from inappropriate use and development.

#### **4. EXISTING PLAN PROVISIONS**

40. PC102 and PM15 affect two sets of planning documents, the AUP and the HGI. The existing plan provisions are discussed in turn as follows.

*AUP*

41. The AUP currently contains 105 sites within its Schedule 12 – Sites and Places of Significance to Mana Whenua Schedule. There are 254 Outstanding Natural Features identified within Schedule 6 – Outstanding Natural Features Overlay Schedule, and 2853 Historic Heritage Places contained within Schedule 14.1 – Schedule of Historic Heritage in the plan.
42. The provisions applying to sites in these three schedules are contained within Chapter D - Overlays of the AUP. Section D21 - Sites and Places of Significance to Mana Whenua Overlay contains a comprehensive set of objectives, policies, rules and other methods applying specifically to scheduled sites. This is similarly the case for Section D10 - Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and Section D17 - Historic Heritage Overlay.
43. Throughout the remainder of the AUP there are a variety of provisions which also recognise Māori cultural values and heritage. In some cases they refer more generally to cultural values, and in some cases they refer specifically to

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<sup>3</sup> Refer to Statement of Primary Evidence of Graeme John Murdoch on behalf of Auckland Council. Topic 009. Para 5.25 onwards. Also refer to E. Ashby evidence Appendix 4 (from para. 4.1).

<sup>4</sup> Auckland Unitary Plan. RPS Chapter - Issues B6.1(2) and Explanation and Principal Reasons B6.6

<sup>5</sup> Refer to Statement of Primary Evidence of Keita Sarah Kohere on behalf of Auckland Council. Topic 037. Para 6.1 onwards.

SSMW. The provisions vary from introducing permitted activity standards<sup>6</sup>, to applying specific activity statuses on scheduled sites<sup>7</sup>. Related provisions are most notably contained within the following AUP chapters:

- a. Volcanic viewshafts (D14);
- b. Water quality and integrated management (E1);
- c. Lakes, Rivers, Streams and Wetlands (E3);
- d. Taking, using, damming and diversion of water and drilling (E7);
- e. Land disturbance – District (E12);
- f. Infrastructure (E26);
- g. Subdivision (E38/E39);
- h. Coastal (F2);
- i. Open Space Zones (H7); and
- j. Rural Zones (H19).

#### *HGI*

44. Part 1.3.5.2 - Introduction and Annexure 1a of the HGI briefly outlines the history of Māori settlement on the islands of the Hauraki Gulf as a coveted place for early occupation. The HGI acknowledges that Aotea / Great Barrier Island is the ancestral home of Ngāti Rehua. The plan identifies that many of the sites important to Ngāti Rehua are situated around the coastal areas. They include pā, agricultural and settlement sites, storage pit depressions and stone working sites.
45. Part 7.13 Māori Heritage contains the main provisions in the plan specific to MHS. It contains a policy and rule framework, and assessment matters applying to scheduled sites. Other rules relating to external lighting, temporary activities, and signage on scheduled sites are contained in Part 4 – General Rules. These provisions make any of these activities on a scheduled site a Discretionary Activity. There are currently no MHS listed in the plan on Aotea/Great Barrier Island. The HGI anticipates that sites would be introduced over time in consultation with iwi<sup>8</sup>. PM15 proposes to introduce the first five scheduled sites on Aotea/Great Barrier Island.
46. Part 7.13 of the HGI contains one objective, three policies and two rules. These rules state that all new ground disturbance, and toilets (including portaloos) or changing facilities require Discretionary Activity resource consent approval within the scheduled sites. Several assessment matters against which to assess

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<sup>6</sup> See Chapter E3 - Lakes, Rivers, Streams and Wetlands

<sup>7</sup> Such as in Chapter E12 – Land Disturbance (District)

<sup>8</sup> Refer to Introduction to Part 7.13

these resource consent applications are listed in the corresponding land units to guide planning assessments (refer to Part 10a.24.8 as an example).

47. There are broader objectives in Part 2.5.8 Māori of the HGI that apply generally. Some chapters, such as Part 5.8 Network Utilities, make general reference to heritage values.

## 5. PROPOSED PLAN CHANGE PROVISIONS

### *AUP*

48. PC102 as notified did not introduce any objectives, policies or methods into the AUP but rather sought to schedule an additional nine nominated sites under Schedule 12 of the AUP.
49. In response to submissions on Waipapa Awa, it is recommended that the provisions be amended to introduce a 'Mana Whenua Responsive Design' mechanism for the historical sections of the awa as a Restricted Discretionary Activity. This is discussed in section 9.5.4 of this report, with marked up provisions included as **Appendix 4**.
50. As notified, the 'importance to Mana Whenua' criterion<sup>9</sup> is being applied to two nominated sites which are already scheduled as Outstanding Natural Features under Schedule 6. The 'Mana Whenua' criterion<sup>10</sup> is also being applied to two nominated sites already listed in Schedule 14.1 as Historic Heritage Sites. The name of one scheduled historic heritage place<sup>11</sup> is proposed to be amended. The planning maps are updated to reflect the scheduling.
51. Scheduling will result in the existing objectives, policies, rules and methods of the AUP Chapter D21 - Sites and Places of Significance to Mana Whenua Overlay applying to the scheduled sites.
52. The Māori cultural heritage provisions contained within the broader RMA definition of 'Historic Heritage' are provided greater emphasis across the two newly annotated sites in the objectives and policies of the AUP Chapter D17 - Historic Heritage Overlay (note these apply in addition to the D21 provisions).
53. The existing Māori related objectives, policies and methods of the AUP Chapter D10 - Outstanding Natural Features Overlay will apply more explicitly to the two newly annotated sites (note these apply in addition to the D21 provisions).
54. There will also be greater recognition of the Māori cultural significance and values of the nine nominated sites addressed in the provisions of other chapters of the AUP. A selection of these is listed in paragraph 43.

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<sup>9</sup> Refer to RPS Chapter B4, Policy B4.2.2(4)(k)

<sup>10</sup> Refer to RPS Chapter B5, Policy B5.2.2(1)(c)

<sup>11</sup> Item 693 –Kaarearea Paa is proposed to be added to the existing name, Ballards Cone Pā

*Effect of the Application of the AUP Overlays D21, D17, D10*

55. While the addition of Mana Whenua criteria to the Historic Heritage Overlay and Outstanding Natural Features Overlays apply greater emphasis on the existing Māori cultural heritage provisions to some of the sites, the most notable change will be through the application of the Sites and Places of Significance to Mana Whenua Overlay provisions (Chapter D21).
56. The inclusion of sites in the Sites and Places of Significance to Mana Whenua Schedule, will mean that the sites will be subject to the existing provisions in Chapter D21 which:
- a. includes a range of objectives and policies designed specifically to protect and enhance the identified sites, avoid significant adverse effects and manage adverse effects.
  - b. includes Activity Table D21.4.1 which provides for the following:
    - i. making **Disturbance in the Coastal Marine Area** a Discretionary Activity (the coastal provisions currently provide for a range of activity classifications from Permitted to a Discretionary Activity);
    - ii. making **Temporary Activities** a Restricted Discretionary Activity (these currently vary from Permitted to a Discretionary Activity on land and in the CMA);
    - iii. making **Any New Buildings and Structures a Discretionary Activity** (these are currently Permitted Activities for all Open Space Zones for instance subject to standards);
    - iv. making **Alterations and Additions to Existing Buildings where the Building Footprint is Increased** a Discretionary Activity (currently Permitted to a Discretionary Activity in Open Space Zones); and
    - v. making **Subdivision that results in a site or place of significance to Mana Whenua extending across multiple lots** a Discretionary Activity (currently a Restricted Discretionary Activity to a Discretionary Activity in Open Space Zones).
  - c. includes standards and assessment criteria specific to the protection and enhancement of scheduled sites.
57. In the case of the historic extents of Waipapa Awa, in response to submissions, PC102 also proposes to include design focussed provisions for the awa.

*Effect of Scheduling in Other AUP Chapters*

58. The scheduling has the net effect of bringing greater assessment weight on the Māori cultural values of sites and how proposed activities affect these values. Chapters of the AUP focused on the management of water, land, and the coastal environment, place a policy and method emphasis on the protection and enhancement of identified SSMW. These would need to be considered as part of seeking a resource consent, a permit, a designation or plan change. Of particular note are the district Land Disturbance (E12), Infrastructure (E26), and Lakes Rivers and Streams (E3) provisions and these provisions are discussed as follows.

### *Land Disturbance E12*

59. Activity Table E12.4.2 applies to all SSMW and applies more stringent activity statuses for land disturbance of specified activities on those sites. It also removes any permitted level of earthworks for activities not otherwise provided for. Permitted activity standards are more prescriptive for activities on SSMW.

### *Infrastructure E26*

60. Section E26.6 – *Network Utilities and Electricity Generation – Earthworks Overlays Except Outstanding Natural Features Overlay*, and Section E26.10 - *Network Utilities and Electricity Generation – Sites and Places of Significance to Mana Whenua* contain specific infrastructure provisions applying to SSMW. They include activity tables prescribing more stringent activity statuses (activity tables E26.6.3.1 and E26.10.3.1). They also apply standards to these activities.
61. As notified in PC102, Waipapa Awa, is identified as being subject to the ‘site exception rule’. This rule applies to sites indicated with an asterisk within Schedule 12 and it denotes sites where it is acknowledged that while they contain intangible values associated with historic events, occupation and cultural activities they do not contain archaeology due to their highly urbanised state<sup>12</sup>.
62. Within the infrastructure chapter, the ‘site exception rule’ provides for a lower activity status of *earthworks for service connections* (Permitted Activity instead of Restricted Discretionary Activity), and *network utilities and electricity generation facilities not otherwise provided for* (Restricted Discretionary Activity instead of a Discretionary Activity).

### *Lakes, Rivers and Streams E3*

63. General permitted standard E3.6.1.1(7) states that: ‘The activity must not destroy, damage or modify any sites scheduled in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay’. This applies to all Permitted Activities within Activity Table E3.4.1 of this chapter thereby setting an additional regulatory test with respect to identified SSMW.

### *Net effect of scheduling in the AUP*

64. The net effect of the scheduling is that, while it does not prohibit activities within scheduled sites, it does in some cases raise the consenting threshold for parties seeking to obtain land use consent within the sites, and for those parties seeking new water and coastal permits. In all cases it adds greater weight to objectives and policies addressing Māori cultural heritage for Discretionary and Non-Complying Activities.

### *HGI Plan*

65. PM15 to the HGI proposes the introduction of five Māori Heritage Sites in Appendix 2f (Outer Islands) of the plan where none currently exist. These are the first five sites to be scheduled on Aotea/Great Barrier Island.

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<sup>12</sup> Topic 037 Chloe Trenouth EIC. Appendix C.

66. The plan modification also proposes introducing introductory information and key reasons for scheduling to the appendix for plan consistency.
67. It is proposed to amend the standards in Part 7.13 Māori Heritage to replace the undefined term 'ground disturbance' with the defined term 'earthworks'. The proposed changes also introduce permitted earthworks activities to align the HGI provisions more closely with those of the AUP.
68. The following are proposed to be identified as permitted activities on MHS in the HGI:
- Gardening for domestic purposes,
  - 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,
  - 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, and,
  - 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.
69. The planning maps are proposed to be updated to reflect the new scheduled sites.

*Effect of the Scheduling in the HGI*

70. Apart from the earthworks exemptions listed in paragraph 68, scheduling of the five sites as MHS will result in the following:
- a. The objectives of Part 2.5.8 - Māori of the HGI will apply to the scheduled sites,
  - b. Network utility activities for which Discretionary Activity resource consent would be sought under Part 5.8 Network Utilities will require greater consideration of the Māori cultural heritage values of the scheduled sites,
  - c. The provisions of Part 7.13 - Māori Heritage will apply to the scheduled sites. This applies one objective and three policies to recognise and protect the sites. Two rules apply which regulate all new 'earthworks' and the establishment of toilets (including portaloos) or changing facilities as Discretionary Activities. Several assessment matters against which to assess Discretionary Activity resource consent applications under these rules are listed in Part 7.13.4,
  - d. The General Rules provisions of Part 4 will apply a Discretionary Activity status to Temporary Activities, Lighting and Signs on the scheduled sites. This part of the HGI also introduces several assessment matters against which these Discretionary Activities would be assessed.

*Effect of the Explanatory Text*

71. The explanatory text introduced through PM15 is simply to outline the contents of the appendix (for plan usability and consistency) and to reiterate the key

reasons (criteria) for scheduling Māori Heritage Sites as listed in Appendix 4, part 7 of the HGI (Criteria for scheduling Māori Heritage Sites).

*Net effect of scheduling in the HGI*

72. The net effect of PM15 is to place greater restrictions on two specific activities and three general activities within the scheduled site extents, namely the establishment of toilets or changing facilities, earthworks, temporary activities, lighting and signs. It will also place greater emphasis on the objectives and policies throughout the plan which address Māori cultural heritage when considering applications affecting the scheduled sites.

**6. HEARINGS AND DECISION MAKING CONSIDERATIONS**

73. Clause 8B (read together with Clause 29) of Schedule 1 of RMA requires that a local authority shall hold a hearing into submissions on a proposed plan change.

74. Hearings Commissioners have been appointed and have delegated authority to make decisions on submissions on PC102 and PM15 under section 34 of the RMA. Hearing Commissioners will not be making a recommendation to the Council but will be making the decision directly on PC102 and PM15.

75. This report summarises and discusses submissions received on these plan changes. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments to the plan change provisions are recommended to address matters raised in submissions. Any conclusions or recommendations in this report are not binding on the Hearing Commissioners.

76. The Hearing Commissioners will consider all the information in submissions together with evidence presented at the hearing.

77. This report relies on the reviews and advice from the following specialist Auckland Council officers. These assessments are attached in **Appendix 5** of this report.

<b>Specialist Area</b>	<b>Reviewing Specialist</b>
Māori Heritage	Nico Donovan-Pereira, Specialist Māori Heritage, Māori Heritage Team, Auckland Council
Urban Design	Ava Wright (Specialist Landscape Architect) and Stephen Quinn, (Principal Landscape Architect), Urban Design, Strategy & Projects, Auckland Council

**7. STATUTORY AND POLICY FRAMEWORK**

78. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.



79. PC102 and PM15 seek to introduce scheduled sites to the regional coastal plan and district plan level provisions of the AUP, and also to the HGI which is a district plan.

80. Both plan changes have been developed under the relevant statutory provisions of the RMA. The following sections summarise the statutory and policy framework relevant to PC102 and PM15.

## 7.1 Resource Management Act 1991

### 7.1.1 Plan change matters – regional and district plans

81. In the development of a proposed plan change to a regional and/or district plan, the RMA sets out mandatory requirements for the preparation and process of the proposed plan change. Table 1 below summarises matters for plan changes to regional and district plans.

**Table 1: Plan change matters relevant to regional and district plans**

Relevant Policy/ Plan	Act/ Section	Matters
Resource Management Act 1991	Part 2	<p>Purpose and intent of the Act.</p> <p>Of particular relevance to these plan changes are the following:</p> <p>Section 6(e) – recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.</p> <p>Section 6(g) – recognising and providing for the protection of protected customary rights.</p> <p>Section 7(a) – having particular regard to kaitiakitanga.</p> <p>Section 8 – taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p>
Resource Management Act 1991	Section 32	Requirements for preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 80	Enables a ‘combined’ regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a unitary authority
Resource Management Act 1991	Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

82. The mandatory requirements for plan preparation are comprehensively summarised by Environment Court in Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council (Decision A078/2008),

where the Court set out the requirements for evaluating objectives, policies, rules and other methods. These are outlined in Figure 1.

#### **A. General requirements**

1. A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.
2. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.
3. When preparing its district plan (change) the territorial authority shall:
  - (a) have regard to any proposed regional policy statement;
  - (b) not be inconsistent with any operative regional policy statement.
4. In relation to regional plans:
  - (a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and
  - (b) must have regard to any proposed regional plan on any matter of regional significance etc.,.
5. When preparing its district plan (change) the territorial authority must also:
  - have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
  - take into account any relevant planning document recognised by an iwi authority; and
  - not have regard to trade competition;
6. The district plan (change) must be prepared in accordance with any regulation (there are none at present);
7. The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.

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

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

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

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;
10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:
  - (a) the benefits and costs of the proposed policies and methods (including rules); and
  - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

#### **D. Rules**

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

#### **E. Other statutes:**

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

they are subject to:

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

**Figure 1: Environment Court summary of measures for plan preparation**

### 7.1.2 Resource Management Act 1991- Regional Plan matters

83. The AUP is a ‘combined plan’ under s80 of the RMA. It has clearly identified chapters for the regional policy statement, the regional coastal plan, regional plan and district plan matters (except that the HGI district plan is separate to the AUP).

84. Some of the proposed SSMW within PC102 are located within the CMA. Any provision of the plan which applies to activities or natural and physical resources in the CMA is a provision of the regional coastal plan within the AUP.

85. There are mandatory considerations in the development of a proposed plan change to regional plan matters. Table 2 below summarises regional plan matters under the RMA.

**Table 2: Plan Change - Regional Plan Matters under the RMA**

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 30	Functions of regional councils in giving effect to the RMA
Resource Management Act 1991	Section 63	Sets out the purpose of regional plans including regional coastal plans
Resource Management Act 1991	Section 64	Sets out the requirement for and the process for, changes to the regional coastal plan
Resource Management Act 1991	Section 66	Sets out matters to be considered in regional council plans
Resource Management Act 1991	Section 67	Sets out required contents of regional plans
Resource Management Act 1991	Section 68	Sets out the purpose and considerations of rules in regional plans (regional rules)
Resource Management Act 1991	Section 69	Sets out matters to be considered for rules relating to water quality
Resource Management Act 1991	Section 70	Sets out matters to be considered for rules relating to discharges

### 7.1.3 Resource Management Act 1991- District Plan matters

86. There are mandatory considerations in the development of a proposed plan change to district plans and rules. Table 3 summarises district plan matters under the RMA relevant to PC102 and PM15.

**Table 3: Plan Change - District Plan Matters Under the RMA**

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statements, other regulations and other matters
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal on the environment

## 7.2 National Policy Statements

87. Under s55 of the RMA, local authorities must consider and make amendments to any plan if a national policy statement directs. The local authority must also make all other amendments to the plan that are required to give effect to any provision in a national policy statement.
88. Section 10 of the Section 32 Report identifies that there are currently eight National Policy Statements in place with five being relevant to PC102 and PM15.
89. The policy statements of relevance are:
- National Policy Statement for Highly Productive Land 2022 (NPS-HPL),
  - National Policy Statement for Freshwater Management 2020 (NPS-FW)
  - National Policy Statement on Urban Development 2020 (NPS-UD)
  - New Zealand Coastal Policy Statement 2010 (NZCPS)
  - National Policy Statement for Indigenous Biodiversity 2024 (NPS-IB)
90. The Section 32 Report concludes that all the relevant NPS recognise the cultural relationship tangata whenua have with land, water, biodiversity, and the coastal environment. They also recognise the importance of restoration of the natural environment and the social and economic welling arising from the use and development of resources in these areas.
91. The proposed plan changes have been developed through a partnership approach with the mana whenua groups of Tāmaki Makaurau and seek to

provide greater protection, recognition and consideration of the cultural relationship mana whenua have with all natural aspects of these sites.

*NPS-UD: Plan Change 78 to the AUP*

92. In response to submissions on Waipapa Awa, a set of *Mana Whenua Responsive Design* provisions are proposed for parts of the site. These areas traverse business and residential zones, therefore the NPS-UD is a relevant consideration.
93. The Council notified Plan Change 78 (**PC78**) on 18 August 2022, which gives effect to Policies 3 and 4 of the NPS-UD 2020 (amended in 2022). PC78 seeks, among other things, and to enable building heights of at least six storeys within the walkable catchments of the edge of the City Centre Zone, the edge of the Metropolitan Centre Zone, and from existing and planned rapid transit stops.
94. The Waipapa Awa covers both residential and business zones within the walkable catchment of the Parnell Train Station.
95. Provision is made in the NPS-UD for 'Qualifying Matters' (**QM**) as matters that justify development to be less enabling than directed under Policy 3.
96. SSMW is identified as a QM in PC78 and is proposed to limit the density of development for scheduled urupā sites.
97. The application of a design recognition mechanism does not prevent development from occurring at the densities required under the NPS-UD, but does seek to ensure that development is cognisant of mana whenua's local histories and whakapapa where appropriate.
98. In addition to not limiting density, I consider that the proposed design response gives effect to another important aspect of the NPS-UD, that of creating a 'well-functioning urban environment' that meets the changing needs of diverse communities<sup>13</sup>.
99. On 9 December 2024, the Resource Management (Consenting and Other System Changes) Amendment Bill was introduced to Parliament under urgency which proposes several changes, including making the incorporation of MDRS optional for councils in certain circumstances.
100. In my view, the scheduling proposed in the plan changes, and amended in response to submissions, gives effect to the NPS-UD.
101. Across all the National Policy Statements, the plan changes and the changes proposed in response to submissions, give effect to this national policy direction.

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<sup>13</sup><https://www.hud.govt.nz/our-work/national-policy-statement-on-urban-development#:~:text=The%20National%20Policy%20Statement%20on,needs%20of%20our%20diverse%20communities.>

### 7.3 National Environmental Standards

102. Under section 44A of the RMA, local authorities must observe national environmental standards in its district or region. No rule or provision may duplicate or be in conflict with a national environmental standard or regulation.
103. Depending on the standard, Council may impose more stringent or more lenient provisions in its plans. In some cases, the NES standard is absolute. Local authorities must amend a plan or proposed plan to remove duplication or conflict between proposed methods and NES<sup>14</sup>.
104. There are nine NES currently in force. Of these, the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017<sup>15</sup> and Resource Management (National Environmental Standards for Freshwater Management) Regulations 2020 are relevant.
105. These were assessed in section 10 of the Section 32 Report where it was found that the proposed plan changes will not introduce any duplication or conflict with the NES.
106. While, in response to submissions, it is proposed to amend standards for Waipapa Awa to introduce *Mana Whenua Responsive Design* provisions, these provisions do not introduce additional standards with respect to commercial forestry or freshwater management.
107. Accordingly, the proposed plan changes will not introduce any duplication or conflict between the plans and NES.

### 7.4 Auckland Unitary Plan and Auckland Council District Plan - Hauraki Gulf Islands Section

108. A district plan change must give effect to the regional policy statement and must not be inconsistent with a regional plan when preparing the plan change and in the consideration of submissions. An assessment against the objectives and policies of the RPS and Regional Plan and Regional Coastal Plan provisions of the AUP is provided in section 12 of the Section 32 Report.
109. Of particular relevance to these plan changes at the RPS level are Chapter B6 – Mana Whenua, Chapter B4 – Natural Heritage, and Chapter B5 - Historic Heritage and Special Character. The Regional Coastal Plan provisions of Chapter F are also directly relevant to these plan changes as are the Overlay provisions relating to Sites and Places of Significance to Mana Whenua (D21), Outstanding Natural Features Overlay and the Historic Heritage Overlay (D17).
110. With respect to the HGI, two parts of this plan are particularly relevant to PM15. These are Parts 2.5 - Resource Management Issues and Objectives and 7.13 – Māori Heritage.
111. Table 4 identifies the relevant provisions in the AUP and HGI.

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<sup>14</sup> Section 44A of the RMA

<sup>15</sup> Renamed and amended from the NES for Plantation Forestry on 3 November 2023

**Table 4: Relevant regional policy statement, coastal plan and district plan policy provisions of the AUP and HGI**

<b>Relevant Act/ Policy/ Plan</b>	<b>Section</b>	<b>Objectives and Policies</b>
Auckland Unitary Plan – Regional Policy Statement	B6 Mana Whenua  B6.2 Recognition of Treaty of Waitangi/ Te Tiriti o Waitangi	Obj. B6.2.1 (1) The principles of the Treaty are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga
		Obj. B6.2.1 (2) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes.
		Pol. B6.2.2 Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga...
	B6.3 Recognising Mana Whenua values	Obj. B6.3.1 (1) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.
		(2) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.
		(3) The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for.
		Pol. 6.3.2 (1) Enable Mana Whenua to identify their values associated with all of the following: (a) ancestral lands, water, air, sites, wāhi tapu, and other taonga; (b) freshwater, including rivers, streams, aquifers, lakes, wetlands, and associated values; (c) biodiversity; (d) historic heritage places and areas; and (e) air, geothermal and coastal resources.
		(2) Integrate Mana Whenua values, mātauranga and tikanga: (a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including: (i) ancestral lands, water, sites, wāhi tapu and other taonga; (ii) biodiversity; and (iii) historic heritage places and areas ...
		(3) Ensure that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values.

Relevant Act/ Policy/ Plan	Section	Objectives and Policies
		<p>(6) Require resource management decisions to have particular regard to potential impacts on all of the following:</p> <p>...</p> <p>(b) the exercise of kaitiakitanga;</p> <p>(c) mauri, particularly in relation to freshwater and coastal resources;</p> <p>(d) customary activities, including mahinga kai;</p> <p>(e) sites and areas with significant spiritual or cultural heritage value to Mana Whenua; and</p> <p>...</p>
	B6.5 Protection of Mana Whenua cultural heritage	Obj. B6.5.1 (1) The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.
		(2) The relationship of Mana Whenua with their cultural heritage is provided for.
		(3) The association of Mana Whenua cultural, spiritual and historical values with local history and whakapapa is recognised, protected and enhanced
		(4) The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.
		(5) Mana Whenua cultural heritage and related sensitive information and resource management approaches are recognised and provided for in resource management processes.
		Pol. B6.5.2 (1) Protect Mana Whenua cultural and historic heritage sites and areas which are of significance to Mana Whenua.
		<p>(2) Identify and evaluate Mana Whenua cultural and historic heritage sites, places and areas considering the following factors:</p> <p>(a) Mauri: ko te mauri me te mana o te wāhi, te taonga rānei, e ngākaunuitia ana e te Mana Whenua. The mauri (life force and life-supporting capacity) and mana (integrity) of the place or resource holds special significance to Mana Whenua;</p> <p>(b) Wāhi tapu: ko tērā wāhi, taonga rānei he wāhi tapu, arā, he tino whakahirahira ki ngā tikanga, ki ngā puri mahara, o ngā wairua a te Mana Whenua. The place or resource is a wāhi tapu of special, cultural, historic, metaphysical and or spiritual importance to Mana Whenua;</p> <p>(c) Kōrero Tūturu/historical: ko tērā wāhi e ngākaunuitia ana e te Mana Whenua ki roto i ōna kōrero tūturu. The place has special historical and</p>



Relevant Act/ Policy/ Plan	Section	Objectives and Policies
		<p>cultural significance to Mana Whenua;</p> <p>(d) Rawa Tūturu/customary resources: he wāhi tērā e kaweā ai ngā rawa tūturu a te Mana Whenua. The place provides important customary resources for Mana Whenua;</p> <p>(e) Hiahiatanga Tūturu/customary needs: he wāhi tērā e eke ai ngā hiahia hinengaro tūturu a te Mana Whenua. The place or resource is a repository for Mana Whenua cultural and spiritual values; and</p> <p>(f) Whakaaronui o te Wa/contemporary esteem: he wāhi rongonui tērā ki ngā Mana Whenua, arā, he whakaahuru, he whakawaihanga, me te tuku mātauranga. The place has special amenity, architectural or educational significance to Mana Whenua.</p>
		(3) Include cultural and historic heritage places and areas identified as significant to Mana Whenua in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule.
Auckland Unitary Plan – Regional Policy Statement	<p>B4 Te tiaki taonga tuku iho – Natural Heritage</p> <p>B4.2 Outstanding natural features and landscapes</p>	<p>B4.2.1.</p> <p>...</p> <p>Obj. (2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for</p> <p>...</p>
		<p>Pol. B4.2.2(4) Identify and evaluate a place as an outstanding natural feature considering the following factors:</p> <p>...</p> <p>(k) the importance of the feature or site to Mana Whenua</p>
Auckland Unitary Plan – Regional Policy Statement	B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character	Obj. 5.2.1(1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.
		<p>Pol.B5.2.2(1) Identify and evaluate a place with historic heritage value considering the following criteria:</p> <p>...</p> <p>(c) Mana Whenua: the place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value</p> <p>...</p>
Auckland Unitary Plan- Regional Coastal Plan	F2.5 Disturbance of the foreshore and seabed	Obj.F2.5.2(2) Activities that have long-term impacts or involve more than a minor level of disturbance avoid, remedy or mitigate adverse effects on natural character, ecological values, coastal processes, historic heritage and Mana Whenua values.
		Pol. F2.5.3(3) Provide for the disturbance of the foreshore or seabed that is necessary to protect, maintain or enhance historic heritage or Mana Whenua values, geological, ecological or habitat

Relevant Act/ Policy/ Plan	Section	Objectives and Policies
		values, or for public access or research, where this is consistent with maintaining the values of the area
		Pol. F2.5.3(4) Limit the area of foreshore and seabed disturbance to the extent practicable and for the works to be done at a time of day or year, that will avoid, remedy or mitigate adverse effects on all of the following: ... (e) traditional gathering, collection or harvest of kaimoana by Mana Whenua; and  (f) historic heritage and Mana Whenua values.
Auckland Unitary Plan – Regional Coastal Plan and District Plan	D21 Sites and Places of Significance to Mana Whenua	Obj. D21.2(1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.
		Obj. D21.2(2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.
		Pol. 21.3(1) Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.
		Pol. 21.3(2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.
		Pol. 21.3(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: ...
		Pol. 21.3(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.
		Pol. 21.3(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
		Pol. 21.3(6) Manage the adverse effects of subdivision where scheduled sites and places of significance to Mana Whenua are split into multiple land parcels.
		Pol. 21.3(7) Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.
		Pol. 21.3(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.
		Pol. 21.3(9) Enable existing network utilities and electricity generation facilities on sites and places of significance including: ...

Relevant Act/ Policy/ Plan	Section	Objectives and Policies
		Pol. 21.3(10) Avoid where practicable the use of scheduled sites and places of significance to Mana Whenua for new infrastructure where this affects cultural values.
		Pol. 21.3(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.
	D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay	Obj. 10.2(2) The ancestral relationship of Mana Whenua with outstanding natural features and outstanding natural landscapes are recognised and provided for.
		Pol. 10.3(3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by: ... (a) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature
		Pol. 10.3(4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters: ... (c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua; ...
	D17 Historic Heritage Overlay	Obj. D17.3(1) The protection, maintenance, restoration and conservation of scheduled historic heritage places is supported and enabled.
Auckland Council District Plan – Hauraki Gulf Islands Section – district provisions	Part 2.5 Resource Management Issues and Objectives	Obj. 2.5.8(1) To provide for Maori to develop and manage their ancestral lands and marae areas in a manner which meets their needs. On Waiheke, this includes the Piritahi Marae and the Ngāti Paoa land at the eastern end. On Great Barrier this includes the Ngati Rehua land and marae at Motairehe and Kawa.
		Obj. 2.5.8(2) To recognise and provide for the protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
		Obj. 2.5.8(3) To recognise and have particular regard to the kaitiakitanga role of mana whenua.
	Part 7 Heritage	Obj. 7.3 To recognise and protect heritage resources of natural, cultural and scientific value.
		Pol. 7.3(1) By identifying, assessing and scheduling significant heritage resources in the Plan.
		Pol 7.3(2) By controlling the use and development of natural and physical resources in a manner that preserves and protects the scheduled heritage resources, and its scheduled site surrounds.
	Part 7.13 Māori Heritage	Obj. 7.13.2 To recognise and protect sites of spiritual, cultural and tikanga value to Māori.
		Pol 7.13.2(1) By identifying and protecting, in consultation and partnership with tangata whenua,

Relevant Policy/ Plan	Act/ Section	Objectives and Policies
		significant Māori spiritual, cultural and tikanga sites
		Pol 7.13.2(2) Avoid a reduction in the historical, cultural and spiritual values associated with Māori heritage sites.
		Pol. 7.13.2(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 Māori heritage sites.

*Giving effect to the RPS*

*AUP*

112. Within the RPS, Chapter B6 contains the strategic direction to address the issues of significance to mana whenua within the Auckland Region. It is underpinned by a recognition of the principles of the Treaty of Waitangi which includes recognising the role of mana whenua as kaitiaki and provides opportunities for them to actively participate in matters of cultural importance.
113. Section B6.5 of the RPS addresses the extent to which mana whenua cultural heritage is identified, protected and enhanced. It sets an expectation that the knowledge base of mana whenua cultural heritage will continue to be developed within the region.
114. Importantly, Policy B6.5.2(2) of the RPS sets out six factors against which mana whenua cultural and historic heritage sites, places and areas will be considered within the Auckland region.
115. Once identified, Chapter B6.5 outlines the strategic approach to how these Sites and Places of Significance to Mana Whenua will be protected.
116. Both PC102 and PM15 have been developed in collaboration with mana whenua as outlined in the Section 35 Report. All 19 recognised mana whenua within the Auckland Region have been invited to participate in the nomination and evaluation of sites and six mana whenua groups have taken up the opportunity to participate in the nomination and evaluation of sites in PC102 and PM15.
117. All of the nominated sites have been evaluated using the six factors identified in Policy B6.5.2 of the RPS and have been found worthy of identification and protection. These evaluations are summarised in the CVAs for each proposed site included with the notified plan changes<sup>16</sup>. A seventh factor, 'horopaki', has been included in the CVAs at the request of mana whenua to set the context of the area, site or place within the wider Māori cultural landscape.
118. It is intended that the nominated sites be protected from the adverse effects of subdivision, use and development by including them in Schedule 12 – Sites and Places of Significance to Mana Whenua Schedule. A pre-existing rule framework which is vertically and horizontally integrated within the AUP will offer

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<sup>16</sup> Section 32 Report. Attachment 3.

this protection to scheduled sites and provide opportunities for mana whenua to participate in their sustainable management.

119. The *Mana Whenua Responsive Design* provisions which have been proposed in response to submissions on the Waipapa Awa is consistent with this framework as it provides for a targeted response to enable mana whenua to achieve the appropriate design recognition of their local histories and whakapapa along sections of the river that no longer exist. An evaluation under section 32AA of the RMA has been included as **Appendix 2** to this report.
120. Chapters B4 and B5 of the RPS also seek to recognise and protect relationships between mana whenua and their culture and traditions with outstanding natural features and historic heritage places. The identification and evaluation criteria of Outstanding Natural Features and Historic Heritage Places include criteria recognising mana whenua associations. Such sites are similarly protected from inappropriate subdivision, use and development.
121. PC102 recognises these linkages and seeks to add the relevant criteria to corresponding sites in the Outstanding Natural Feature schedule (Schedule 6) and Schedule of Historic Heritage (Schedule 14.1). As with Schedule 12, a pre-existing rule framework offers protection to scheduled sites in both of these other schedules.

#### *HGI*

122. With respect to PM15 to the HGI, the plan modification seeks to amend Appendix 2f – Schedule of Māori Heritage Items (Outer Islands) to include references to Chapter B6 of the RPS. This wording is proposed to make it explicit that in giving effect to the RPS, the HGI uses the same factors as the AUP to identify and evaluate MHS in the HGI.
123. Changes are also proposed to Part 7.13 Māori Heritage, to provide for select earthworks activities common to the occupation of private sites. These have been reviewed by mana whenua and no objections have been raised as to their appropriateness.
124. As is discussed in section 4 of the evidence of Mr. Donovan-Pereira, all of the sites nominated for PM15 have been assessed against the factors stated in Policy B6.5.2 of the RPS and have been found worthy of identification and protection.
125. For the above reasons, PC102 and PM15 give effect to the RPS.

#### *Consistency with Coastal Plan and District Plan*

##### *AUP*

126. Within the AUP, the SSMW overlay provisions are regional coastal plan and district plan level provisions. This is the same with the Outstanding Natural Features Overlay and Historic Heritage Overlay. The relevant objectives and policies are listed in Table 4. These objectives and policies, and the rules that give effect to them, provide the active protection and enhancement sought by the RPS level provisions, and PC102 is consistent with these provisions.

##### *HGI*

127. The HGI is a district plan and consequently the policy framework supporting the identification and protection of MHS are addressed at the district level. The current provisions seek to recognise and provide for the relationship of Māori and their culture and traditions through consultation and partnership with tangata whenua. Part 7.13 seeks to control use and development in a way that preserves and protects the heritage resource.
128. The policies of Part 7.13 seek to avoid a reduction in the historical, cultural and spiritual values associated with MHS.
129. PM15 identifies the first five MHS on Aotea/Great Barrier Island. It does not propose to amend any objectives, or policies, but does propose some amendments to rules to provide flexibility for certain earthworks activities to allow for the reasonable use of privately owned sites. These changes would apply across all Māori Heritage Sites, including the four currently scheduled on Waiheke Island.
130. The identification of these sites has been done in consultation with mana whenua. Their identification will place controls over the use and development of these places to recognise their cultural significance and provide an opportunity to involve mana whenua in use and development discussions.
131. For these reasons, PM15 is consistent with the relevant objectives and policies of the HGI.

## 7.5 Any Relevant Regulations

132. In considering a plan change, a territorial authority must consider any regulation that is relevant to a regional or district plan change. Regulations made under section 360 of the RMA generally deal with matters of detail or implementation, matters of a technical nature, or matters likely to require frequent alterations or updating.
133. There are currently eleven regulations made under the RMA pertaining to administrative functions, infringement offences and exemptions. None of these are relevant to these plan changes.

## 7.6 Any Relevant Management Plans and Strategies Prepared Under Any Other Acts

134. Other relevant plans and strategies considered when developing PC102 and PM15 are summarised in Table 5.

**Table 5: Other relevant plans and strategies**

Relevant Act	Section	Relevant Plans or Strategies
The Reserves Act 1977	Section 41	Reserve Management Plans
Treaty of Waitangi Settlement Legislation	Various sections across nine individual and collective	Cultural Redress – including Statutory Acknowledgements, Co-governance / co-management regimes over parks  Commercial Redress

Relevant Act	Section	Relevant Plans or Strategies
	Treaty Settlement Acts.	
Waitakere Ranges Heritage Area Act 2008	Section 5	Waiheke Ranges Heritage Area
Hauraki Gulf Marine Park Act 2000	Sections 6 and 7	The recognition of the national significance and management of the Hauraki Gulf and the life supporting capacity of the environment of the Gulf and its islands and its capacity to provide for the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Gulf and its islands.
Marine and Coastal Area (Takutai Moana) Act 2011	Sections 62, 93	Customary Marine Title Applicant Groups
Heritage New Zealand Pouhere Taonga Act 2014	Part 4	The New Zealand Heritage List/Rārangi Kōrero
Conservation Act 1987	Section 6	Functions of the Department of Conservation and associated plans and strategies
Local Government Act 2002	Section 11	Spatial planning and structure plans
Local Government Auckland Council Act 2009	Section 20 Section 86 Section 79	Local Board Plans The Māori Plan 2017 The Auckland Plan 2050

### 7.6.1 Reserve Management Plans

135. Seven of the nominated sites in PC102 and PM15 are located within, or partly within, reserves that are managed by Council and/or the Department of Conservation (**DoC**). Reserve management plans are developed under the Reserves Act 1977 and are a relevant consideration to have regard to<sup>17</sup>.
136. The Reserves Act is one of the acts in the First Schedule to the Conservation Act 1987. Section 4 of the Conservation Act requires that the principles of Te Tiriti o Waitangi are given effect to. This equally applies to the Reserves Act and therefore the development of Reserve Management Plans.
137. Section 41(4) of the Reserves Act 1977 requires a continuous review of reserve management plans so they can be adapted to changing circumstances in accordance with increased knowledge. The scheduling of reserves as SSMW does not prohibit land use or subdivision activities from occurring, although does change some consenting requirements.
138. Overall, the proposed plan changes do not run contrary to reserve management planning. Reserve management planning is undertaken in consultation with mana whenua and the areas of significance identified through PC102 and PM15 will help guide these kōrero as new plans are developed and existing ones are reviewed.

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<sup>17</sup> Section 74(2)(b)(i) of the RMA

### 7.6.2 Treaty of Waitangi Settlement Legislation

139. The plan changes have been developed in cognisance of the Treaty Settlements within the Auckland Region. There are currently nine collective and individual settled Treaty claims affecting the Auckland Region, with the latest being the Ngāti Tamaoho Claims Settlement Act 2018.
140. Among other matters, this settlement legislation provides for cultural and commercial redress to the claimant iwi authority. Of particular relevance to these plan changes are land and coastal statutory acknowledgements, and vested redress sites.
141. As outlined in the Section 32 Report for these plan changes, the nomination of these proposed sites has been done in collaboration with the mana whenua of Tāmaki Makaurau. This includes representatives of the groups that have settled their Treaty claim with the Crown.
142. In any instance where a Treaty Settlement is at odds with a nominated site and the respective mana whenua groups do not agree on it being scheduled, these sites have not progressed into the plan changes.
143. In the case of Manukapua, the Te Uri o Hau Claims Settlement Act 2010 has specific provision for the island, the Kirihipi Overlay Area for the Manukapua Government Purpose (Wildlife Management) Reserve. The Kirihipi Overlay, confers specific powers on the Governor-General and Minister of Conservation to regulate activities by members of the public in the area<sup>18</sup>.
144. The scheduling of Manukapua as a SSMW does not interfere with giving effect to the Te Uri o Hau redress, as the RMA provisions engaged through the scheduling operate alongside the regulatory and bylaw making powers of the Kirihipi Overlay.
145. In my view, these plan changes have been developed so as to be consistent with Treaty of Waitangi settlements in the Auckland Region.

### 7.6.3 Marine and Coastal Area (Takutai Moana) Act 2011

146. The Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**) contains a number of provisions which must be considered when local authorities are discharging their responsibilities under the RMA<sup>19</sup>. Under section 62 of the MACA, rights are conferred to both holders and applicant groups for customary marine title within the common marine and coastal area.
147. There have been a number of applications made to the High Court and for Crown engagement to recognise customary marine title, some of which apply to the Auckland region. There are many overlapping applications for Crown engagement and in the High Court. The MACA required that applications for recognition of customary interests had to be filed by 3 April 2017.

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<sup>18</sup> Te Uri o Hau Deed of Settlement: Schedule 5.1

<sup>19</sup> Refer to MACA section 93 as an example



148. Under section 93 of the MACA, there are obligations on regional councils in relation to planning documents (as defined in the MACA) prepared by a customary marine title group and lodged with the regional council. This includes the consideration of the extent to which relevant regional documents achieve the purpose of the RMA in relation to information contained within these planning documents.
149. As of the date of this report, no customary marine titles have been granted by the Crown or the High Court within the Auckland Region and therefore no planning documents have been lodged with Auckland Council. Accordingly, there are no customary marine title groups requiring consultation as part of these plan changes and no planning documents developed under the MACA need to be considered.
150. Notwithstanding, representatives of all mana whenua groups who have lodged applications for the recognition of customary interests have been consulted in the development of the plan changes.
151. For the above reasons, I consider that proper consideration has been given to the relevant plans and strategies developed under the MACA.

#### **7.6.4 Local Government Act 2002 and Local Government (Auckland Council) Act 2009**

152. In addition to the Auckland Plan 2050, there are four area plans that have been identified as being relevant to the plan changes. In addition, each of the seven local board areas which are affected by the plan changes is governed by its own local board plan.
153. The relevant area plans are:
- Parnell Plan (2019)
  - City Centre Masterplan (2012)
  - Māngere-Ōtāhuhu Area Plan (2013)
  - Manurewa Takanini Papakura Integrated Area Plan (2018)
154. These plans recognise the importance of taking a collaborative approach with mana whenua to initiatives within the local community. These seek ecological outcomes as well as celebrating Māori culture within the community. The proposed scheduling highlight culturally significant places and features to facilitate such outcomes.
155. Similarly, the seven local board plans adopted in 2023 identify the importance of Māori identity and culture as Auckland's unique point of difference in the world. They recognise the importance of enabling Māori to fulfil their role as kaitiaki, something which is an outcome of the proposed plan changes.
156. PC102 and PM15 are consistent with these plans and they have been considered in the preparation of these plan changes.

## 7.7 Iwi Planning Documents

157. When a regional council or district council is preparing or changing its plan, it must consider the documents listed in Table 6 if they have been lodged with the council.

**Table 6: Iwi Planning Documents**

Relevant Act/ Policy/ Plan	Section	Matters
RMA s66(2A) and 74(2A)		<p>Any relevant planning document recognised by an iwi authority and lodged with the regional or territorial authority to the extent that its content has a bearing on the resource management issues of the region or district.</p> <p>In relation to a planning document prepared by a customary marine title group under section 85 of the Marine Coastal Area (Takutai Moana) Act 2011:</p> <ul style="list-style-type: none"> <li>- Recognise and provide for the matters in that document to the extent they relate to the relevant customary marine title area;</li> <li>- Take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.</li> </ul>

158. As is discussed from para 13.22 of the Section 32 Report, Council currently holds 12 iwi planning documents. These documents cover a wide range of matters including historical associations, policy strategies, procedural preferences (engagement), and resource management objectives. In some cases, I am aware that new iwi planning documents are under development to replace the existing records Council holds.

159. Recurring themes within these planning documents is a clear and consistent understanding of the history of the association between the iwi authority and the whenua (land), awa (rivers), puna (springs) and moana (sea). Also clear is a strong sense of duty as kaitiaki (guardians) for their rohe (territory) and an expectation that mana whenua will be able to play an active role in determining the future of the environment within their rohe.

160. These planning documents often outline policy development mana whenua wish to be involved in, and identify specific projects they may have a particular interest in. Common themes are projects involving water quality and quantity, stormwater and contaminant disposal, disturbance in the CMA, effects on terrestrial biodiversity, and earthworks.

161. The proposed sites have been nominated by mana whenua themselves and the provisions which will apply to the scheduled sites place significantly greater weight on the consideration of Māori cultural impacts arising from land disturbance, disturbance in the CMA, temporary activities and the development of buildings on the scheduled sites (including infrastructure).

162. The consequential effect of scheduling the sites is that other related sections of the plan which include consideration of mana whenua cultural values are given greater policy weight. Such sections include Chapters E3 Lakes, Rivers, Streams, and Wetlands, Chapter E7 Taking, Using, damming and diversion of water and drilling, and Chapter F Regional Coastal Plan.
163. In my view, the added policy focus and emphasis on mana whenua engagement which arises through the scheduling of the nominated sites is consistent with the iwi planning documents Council holds and the aspirations of mana whenua. These documents have been appropriately considered in my opinion.

## 8. PRE-HEARING CONSULTATION

164. On 9 August 2024, following the Council receiving of submissions and further submission on PC102 and PM15, a direction was issued by the Hearing Panel, strongly encouraging the Council's reporting planner and experts to carry out discussions with submitters where appropriate with respect to the issues in contention.
165. Discussion was subsequently held with the following parties:
- Ngāti Whātua Ōrākei Trust – to clarify their submission on Waipapa Awa and other matters, and
  - Mt Rex Shipping Ltd and Winstone Aggregates Ltd – to facilitate a meeting with Te Uri o Hau and clarify matters pertaining to their submissions on Manukapua.
166. In addition, a post-submission site visit was undertaken to Te Wai o Ruarangi with a Te Ahiwaru Waiohau representative (the nominating iwi). Representatives of Auckland International Airport Ltd were present for health and safety reasons and to point out infrastructure referred to in their submission. There was no substantive discussion of their submission during that visit as not all submitters with an interest in the site were invited/present.
167. The meetings were held on a 'without prejudice' basis and were largely information sharing sessions, with no agreement being reached at the time.
168. As a result of the additional information received during the Te Wai o Ruarangi site visit, and following further discussions with the nominating iwi, I recommend supporting the mapping relief sought by AIAL (and some other submitters), as is discussed in section 9.5.3 of this report.
169. While it was intended to meet with certain submitters regarding the historical extents of Waipapa Awa, this was to occur following discussions with the nominating hapū NWO. Due to the timing and nature of those discussions, subsequent meetings have not been possible prior to this report being completed.
170. The Council team is willing to engage in mediation or expert caucusing on all sites, should this be considered desirable by the Hearing Panel.

## 9. NOTIFICATION AND SUBMISSIONS

### 9.1 Notification Process

171. PC102 and PM15 were publicly notified following a lengthy period of pre-notification engagement with landowners, occupiers, public bodies and other interested parties.

172. Direct notification of the plan changes was served on the following parties:

- Landowners and occupiers by mail (PC102 and PM15) and email (PC102),
- Landowners and occupiers with property within 100m of the nominated sites,
- All mana whenua groups within Tāmaki Makaurau,
- The Department of Conservation,
- Waka Kotahi NZ Transport Agency,
- Watercare Services Limited,
- The Ministry for the Environment,
- Auckland Transport,
- Heritage New Zealand Pouhere Taonga,
- Tātaki Auckland Unlimited,
- Screen Auckland,
- Maritime New Zealand Limited,
- Land Information New Zealand.

173. Apart from some landowners, occupiers and mana whenua groups, no submissions have been received from the other parties. Details of the notification timeframes and number of submissions received from the two separate submission pathways is outlined in Table 7.

**Table 7: Notification Summary Table**

Date of public notification for submissions	23 May 2024 (Public Notification)
Closing date for submissions	21 June 2024
Number of submissions received – Plan Change 102	20 Submissions
Number of submissions received – Plan Modification 15	3 Submissions

Date of notification for further submissions	12 July 2024
Closing date for further submissions	26 July 2024
Number of further submissions received – Plan Change 102	Four further submissions
Number of further submissions received – Plan Modification 15	Nil further submissions

174. Copies of the submissions and further submissions are attached as **Appendix 3** to this report.

## 9.2 Errors and Corrections

### *Amendment to the notified proposed amendments to Part 7.13.4 rules for HGI*

175. Following the notification of PM15, I have identified an error in the drafting of the proposed amendments to Part 7.13.4 - Rules for Māori Heritage Sites.

176. In sections 7 and 15 of the Section 32 Report, I discuss what I see as a requirement to amend the Māori Heritage Sites rules of the Auckland Council District Plan – Hauraki Gulf Islands Section.

177. The amendment is required to allow for reasonable use of the privately owned sites, and align the provisions more closely with those of the AUP.

178. At paras 15.30 to 15.32 of the Section 32 Report, the intention of the changes is explained. This is that additional dispensation is only being provided for the four earthworks activities listed below:

- Gardening for domestic purposes,
- 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,
- 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, and,
- 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.

179. As the proposed provisions are drafted, they change the header under 7.13.4.1 from an exclusive (i.e. any activity or work is permitted which does not involve...) to an inclusive list (i.e. the following are permitted activities...).

180. As a result of this change, a provision is required to specify that under the Māori Heritage Schedule, all other activities not otherwise listed in the rules remain as Permitted Activities.

181. This 'catch-all' rule has been added to the proposed text under Permitted Activities as Rule 7.13.4.1(6):

*Any activity or work not otherwise specified in rule 7.13.4.1 (1 to 5) and 7.13.4.2*

182. There is a second minor correction where the word 'for' is substituted for 'within' in the first sentence of 7.13.4.1.

183. An updated version of the proposed provisions is included as **Appendix 4** with the further changes proposed highlighted in **yellow**.

*Updated proposed numbering of schedule*

184. Following the notification of PC102, a change has been made under clause 20A of schedule 1 of the RMA to Schedule 12 in the operative AUP to update the Scheduling ID numbering.

185. This corrected a minor error where there was a gap in the sequence of the numbering which arose as a result of Council withdrawing the Te Waiora site from Plan Change 22. Plan Change 22 was made fully operative on 11 March 2022. The last entry in Schedule 12 of the AUP is now Scheduled ID 105 (Te Rangihoua).

186. As a result, each of the Schedule 12 ID references in PC102 will be decreased in number by 1, starting at 106 (Komahunga) and finishing at 114 (Waipapa Awa). This is indicated in **Appendix 4**, the provisions proposed in response to submissions, by **yellow** highlighting.

### **9.3 Legal and Statutory Context Relevant to Submissions – When is a Submission “On” a Plan Change?**

187. PC102 as notified proposes to introduce nine SSMW to Schedule 12 of the 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.

188. PC102 did not propose to add any new objectives, policies or rules within the AUP, nor did it propose to make amendments to any objectives, policies or rules within the AUP.

189. The Council's approach to jurisdiction is outlined below, adopting the approach taken by the High Court in *Clearwater Resort Ltd v Christchurch City Council*,<sup>20</sup> and *Palmerston North City Council v Motor Machinists Ltd*.<sup>21</sup> In *Motor*

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<sup>20</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003, at [66]

<sup>21</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, at [80] - [82]

*Machinists* the High Court referred to its earlier decision in *Clearwater* and confirmed that a two limbed test must be satisfied<sup>22</sup> as follows:

- a. The submission must address the proposed plan change itself, that is it must address the extent of the alteration to the status quo which the change entails; and
- b. The Council must consider whether there is a real risk that any person who may be directly affected by the decision sought in the submission has been denied an effective opportunity to respond to what the submission seeks.

190. In *Motor Machinists* the High Court described the first limb as the “dominant consideration”, involving consideration of both “the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration.”

191. In considering the first limb, the High Court held in *Motor Machinists* that whether the submission falls within the ambit of the plan change may be analysed by asking whether it raises matters that should be addressed in the Section 32 Report, or whether the management regime in the plan for a particular resource is altered by the plan change. Submissions seeking relief beyond that ambit are unlikely to be 'on' the plan change. However, some extensions to a plan change are not excluded: incidental or consequential extensions are permissible if they require no substantial section 32 analysis.

192. In considering the second limb, the High Court in *Motor Machinists* identified the risk that the Council must guard against is that the reasonable interests of others might be overridden by a 'submissional side-wind.' The concern identified was that a plan change could be so morphed by additional requests in submissions that people who were not affected by the plan change as notified became affected through a submission, which had not been directly notified to them. If the effect of regarding a submission as 'on' a plan variation would be to permit a planning instrument to be appreciably amended without a real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submissions is truly 'on' the variation.

#### **9.4 Out of Scope Submissions or Submission Points**

193. The following submission points and associated further submissions are considered to be out of scope of PC102.

##### **9.4.1 Plan Change 102 – Submission Point 10.2 Ngāti Whātua Ōrākei Trust**

194. Submission Point 10.2 from NWO seeks the following relief:

*Include a specific requirement that only the 'appropriate' or 'correct' hapū which are recognised as 'tangata whenua' are engaged with for development proposals within identified SSMW.*

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<sup>22</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003, at [66]

195. This submission point was supported by two further submitters, Domain Gardens Ltd and Mt Rex Shipping Limited.
196. Para 3.1 of the submission states that ‘...this does not mean that other iwi or hapū do not have an interest in any particular site, but rather appropriately recognises those who are tangata whenua.’
197. Submission Point 10.3 from Ngāti Whātua Ōrākei Trust seeks the following relief:

*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*

#### Response

198. The relief sought in Submission Point 10.2 proposes a significant alteration to the management regime for SSMW under the AUP. The relief sought in Submission Point 10.2 goes beyond the scope of the plan change request, in that it is proposing to include new provisions in the AUP that apply to applications for resource consent and other planning processes affecting SSMW.
199. PC102 as notified did not propose any new provisions, and is limited to inserting nine new sites into a pre-existing schedule and making some consequential amendments to two other schedules. As a result, there has been no evaluation under section 32 of the RMA of the new engagement provisions proposed.
200. In addition, I consider that there is a real risk that there are persons, in particular mana whenua groups, who may be directly affected by the relief sought in the submission that have been denied an effective opportunity to respond to what the submission seeks.

#### *Populating the 'Nominated by Mana Whenua' column*

201. The 'Nominated by Mana Whenua' column in Schedule 12 is a pre-existing part of that schedule and is partially populated. While it does not operate as an identifier of the 'correct' or 'appropriate' hapū and iwi to engage with, seeking it be populated is within the scope of PC102 in my opinion. It was a matter addressed in the Section 32 Report as is identified in the NWO submission.
202. The same applies for Submission Point 10.3 which seeks Ngāti Whātua Ōrākei be explicitly listed in the 'Nominated by Mana Whenua' column for Te Rae o Kāwharu and Waipapa Awa. These 'on the plan change' matters are addressed in section 9.5 of this report.

#### *Recognition in the AUP of the 'appropriate' or 'correct' iwi and hapū*

203. The AUP currently does not contain provisions which specifically direct plan users and decision makers to engage with certain iwi or hapū based on whether they hold ahi kā.
204. A determination is made of the iwi and hapū who may have a cultural interest in a proposal through several information sources. These include:
- through publicly available 'Mana Whenua Areas of Interest' maps,



- through a Council website providing mana whenua contacts for a site location<sup>23</sup>,
- through consideration of Treaty settlements and iwi and hapū planning documents, or
- through mana whenua groups indicating an interest in a particular application after having received a weekly list of lodged consents.

205. In addition, a publicly available Council practice and guidance note provides all plan users with direction and an understanding of mana whenua values and when engagement may be required<sup>24</sup>.

206. At the Regional Policy Statement level and elsewhere throughout the AUP, while the plan is explicit in providing for the relationship mana whenua have with their sites, wāhi tapu and other taonga in accordance with tikanga<sup>25</sup>, the AUP does not detail what that tikanga is and how it should be applied. The plan recognises that mana whenua are specialists in the tikanga of their hapū and iwi<sup>26</sup>.

207. The case cited by the submitter illustrates that tikanga and tribal narratives and traditions can be specific to the individual mana whenua groups of Tāmaki Makaurau, and that these views do not always accord with each other. Tribal relationships to a site, resource or area can be a complex consideration of matters such as whakapapa, whanaungatanga, and mana, as is discussed in Section 7 of the evidence of Council’s Māori Heritage Specialist, Mr. Donovan-Pereira.

208. The operationalisation of the Māori provisions of the AUP, including notification processes, sit outside of the existing AUP provisions to provide flexibility and adaptability to changing circumstances. They are not part of the plan change as notified and were not a matter raised during consultation with mana whenua on the development of the plan change under clause 3 of Schedule 1, or through the further re-notification provisions of the draft plan change under clause 4A of Schedule 1. As these matters had not been raised through the clause 3 or clause 4A of Schedule 1 processes, they have not been addressed in the Section 32 Report.

209. Seeking to codify the complex relationships mana whenua have within the region, their overlapping interests, and tensions in respect to tikanga makes the relief sought in Submission Point 10.2 a significant alteration to the management regime for SSMW.

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<sup>23</sup> <https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/find-hapu-iwi-contacts-for-your-area.aspx>

<sup>24</sup> Resource Consents Practice and Guidance note – Considering mana whenua value in resource consent processes. RC\_3.3.23 located at [www.aucklanddesignmanual.co.nz](http://www.aucklanddesignmanual.co.nz)

<sup>25</sup> Such as Policy B6.2.2(1), Objective B6.3.1(1) and Policy B6.5.2(5)(c)

<sup>26</sup> Policy B6.2.2(1)(e)

210. The relief sought is, in my view, not an outcome which could have been reasonably anticipated by other mana whenua groups participating in the development of this plan change.
211. In my view the submission point has the potential to impose unreasonable hardship on the ability for some mana whenua groups to exercise kaitiakitanga and maintain their relationship with their taonga in accordance with their tikanga.
212. For these reasons, it is my view that Submission Point 10.2 fails both limbs of the legal test for plan change scope and is therefore not 'on' the plan change.

#### **9.4.2 Plan Change 102 – Submission Point 8.2 – Karaka Harbourside Estates Limited and Pararēkau Islands Limited (in part)**

213. This submission point seeks to amend Schedule 14.1, the Historic Heritage Schedule in the AUP, to reflect archaeological assessments undertaken by the submitter during previous resource consenting processes for Pararēkau Island.
214. The submitter refers to several Historic Heritage Place entries applying to the Pahurehure Islands as being inaccurate and seeks the changes identified on page 7 of their submission. The submission seeks to remove eight of the currently scheduled Historic Heritage Places in Schedule 14.1, and proposes amendments to four others.
215. PC102 seeks to recognise and protect the tangible and intangible Māori cultural values of identified sites and places within Tāmaki Makaurau to provide for the relationship of mana whenua with their cultural heritage.
216. In doing so, the plan change proposes to annotate two currently scheduled Historic Heritage Places with a criterion signifying their strong or special association with mana whenua<sup>27</sup>. The plan change also seeks to add the Māori name to one of the sites<sup>28</sup>. No deletions or other amendments are proposed to Schedule 14.1, nor are any changes proposed that do not directly relate to the recognition of mana whenua cultural values and associations.
217. The relief being sought through Submission Point 8.2 is to amend what the submitter considers are erroneous entries. The sites identified have been scheduled for their contribution to knowledge through archaeological or other scientific or scholarly study<sup>29</sup>. While some are midden, they have not been scheduled for a strong or special association to mana whenua.
218. With respect to the proposed deletions, in my view the subject matter of this submission point is not on PC102 as it is not seeking changes to what has been proposed through PC102 or addressed in the Section 32 Report.

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<sup>27</sup> Site ID 00655 and 00693

<sup>28</sup> Site 00693 Ballards Cone Pā site

<sup>29</sup> RPS Policy B5.2.2(1)(d): Knowledge: the place has potential to provide knowledge through archaeological or other scientific or scholarly study, or to contribute to an understanding of the cultural and natural history of New Zealand, the region, or locality

219. PC102 does not seek to remove Historic Heritage Place entries. It proposes minor additions to existing scheduled items which are now known to have a strong or special association with mana whenua.
220. The submission point seeks to delete entries in Schedule 14.1 without a real opportunity for those who may be affected by such a variation to fairly participate in the process. It is not, in my view, reasonable to expect parties notified of PC102 to have anticipated removal of scheduled Historic Heritage Places as an outcome.
221. There is currently a review of Historic Heritage Places within the AUP which will result in the subject matter of this submission point be addressed through a review of the AUP. A proposed reviewed AUP must be notified by May 2029<sup>30</sup>.
222. For clarity, I consider that the proposed updates to the location and name fields in the schedule to be within scope as they reflect recent subdivision activity, standardise the use of names across the schedule, and are informational only with no likelihood of natural justice issues arising. These matters are addressed from para 360 where I recommend they are accepted.
223. I have therefore treated parts of Submission Point 8.2 as not 'on' PC102 and as out of scope. Should the Panel decide otherwise, this is addressed in section 9.5.2 where I confirm that the Council's Heritage Unit may support the requested changes, pending engagement with and confirmation from with the relevant mana whenua groups where the site is identified as a 'place of Māori interest or significance'.

#### **9.4.3 Plan Change 102 – Submission 20 – Louis Scott**

224. This submission seeks to remind Auckland Council of the *Manukau Harbour Control Act 1911* and the need to repeal it given the number of applications for customary interests over the Manukau Harbour. The Act gave the Auckland Harbour Board control over the Manukau Harbour and the land beneath the mean high water springs.
225. While not explicitly seeking relief from PC102, in the interests of completion it is noted that the plan change is promulgated under the Resource Management Act 1991 and has no jurisdiction to repeal legislation. It is noted that the SSMW scheduling can apply regardless of the land ownership.

### **9.5 Analysis of Submissions and Further Submissions**

226. The public notification of PC102 and PM15 resulted in a total of 23 primary submissions and four further submissions. Two mana whenua entities that have been involved in the development of the plan changes have submitted on PC102.
227. One iwi authority, Te Kawerau ā Maki, has submitted in support of PC102. The second, Ngāti Whātua Ōrākei Trust (**NWO**), supports PC102 but has sought changes to the nominated extent of one of the sites they nominated.

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<sup>30</sup> As required by the National Planning Standards 2019

NWO also raise other matters with respect to the way respective iwi and hapū are recognised in the AUP.

228. The submissions are analysed by theme in the following tables.

### 9.5.1 Submissions supporting PC102 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
1.1	Te Kawerau ā Maki	Approve the plan change without amendments	Oppose-in-part: Mt Rex Shipping (FS02)	Accept-in-part
4.1	Stevenson Aggregates Limited	Approve the plan change without amendments	Nil	Accept-in-part
12.1	Gloucester Industrial Park Limited	Approve the plan change without amendments	Support: Fort Richard Laboratories Limited (FS03)	Accept-in-part

### Evaluation

229. These submissions seek that PC102 be approved without any amendments. It is recommended that these submissions be supported, subject to the amendments proposed in **Appendix 4** in response to submissions.

### 9.5.2 Submissions supporting in-part PC102 (General relief)

230. The following submission points seek changes to the plan provisions generally rather than with respect to specific sites. As discussed in the preceding section, the matters considered to be out-of-scope have been indicated in the table.

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
10.1	Ngāti Whātua Ōrākei Trust	Approve Plan Change 102 with amendments	Support: Mt Rex Shipping Ltd (FS02)	Accept-in-part
10.2 (part)	Ngāti Whātua Ōrākei Trust	Include a specific requirement that only the 'appropriate' or 'correct' hapū which are recognised as 'tangata whenua' are engaged with for development proposals within identified SSMW	Support: Domain Gardens Ltd (FS01) Mt Rex Shipping Limited (FS02)	Out of Scope
10.2 (part)	Ngāti Whātua Ōrākei Trust	Identify the nominating iwi or hapū in the 'Nominated by mana whenua' column of Schedule 12	Support: Domain Gardens Ltd (FS01) Mt Rex Shipping Limited (FS02)	Reject

### Evaluation

231. These submission points support PC102 subject to relief being sought. The relief seeking changes to the AUP to recognise 'appropriate' or 'correct' iwi and hapū has been addressed in section 9.4.1 where this relief is considered to be outside the scope of PC102 and is not supported.

232. As consequential relief, the submitter seeks that the 'Nominated by Mana Whenua' column in Schedule 12 be updated to record all of the nominating iwi for the existing and newly proposed sites. The submission states this should be '...subject to the agreement of the relevant mana whenua group'<sup>31</sup>.

233. This matter was discussed at para 2.10 of the Section 32 Report, where the recorded view of the mana whenua groups participating in the Council's Māori

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<sup>31</sup> Ngāti Whātua Ōrākei Trust Primary Submission. Attachment 1. p. 2.

Cultural Heritage Programme to recognise and protect sites of cultural significance to mana whenua, is as follows:

*'Mana whenua have requested that any references to 'nominating iwi' be left blank in the schedules and appendices so as to not give an impression to plan users that only the nominating iwi have an interest in any particular site.'*

234. This reflects an agreed position that was reached in November 2018 by the mana whenua groups participating in the programme and arose out of concerns that the nomination column could be misconstrued as identifying all the mana whenua group(s) with a cultural interest in a site. As with all collective positions recorded within Council projects, this does not prevent individual iwi and hapū from taking an independent view.
235. As was discussed from para 204 of this report, operationally the determination of which iwi and hapū may have a cultural interest in a proposal is made through multiple information sources, including GIS maps, Iwi Management Plans, and with reference to Council practice and guidance notes. The 'Nominated by Mana Whenua' column in the schedule is simply a record of fact.
236. While NWO have expressed their desire to be identified in Schedule 12 for the sites they have nominated, no other mana whenua group has expressed such a desire, either through formal submissions on PC102, or through their engagement with the Māori Cultural Heritage Programme.
237. Accordingly, it is recommended that the request to populate the entire table be rejected in order for a position to be reached through the Māori Cultural Heritage programme, in accordance with the agreed tikanga of that programme. This would allow all iwi and hapū potentially affected by the decision to be represented and express their views.

### 9.5.3 Submission points seeking decline of PC102

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
2.1	Qiping Sun	Decline the plan change	Oppose: Ngāti Whātua Ōrākei Trust (FS04)	Reject
16.1	Tel Properties Nominees Limited	Decline the plan change	Oppose: Ngāti Whātua Ōrākei Trust (FS04)	Reject

#### Evaluation

##### *Submission 2.1*

238. Qiping Sun seeks that the plan change be declined as the submitter is concerned about the implications of additional regulation on the resale value of their property and their ability to undertake improvements on the site.
239. Their property is located at 502 Oruarangi Road, a residential property within the Māori Special Purpose Zone surrounding Makaurau Marae.
240. The section of the site on the submitter's property is mapped 5 meters inland from the indicative mean high water springs and traverses the mid-point of a steep vegetated bank as illustrated in Figure 2.
241. With reference to Figure 3, aerial photography from the 1950's until the modern day shows that the riparian margin has been a vegetated gully and that there is some evidence of accretion and erosion of the riverbank over the years. Accordingly the property titles do not give an accurate representation of the extent of the coastal area.
242. The mapped extent of Te Wai o Ruarangi is approximately 5 metres from the top contour of the submitter's property and will serve to regulate, among other things, vegetation cover and future activities on the steep land so as not to exacerbate erosion of the gully wall.



Figure 2: Nominated extent relative to 502 Oruarangi Road



Figure 3: 502 Oruarangi Road, Mangere (1959)



243. Given the location and steep topography of the scheduled extent of the site on the submitter's property, I consider it unlikely that development will occur in the scheduled location.
244. Should development within or near the scheduled area be proposed, the scheduling does not prohibit activities from occurring, but provides for a resource consent assessment which is cognisant of the cultural values of the creek. The scheduling encourages consultation with mana whenua.
245. I therefore recommend that Submission Point 2.1 be rejected.

*Submission 16.1*

246. The application from Tel Properties seeks the decline of the plan change, pending consultation with a town planner to understand how the submitter's property at 89 Richard Pearse Drive may be affected.
247. The submitters property is located 64 metres southeast from the southernmost branch of Te Wai o Ruarangi as is illustrated below in Figure 4. It is separated by the Council-owned Montgomery Road Reserve which contains two large stormwater ponds.



**Figure 4: 89 Richard Pearse Drive**

248. As part of the notification of PC102 and PM15, landowners within 100m of the site were directly notified. This was as a precaution should nearby landowners have access over the nominated sites or other arrangements that may be affected by the scheduling. It also provided for the consideration of possible cross-boundary effects on the nominated sites.
249. In this instance, the location of the property across a Council reserve from the creek makes it unlikely that the proposed scheduling will affect future activities on the submitter's Business - Light Industrial Zone property. It may influence how the reserve is managed with respect to the creek in the future, but is unlikely to affect the industrial site itself.
250. Accordingly it is recommended that Submission Point 16.1 be rejected.

#### 9.5.4 Submission points on Waipapa Awa (PC102)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
5.1	John Darroch	Decline the plan change	Oppose: Ngāti Whātua Ōrākei Trust (FS04)	Reject
7.1	Carlaw Campus Limited Partnership	Decline the plan change	Oppose: Ngāti Whātua Ōrākei Trust (FS04)	Reject
9.1	Domain Gardens Ltd	That the section of Waipapa Awa on the Domain Gardens' property is not included in the schedule	Support: Ngāti Whātua Ōrākei Trust (FS04)	Reject
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.	Support in part: Ngāti Whātua Ōrākei Trust (FS04)	Reject
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	Support: Domain Gardens Limited (FS01)	Accept-in-part
10.5	Ngāti Whātua Ōrākei Trust	Reduce the spatial extent of the SSMW overlay for Waipapa Awa so it applies only to	Nil	Accept-in-part

		open/daylighted part of the stream and those on public land		
17.1	Summerset Villages (Parnell) Ltd	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	Support: Domain Gardens Ltd (FS01) Ngāti Whātua Ōrākei Trust (FS04)	Reject
17.2	Summerset Villages (Parnell) Ltd	The scheduling (planning constraints) of Waipapa Awa be limited to the surveyed extent rather than the whole of any property it passes through.	Support: Domain Gardens Ltd (FS01)	Accept
17.3	Summerset Villages (Parnell) Ltd	Identify the specific matters/ issues that apply to each scheduled site (as opposed to broadly all issue generically in the Mana Whenua Overlay).	Support: Domain Gardens Ltd (FS01)	Accept
17.4	Summerset Villages (Parnell) Ltd	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).	Support: Domain Gardens Ltd (FS01)	Accept-in-part

17.5	Summerset Villages (Parnell) Ltd	Identify broader AUP provisions relevant to each site and amendments to the activity status of other activities in the Auckland-wide provisions of the AUP that the Mana Whenua Overlay implicates to ensure that it does not result in more onerous provisions than currently apply.	Support: Domain Gardens Ltd  (FS01)	Accept
19.1	Parnell Community Committee (Inc)	Approve the scheduling of both Waipapa Awa and Te Rae o Kāwharu	Support: Ngāti Whātua Ōrākei Trust  (FS04)	Accept-in-part

251. The Waipapa Awa site attracted several submission points, including from the nominating hapū, Ngāti Whātua Ōrākei.

252. The Parnell Community Committee has sought to approve the site as notified, noting its historical context, current preservation efforts, and that the stream features in the Waitematā Local Board Parnell Plan<sup>32</sup>.

253. The remaining submissions and further submissions seek that the site be declined, amended, or that the planning provisions be amended for the site to provide land owners and developers with greater certainty as to the planning outcomes being sought<sup>33</sup>.

254. Some submitters indicated in their submissions that they had discussions with the nominating iwi, Ngāti Whātua Ōrākei, prior to the lodging of their submissions.

255. Concern was raised by Summerset Villages (Parnell) Limited that the planning controls introduced through the scheduling could apply to the whole of a property, instead of only the area demarcated in the planning maps.

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<sup>32</sup> The Parnell Plan: A 30-year plan for Auckland's First Suburb. Waitematā Local Board. June 2019.

<sup>33</sup> Submitter 5 – John Darroch, Submitter 7 – Carlaw Campus Limited Partnership, Submitter 9 - Domain Gardens, Submitter 17 – Summerset Villages (Parnell) Limited.

256. A matter raised by both Ngāti Whātua Ōrākei and Domain Gardens Limited is that certainty be provided within the AUP as to which group(s) within Tāmaki Makaurau are identified as mana whenua with respect to Waipapa Awa.

Evaluation

257. Table 2 of the Section 32 Report identifies that the Waipapa Awa site is comprised of current and historical extents, representative of tangible and intangible cultural associations. These are illustrated in **Figure 5**



**Figure 5: Waipapa Awa Notified Extent**

258. The submissions predominantly (but not exclusively) identify concerns with how the historical sections of the site should be recognised.
259. Section 8 of Mr. Donovan – Pereira’s evidence sets out the approach that has been taken to identify the nominated site extent in collaboration with NWO. In his view, it is important for the integrity of these sites that the whole site extent be scheduled.
260. One outcome that was discussed with landowners prior to notification, and which is discussed in the Section 32 Report<sup>34</sup>, is the recognition of histories and whakapapa through design recognition.
261. In responding to the concerns raised by other submitters regarding the historic extents of the awa, I propose an alternative pathway for the recognition of the full site extent of Waipapa Awa. While this outcome would be possible through the current provisions of the overlay, the submissions seek greater specificity of the planning provisions to provide for current and future development certainty.
262. NWO has submitted to remove those parts of the sites which are not open/daylighted and not on public land (Primary Submission 10.5, Further Submission 04). The submission is not explicit on why this position has been taken. Just prior to the lodging of this report with the Hearings Panel, it has been confirmed with NWO that they are favourable to a design response for the historical sections of the awa. I understand that this position is subject to possible discussions around the text of the proposed provisions.
263. With respect to seeking greater specificity of planning outcomes for the historical sections of Waipapa Awa, The submission of Summerset Villages (Parnell) Ltd sets this out concisely at their para 20:
- ‘Summerset seeks that PC102 identify the specific issues that apply to each scheduled site on a site-by-site basis. This amendment will enable landowners and developers to understand what key considerations should be when developing their site and consciously address those matters...’
264. In my view, while this may not be appropriate for every site, pre-hearing discussions and further work by the Council have indicated that a focussed set of provisions at *Mana Whenua Responsive Design* outcomes for the historic sections of the stream is appropriate.
265. Ultimately, mana whenua are experts in their local histories and whakapapa with a site, so a set of plan provisions which can be employed to influence the design of a site affected by the overlay is appropriate. Whether a design response is necessary is ultimately at the discretion of the iwi and hapū from a cultural perspective<sup>35</sup>.

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<sup>34</sup> Para 10.30.

<sup>35</sup> Auckland Council is the decision maker on development proposals, and would likely seek the advice and supporting evidence from mana whenua and other parties as necessary prior to making a decision.

### *Mana Whenua Responsive Design Area*

266. In response to the submissions, a set of targeted planning provisions for the SSMW Overlay have been developed for the historical sections of the awa. They are set out in **Appendix 4** of this report with the text changes in ~~strikethrough~~ and underline. The proposed changes to Schedule 12 are highlighted in yellow to distinguish those responding to submissions from those notified as part of PC102.
267. The design evidence of Ms Ava Wright and Mr Stephen Quinn from the Council Tāmaki Makaurau Design Ope is included as **Appendix 5** of this report. It sets out the research and methodology undertaken to explore design concepts and approaches for the historical sections of the Waipapa Awa, using the consented Summerset Retirement Village masterplans as a point of reference. This research has informed both the development of the proposed provisions and pre-hearing discussions with NWO.
268. The provisions seek to identify areas within the Waipapa Awa where a design response is appropriate to recognise the local histories and whakapapa that mana whenua have with the site. They may also have application for future sites of cultural significance to mana whenua in increasingly more urbanised areas. The following paragraphs explain the approach.
269. I propose to add a definition of 'Mana Whenua Responsive Design' to Chapter J of the AUP as follows:
- 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*
270. Schedule 12 of the AUP is proposed to be amended to include a map of Waipapa Awa which identifies 'Mana Whenua Responsive Design Areas'.
271. Changes are proposed to Chapter D21 Sites and Places of Significance to Mana Whenua Overlay. These are to Activity Table D21.4.1, D21.8.1 Matters of Discretion and D21.8.1 Assessment Criteria to provide for new buildings and structures, and alterations and additions to existing buildings as a Restricted Discretionary Activity.
272. While general references to design are already contained within the overlay, the additions specifically reference the term *Mana Whenua Responsive Design*, leading to a more focussed RD assessment.
273. Changes are also proposed to the activity tables and matters for Chapters E12 (Land Disturbance – District) – Table E12.4.2, and E26 (Infrastructure) – Tables E26.6.3.1 and E26.10.3.1.
274. The changes to the Land Disturbance provisions will capture general landscaping of sites within the scheduled area. They also lower the activity status from Discretionary to RD to provide for a more focussed assessment of design outcomes. No changes to the Matters of Discretion or Assessment Criteria are considered necessary.
275. With respect to the Infrastructure chapter, the changes equate the *Mana Whenua Responsive Design Area* provisions with the existing rules applying to



sites annotated as having a 'site exception'<sup>36</sup>. Corresponding changes to the RD Assessment Criteria in E26.10.7.2 have been made to align the criteria with that of Chapter D21.

276. The provisions provide a positive obligation to engage with mana whenua as expert knowledge holders of the representation of their histories and whakapapa through design. As is identified at para 6.14 of the evidence of Mr Donovan-Pereira, generating a genuine relationship between the parties is an important outcome for the resource management of SSMW.
277. The proposed provisions have been discussed with NWO to determine whether such a response would, in their view, be valid from a cultural perspective. Just prior to this report being lodged with the Hearing Panel, it was confirmed that NWO are favourable to the proposed approach, pending possible discussions around the wording of the provisions.
278. The proposed provisions have not yet been discussed with the other relevant submitters, as NWO's advice was a fundamental consideration as to the cultural appropriateness of this response.
279. Should the panel wish it, the Council team is open to arranging/facilitating mediation or expert caucusing on this matter.
280. For the avoidance of doubt, should this approach be accepted by the Panel, I recommend that the 'site exception' rule not be applied to any of the Waipapa Awa site as indicated in the marked up provisions in **Appendix 4**. This is because the *Mana Whenua Responsive Design* approach caters to sections of the stream which are heavily modified by urban development. The approach therefore already implicitly acknowledges the absence of archaeology and other physical features.
281. A further evaluation of the proposed provisions under section 32AA of the RMA is included as **Appendix 2** of this report.

#### *Identification of Mana Whenua Groups to be consulted*

282. The submissions express a desire to clearly identify in the AUP who the mana whenua group(s) to be consulted are for the Waipapa Awa. The 'Nominated by Mana Whenua' is identified by NWO as one mechanism by which to do this.
283. There are distinct elements to this relief sought which are listed as follows:
  - a. That the 'Nominated by Mana Whenua' column be populated for all sites,
  - b. That Ngāti Whātua Ōrākei be identified in the column for Te Rae o Kawharu and Waipapa Awa,
  - c. That the AUP be explicit in recognising 'ahi kā' in determining who is the 'appropriate' or 'correct' iwi and hapū to engage with.

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<sup>36</sup> Recognition that no physical aspects of the original site remain

284. The relief sought in para 250(c) above has been addressed in section 9.4 of this report where I conclude that the submission point is out of scope and should be rejected.
285. The matter of populating the 'Nominated by Mana Whenua' column is within the scope of the plan change and has been addressed in the Section 32 Report.
286. Ultimately, it is a record of fact (as to who nominated the site/place) as opposed to a determination of which mana whenua groups have an interest in the site.
287. Operationally, and as discussed from para. 204, a determination of which mana whenua groups potentially have an interest in a site is made from multiple information sources.
288. Populating the column is not determinative of which mana whenua groups are identified with respect to a site or place, or the tikanga which should be applied to consider their respective views. This therefore does not address the underlying rationale for the relief being sought.
289. Populating the table to include the nominator(s) for all of the listed sites would require a significant amount of research (as some are historic and were originally nominated by the legacy council). This is in addition to seeking the views of individual iwi and hapū about whether they wish to be listed or not.
290. As stated in the Section 32 Report, the collective position of the other iwi and hapū participating in the Māori Cultural Heritage Programme is that they do not wish for it to be populated. No other individual submission from iwi and hapū has sought alternative relief.
291. Accordingly, in my view, it is a matter best discussed and addressed through a subsequent plan change following discussions with the Māori Cultural Heritage Programme Governance Forum. A subsequent plan change would also have the scope to consider the fundamental rationale for the relief sought, that of being explicit as to who the relevant mana whenua group(s) for individual sites is.
292. I recommend that the relief sought to populate the whole 'Nominated by Mana Whenua' column be rejected.
293. With respect to Submission Point 10.3, which seeks that Ngāti Whātua Ōrākei be listed in the 'Nominated by Mana Whenua' column for Te Rae o Kāwharu and Waipapa Awa, I am aware that these two sites have been nominated by NWO. It is simply a statement of fact and is stated in the supporting cultural values information in the notified plan change<sup>37</sup>.
294. I therefore recommend that the relief sought in Submission Point 10.3 be accepted-in-part and this is reflected in the marked up version of Schedule 12 in **Appendix 4** in **yellow** highlight.

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<sup>37</sup> Section 32 Report. Attachment 3.

*Surveyed extent vs whole site*

295. Submission Point 17.1 from Summerset seeks that the controls only apply to the scheduled extent of any site, as opposed to the total area of the land parcel the site traverses.
296. The provisions in the AUP that apply to SSMW apply only within the scheduled site extent, that is the portion of the site which is covered by the overlay. Accordingly, it is recommended that Submission Point 17.2 be accepted.
297. Scheduling does highlight the cultural significance of a location when preparing and assessing resource consent applications and plan changes. Should an activity be proposed, which is located outside of the scheduled area, but where the plan permits the broader consideration of cultural values (such as a Discretionary Activity), then any cross boundary effects of that activity on the scheduled site may be considered.

*Submission of J Darroch (Submission Point 5.1)*

298. The submission of Mr. Darroch identifies his concerns with respect to 65 Gibraltar Crescent in Parnell. The submission has been opposed by Ngāti Whātua Ōrākei.
299. The subject site is one in a complex of 12 townhouses which abutt the awa. From the stream, the property slopes eastwards 6 metres up a steep bank planted in dense vegetation to meet the building platform of the units. The submitter's property is illustrated in Figure 6 and Figure 7.
300. The nominate extent goes approximately 5 metres up the bank but does not extend as far as the townhouses.
301. The submitter raises concern that the proposed scheduling duplicates existing controls around urban streams and is unclear on the outcomes being sought. Mr. Darroch notes that work within the overlay could trigger iwi engagement even if the works are minimal, which he sees as onerous.



Figure 6: 55 to 77 Gibraltar Crescent, Parnell (taken from Auckland Domain looking northwest)



Figure 7: Aerial View - 55 to 77 Gibraltar Crescent

302. The width of the Waipapa Awa site along this section excludes existing structures. The site has been identified using contours which seek to manage the steepest banks of the stream.
303. The proposed schedule recognises the cultural significance of the awa to mana whenua. It will manage riparian planting, and influence land disturbance activities that have the potential to affect the stream.
304. While a range of controls already exist in the plan to manage water quality, land use and development in close proximity to urban waterways, these do not consider how these activities provide for the cultural recognition of a site of significance.
305. Accordingly, the proposed overlay brings a mana whenua cultural 'lens' to these activities as it engages specific objectives, policies and additional standards to ensure activities are undertaken in a manner that recognises, protects and enhances the health of the awa.
306. The proposed overlay does not duplicate regulation, but brings a cultural focus to the outcomes sought, which can be responding to tangible values (such as planting for ecological health) or intangible values (such as the recognition of whakapapa through design).
307. For these reasons, it is recommended that Submission Point 5.1 be rejected.

#### 9.5.5 Submission points on Manukapua (PC102)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
3.1	Mt Rex Shipping Limited	Amend the mapped extent of Manukapua to reduce its coastal marine area extent	Nil	Reject
3.2	Mt Rex Shipping Limited	Include a description of Manukapua within the plan change to acknowledge its cultural significance and recognises the adjacent sand extraction activities occurring.	Nil	Reject
13.1	Winstone Aggregates Ltd	Amend the extent of Manukapua to avoid the consented sand dredging activity	Support: Mt Rex Shipping Ltd	Reject

		area over the Taporapora banks	(FS02)	
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Evaluation

308. On 17 September 2024, a pre-hearing meeting was held with representatives from Mt Rex Shipping Limited, Winstone Aggregates Ltd, Te Uri o Hau Settlement Trust and Council officers.
309. The meeting was held on a *without prejudice* basis other than reporting to the panel the outcome of the discussions. To date, agreement has not been reached with the submitters.
310. The submitters for Mt Rex Shipping Ltd and Winstone Aggregates Ltd are seeking to reduce the extent of Manukapua to avoid a currently consented sand extraction area, which is set to expire on 21 May 2027<sup>38</sup>.
311. Attached to the submissions of both Mt Rex Shipping and Winstone Aggregates is a map illustrating the relief sought, a reduction in the scheduled area eastward to within 300m of the island. The relief sought is illustrated in Figure 8. The red hatched area represents the nominated extent, the yellow is the extent sought by the submitter. The blue diamond and yellow trapazoid represent the respective consented extraction areas of the submitters.
312. Both submitters sought an opportunity to discuss their submissions with the nominating iwi authority, Te Uri o Hau. This was achieved at the pre-hearing meeting.
313. The submitters cite the importance of the sand resource as a raw material for concrete and other materials necessary for the development of Auckland. They note a recent Environment Court decision which significantly reduces the sand available from Pākiri, making the Kaipara Harbour an important site for sourcing marine sand.
314. The Pākiri decision discusses in some detail Auckland's demand for sand, and issues associated with extraction from the Kaipara Harbour<sup>39</sup>.
315. Figure 9 illustrates the overlap between the consented sand extraction area and the nominated site extent for Manukapua. It also includes two other overlays which regulate sand extraction activities, the Outstanding Natural Landscapes Overlay (ONL) and the Outstanding Natural Character Overlay (ONC).
316. Within an ONL, coastal marine area disturbance for mineral extraction is a Non-Complying Activity. Within an ONC, it is Prohibited<sup>40</sup>. In my view, these overlays serve to narrow the nominated area of dispute in the grey strip outside of the existing ONF and ONL overlays.

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<sup>38</sup> Submission 3 – Mt Rex Shipping Ltd. Para 1.4

<sup>39</sup> [2024] NZEnvC 075. From pg. 97.

<sup>40</sup> Chapter F2, Activity Table F2.19.4 – Coastal marine area disturbance (A28).

317. The area of overlap between the nominated Manukapua area and existing sand extraction area is 14.35ha of a total 901.28ha, or 1.6% of the consented area. It is in an area of the Taporā Bank that is 1m or less in depth, which I understand is too shallow for sand barges to operate within.
318. The nominated extent of the coastal marine area covers some, but not all, of the area of the whenua of Taporāpora, a peninsula that extended westward from modern day Manukapua and which served as an ancestral waka landing place and kāianga<sup>41</sup>. The legend identifies that the peninsula was washed away in a tempest as a result of Rongomai (Chief of the Mahuhu ki te Rangī) not following correct tikanga prior to a fishing expedition.
319. Notwithstanding any sand mining that may have occurred, those cultural associations of Te Uri o Hau and other mana whenua groups remain with the wider area. It has been stated by Te Uri o Hau that sand mining is incompatible with their values in the nominated area.
320. Attachment 4 of the Section 32 Report evaluates options to achieve the purpose of PC102. The evaluation acknowledges that scheduling will not affect the existing extraction permit, but future permits would need to consider the cultural values and associations of the scheduled area.
321. Section 12 of the Section 32 Report is an assessment of the plan changes against the Auckland Regional Policy Statement (RPS). It recognises the directive nature of the policy provisions to **protect** significant mana whenua cultural heritage sites and areas.
322. The policy direction for mineral extraction activities is to **avoid, remedy** or **mitigate** significant adverse environmental effects, which include cultural associations with natural and physical resources. The RPS recognises that minerals are essential for Auckland's development and provides for this, where the effects of these activities can be managed.
323. An important consideration is the costs and benefits of the proposal on future sand extraction activities in the Kaipara Harbour, given the apparent lack of viable sand extraction activities in the region. Discussions to date have not identified what the costs (or other restrictions) might be should future access to the 14 hectares covered by the proposed schedule not be available.
324. Accordingly, I recommend the relief sought by Submission Points 3.1 and 13.1 be rejected.
325. Submission Point 13.2 seeks that the plan change include a description of the Manukapua area to acknowledge its cultural significance and also recognises that the adjacent sand extraction activities are occurring. The submitter references Attachment 3E of the notified PC102 which are the nomination maps.
326. The maps referred to are informational only, and will not form part of the AUP as the scheduled extent will be visible on Council's GIS viewer. Scheduled 12 references a description of each scheduled site, however this is confined to a description of what makes the site culturally significant.

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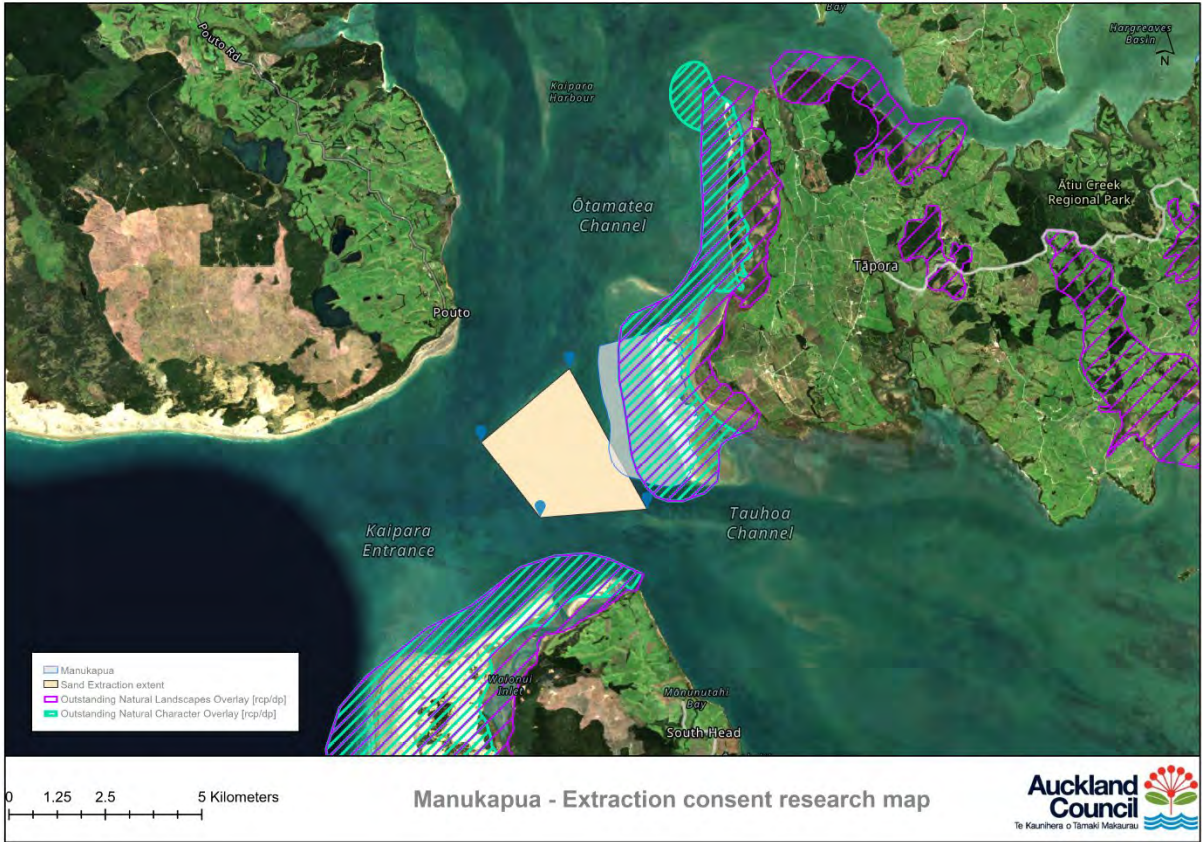
<sup>41</sup> Te Uri o Hau Deed of Settlement: Schedule 5.1 – Kirihipi Overlay Area for the Manukapua Government Purpose (Wildlife Management) Reserve.

327. In my view, referencing current and future activities in close proximity to, or on these sites, is unnecessary. As with all overlays contained in Chapter D of the AUP, they are focussed on protection of aspects of the environment as Matters of National Importance under section 6 of the RMA.
328. At the time a development proposal is lodged with Council, the AUP provides significant scope to consider all relevant matters across the plan, including those matters that provide for mineral extraction activities. This is without the need for a specific reference in the overlay.
329. I therefore recommend that Submission Point 3.2 be rejected.





Figure 8: Mt Rex Shipping relief sought including coastal permit areas



**Figure 9: Manukapua - Extraction vs Nominated Area**

### 9.5.1 Submission points on Te Rae o Kāwharu (PC102)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
6.1	BA Trustees Ltd	Decline the plan change	Oppose: Ngāti Whātua Ōrākei Trust (FS04)	Reject
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	Support: Domain Gardens Ltd (FS01)	Accept-in-part
10.4	Ngāti Whātua Ōrākei Trust	Retain Te Rae o Kāwharu as notified	Support: Domain Gardens Ltd (FS01)	Accept
18.1	Allan Matson	Decline the proposed overlay over the Grey Lynn Library site (474 Great North Road).	Nil	Reject
19.1	Parnell Community Committee (Inc)	Approve the scheduling of both Waipapa Awa and Te Rae o Kāwharu	Support: Ngāti Whātua Ōrākei Trust (FS04)	Accept

#### Evaluation

330. Four submitters have lodged submission points on Te Rae o Kāwharu.

331. The Parnell Community Committee (Inc) and Ngāti Whātua Ōrākei Trust are in support of the site as notified and it is recommended that Submission Points 10.4 and 19.1 be accepted.

332. Additionally, for the reasons set out at para 293, it is recommended that Submission Point 10.3 from Ngāti Whātua Ōrākei be accepted-in-part as a statement of fact. The proposed Schedule 12 wording in **Appendix 4** is updated accordingly with the changes highlighted in **yellow**.
333. The remaining two submission points both seek that the plan change, or individual site be declined with respect to Te Rae o Kāwharu.
334. Submission Point 6.1 from BA Trustees cites concerns that the schedule will affect the ongoing use of the site as a community facility. They also raise concerns regarding any affects of the scheduling on their property at 447 Great North Road, Grey Lynn
- Grey Lynn Library and Community Facility*
335. The Waitematā Local Board is working with the Auckland Council Service and Asset Planning team on an investigation of community service provision and facilities in west Waitematā.
336. The future of the Grey Lynn library and community centre is part of that investigation, although the project is currently on hold pending a portfolio review. No options for the site have been workshopped with the local board yet and this is not expected to occur until 2025.
337. Currently no decisions have been made about the future use of the Grey Lynn library and community centre. Additional planning considerations, such as the SSMW, may influence some options for this site, however at this early stage of the investigation this remains speculative only.
338. There is no reason to suspect that the site's recognition will detrimentally affect its utility as a community facility.
- Effect on 447 Great North Road*
339. BA Trustees are concerned about future restrictions on their site arising from the proposed scheduling.
340. The submitter's property is 25m to the north of Te Rae o Kāwharu, and on the opposite side of Great North Road.
341. As is discussed at para 297, the scheduling of a site of significance does highlight its cultural importance in the AUP. It has the potential to affect nearby activities requiring resource consent. This is where there are cross-boundary effects of the proposed activity on the SSMW and where the discretion exists in the AUP to allow the consideration of those effects.
342. The scheduling does not affect the existing controls which apply to the property at 447 Great North Road. Furthermore, it is unlikely (and speculative) to suggest that any future activity requiring resource consent for the property will be of a scale or intensity to generate adverse cultural effects on Te Rae o Kāwharu.
343. Should that threshold be met, it is likely that the proposed activity would also trigger multiple other reasons for resource consent, requiring a comprehensive analysis of the proposed activity, for which cultural effects would be one consideration.
344. For the above reasons, I recommend that Submission Point 6.1 be rejected.

*Scheduling in advance of updated heritage assessment*

345. In Submission Point 18.1, Mr. Matson expresses his concern that the scheduling of Te Rae o Kāwharu as a SSMW fails to adequately provide for the wider historic heritage values of the Grey Lynn Library and hall.
346. The submitter seeks that the scheduling of Te Rae o Kāwharu should not be confirmed without an updated heritage assessment of the Grey Lynn library and hall.
347. The Grey Lynn Public Library and an associated extent of place is scheduled as item 1676 in Schedule 14.1 – Historic Heritage Places. It is scheduled for its European heritage from a historical, physical attributes and aesthetic perspective. The library and the context in which it sits is not scheduled for any mana whenua values or associations.
348. In my view, the submitter conflates the purpose of these two distinct heritage schedules, Historic Heritage Places and SSMW.
349. While there is some overlap in the sense that some Historic Heritage Places are also identified as having strong or special association with mana whenua, that is not the primary purpose of Schedule 14.1. It is also not the rationale by which such sites are mapped as Historic Heritage Places.
350. In this case, my view is that there is a 'clear cut' distinction. Item 1676, including its contextual 'extent of place', is scheduled with respect to the European heritage of the buildings.
351. There is no mana whenua cultural association with the structure, but with the land itself, which holds mana due to its association to Kāwharu, a Ngāti Whātua leader involved in battles with Waiohua in the 16<sup>th</sup> century<sup>42</sup>.
352. The SSMW schedule (Schedule 12) is the primary AUP mechanism for recognising and protecting mana whenua cultural heritage. It operates independently of Schedule 14.1 and contains a suite of policies and standards specifically to identify and manage such sites.
353. In my view there is no utility in completing a wider historic heritage review prior to scheduling Te Rae o Kāwharu as a site of significance to mana whenua and I therefore recommend Submission Point 18.1 be rejected.

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<sup>42</sup> Section 32 Report: Attachment 3. Cultural Values Assessment – Te Rae o Kāwharu

### 9.5.2 Submission points on The Pahurehure Islands (PC102)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
8.1	Karaka Harbourside Estates Limited & Pararekau Island Limited	Supports Pahurehure Island scheduling but seeks amended to location reference in the schedule	Nil	Accept-in-part
8.2	Karaka Harbourside Estates Limited & Pararekau Island Limited	Amend Schedule 14.1 to reflect the most recent archaeological assessments undertaken by KHEL and PIL	Nil	Out of Scope (deletions) Accept-in-part (minor amendments)
8.3	Karaka Harbourside Estates Limited & Pararekau Island Limited	Amend the mapped extent of Pahurehure Islands to exclude causeways and easement areas that provide for vehicles, active modes of access and network utilities	Nil	Reject

#### Evaluation

354. Karaka Harbourside Estates Limited & Pararekau Island Limited is the sole submitter on the Pahurehure Islands. They are the owner and developer of the islands. Pararēkau Island, the largest of the three islands, is undergoing significant urban development.

355. The nominating mana whenua group and landowner reached general agreement on the scheduling of the islands prior to notification. The submission seeks to address three outstanding matters.

#### *Amending location reference*

356. Submission Point 8.1 seeks to update the location reference in the schedule for this site to refer to the land appellations as opposed to a street address. The address reference is simply a location identifier, with the mapped extent in the planning maps demarcating the actual areas where the overlay applies<sup>43</sup>.

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<sup>43</sup> Noting that in some cases cross-boundary effects may be considered when assessing nearby activities

357. The proposed entries are 'Part Tidal Lands of Manukau Harbour Survey Office Plan 67474: CMA' (coastal marine area) and 'Lot 1 Deposited Plan 449405 RT 685651' (Kopuahingahinga Island).
358. It is noted that Orona Island, the smallest of the group does not sit on its own land parcel, however a small portion of the CMA to the northeast of Parerēkau Island does sit on the separate title of 'Allot 45 Parish of Papakura' (refer Figure 10)
359. It is therefore recommended that the requested location amendment with the addition of 'Allot 45 Parish of Papakura' be made to the schedule location as marked up in **Appendix 4** with **yellow** highlighting.



**Figure 10: Illustration of land appellation Allot 45 Parish of Papakura**

*Amending Schedule 14.1 entries*

360. In Submission Point 8.2, the submitter seeks to amend Schedule 14.1 to remove eight of the currently scheduled Historic Heritage Places, and amend four others.
361. This submission has been considered from para 213 of this report, where I consider that removing existing entries in the Historic Heritage Places schedule through this Māori cultural heritage plan change is out of scope. Such an

outcome is not, in my opinion, one reasonably anticipated by the public who were notified of PC102.

362. I consider that the proposed updates to the location and name fields in the schedule to be within scope as they reflect recent subdivision activity, standardise the use of names across the schedule, and are informational only with no chance of natural justice issues arising.
363. Council's Heritage Unit is in the process of undertaking a comprehensive review of Schedule 14.1 as part of the development of a new Auckland Unitary Plan which must be notified by mid-2029.
364. Should the Panel consider that the full relief sought through Submission Point 8.2 to be within the scope of PC102, then I can confirm that the Heritage Unit may support the requested changes, pending engagement with the relevant mana whenua groups.
365. As it stands, and for the reasons stated earlier, I recommend the submission point be accepted-in-part as marked up in yellow highlighter in the Schedule 14.1 extract of **Appendix 4**.

*Amending the mapped extent to remove causeways and easement areas*

366. Submission Point 8.3 seeks to amend the nominated site extent of the Pahurehure Islands to exclude the private ways and the causeways from the SSMW.
367. The submitter is of the view that the effects of the vehicular and active mode access, and that of any network utilities within the Capriana Drive extension, were comprehensively assessed as part of consenting development for the area and therefore the overlay is unnecessary.
368. The purpose of the SSMW overlay is to recognise, protect and enhance sites and places which are culturally significant to mana whenua. This recognises the tangible and intangible values and associations mana whenua have with such sites, including their historic use and their whakapapa (relationships) with the sites.
369. As is discussed in Section 7 of Mr. Donovan-Pereira's evidence, and as can be seen with sites such as Waipapa Awa, these sites are degraded from a te ao Māori perspective. This justifies an ongoing process of recognition and enhancement. Notwithstanding the fact they are degraded, and some of the original physical features have been lost, the cultural relationship remains.
370. The coastal marine area around the islands is a Ngāti Tamaoho Coastal Marine Statutory Acknowledgement (Manukau Harbour) signifying the historic and current relationship that the iwi authority has with the coastal marine area. The wider Manukau is subject to Treaty claims by multiple iwi and hapū.
371. The SSMW overlay itself takes this acknowledgement a step further, by identifying a site historically used by Ngāti Tamaoho (and several other mana whenua groups)<sup>44</sup>.

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<sup>44</sup> Waikato-Tainui, Te Ākitai Waiohua, Ngāti Te Ata, Ngāi Tai ki Tāmaki and others.



372. The cultural narrative<sup>45</sup> provided in support of the scheduling is explicit that it is both the land as a seasonal occupation site, and the coastal marine area as a tauranga waka and traditional fishing area, which are central reasons for its significance to iwi. In Section 9 of his evidence, Mr Donovan – Pereira also identifies in a June 1856 deed for the islands that specific provision reference is made to mana whenua retaining access to their customary fishing grounds.
373. The CVA mentions in several sections the cultural importance of maintaining the tidal flows, the migration of marine species and rehabilitating the inlet. These are intrinsic parts of the history of this site and the significance it holds to mana whenua.

#### *Causeways*

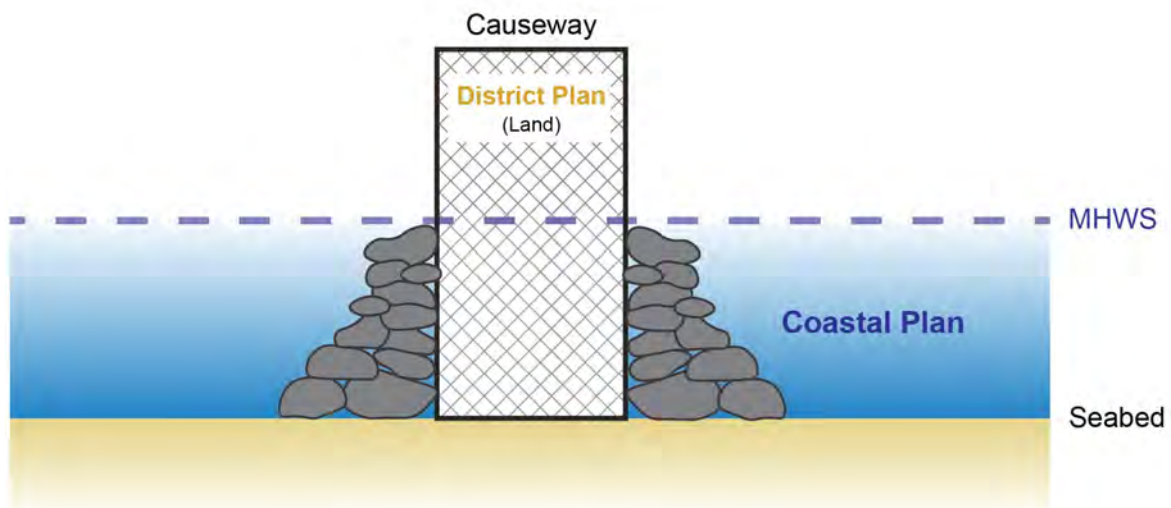
374. The two causeways providing access to these islands were constructed in 1968 through the reclamation of 581m<sup>2</sup> of seabed from the Manukau Harbour. They were retrospectively consented by the Auckland Regional Council on 12 October 1998. The reclamation was consented as a Non-Complying Activity and a copy of the consent is included as **Appendix 8**.
375. The application was processed on a non-notified basis, with consultation only being undertaken with the Department of Conservation. This was on the basis of the reporting planner identifying no parties who had been adversely affected, as the reclamation had been in existence for 30 years at that time.
376. The consent pre-dates the Ngāti Tamaoho Treaty Settlement (2017), NZ Coastal Policy Statement (2010), and AUP Regional Coastal Plan (2016), but does not pre-date the Resource Management Act 1991 which requires that the relationship of Māori and their culture and traditions be provided for as a matter of national importance (s6(e)).
377. Notwithstanding the process by which the causeway reclamation was legalised, the understanding of how the relationship of mana whenua with their taonga is incorporated into resource management processes has advanced in the intervening 26 years. As has the understanding of the cultural significance of the Manukau Harbour through Treaty settlement claims.
378. There remains a cultural relationship that the nominating mana whenua (and others) have with the coastal marine area around the Pahurehure Islands.
379. There is also a long held cultural aspiration, as articulated by Ngāti Tamaoho representatives, to re-design the causeways to reinstate the tidal flow. The obstruction of these flows is an ongoing source of mamae (pain) to the iwi.
380. A cross-section diagram of the causeway is illustrated in Figure 11. The reclamation and access structure is regulated by the AUP district plan provisions, and within the CMA by the coastal plan (including any walkways piled into and standing above the surface of the MHWS). The SSMW Overlay is both a district plan and regional coastal plan control.

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<sup>45</sup> Section 32 Report. Attachment 3 – CVA and Plan Summaries

### *Private ways and network utilities*

381. Activities occurring on the land would include the activities mentioned in the submission; the operation, maintenance and repair of the access, and the installation and upgrade of network utilities.
382. The causeways are in private ownership and aside from rights-of-way and other private instruments facilitating their operation, the environmental effects of these current and future activities may be considered through a resource consenting process.
383. The AUP anticipates private access and network utility activities to occur on SSMW, and makes specific provision for them in Table E26.10.3.1. The operation, maintenance, renewal, repair and removal of network utilities (including roads) is a Permitted Activity (A146), as is minor infrastructure upgrading (A147).



**Figure 11: Cross section of Causeway - illustrating plan jurisdictions**

384. With respect to district level land disturbance activities, earthworks for operation, maintenance, resurfacing and repair of driveways and parking areas is a Permitted activity (Activity Table E12.4.2 (A20)).
385. Earthworks for the maintenance, renewal and repair of network utilities is Permitted (Table E26.6.3.1(A110)) as is earthworks for minor infrastructure upgrading (A112).
386. The existing provisions acknowledge that where driveways, private ways, roads and other network utilities exist, there should be an ability to maintain and upgrade these within limits. Should the activities be significantly expanded, then there is a requirement to consider the activity in the context of the significance of the site or place and with respect to tikanga (correctness).

387. The submission notes that the Capriana Drive extension is a 'private way' rather than a private road under section 315 of the Local Government Act 1974<sup>46</sup>. Section 315 of the Local Government Act 1974 defines a private way as

*any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district*

388. Private ways can include driveways, lanes or accessways that provide access from private property to a public road. As there are earthworks exemptions already in place that specifically relate to both the operation and maintenance of driveways, and maintenance renewal and repair of network utilities, I consider the submitters concern around the distinction between a road and private way to be misplaced.

389. In my view, the existing provisions provide a sufficiently nuanced approach to appropriately address the submitters operational concerns both on the causeways and for the accessway across Kopuahingahinga Island.

#### *Scheduling the full extent*

390. As is discussed in the evidence Mr Donovan-Pereira, it is important to identify the full extent of the cultural values associated with them<sup>47</sup>.

391. An important aspect of the scheduling of the causeways is that it covers what was once the seafloor, and identifies the full extent of the cultural association for this site.

392. While the coastal provisions of the AUP, and the provisions of the NZ Coastal Policy Statement which underpin it, have references to the association of mana whenua with the coastal marine area, these are expressed in general terms.

393. The proposed scheduling provides an awareness of this particular site and the importance of the coastal marine area around the islands. It provides for a more targeted resource management outcome, that of eventually reinstating the tidal flows should the opportunity arise. It alerts plan users to a particular cultural narrative associated with this coastal area.

394. Excluding the causeways (and other private ways) would result in an artificial representation of the site, and may cause confusion as to appropriate future responses to these areas. Māori take a holistic approach to resource management matters, and this includes the tiaki (protection) of their cultural heritage.

395. As has been discussed, from an operational perspective the ongoing operation and maintenance of the private way and network utilities is already enabled in the plan. Should these activities be expanded in the future, or there be opportunity to redesign the accesses to achieve better cultural outcomes, the scheduling will enable this discussion to occur.

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<sup>46</sup> KHEL&PIL Primary Submission. Para 4(q)(ii).

<sup>47</sup> N. Donovan-Pereira. EIC. Section 10

396. For the above reasons, I recommend that the relief sought through Submission Point 8.3 be rejected.

### 9.5.3 Submission points on Te Wai o Ruarangi (PC102)

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
11.1	Foodstuffs	Alter the proposed site extent of Te Wai o Ruarangi to align with the most seaward of title boundaries and the current mean high water springs for portions of the site adjoining their Oruarangi Road and Landing Drive properties	Nil	Accept-in-part
14.1	RB Takeoff LP	Amend the extent of Te Wai o Ruarangi to reflect the surveyed mean high water springs boundary (provided) as it relates to 530 and 546 Oruarangi Road so it does not apply to the private property	Nil	Accept
15.1	Auckland International Airport Ltd	Amend the extent of Te Wai o Ruarangi to exclude areas landward of the indicative Coastal Marine Area line as it relates to Auckland Airport land and existing stormwater infrastructure servicing Auckland Airport land.	Nil	Accept

397. The submissions on Te Wai o Ruarangi are predominantly raising concerns with the mapped extent of the site along its southern bank. The southern bank contains a high level of existing and planned development, including the Auckland Airport Precinct – Gateway Sub-precinct.

### Evaluation

#### *Submission Points 11.1, 14.1, 15.1*

398. These submissions from Foodstuffs North Island Limited, RB Takeoff LP, and Auckland International Airport Limited (AIAL) all seek to amend the nominated site extent affecting properties they own or lease.

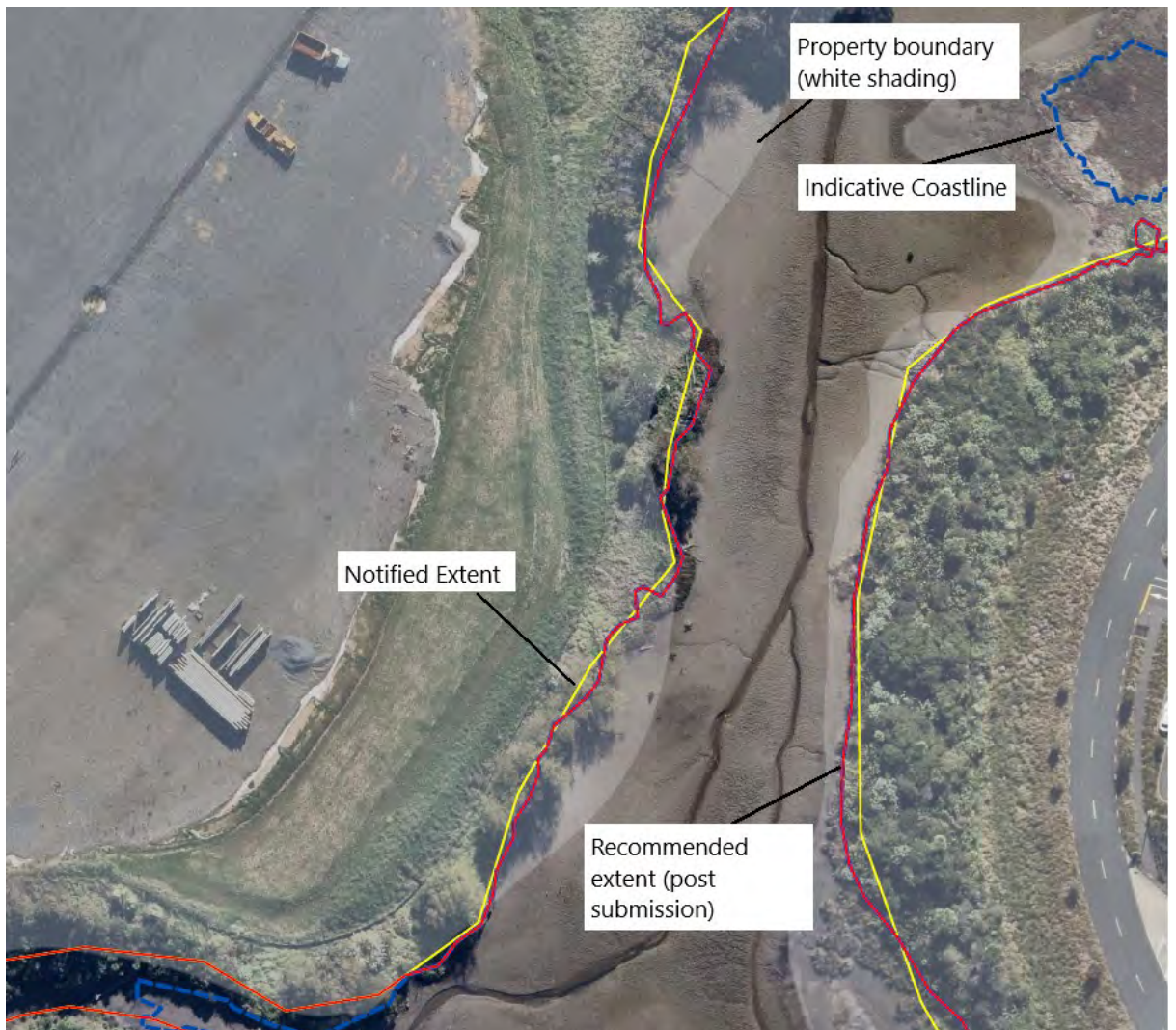
399. Foodstuffs seeks that the site extent of Te Wai o Ruarangi be aligned to the most seaward of either the title boundaries or the current location of the MHWS (Indicative Coastline), as it affects their interests at 530 & 546 Oruarangi Road and 35 Landing Drive.

400. RB Takeoff similarly has an interest in 530 & 546 Oruarangi Road and wishes to align the scheduled area with the surveyed MHWS, with the information provided in their submission.

401. This matter was discussed with RB Takeoff during pre-notification engagement on this site, but realignment to the surveyed MHWS was inadvertently omitted. I recommend that Submission Point 14.1 be accepted and that the site adjacent to this property be aligned accordingly. Maps illustrating this outcome are included as **Appendix 4**.

402. With respect to the Foodstuffs Submission Point 11.1, I recommend that the relief sought be accepted-in-part. This is because while I consider it appropriate to align the site extent with the MHWS along this section, it is not appropriate to align the site with the title boundaries.

403. Through processes of stream accretion, erosion, or historic surveying practices, title boundaries are not accurate in demarcating the extent of the Oruarangi Creek, which is the central feature being recognised as culturally significant. The maps in **Appendix 4** illustrate the differences with an example provided as Figure 12 below. Where the Indicative Coastline does not appear on the updated maps, this is due to it being overlain by the recommended extent of Te Wai o Ruarangi.



**Figure 12: Te Wai o Ruarangi - notified vs recommended extent (Map 2 of 14)**

404. AIAL has the largest landholding interest, with relief sought across almost the entire southern shoreline of the creek. They similarly seek that the site extent be limited to the MHWS, and that it exclude dedicated stormwater infrastructure for the wider catchment (The Landing).
405. Following the receiving of these submissions, a site visit was undertaken with representatives of the nominating mana whenua group, Te Ahiwaru Waiohua. Te Ahiwaru have a long standing relationship with AIAL.
406. Along the (predominantly) gently sloping banks of the areas covered by the three submissions, the outcomes sought through the scheduling relate to water quality and regulating future structures in the CMA.
407. AIAL have a set of three overarching global stormwater consents for The Landing, with stormwater catchment implementation plans implementing the requirements of the consents. Consents are progressively varied to bring them into line with contemporary water quality outcomes and the requirement of legislation such as the National Policy Statement on Freshwater Management.

408. During the site visit, it was identified that the site mapping had inadvertently covered stormwater devices that were not an original part of the creek, or are now permanent structures near where the MHWS is located.
409. Discussions with the nominating mana whenua has identified a level of comfort with the approach AIAL take to the management of stormwater and water quality outcomes. From a cultural perspective, the nominating iwi is comfortable to align the site extent with the MHWS along this section, and exclude the three infrastructure points indicated in Annexure B of the AIAL submission.
410. On that basis, I recommend that Submission Point 15.1 be accepted and amended maps are included as **Appendix 4** of this report to reflect this outcome.

#### 9.5.4 Submission points on PM15

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
1.1	L Dixon & I Fordham	Accept the plan modification without amendments	Nil	Accept-in-part
2.1	Geoff Hills	Define the boundaries of site (Ruahine) marking clearly on the ground in a permanent form	Nil	Reject
2.2	Geoff Hills	The nominating iwi mark and define the heritage sites that are important to them and why to enhance public understanding	Nil	Accept
2.3	Geoff Hills	Consider recent government changes to the RMA and how this will change and effect land zoning and its restrictions and what it will cost.	Nil	Reject
3.1	Tel Properties Nominees Limited	Decline the plan modification	Nil	Reject

411. There are three submissions on PM15; one in support of the plan modification, one seeking it be declined, and one seeking relief with respect to the site Ruahine. There were no further submissions received for PM15.

#### Evaluation

412. Submission Point 1.1 seeks that the plan modification to be approved without any amendments.

413. It is recommended that this submission point be accepted-in-part, with the recommended correction discussed in section 9.2 to the notified Part 7.13 rules.

414. Submission Point 3.1 from Tel Properties Nominees Limited is opposing PM15, but references a site at 89 Richard Pearse Drive in Māngere. This



property is near to the PC102 site, Te Wai o Ruarangi, and an identical submission point has been addressed in section 9.5.3 of this report.

415. It is my view that Submission Point 3.1 to PM15 has been submitted in error as it does not reference any of the specifics of the plan modification. It is recommended that it should be rejected.

*Mr G Hills Submission*

416. Mr. G Hills has an interest in Ruahine and was engaged with as part of pre-notification discussions, and in further discussions leading up to the lodging of his submission. He makes three key points in his submission.

417. The submitter seeks greater clarity of where the sites of significance are located, through the use of physical marking of the sites on the ground (Submission Point 2.1).

418. In addition, Mr. Hills seeks that the nominating iwi authority, Ngāti Rehua Ngātiwai ki Aotea Trust mark and define the heritage sites that are important to them and why this is so (Submission Point 2.2).

419. Finally, he references recent government changes to the RMA and requests that the proposed plan modification consider the implications of these on zoning and its restrictions, and cost. (Submission Point 2.3)

420. With respect to Submission Point 2.1, the physical marking of overlay areas is not undertaken anywhere within the region. This is due to the impracticality of marking what can be very large areas of natural and physical resources, including significant ecological vegetation, outstanding natural features and historic heritage place site extents. This is consistent with the approach taken by local government nationally.

421. All overlays are mapped in the AUP and HGI Planning Maps at scales necessary to identify them through aerial imagery. Should specific survey coordinates be necessary, they are available and can be provided to landowners and developers by the Council.

422. One possible concession is that in scheduling these Māori Heritage Sites, their cultural significance is formalised and more visual in the Tāmaki Makaurau planning system. This in turn is likely to influence the way Council-owned public open space, and conservation areas are managed, including through the establishment of signage, storyboarding and other design recognition of the sites.

423. For the above reasons, I recommend that Submission Point 2.1 be rejected.

424. Mr. Hills' second point is that information of the cultural significance of the heritage sites be made publicly available to enhance the awareness of the community.

425. Cultural information supporting the identification and protection of the sites was included with the notified material<sup>48</sup>. It is therefore in the public forum. In

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<sup>48</sup> Section 32 Report. Attachment 3 – CVA and Plan Summaries

some cases, the sites are referenced in iwi planning documents which are held by Council and can be requested by the public.

426. Auckland Council does not currently have a publicly available repository of all cultural value information for scheduled SSMW and Māori Heritage Sites. This is due, in part, to the cultural sensitivity of some of the information.
427. Under the current legislation, a review of the AUP will commence in Nov 2026 and include incorporating the HGI into one combined plan for Auckland. As part of this, the ability to make these cultural values assessments more publicly visible, will be investigated. This will include the consideration of maintaining the confidentiality of sensitive cultural information where it is necessary.
428. Accordingly, I recommend accepting Submission Point 2.2 and note this is also occurring through the ongoing tranches of Council-initiated plan changes identifying and scheduling significant sites and places within Tāmaki Makaurau.
429. Mr. Hills' final submission point seeks that Council be cognisant of changes to the RMA when assessing the efficiency and effectiveness of PM15.
430. As the Panel will no doubt be aware, there is a significant programme of RMA reform being undertaken by the government. This is being completed through a phased approach, with some aspects of Phases 1 and 2 of the programme either complete or introduced as Bills before parliament<sup>49</sup>. Fast Track legislation has also been proposed and is currently being considered by the Environment Committee.
431. While the Government's programme of works will have significant implications for the RMA, and by extension the AUP and HGI, it remains proposed only and therefore does not have any legal effect with respect to the planning instruments engaged through PM15.
432. Accordingly, at the time this report has been drafted, I recommend rejecting Submission Point 2.3.

## 10. LOCAL BOARD VIEWS

433. Section 12(3) of the Local Government (Auckland Council) Act 2009 (LGACA) states that local boards do not have separate legal standing from Auckland Council. This means that a local board cannot formally submit through a public process on PC102 or PM15.
434. However the LGACA also requires that the decision makers on PC102 and PM15 (i.e. independent hearing commissioners) must consider the views and preferences expressed by a local board if the decision does, or may, affect the responsibilities or operation of the local board, or the well-being of communities within its area.
435. In this case, the 12 sites proposed by PC102 and PM15, and the proposed change of rules in the HGI, fall within seven local board areas.

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<sup>49</sup> Ministry for the Environment – RM Reform Update May 2024 and <https://www.legislation.govt.nz/bill/government/2024/0105/latest/whole.html#whole>

436. A copy of the individual resolutions is included as **Appendix 7**.
437. The local boards are generally supportive of the plan changes and some have resolved to appear before the Panel. In instances where submissions have identified a dispute, some local boards encourage ongoing discussions with submitters and mana whenua to facilitate agreement. Some local board resolutions acknowledge Ngāti Whātua Ōrākei's position on the recognition of ahi kā.
438. In the case of the Māngere-Ōtāhuhu Local Board, they acknowledge the cultural relationship Te Ākitai Waiohua have with Te Wai o Ruarangi, noting that the site has been nominated by Te Ahiwau Waiohua. They seek to ensure a collaborative approach is taken with mana whenua in responding to submissions.
439. Of particular note are the views of the Waitematā Local Board which has recommended that the Waipapa Awa be scheduled with the exclusion of the portions of the stream which are in both private ownership and not currently daylighted. This reflects Ngāti Whātua Ōrākei's current position on the site. The local board has not resolved to comment on Te Rae o Kāwharu which is also within its local board area.
440. The approach taken to addressing the submissions through pre-hearing discussions with submitters and engagement with the nominating mana whenua is consistent with the views of the local boards.
441. Invitations have been extended to those local boards who have expressed an interest in attending the hearing.

## 11. CONCLUSIONS

442. In total, 20 primary submissions and four further submissions have been received on Plan Change 102, and three primary submissions and no further submissions on Plan Modification 15.
443. The Waipapa Awa and Te Wai o Ruarangi sites attracted several submitters seeking changes. It is recommended that *Mana Whenua Responsive Design* provisions be applied to the historical extents of the Waipapa Awa to enable mana whenua to exercise their kaitiakitanga over this site.
444. It is recommended that the southern boundary of Te Wai o Ruarangi be aligned with the line of Mean High Water Springs (Indicative Coastline) and exclude infrastructure features along the creek edge.
445. Some corrections are proposed to the notified provisions of Part 7.13 of the Auckland Council District Plan - Hauraki Gulf Islands Section to give effect to the outcome stated in the Section 32 Report.
446. Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, having had regard to all statutory obligations including those under sections 32 and 32AA of the Resource Management Act 1991, I recommend that Plan Change 102 and Plan Modification 15 be approved subject to the amendments in **Appendix 4** of this report.



447. In my view, these recommended amendments achieve the purpose of the Resource Management Act 1991 and give effect to the Auckland Regional Policy Statement.

## 12. RECOMMENDATIONS

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

449. 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 modifications, as outlined in this report, and as set out in **Appendix 4** of this report.

## 13. SIGNATORIES

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

**Appendix 1 – Statutory Assessment Report for PC102 and PM15 (Section 32 Report)**

**Appendix 2 - Further evaluation under s32AA for Mana Whenua Responsive Design provisions**

**Appendix 3 – Copy of Submissions and Further Submissions on PC102 and PM15**

**Appendix 4 – Recommended Changes to PC102 and PM15 following submissions**



## Appendix 5 – Specialist Technical Reports

## Appendix 6 – Site Photos

## **Appendix 7 – Local Board Resolutions**

**Appendix 8 - Pahurehure Causeway Retrospective Consent 12 October 1998**

# APPENDIX 1

## STATUTORY ASSESSMENT REPORT FOR PC102 AND PM15 (SECTION 32 REPORT)

This appendix has not been re-produced in this agenda

The Notification Material volume is available here:

<https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=851>



## **APPENDIX 2**

### **FURTHER EVALUATION UNDER S32AA FOR *MANA WHENUA RESPONSIVE DESIGN* PROVISIONS**





**Appendix 2 - s32AA assessment of the updates to PC102 in response to submissions – Sites and Places of Significance to Mana Whenua Tranche 2a**

The following tables contain the Section 32AA evaluation of the proposed **Mana Whenua Responsive Design** provisions in Chapters D21, E12, E26, Schedule 12 and Chapter J (Definitions) of the AUP.

<b>Name of Provision</b>	<b>Discussion:</b> <b>Appropriateness, Effectiveness and Efficiency, Costs and Benefits, risk of acting / not acting</b>
<p>Addition of definition of <i>Mana Whenua Responsive Design</i> to Chapter J of the AUP</p> <p>Additions to Chapter D21 <i>Sites and Places of Significance to Mana Whenua Overlay</i></p> <p>Additions to Schedule 12 <i>Sites and Places of Significance to Mana Whenua Schedule</i></p> <p>Additions to Chapter E12 <i>Land Disturbance – District</i>.</p> <p>Additions to Chapter E26 <i>Infrastructure</i></p>	<p><b>Appropriateness:</b></p> <p>PC102 has been promulgated 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.</p> <p>The proposed changes operate within the scope of submissions on PC102 and provide a planning mechanism for the full extent of the culturally significant site of Waipapa Awa to be recognised and protected.</p> <p>In my view, they are an appropriate planning response to achieve the purpose of the RMA.</p> <p><b>Effectiveness and efficiency:</b></p> <p>The proposed provisions, which introduce a new definition of <i>Mana Whenua Responsive Design</i> and associated provisions into the AUP as a Restricted Discretionary (RD) Activity. They are a targeted resource management approach along the historic sections of the Waipapa Awa.</p> <p>The provisions would apply within clearly demarcated sections of the awa, referenced in Schedule 12 of the AUP.</p> <p>They provide greater certainty of the cultural outcomes being sought along the original sections of the stream where it no longer physically exists.</p>

	<p>The proposed provisions provide for a design approach which is undertaken in consultation with mana whenua, and the definition is broad enough to encompass Te Aranga design principles, so developers and landowners have external references to understand a Māori design framework.</p> <p>Council's Urban Design Panel (Ngā Aho) provides an independent reference panel to test proposed designs, so plan users and plan administrators external points of reference when considering proposed designs.</p> <p>For land disturbance activities, a proposed RD activity in <i>Mana Whenua Responsive Design Areas</i> recognises the modified nature of the scheduled site and seeks design recognition in these locations.</p> <p>For infrastructure, activities in the <i>Mana Whenua Responsive Design Areas</i> are equated to those sites indicated with 'site exception'. There is recognition that the original physical features of sites within the <i>Mana Whenua Responsive Design Area</i> are no longer intact due to significant land modification over time.</p> <p>The nominating hapū, Ngāti Whātua Ōrākei is favourable of this approach for parts of Waipapa Awa.</p> <p>In my view, the proposed provisions are effective and efficient in achieving the objectives of the plan change.</p> <p><b>Costs:</b></p> <p>The scheduling of the site as a Site and Places of Significance to Mana Whenua is likely to require consultation with the mana whenua groups with an interest in the site.</p> <p>For the historical portions of the Waipapa Awa, this may not have previously been necessary.</p> <p>Engaging with additional parties and developing appropriate designs may add</p>
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	<p>some cost to future activities undergoing assessment, where those activities trigger the <i>Mana Whenua Responsive Design</i> provisions.</p> <p>It is likely that some additional cost will be born by the landowner/developer, however the magnitude of that cost cannot be accurately determined in the absence of a land use (or plan change) proposal.</p> <p><b>Benefits:</b></p> <p>The proposed <i>Mana Whenua Responsive Design</i> provisions set a clear resource management outcome, that is a design that enables mana whenua to recognise local histories and their whakapapa on sites that are culturally significant to them.</p> <p>This in turn contributes to good urban outcomes by introducing greater diversity and interest into the urban form. The ability for mana whenua to recognise their culture and relationships within the urban environment is important to their cultural wellbeing.</p> <p><b>Risks of acting/not acting:</b></p> <p>The Waipapa Awa has been identified by mana whenua, and through historical records, as a culturally significant site within Tāmaki Makaurau.</p> <p>Responding to the cultural significance of culturally significant sites and areas via the design of urban developments is a well established approach, both on public and private sites within Tāmaki Makaurau.</p> <p>Ngāti Whātua Ōrākei is favourable to this approach for Waipapa Awa<sup>1</sup> and there is neither uncertainty or insufficient information about the subject matter of these provisions, so there is no risk in acting.</p>
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<sup>1</sup> Pending potential further discussions around specific wording of the provisions.



## **APPENDIX 3**

### **COPY OF SUBMISSIONS AND FURTHER SUBMISSIONS ON PC102 AND PM15**



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Edward Ashby  
**Date:** Wednesday, 29 May 2024 8:45:44 pm

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Edward Ashby

Organisation name: Te Kawerau A Maki

Agent's full name:

Email address: Edward.Ashby@tekawerau.iwi.nz

Contact phone number: 0226026630

Postal address:

Henderson

Auckland

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:

All

Property address: All

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Protecting iwi sites of significance is a matter of importance linked to Article II of the Treaty, national significance under the RMA Part 2, UNDRIP, and a matter of importance in the RPS. Council is legally and morally obliged to proactively protect and schedule such sites. This plan change is the culmination of years of work between Council and multiple iwi and should be supported in full.

I or we seek the following decision by council: Approve the plan change without any amendments | 1.1

Details of amendments:

Submission date: 29 May 2024

#### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

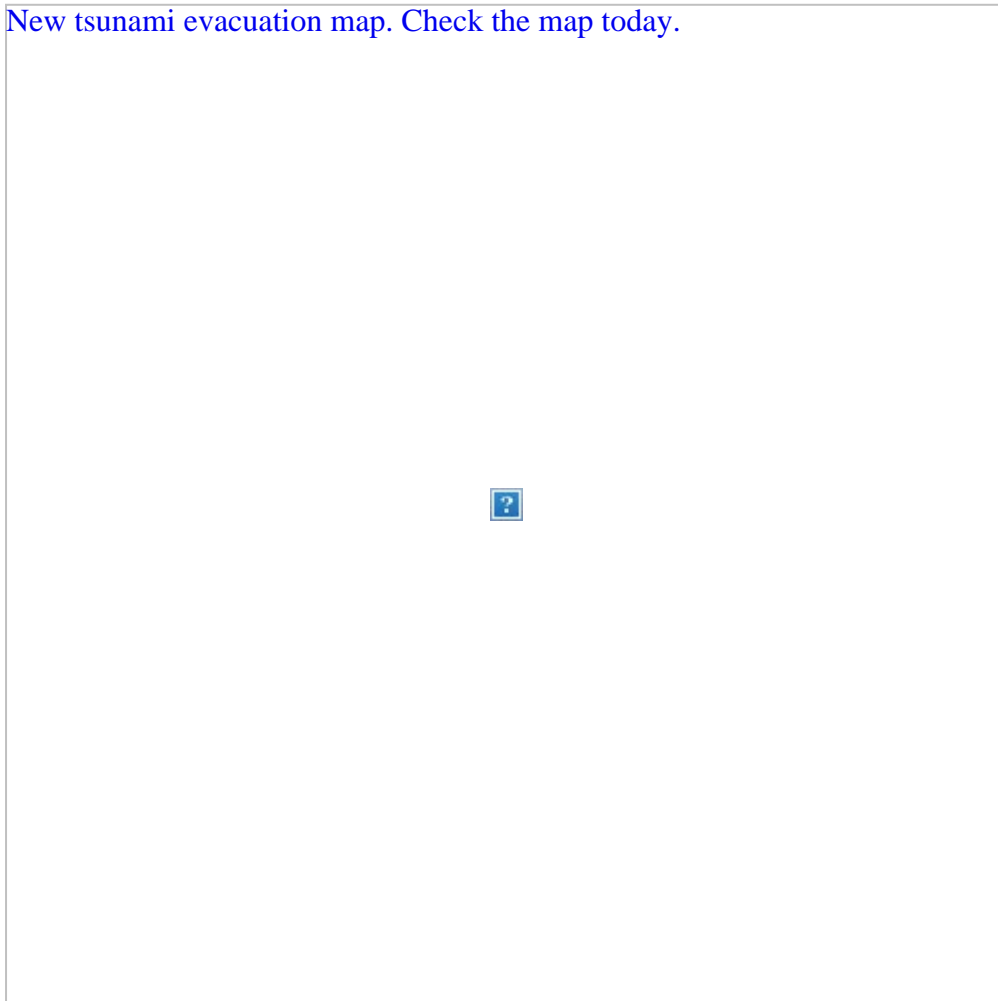
Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Qiping Sun  
**Date:** Thursday, 30 May 2024 10:00:22 am

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Qiping Sun

Organisation name:

Agent's full name: Qiping Sun

Email address: sunqp@hotmail.com

Contact phone number: 0272536188

Postal address:  
15 Bob Charles Dr  
Auckland  
Auckland 2013

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:

Property address: 502 Oruarangi Road, Magere

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

There has been too many issues relating this site and all these regulations bylaws made it too complicated for own to do any improvement thereafter devalue the property. And all in all, this small area became heart ache for maori and local residents. we want same rule as the rest of Auckland.

I or we seek the following decision by council: Decline the plan change | 2.1

Submission date: 30 May 2024

#### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

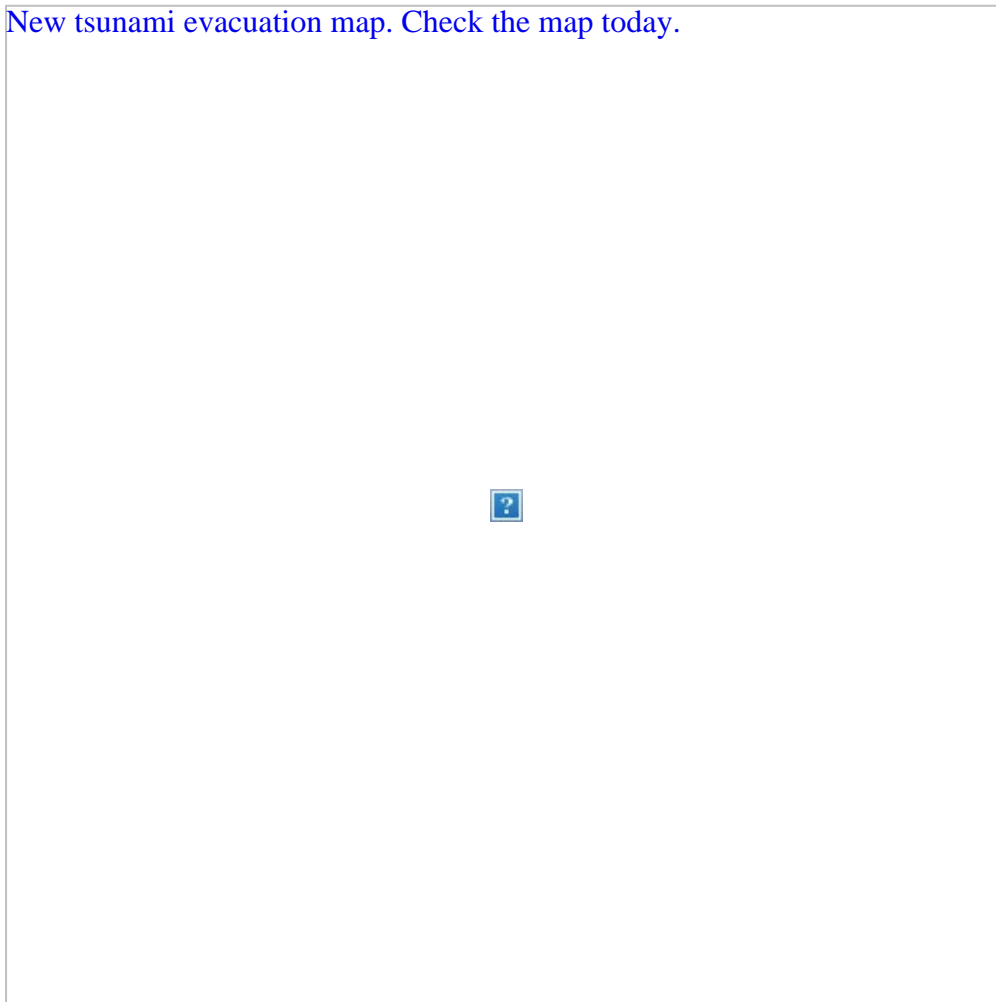
Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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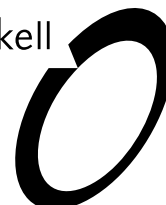


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13 June 2024

Attn: Planning Technician  
Auckland Council  
Level 16, 135 Albert Street  
Private Bag 92300  
Auckland 1142  
Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

Boffa Miskell



**FORM 5 - SUBMISSION ON A CHANGE PROPOSED TO THE DISTRICT PLAN:  
PC 102 SITES AND PLACES OF SIGNIFICANCE TO MANA WHENUA -  
TRANCHE 2A. SITE NAME: MANUKAPUA. SITE ID: 0192.**

**Full name:** Mt Rex Shipping Limited  
c/o Boffa Miskell  
Attn: Geoff England, Planner / Senior Principal

**Postal address:** PO Box 91 250  
Level 3  
82 Wyndham Street  
Auckland 1142

**Telephone no:** 027 346 0587

**Email:** [geoff.england@boffamiskell.co.nz](mailto:geoff.england@boffamiskell.co.nz)

**Mt Rex Shipping Limited (Mt Rex) could not gain an advantage in trade competition through this submission.**

**The specific provisions of the Plan Change that Mt Rex's submission relates to are attached.**

**Mt Rex seeks amendments to the specific provisions as listed in the attached document. The reasons are provided in the attached document.**

**The decisions Mt Rex wishes Council to make to ensure the issues raised by Mt Rex are dealt with are contained in the attached document.**

Mt Rex wishes to be heard in support of its submission.

If others make a similar submission, Mt Rex will consider presenting a joint case with them at a hearing.

**Signature of submitter or authorised agent****Submitter:****Agent:** Geoff England, Planner / Senior Principal, Boffa Miskell**Date:** 14 June 2024**Appendices:**

- Appendix 1: Submission Document.
- Appendix 2: Coastal Permit No. 41662
- Appendix 3: Coastal Permit No. 41662 (29193): Approved Location Plan
- Appendix 4: Map showing the relationship between consented sand extraction areas and the proposed new Site and Place of Significance to Mana Whenua: Site Name: Manukapua, Site ID:0192
- Appendix 5: Map showing the relief sought to amend the extent of attachment 2e of PC102: Manukapua (ID:0192) to that area illustrated as yellow crosshatch, removing the red crosshatch from the area

## APPENDIX 1: SUBMISSION DOCUMENT

### SUBMISSION BY MT REX SHIPPING LIMITED ON PROPOSED PLAN CHANGE 102: SITES AND PLACES OF SIGNIFICANCE TO MANA WHENUA - TRANCHE 2A TO THE OPERATIVE AUCKLAND UNITARY PLAN. SITE NAME: MANUKAPUA. SITE ID: 0192.

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#### 1.0 Introduction

- 1.1 Mt Rex Shipping Limited (Mt Rex) is a subsidiary Company of Atlas Resources Limited (Atlas). Atlas is a family run business and was established in the 1950's as a supplier of transport and construction materials.
- 1.2 Atlas currently employs approximately 300 people, operates over 90 concrete delivery trucks and approximately 70 other specialist vehicles and handling equipment.
- 1.3 Sand supply to Auckland in 2023/2024 FY from Kaipara Harbour, supplied by Winstone and Mt Rex, was 307,925 m<sup>3</sup>, representing more than 60% of all sand supplied to the concrete industry. It is projected that sand supply from the Kaipara (Mt Rex and Winstone) will increase to approximate 80 to 90% over the next 3 to 5 years, following a recent Environment Court decision (ENV-2022-AKL-121) resulting in McCallum Bros Limited consents sand volumes from Pakiri being significantly reduced. Given the increase in demand for Auckland, reduced overall supply, the dependence on minerals and an accessible supply of minerals are matters of regional importance.
- 1.4 Mt Rex holds a Coastal Permit (ref: No. 41662, refer **Appendix 2) (Mt Rex Permit)** to extract sand from the coastal marine area of the Kaipara Harbour, as authorised by a decision of the Environment Court and superseded by a change of conditions application granted on 20 June 2013 (reference 41662), over the Taporapora banks, in the area adjacent to Manukapua Island. The permit authorises the extraction of sand at a maximum of up to 392,000m<sup>3</sup> per annum at an average rate of 336,000m<sup>3</sup> per annum. The expiry date of this permit is 21 May 2027.
- 1.5 Mt Rex operates a process and dispatch facility at 215 Kaipara Coast Highway, Helensville, Auckland. Sand is unloaded from the barge via conveyor belts. This sand is then sold for use in Auckland's construction industry.

- 1.6 Winstone Aggregates, a Division of Fletcher Concrete and Infrastructure Ltd (Winstone) hold a resource consent (Coastal Permit No.41663) (**Winstone Permit**) to extract sand from a larger area immediately surrounding Coastal Permit No. 41662 (location illustrated in **Appendix 3**). Atlas Concrete are contracted to implement this consent on behalf of Winstone and extract sand under the Winstone Permit.
- 1.7 Plan Change 102 proposes to include the Manukapua Site within the Auckland Unitary Plan (AUP) Schedule of Site and Places of Significance to Mana Whenua (proposed site name: Manukapua Site (ID: 0192), nominated by Te Uri o Hau. The site includes the Tapora Bank out to the 1m mark using Chart NZ 4265 Kaipara Harbour (updated 29 Jun 2022) (illustrated in **Figure 4**).
- 1.8 Mt Rex's submission relates to the proximity of the consented sand extraction areas to the proposed Manukapua Site, identified on the proposed plan change maps (Attachment 2e of PC102).
- 1.9 Mt Rex supports proposed Plan Change 102, subject to amendments to the proposed footprint of Manukapua (ID:0192) and/or appropriate text, to recognise the sand extraction activity and its continuation beyond 2027 or alternate relief acceptable to Mt Rex, following further engagement with Te Uri o Hau.
- 1.10 Mt Rex have sought to engage with Te Uri o Hau to discuss the proposed Manukapua Site and its extent. Given the time periods associated with closing of submission time periods, Mt Rex was unable to secure a time to meet. This submission registers Mt Rex's interest in the proposed Plan Change and the outcome, and in the interim represents a holding position outlining Mt Rex's position pending further engagement with Te Uri o Hau to discuss this submission further.

## **2.0 Existing consent and location of mineral extraction**

- 2.1 The Mt Rex Permit authorises the dredging and removal of sand and to disturb the seabed for the purpose of sand extraction.
- 2.2 General condition 2 of that permit states that the activities permitted by the consent shall occur in the location shown on the plan titled "*Figure 1 Location Map, contained within Assessment of Environmental Effects Mt Rex Shipping Limited, Tapora Banks Sand Extraction Dated: April 2004*". (**Appendix 3**).
- 2.3 The map shown in **Appendix 4** illustrates the proximity of the proposed Manukapua Site and Place of Significance to Mana Whenua to the consented area of sand extraction.

### **3.0 Relevance of Proposed Plan Change 102**

- 3.1 The Manukapua Site associated with Plan Change 102 overlaps and sits directly adjacent to the areas consented by the Winstone Permit and the Mt Rex Permit.
- 3.2 Chapter D21 of the Auckland Unitary Plan (OP), sites and places of Significance to Mana Whenua, includes scheduled sites and places protected for their significance to Mana Whenua.
- 3.3 Objective D21.2 (1) to (2) and Policies D21.3. (01) to (11) seeks to protect and enhance the tangible and intangible values of scheduled sites and places of significance to Mana Whenua. Additionally, it seeks to protect scheduled sites and places of significance to Mana Whenua from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.
- 3.4 The relevant objectives and policies associated with PC 102 associated with sites and places of significance to Mana Whenua are interpreted by Mt Rex to be inconsistent with the existing consented sand extraction activities (described above) The regional demand for sand resource is increasing and that inconsistency has particular implication for the consent holder in seeking future replacement resource consent applications to undertake the same activity which would have to give effect to those objectives and policies.

### **4.0 Provision**

- 4.1 The provisions which Mt Rex seek to amend are:
  - 4.1.1 Attachment 2e of PC102: Manukapua (ID:0192); and/or
  - 4.1.2 Alternative provisions giving similar effect to the submission.

### **5.0 Support/ Oppose: Oppose in part**

- 5.1 Mt Rex supports proposed Plan change 102, subject to the relief sought below.

### **6.0 Reason for Submission**

- 6.1 The proposed relief described in this submission seeks to give effect to Auckland Unitary Plan, Regional Policy Statement, B7.6. Minerals, enabling and providing for the efficient use of minerals.

6.2 The submission points will provide for the ongoing sustainable extraction of the regionally significant sand resource, required to provide for people and communities to provide for their social, economic, and cultural well-being.

**7.0 Relief Sought**

- 7.1 Mt Rex seeks to amend the site extent of Attachment 2e of PC102: Manukapua (ID:0192) to that area illustrated as yellow crosshatch, removing the red crosshatch from the area, as shown in **Appendix 5**; and 3.1
- 7.2 To include a description of Manukapua (ID:0192) within Attachment 2E, Tranche 2 - Sites of Significance to Mana Whenua, which acknowledges its cultural significance and recognises the adjacent sand extraction activities occurring. The detail of any such description can be developed in consultation with Te Uri o Hau; and/or 3.2
- 7.3 Alternative relief having similar effect.
- 7.4 Mt Rex would like to further discuss this submission with Te Uri o Hau and any other interested parties with similar concerns.



**APPENDIX 2: COASTAL PERMIT NO. 41662**

## Notification determination report for an application for change of conditions under Section 127 of the Resource Management Act 1991

Subject: Application to change conditions of consent 29193 in relation to Biological Monitoring and Coastal Monitoring requirements.

To: Alan Moore, Team Leader – Coastal, NRSI

From: Matthew McNeil, Senior Consents and Compliance Advisor – Coastal, NRSI

Date: 9 May 3013

### 1.0 APPLICATION DESCRIPTION

#### Application and Property Details

Applicant Name: Mt Rex Shipping Limited

New Application Number: 41662

Existing Consent Number: 29193

File Number: 17480

Activity: Extraction

Site Address: Taporapora Banks, Kaipara Harbour

### 2.0 PROPOSAL, SITE AND LOCALITY DESCRIPTION

#### 2.1 Reason for application

An application for a change or cancellation of consent conditions is a discretionary activity in accordance with Section 127 of the Resource Management Act, 1991 (RMA).

#### 2.2 Proposal and site description

The applicant is seeking to change conditions 18, 19, 20, 21, 23A, 23B, 24, and 26, and to remove condition 22 of resource consent number 29193, (file number 17480) granted for the extraction of sand at the Taporapora Banks, Kaipara Harbour.

The proposal is described in the application report titled "Application to change the conditions of the coastal permits authorising sand extraction in the Kaipara Harbour by Winstone Aggregates and Mt Rex Shipping Ltd", dated 26 April 2013, prepared by Catherine Clarke, Boffa Miskell (hereby referred to as application report). The proposal in brief:

- Changes to the consent condition specific to Biological Monitoring, to;
  - remove the reference to the 1996 biological monitoring programme which refers to the previous sand extraction consents granted to Winstone Aggregates,
  - state the purpose of this monitoring work,
  - set a six yearly frequency for monitoring.
  
- Changes to consent conditions in relation to Coastal Monitoring, to;
  - provide remote sensing images and a digital topographic model for measuring and comparing changes in coastal morphology of Taporapora (Manukapua Island), Kaipara South Head and Papakanui Spit to the ocean beach, and an area of Pouto shoreline to Maori Bay,
  - require frequency of topographic monitoring to change from 'at least two times per year' to 'annual',
  - require frequency of bathymetric monitoring to change from annually to once every two years.
  
- Changes to conditions where reference is made to the previous Rodney District Council.

Changes are proposed to the following conditions as follows (additions are underlined, deletions ~~strikethrough~~).

### Biological Monitoring

18. The Consent Holder shall commission a ~~the~~ biological monitoring programme to provide information to assist an assessment of significant effects of sand extraction on populations of benthic biota in the sand extraction zones, in accordance with the report dated 6 November 1996 "Kaipara Harbour Sand Extraction Monitoring Programme for Proposed Extraction at Fitzgerald Bank" The Monitoring programme shall be scoped and undertaken by a suitably qualified and experienced person acceptable to the Manager. A number of sampling sites at the operational depth for the barge in both the extraction area and in a control site(s) of approximately similar biological habitat diversity and abundance will be approved by the Manager in advance of the monitoring. The method of sampling will be approved by the Manager and where approved shall include measuring samples with both a 1mm and 9mm sieve. Surveys, in accordance with the biological monitoring programme, shall be undertaken at 6 yearly intervals. The next survey shall take place before December 2009 to ensure that the report is available prior to any review of the consent undertaken in accordance with Condition 4(b) above.

19. The Consent Holder shall produce a report of the biological monitoring programme detailed in Condition 18 above, within 6 months time of completing the survey. A copy of the report shall be forwarded to the Manager, the Minister, the Minister of Conservation, the Royal Forest and Bird Protection Society and Ngati

Whatua (Ngati Whatua o Kaipara and Te Uri o Hau) ~~and or alternatively the Kaipara Harbour Sand Extraction Monitoring Group (see condition 28) and Rodney District Council.~~

### Coastal Monitoring

20. The Consent Holder shall undertake ~~an annual monitoring programme that measures changes in~~ provides remote sensing images and a digital topographic model for measuringes and comparing changes in coastal morphology beach profiles along the western side of Taporapora (Manukapua Island). ~~This programme shall be a continuation of the current monitoring programme, utilising current profile datum measurements.~~ The monitoring programme shall produce include at least 5 beach profiles and topography that is appropriate for comparison with existing data collected using a Differential GPS survey of the high tide line, the dune line and the low tide line monitored at least two times per year and shall be approved by the Manager. The monitoring report shall provide an account of the net gain or loss of sand from areas of accretion and erosion on the western side of Taporapora Island.

21. The Consent Holder shall undertake ~~a monitoring programme that measures changes in beach profiles and landforms~~ aerial photography or other remote sensing imaging annually of an area comprising Kaipara South Head (Waionui Inlet, Ti Tree Island to mouth) and Papakanui Spit extending south to the ocean beach and also of an area of Pouto shoreline to Maori Bay (South Tauhara Creek). ~~The aerial imaging record shall be assessed annually for changes in morphology by a suitably qualified person approved by Council and the assessment and findings shall be included in the annual coastal monitoring programme report provided to Council.~~ ~~monitoring shall include at least 5 beach/spit profiles, plus an ocean beach profile, and Differential GPS surveys of the high tide level, the dune line and the low tide line where practicable.~~ ~~The monitoring shall be undertaken at least two times per year.~~ ~~This programme shall be developed in consultation with the Manager and the Department of Conservation (Auckland) and be approved by the Manager.~~

22. ~~The Consent Holder shall undertake a monitoring programme on the Pouto shoreline. This programme shall be based on an expansion of the current monitoring programme to include the addition of two further profiles lines, in Pouto Bay and into Maori Bay (South of Tauhara Creek) and Differential GPS survey of the high tide line, the dune line and the low tide line where practicable. The monitoring shall be undertaken at least two times per year. This programme shall be developed in consultation with the Manager and a NRC representative and be approved by the Manager.~~

23A. The Consent Holder shall undertake a monitoring programme that will measure changes in seabed profiles on the Taporapora Banks. This programme shall include at least 10 profiles, extending from low tide to 10m water depth, 5 of which connect with beach Profiles 1 to 5 that have been established on the western shore of Taporapora Island as described in condition 20 above and monitored at least two yearly intervals annually. The monitoring programme shall be developed in consultation with the Manager and shall be approved by the Manager.

23B. The Consent Holder shall undertake a monitoring programme that will measure changes in seabed profiles on the western end of the Tauhoa Bank at least two yearly intervals annually. This programme shall include at least three 3 profiles, and shall be developed in consultation with the Manager and shall be approved by the Manager.

24. The monitoring programmes described in Conditions 20 and 21, ~~23A and 23B~~ above shall establish reference datum points for long-term consistency in survey, ~~and shall establish aerial photo or satellite image control points if practicable. Aerial photographs or satellite images shall be undertaken at approximately 2 yearly intervals.~~ The number of profiles may need to be increased at some stage to take account of future shoreline and landform changes. Prior to commencement, ~~the~~ monitoring programmes shall be submitted to the Manager ~~within 3 months of exercising this consent for approval.~~

26. Analysed results of the monitoring programmes shall be forwarded to the Minister, the Manager, the Department of Conservation, Oruawharo Marae, Royal Forest and Bird Protection Society and Ngati Whatua (Ngati Whatua o Kaipara and Te Uri o Hau) or alternatively the Kaipara Harbour Sand Extraction Monitoring Group ~~and Rodney District Council~~ annually.

### 2.3 Background and site history

Mt Rex Shipping Limited holds consent 29193 to extract sand from the Kaipara Harbour, as authorised by a decision of the Environment Court on 4 September 2006.

The permit allows for the extraction of up to 150,000m<sup>3</sup> per annum averaged over the first 5 years, and a maximum of 392,000m<sup>3</sup> per annum with an average rate of 336,000m<sup>3</sup> per annum over the remaining life of the consent. Extraction occurs over the Taporapora Banks within an area defined by the consent.



**Figure 1:** Approximate location of extraction indicated by arrow.

Current consent conditions require Biological and Coastal Monitoring programmes to be undertaken.

### Biological Monitoring

The Biological Monitoring programme involves undertaking sampling of benthic species within areas of recent extraction and adjacent control sites where extraction has not occurred.

Biological Monitoring in accordance with the current consent conditions was undertaken in 2009, and a summary report titled 'Kaipara Harbour Sand Extraction, Fitzgerald Bank Biological Monitoring 2009' prepared by Dr Roger Grace, was provided to the required parties in 2010. The report concluded that "the current rate and distribution of sand extraction is having no detectable adverse effects on density or diversity of benthic species, but in fact appears to be enhancing abundance and biodiversity". The report considered that "the ecology of the mobile sands is adaptable to a high degree of natural disturbance".

The proposed changes are to improve condition 18 by stating the purpose of the monitoring, allow use of improved in sampling design and methods, and to state the frequency of monitoring. This is as recommended by Dr Roger Grace, and following discussion by the applicant with the previous Auckland Regional Council.

### Coastal Monitoring

The Coastal Monitoring programme requires beach profiles, surveys of the high tide, low tide and dune toe lines, and bathymetric surveys. Results are to be provided in a report which details net loss or net gain of sediment from the areas surveyed. This enables consideration of whether any changes may be attributable to the sand extraction operation.

To date the required beach profiles and surveys have been produced by undertaking on the ground surveys using a total station survey instrument GPS at the Taporapora Island, South Head and Pouto sites.

A review of monitoring methods was undertaken by the National Institute of Water and Atmospheric Research (NIWA) in 2009. NIWA produced a report titled "Review of monitoring methods for Kaipara Heads shore, NIWA, December 2009". While the on the ground profiling enables a comparison over time of changes in the profiles, the NIWA report considers this method very approximate as there is no information provided on spatial changes in the areas between the profiles or beyond the profiles.

The NIWA report compared the results of a trial 2008 'photogrammetric' survey, a remote sensing technique, to concurrent data gained from on the ground survey. It was concluded that such a technique, which could involve either photogrammetry or LiDar, would provide more information than the ground based surveying. This would provide the ability to digitally map shoreline features (such as high and low tide lines), to extract profiles for comparison with previous ground based profile data, and to generate digital elevation models that could map areas of net loss or gain and to compute volume changes.

Results of monitoring to date, and numerical modelling undertaken as required by consent condition, have not identified that the current sand extraction operation is unsustainable. Therefore the consent holder considers a review of the ongoing Coastal Monitoring conditions, including a reduction in frequency of surveys, is justified.

## 2.4 Supplementary update

All references to the former 'ARC' in consent conditions have been changed to 'Auckland Council', references to the 'Manager' will be changed to 'Team Leader', and condition numbering will be updated to reflect the above changes.

## 3.0 NOTIFICATION ASSESSMENT

### 3.1 Assessment of permitted baseline

Permitted activity rule 14.5.1 of the Coastal Plan allows for the removal of up to 1m<sup>3</sup> of sand in any 24 hour period for the purpose of prospecting. As the activity occurring is extraction of significant quantities of sand, the actual and potential adverse effects of the proposed activity are significantly different to the actual and potential effects of the activity that is provided for as a permitted activity. There would be minimal assistance gained by comparing and disregarding the adverse effects of the relevant permitted activity to this proposal.

### 3.2 Assessment of effects on the environment: Section 95A(2)(a)

The applicant identifies and assesses the actual and potential adverse effects of the proposed changes on the environment that are likely to arise in Section 4.0 of the application report.

The proposed changes support the continuation of the monitoring programmes by requiring that they continue. Proposed changes in monitoring methodologies have the intent of enabling more accurate and more detailed information to be gathered, and in turn, the ability to better identify any changes occurring and whether such can be attributed to the extraction operation.

It is therefore considered the proposed changes would result in no additional adverse effects on the environment.

### 3.3 Request or rule: Sections 95A to 95E

Pursuant to Section 95A(2)(b), (c), and (3)(a), the applicant has not requested public notification and no National Environmental Standard or rule in the Regional Plan requires or precludes public or limited notification.

Pursuant to Section 95A(4) there are no special circumstances to warrant public notification.

### 3.4 Identification of affected parties

Written approval has been obtained from the following persons who, as submitters to the original application, are considered to be adversely affected by the activity:

- The Department of Conservation
- Jim Dollimore
- Holicm (New Zealand) Ltd
- Stevensons Resources Ltd
- The Royal Forest and Bird Protection Society Inc and, Kaipara Branch – Royal Forest and Bird Protection Society Inc
- Ngati Whatua Nga Rima o Kaipara

Written approval has not been obtained from the following submitters to the original application, which are therefore considered to be affected parties:

- Environs Holdings (Te Uri o Hau)
- Oruawharo Marae Trust, Nga Wai o Oruawharo
- Guardians of the Kaipara

It is noted that the Guardians of the Kaipara have advised the applicant that the organisation is in the process of being wound up, and that Te Uri o Hau will be fulfilling the groups function.


### 3.5 Recommendation on notification

It is recommended that this application be processed on a limited notified basis because:

- There would be no additional adverse effects on the environment resulting from the change of consent conditions being applied for.
- No special circumstances or affected customary rights holders exist in relation to the application.
- The applicant has not requested public notification and no National Environmental Standard or rule in the Regional Plan requires public notification.
  - Written approval has not been obtained from every person who will be affected by the granting of this consent, in particular Environs Holdings (Te Uri o Hau) and Oruawharo Marae Trust, Nga Wai o Oruawharo.



**Matthew McNeil  
 Senior Consents  
 and Compliance  
 Advisor - Coastal**



Date:

10 May 2013

**3.6 Notification determination**

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, this application shall be processed on a limited notified basis.

**Alan Moore  
 Team Leader –  
 Coastal, NSRI**



Date:

10 MAY 2013

**4.0 NOTIFICATION PROCESS**

**4.1 Parties Notified**

Notice of the application was served on the following parties on 16 May 2013:

- Environs Holdings (Te Uri o Hau)
- Oruawhoro Marae Trust, Nga Wai o Oruawhoro
- Guardians of the Kaipara

The closing date for submissions was 14 June 2013.

**5.0 SUBMITTERS AND SUMMARY OF KEY ISSUES**

**5.1 Submissions**

No submissions were received from the parties who were served notice.

## 6.0 ASSESSMENT OF APPLICATION IN ACCORDANCE WITH SECTION 104

### 6.1 Assessment of effects on the environment: Section 104(1)(a)

The assessment of adverse effects undertaken for the purpose of notification concluded that the proposal would result in no additional adverse effects on the environment. It is considered that this assessment is also relevant for the purposes of the assessment required under s104(1)(a). In addition the following positive environmental effects have been identified:

The implementation of updated monitoring techniques will enable more accurate information to be gained over a wider area of coverage, when compared to the ground survey techniques that have been employed to date. The proposed remote sensing techniques will improve the ability of monitoring to identify any changes in dune, beach and spit morphologies, and whether such can be attributed to the extraction operation.

### 6.2 Statutory considerations: Section 104(1)(b)

The applicant has considered the proposed changes against the provisions of the New Zealand Coastal Policy Statement 2010 and the Auckland Council Regional Plan (Coastal).

The applicant's assessment is provided in Section 6 of the application report.

The following provisions are considered particularly relevant to the consideration of this application:

#### New Zealand Coastal Policy Statement

Objectives 1, 2, 3, 6; Policies 2, 3, 6, 13 and 15.

These are directed at; safeguarding the form, functioning and resilience of the coastal environment, preservation of natural character and natural features of the coastal environment, taking into account the principles of the Treaty of Waitangi, and, enabling people and communities to provide for their economic wellbeing recognising that protection of the coastal environment does not preclude use and development in appropriate forms.

#### Auckland Council Regional Policy Statement

Objectives 7.3.1, 7.3.2, 7.3.3; Policies 7.4.4, 7.4.7.1, 7.4.10(vi).

These are directed at; preservation of natural character of the coastal environment, enabling appropriate use and development in the coastal environment, preservation of areas of significant habitats and landforms and geological features, and, that

efficient use is made of the natural and physical resources of the coastal environment.

Auckland Council Regional Plan (Coastal)

Objectives 3.3.1, 4.3.2, 5.3.1, 10.3.1, 14.3.1; Policies 3.4.1, 3.4.2, 4.4.3, 5.4.4, 14.4.3, 14.4.4.

These are directed at; preservation of natural character and landscape values of the coastal environment, protection of the dynamic functioning of physical coastal processes, to provide for appropriate use in the CMA, and, to provide for appropriate extraction of sand while taking a precautionary approach when assessing the location and volumes to be taken.

It is concluded that the proposed change to consent conditions is consistent with the relevant provisions of the plan and policy statements, as the proposed monitoring techniques would improve to ability to identify any adverse effects on matters identified in the objectives and policies referred to above.

**6.3 Other relevant matters: Section 104(1)(c)**

There are no other matters considered relevant and reasonably necessary to determine the application.

**6.4 Consideration of Part 2 matters**

As the adverse effects of the proposed activity on the environment can be satisfactorily avoided, remedied or mitigated, and as the proposal is consistent with and not contrary to the statutory direction, it is concluded the proposal meets the purpose and principles of the RMA and is a sustainable use, development and protection of natural and physical resources, in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and their health and safety while -

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Having considered the Matters of National Importance, Other matters, and the requirement to take into account the principles of the Treaty of Waitangi, it is concluded that the proposal will not adversely affect any of those matters, and is a sustainable development in accordance with Part 2 of the RMA..

## 7.0 RECOMMENDATION

### 7.1 Adequacy of information:

The above assessment is based on the information submitted as part of the application. It is considered that the information submitted is sufficiently comprehensive to enable the consideration of the above matters on an informed basis:

- a. The level of information provides a reasonable understanding of the nature and scope of the proposed activity as it relates to the coastal plan.
- b. The extent and scale of any adverse effects on the environment are able to be assessed.
- c. Persons who may be adversely affected are able to be identified.

### 7.2 Recommendation:

It is recommended that pursuant to Sections 104, 104B, 105, 108 and 127 of the RMA, consent is granted to the application by Mt Rex Shipping Limited to change conditions of consent 29193 in relation to Biological Monitoring and Coastal Monitoring requirements.

The reasons for this recommendation are as follows:

1. It is considered that the proposal would result in no additional adverse effects on the environment.
2. The proposal is considered to be consistent with the relevant provisions of the NZCPS, ACRPS, ACRP(C), and in particular, the integrated management of the Region's natural and physical resources.
3. The proposal will be consistent with Part 2 of the Resource Management Act 1991 by promoting the sustainable management of natural and physical resources. Overall it is considered that the cumulative safeguards of Section 5(2)(a) to (c) have been met and the proposal thereby meets the purpose of the RMA.

### 7.3 Duration of consent

The duration of the consent shall remain at 20 years from the date of commencement. It is noted that this consent commenced on 21 May 2007 which relates to an expiry date of 21 May 2027.



**7.4 Conditions**

Recommended conditions of consent are provided following the Reason for Decision.

**7.5 Report by:**

Matthew McNeil  
Senior Consents  
and Compliance  
Advisor - Coastal



**Natural Resources and Specialist Input, Resource Consents**

Date:



## RESOURCE CONSENT 41662 SECTION 104 DECISION

### Application Description

Application to change Biological Monitoring and Coastal Monitoring conditions of consent 29193, which authorises the extraction of sand and shell.

### Application and Property Details

Consent Holder's Name:	Mt Rex Shipping Limited
Consent Application Number:	41662
File Number:	17480
Site Address:	Taporapora Banks, Kaipara Harbour
Legal Description:	Common Marine and Coastal Area

## DECISION UNDER DELEGATED AUTHORITY

Acting under delegated authority pursuant to Sections 104, 104B, 105, 108 and 127 of the RMA, consent is granted to the discretionary activity application by Mt Rex Shipping Limited to disturb, remove sand and shell, and use Common Marine and Coastal Area with a dredge to extract sand and shell at the Taporapora Banks, Kaipara Harbour, being consent application 41662.

### Signed under Delegated Authority

Alan Moore  
 Team Leader – Coastal,  
 NRSI



Date:

20 JUNE 2013

### Reasons for this decision

1. It is considered that the proposal would result in no additional adverse effects on the environment.
2. The proposal is considered to be consistent with the relevant provisions of the NZCPS, ACRPS, ACRP:(C), and in particular, the integrated management of the Region's natural and physical resources.
3. The proposal will be consistent with Part 2 of the Resource Management Act 1991 by promoting the sustainable management of natural and physical resources. Overall it is considered that the cumulative safeguards of Section 5(2)(a) to (c) have been met and the proposal thereby meets the purpose of the RMA.

## CONDITIONS

This consent shall supersede consent number 29193.

### General Conditions

1. That the servants or agents of the Auckland Council shall be permitted access to the relevant parts of the site at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
2. The Consent Holder shall carry out the activities permitted by this consent in accordance with the Officer's report and the documentation submitted in support of the application as identified below:
  - a) Coastal permit application dated: 28 April 2004
  - b) Plan title: Figure 1.2 Site Plan, contained within Application and Assessment of Environmental Effects, Winstones Aggregates, Kaipara Sand Extraction Dated: April 2004

### Review Conditions

3. The conditions of this consent may be reviewed by the Team Leader and/or the Minister of Conservation, pursuant to Section 128 of the Resource Management Act 1991, by the giving of notice pursuant to Section 129 of the Act, 1 year from the commencement of this consent and every year thereafter, in the event that it is necessary:
  - a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - b) To deal with any other adverse effect on the environment on which the exercise of the consent may have an influence.
4. This conditions of this consent may also be reviewed by the Team Leader and/or the Minister of Conservation, pursuant to Section 128 of the Resource Management Act 1991, by the giving of notice pursuant to Section 129 of the Act, in the following circumstances:
  - a) when total sand extraction by the Consent Holders of Permit No's 41663 and 41662 reaches 400,000 cubic metres within any calendar year; or
  - b) within 5 years of the first exercise of either Permit No. 41663 or No. 41662; or
  - c) should numerical modelling required pursuant to conditions 14 and 15 be completed and demonstrate the assumptions made in the Kaipara Sand Study Final Report: *Sand movement, storage and extraction in the Kaipara tidal inlet*, NIWA Client Report: HAM2002-064, December 2003 (minor edits October 2004) to be incorrect; or

- d) at the stage a Rule in the Auckland Council Regional Plan (Coastal) requires a review of sand extraction permits; or
  - e) when reports of monitoring, including any submitted in accordance with Conditions 15, 17, 19, 25 or 26 below, indicate that unforeseen adverse effects relating to the exercise of this consent have become apparent.
- 4A. Any review shall take account of the conclusions and recommendations contained in the Kaipara Sand Study Final Report: *Sand movement, storage and extraction in the Kaipara tidal inlet*, NIWA Client Report: HAM2002-064, December 2003 (minor edits October 2004).

### Specific Conditions

5. The volume of sand to be extracted by the Consent Holder shall not exceed:
  - a) 150,000 cubic metres per annum averaged over the first 5 years of extraction unless, following a review pursuant to conditions 3 or 4, the Team Leader and/or the Minister of Conservation authorise either a temporary or permanent adjustment of the maximum extraction volume. Unless amended following a review pursuant to conditions 3 or 4, the total sand extracted by the Consent Holders of Permit No's 41663 and 41662 will not exceed 400,000 cubic metres in any one year; and
  - b) 392,000 cubic metres per annum, with an average rate of 336,000 cubic metres per annum over the remaining life of the permit unless, following a review pursuant to conditions 3 or 4, the Team Leader and/or Minister authorise either a temporary or permanent adjustment to the maximum volume to a lower volume.
6. This consent shall not be exercised without the surrendering by the Consent Holder of the existing consent (CPA 0149) held by the Consent Holder, authorising sand extraction from the Taporā Banks area.
7. The Consent Holder shall ensure that any pumping or mechanical equipment used in the extraction operation is muffled so as to minimise any detrimental effect the noise may have on any recreational or other uses of the coastal marine area or adjacent land.
8. Coarse shell and other marine organisms shall be screened from the sand and returned to the seabed at the extraction site.
9. The site of extraction shall be regularly moved throughout the extraction area and the dredge shall not reoccupy or extract from the same dredge hole, as logged by GPS co-ordinates, for at least 7 days.
10. Sand extraction shall be located so as to minimise the likelihood of marine life being entrained or destroyed. The dredge pump shall have a minimum spherical solids



clearance of 80mm, to allow shellfish and other benthic organisms up to that size to pass through the system.

Where visual or aural observations made by the dredge crew during the exercise of consent, alerts them to the presence of marine creatures being entrained and either loaded with the sand or discharged with the tailings, extraction shall cease and the dredge relocated.

11. The Consent Holder shall notify the Auckland Council in writing of the proposed date of commencement of the sand extraction covered by this consent, at least 10 working days prior to the proposed start date. All correspondence shall be marked to the attention of the Coastal Consents and Compliance Co-ordinator, Auckland Council.
12. In the event of archaeological evidence being uncovered (e.g. shell midden, hangi or ovens, pit depressions, defensive ditches or human bones), work shall cease in the vicinity of the discovery and the Auckland Council archaeologist shall be contacted so that the appropriate action can be taken before work may recommence there.

In the event of archaeological evidence being uncovered, the Auckland Council archaeologist will contact the Auckland Council Iwi Liaison team in the Heritage Department to verify the required iwi authority contacts for the area and the accepted level of consultation.

13. Vessels used by the Consent Holder will, to the extent practicable, travel at a speed that results in no, or minimal, wake when 300 metres of dolphins.

### **Numerical Modelling**

14. The Consent Holder shall commission a numerical modelling study to review the water and sediment circulation patterns on to and off the Taporapora Banks area generally west of Taporapora Island. The modelling is to test the Kaipara sand Study's conceptual and quantitative knowledge regarding the quality of sand coming towards Taporapora Banks from seaward, the amount moving off the banks, and the amount of sand depositing on the banks.

The study shall be undertaken by a suitably qualified and experienced person (or persons) acceptable to the Team Leader.

- 14A. The outcome of the numerical modelling study is to be reported to the Team Leader and the Consent Holder, and if commissioned by a Kaipara Harbour Entrance Monitoring Working Party established in accordance with condition 27, to other members of that working party. The scope of the numerical study and its findings shall be peer reviewed by a suitably qualified person (or persons) acceptable to the Team Leader, in a final report.
15. The Consent Holder shall conduct and report the results of the numerical modelling required by condition 14 above within 2 years of the first exercise of consent.

### **Compliance Monitoring**

16. The Consent Holder shall keep a daily record and a map documenting the volume of sand extracted and the position of the extraction, the date and time of extraction (commencement and completion of extraction), stage of the tide, sea conditions and depth of water at the extraction site.
17. The Consent Holder shall provide the Team Leader at quarterly intervals a copy of the records and the map detailed in Condition 14 above, together with any details specified in Condition 10 above.

### **Biological Monitoring**

18. The Consent Holder shall commission a biological monitoring programme to provide information to assist an assessment of significant effects of sand extraction on populations of benthic biota in the sand extraction zones. The Monitoring programme shall be scoped and undertaken by a suitably qualified and experienced person acceptable to the Team Leader. A number of sampling sites at the operational depth for the barge in both the extraction area and in a control site(s) of approximately similar biological habitat will be approved by the Team Leader in advance of the monitoring. The method of sampling will be approved by the Team Leader and where approved shall include measuring samples with both a 1mm and 9mm sieve. Surveys, in accordance with the biological monitoring programme, shall be undertaken at 6 yearly intervals.
19. The Consent Holder shall produce a report of the biological monitoring programme detailed in Condition 18 above, within 6 months time of completing the survey. A copy of the report shall be forwarded to the Team Leader, the Minister of Conservation, the Royal Forest and Bird Protection Society and Ngati Whatua (Ngati Whatua o Kaipara and Te Uri o Hau) and the Kaipara Harbour Sand Extraction Monitoring Group (see condition 27).

### **Coastal Monitoring**

20. The Consent Holder shall undertake an annual monitoring programme that provides remote sensing images and a digital topographic model for measuring and comparing changes in coastal morphology of Taporapora (Manukapua Island). The monitoring programme shall produce beach profiles and topography that is appropriate for comparison with existing data collected using Differential GPS survey of the high tide line, the dune line and the low tide line and shall be approved by the Team Leader. The monitoring report shall provide an account of the net gain or loss of sand from areas of accretion and erosion on the western side of Taporapora Island.

21. The Consent Holder shall undertake aerial photography or other remote sensing imaging annually of an area comprising Kaipara South Head (Waionui Inlet, Ti Tree Island to mouth) and Papakanui Spit extending south to the ocean beach and also of an area of Pouto shoreline to Maori Bay (South Tauhara Creek). The aerial imaging record shall be assessed annually for changes in morphology by a suitably qualified person approved by Auckland Council and the assessment and findings shall be included in the annual coastal monitoring programme report provided to Auckland Council.
- 22A. The Consent Holder shall undertake a monitoring programme that will measure changes in seabed profiles on the Taporapora Banks. This programme shall include at least 10 profiles, extending from low tide to 10m water depth, 5 of which connect with beach Profiles 1 to 5 that have been established on the western shore of Taporapora Island as described in condition 20 above and monitored at least two yearly intervals. The monitoring programme shall be developed in consultation with the Team Leader and shall be approved by the Team Leader.
- 22B. The Consent Holder shall undertake a monitoring programme that will measure changes in seabed profiles on the western end of the Tauhoa Bank at least two yearly intervals. This programme shall include at least three 3 profiles, and shall be developed in consultation with the Team Leader and shall be approved by the Team Leader.
23. The monitoring programmes described in Conditions 20 and 21, above shall establish reference datum points for long-term consistency in survey. The number of profiles may need to be increased at some stage to take account of future shoreline and landform changes. Prior to commencement, the monitoring programmes shall be submitted to the Team Leader for approval.
24. The programmes shall be established by the Consent Holder and managed, analysed and reported upon by persons possessing appropriate expertise in the assessment of physical processes and beach behaviour.
25. Analysed results of the monitoring programmes shall be forwarded to the Minister, the Team Leader, the Department of Conservation, Oruawharo Marae, Royal Forest and Bird Protection Society and Ngati Whatua (Ngati Whatua o Kaipara and Te Uri o Hau) or alternatively the Kaipara Harbour Sand Extraction Monitoring Group annually.
26. The Consent Holder may comply with Conditions 18 to 21 by participating in, and contributing to a Kaipara Harbour Entrance Monitoring programme established on the following basis:
- a) A working party being formed within one month of the date of commencement of consent consisting of representatives from the Consent Holder, the Auckland Council and Northland Regional Council, and any other party prepared to financially contribute to the monitoring programme.

- b) The monitoring programme shall include, but not be limited to, the monitoring activities described in the Numerical Modelling conditions above (conditions 14 to 15) and the monitoring activities described in the Coastal and Seabed Monitoring Conditions above (conditions 20 to 23).
- c) The working party shall engage the necessary experts to carry out the monitoring programme and in consultation with the experts will define the precise parameters of the monitoring.
- d) The monitoring programme will be funded by the Consent Holder and any other party represented as shall be agreed between the parties.
- e) The ownership of the numerical modelling study required by conditions 14 to 15 will rest with the parties funding the study.
- f) Subject to the Auckland Council's obligations under the Local Government Officials Information and Meetings Act 1987 the numerical study required by conditions 14 to 15 will remain confidential unless otherwise agreed in writing by all parties funding the study.
- g) Subject to the Council's obligations under the Local Government Officials Information and Meetings Act 1987, except in the case of the Consent Holder, the results of the numerical modelling study required by conditions 14 to 15 will not be used for any commercial gain unless otherwise agreed in writing by all parties funding the study.

#### **Kaipara Harbour Sand extraction Monitoring Group**

27. The Consent Holder and the holder of Permit No. 41663 shall form the "Kaipara Harbour Sand Extraction Monitoring Group" (the Group) for the purpose of liaising and meeting with the members of the Group to discuss:

- the monitoring requirements and outcomes as required by conditions 16 to 22 inclusive of this consent,
- the final report of the numerical modelling study required by condition 14A (subject to the agreement of all parties financially contributing to the study should the study be undertaken by a working party established in accordance with condition 26),
- results of other monitoring undertaken or harbour changes noted by members of the Group, and
- any other relevant matters that may be agreed by the Group.

The Consent Holder and the Holder and the holder of Permit No. 41663 shall invite the following parties to participate in the Group:

- Ngati Whatua (Nga Rima o Kaipara)
- Oruawharo Marae
- Te Uri o Hau

- Kaipara District Council
- Northland Regional Council
- Guardians of the Kaipara
- Royal Forest & Bird Society – Kaipara Branch
- Pouto Residents & Ratepayers Society

The Auckland Council will automatically be a member of that Group.

The Consent Holder and the holder of Permit No. 41663, shall convene a meeting of the Group as required and agreed by the Group, but at least as soon as practical once monitoring information is available and prior to it being submitted to the Auckland Council as required by this consent.

The Consent Holder in conjunction with the holder of Permit No. 41663 shall provide a written invitation to the members of the Group least ten working days before the meeting is proposed to be held.

The meeting shall be held at a convenient location to the parties. The costs of the meetings (not including any costs relating to attendees) shall be borne by the Consent Holder and the holder of Permit No. 41663.

The minutes of the meeting shall be provided to all attendees promptly following the meeting.

The Group will be disbanded if members of the Group agree. The Auckland Council shall be informed in writing if this occurs.

### **Cancellation of Consent**

28. This coastal permit may be cancelled by written notice served on the Consent Holder if the coastal permit has not been used for the purpose of sand extraction during the preceding 2 years.

### **Administration**

29. The Consent Holder shall pay to the Auckland Council any administrative charge fixed in accordance with Section 36(1) of the Resource Management Act 1991, or any additional charge required pursuant to Section 36(3) of the Resource Management Act 1991, in respect of this consent.
30. The Consent Holder may not transfer the whole or any part of the holder's interest in the permit to any other person unless the written approval of the Team Leader is obtained. The Team Leader's consent shall not be unreasonably withheld in the case of a transferee who can satisfy the Team Leader that he, she or it has appropriate and relevant expertise in extracting sand.

## **ADVICE NOTES**

1. Sightings of Maui's dolphins will be reported by the Consent Holder to the WWF Sightings Network. Where practicable detail on the sighting including GPS coordinates, number of dolphins, and date and time of sighting, will be provided.

Any sightings of dead or stranded Maui's dolphins are to be immediately reported by the Consent Holder to the Department of Conservation.

## DEFINITIONS

ACRPS:	means Auckland Council Regional Policy Statement
Council:	means The Auckland Council
NZCPS:	means New Zealand Coastal Policy Statement 2010
Coastal Plan:	means Auckland Council Regional Plan (Coastal)
RMA:	means Resource Management Act 1991 and all amendments
Team Leader:	means an Auckland Council Team Leader as specified in text / condition or nominated Auckland Council staff acting on the relevant Team Leader's behalf.

**APPENDIX 3: COASTAL PERMIT NO. 41662 (29193): APPROVED LOCATION  
PLAN**

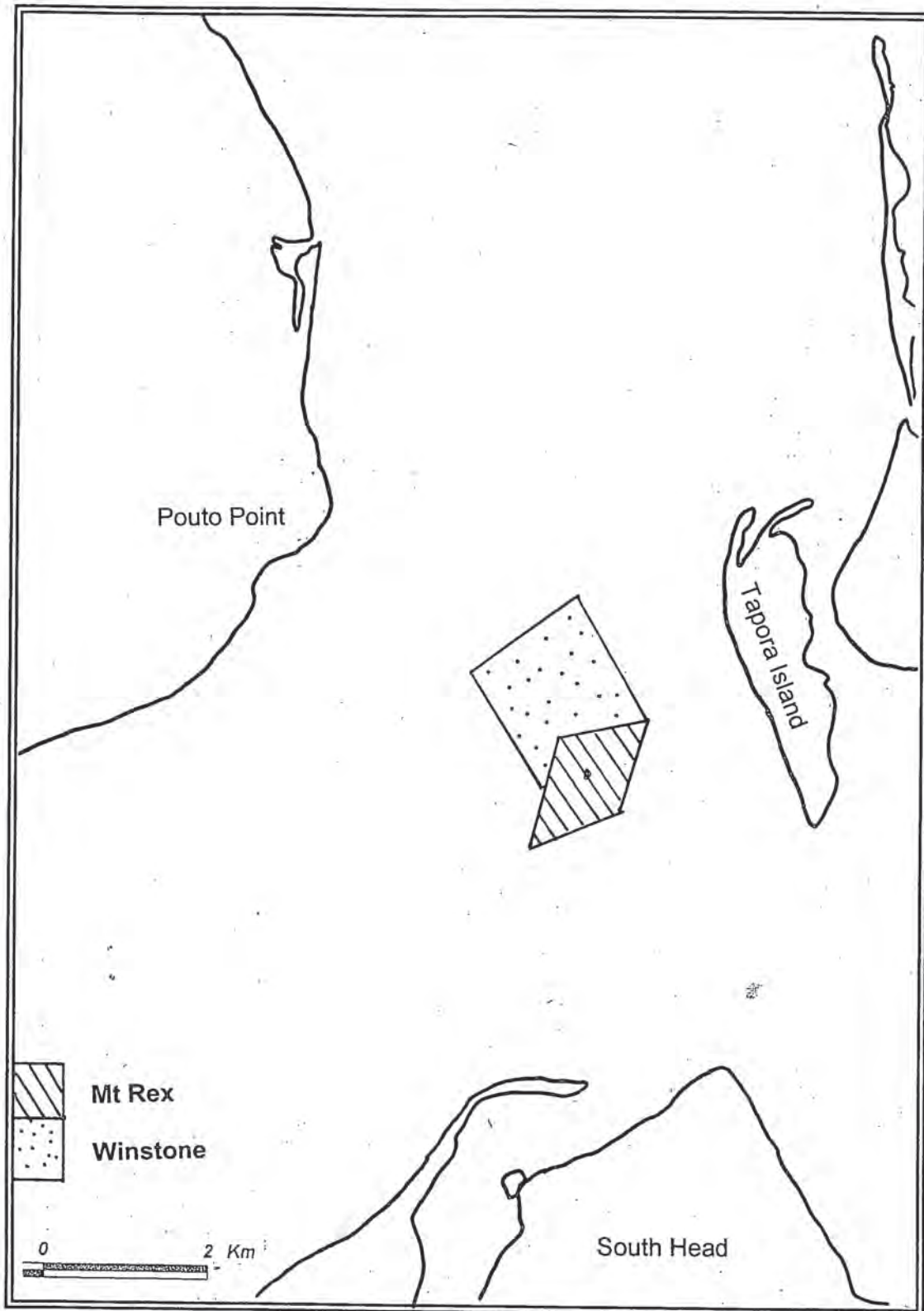
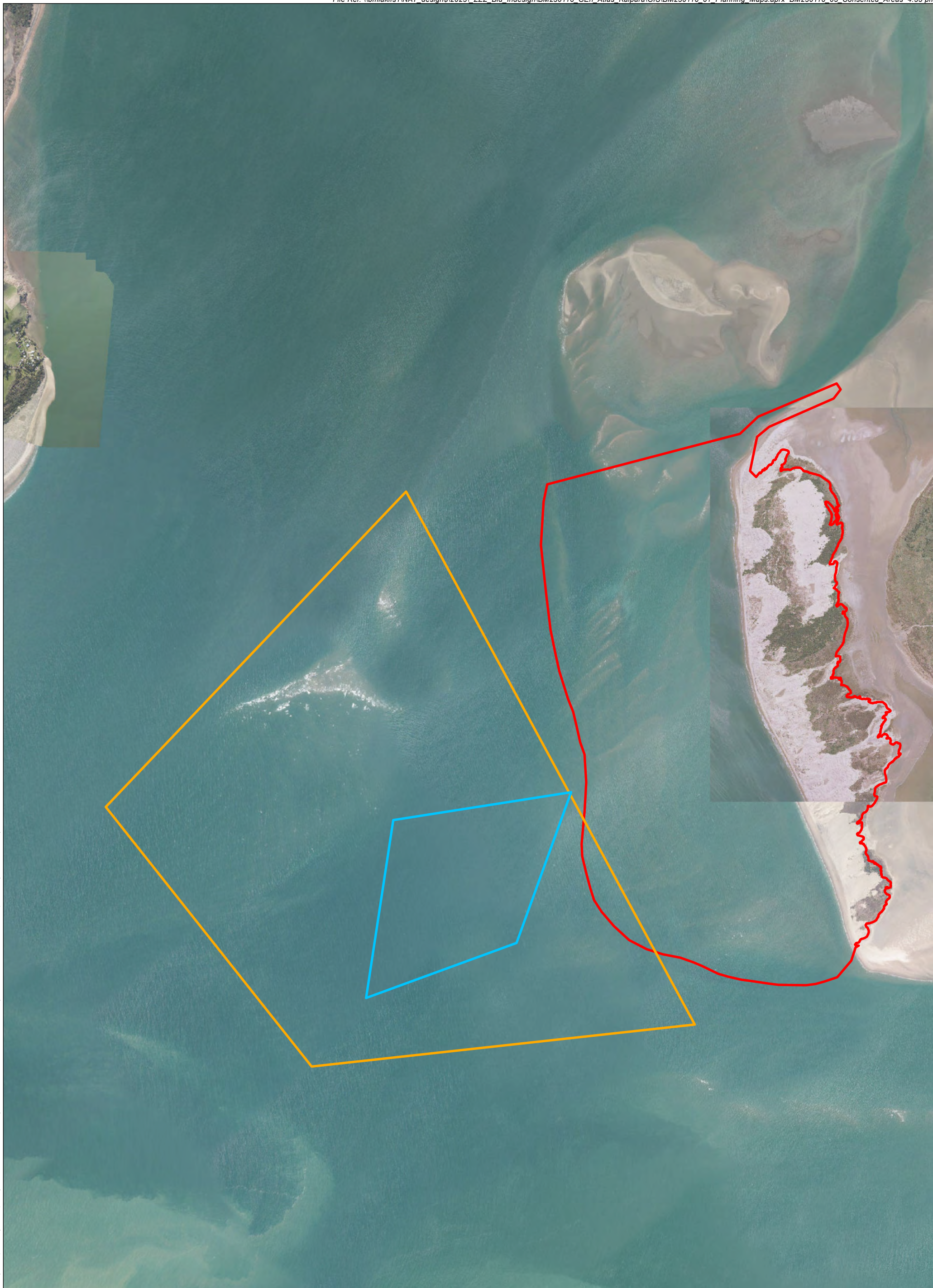


Figure 1 Location Map



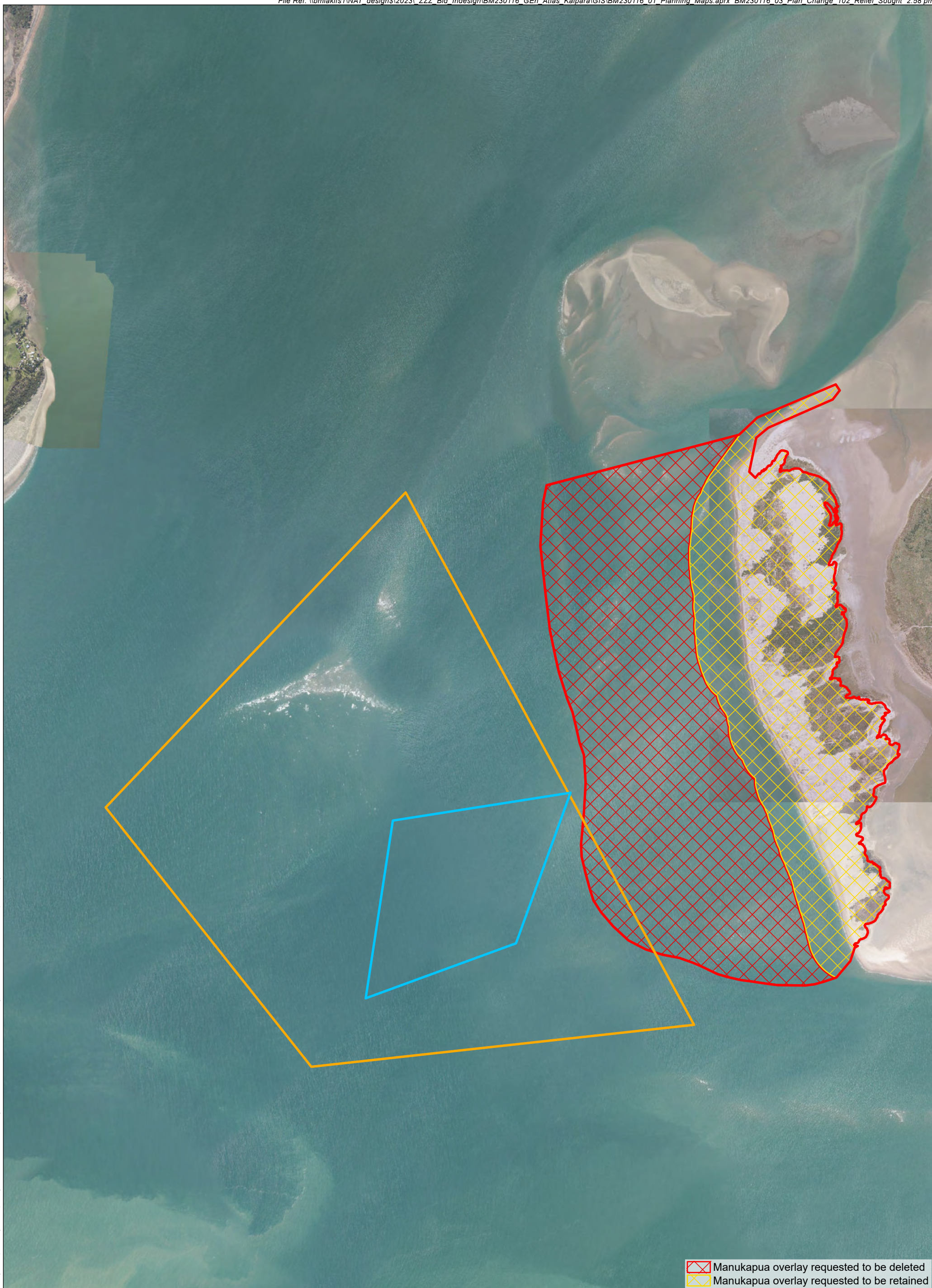
**APPENDIX 4: MAP SHOWING THE RELATIONSHIP BETWEEN CONSENTED SAND EXTRACTION AREAS AND THE PROPOSED NEW SITE AND PLACE OF SIGNIFICANCE TO MANA WHENUA: SITE NAME: MANUKAPUA, SITE ID:0192**



This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.



**APPENDIX 5: MAP SHOWING THE RELIEF SOUGHT TO AMEND THE EXTENT OF ATTACHMENT 2E OF PC102: MANUKAPUA (ID:0192) TO THAT AREA ILLUSTRATED AS YELLOW CROSSHATCH, REMOVING THE RED CROSSHATCH FROM THE AREA**

This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.



 Manukapua overlay requested to be deleted  
 Manukapua overlay requested to be retained

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Jo Young  
**Date:** Monday, 17 June 2024 11:46:08 am  
**Attachments:** [SAL Submission.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Jo Young

Organisation name: Stevenson Aggregates Limited

Agent's full name: Tua Gabriel

Email address: jo.young@stevenson.co.nz

Contact phone number:

Postal address:  
Private Bag 94000  
Manukau City  
Auckland  
Auckland 2241

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:  
Kaarearea Paa  
Site ID - 0275

Property address:

Map or maps: PC102-Attachment 2L

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

As per our submission attached. SAL acknowledge the engagement that has occurred to date with the nominating iwi and appreciate the time, open dialogue and understanding that the iwi parties have show to SAL.

I or we seek the following decision by council: Approve the plan change without any amendments | 4.1

Details of amendments:

Submission date: 17 June 2024

Supporting documents

SAL Submission.pdf

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

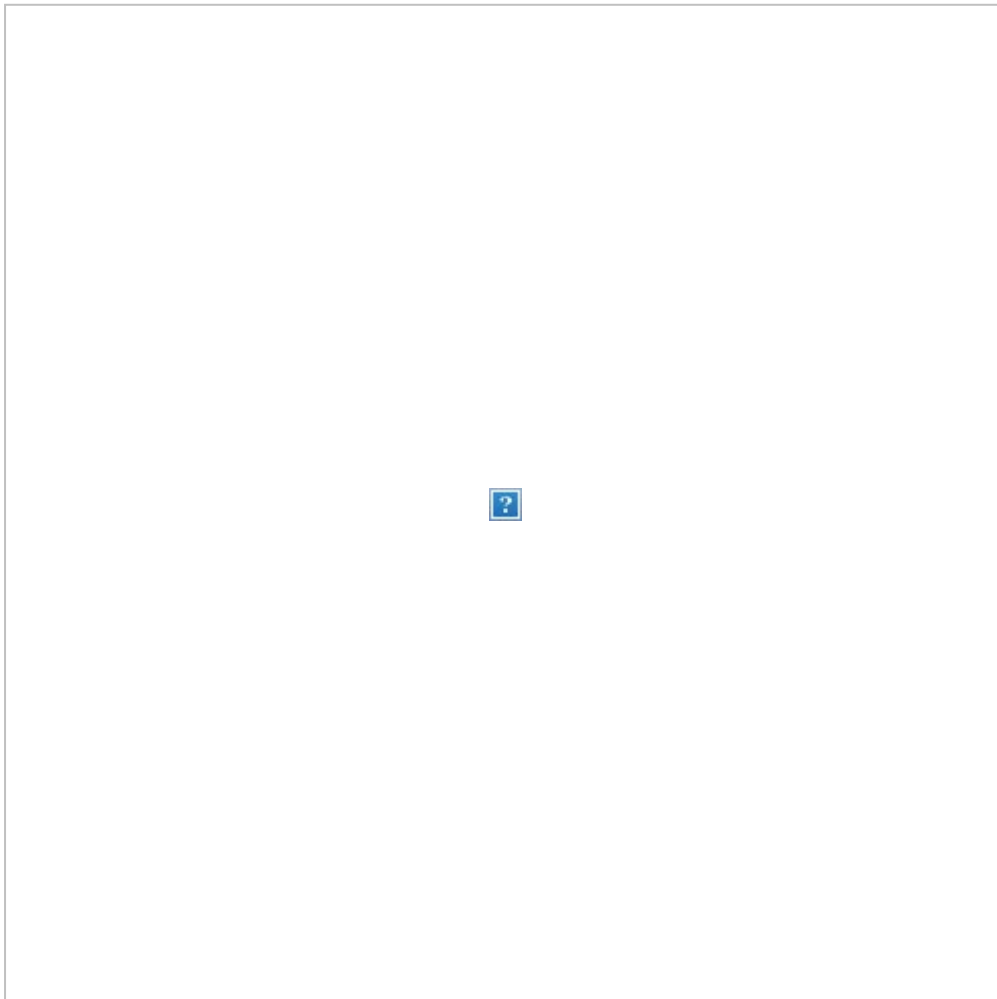
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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17 June 2024

Auckland Council  
 Level 16, 135 Albert Street  
 Private Bag 92300  
 Auckland 1142  
 Attention: Planning Technician

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

## **SUBMISSION ON PROPOSED PLAN CHANGE 102 (PPC102) SITES AND PLACES OF SIGNIFICANCE TO MANA WHENUA -TRANCHE 2A**

### **1.0 BACKGROUND**

- 1.1 Drury Quarry is a greywacke hard rock quarry which has supplied concrete, asphalt and roading aggregate for over 80 years. It is the largest aggregate quarry in New Zealand, providing critical building material across the Auckland, Waikato and Northland regions, currently supporting some of the country's largest infrastructure, transport and housing projects.
- 1.2 Stevenson Aggregates Limited (SAL) operate Drury Quarry. Kaarearea paa is located wholly within the Drury Quarry landholdings owned by SAL.

### **2.0 MANA WHENUA ENGAGEMENT**

- 2.1 SAL first became aware of the proposed protection extent across Kaarearea paa in November 2022. Since that time, there has been ongoing engagement with Auckland Council and the two nominating iwi – Ngāti Tamaoho and Ngaati Te Ata Waiohua.
- 2.2 This has resulted in the agreed extent of the proposed “Site and Significance to Mana Whenua” overlay across Kaarearea paa.

### **3.0 PROPOSED PLAN CHANGE 102**

- 3.1 SAL recognise and acknowledge the Cultural Values Assessment Summary provided by Ngāti Tamaoho and Ngaati Te Ata Waiohua provided as Attachment 3 of the plan change documents.
- 3.2 This outlines the immense spiritual, cultural, traditional, historical and customary significance of this historic kōwhatu paa site for both nominating iwi. SAL will continue to engage with iwi to ensure they can uphold and maintain mana and kaitiakitanga of the paa site.

- 3.3 SAL acknowledge the engagement that has occurred to date with the nominating iwi and appreciate the time, open dialogue and understanding that the iwi parties have shown to SAL.
- 3.4 SAL supports PPC102, particularly the proposed "*Site and Significance to Mana Whenua*" overlay across Kaarearea paa.

Yours sincerely



Jo Young  
Consents Manager

021 971 975  
Jo.young@stevenson.co.nz



**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - JOHN DARROCH  
**Date:** Tuesday, 18 June 2024 9:16:07 am

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: JOHN DARROCH

Organisation name:

Agent's full name: JOHN DARROCH

Email address: john@nhvaluers.co.nz

Contact phone number: 0274767002

Postal address:  
65 Gibraltar Crescent  
Auckland  
Auckland 1052

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:

Property address: 65 Gibraltar Crescent, Parnell

Map or maps: The Waipawa Stream, where it abuts the complex of 12 Townhouses with the address 55 to 77 Gibraltar Crescent Parnell.

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

- This seems to be the only one of the 9 new sites notified that includes urban residential sites (Sites and Places of Significance to Mana Whenua) whereas the intention of the new rules that would be imposed on this part of your site relate to public outcomes – “provide 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. I’m not sure what this means and what would be required – particularly on a private site with no public access. I question what outcomes are the rules seeking ?
- The existing protection for the stream from current rules in the Unitary Plan arguably already give the protection that this overlay is seeking and don’t need to be repeated.
- It could trigger iwi consultation requirements every time an owner does works within this overlay which seems onerous particularly if the works are minimal.
- I have not been involved in the ‘refinement’ of the location of the overlay despite Auckland Council

stating that this happened.

- The council report states that this additional restriction is 'unlikely to result in significant more cost to developers' which is arguably not the case (especially if you have to get a Cultural Report from iwi) and that it will trigger greater consideration of cultural matters for activities on or adjacent to the site which isn't exactly the case – plus the rules seem very unclear on what outcomes they're seeking. It would be better if iwi provided a clear set of guidelines for how work is done in this location to avoid the effects they're concerned about rather than it being looked at each time someone develops.

- Being in such an urbanised location the stream has already been modified and is in fragmented ownership (which the subdivision rule seeks to control)

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

5.1

Details of amendments: Per my reasons above

Submission date: 18 June 2024

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

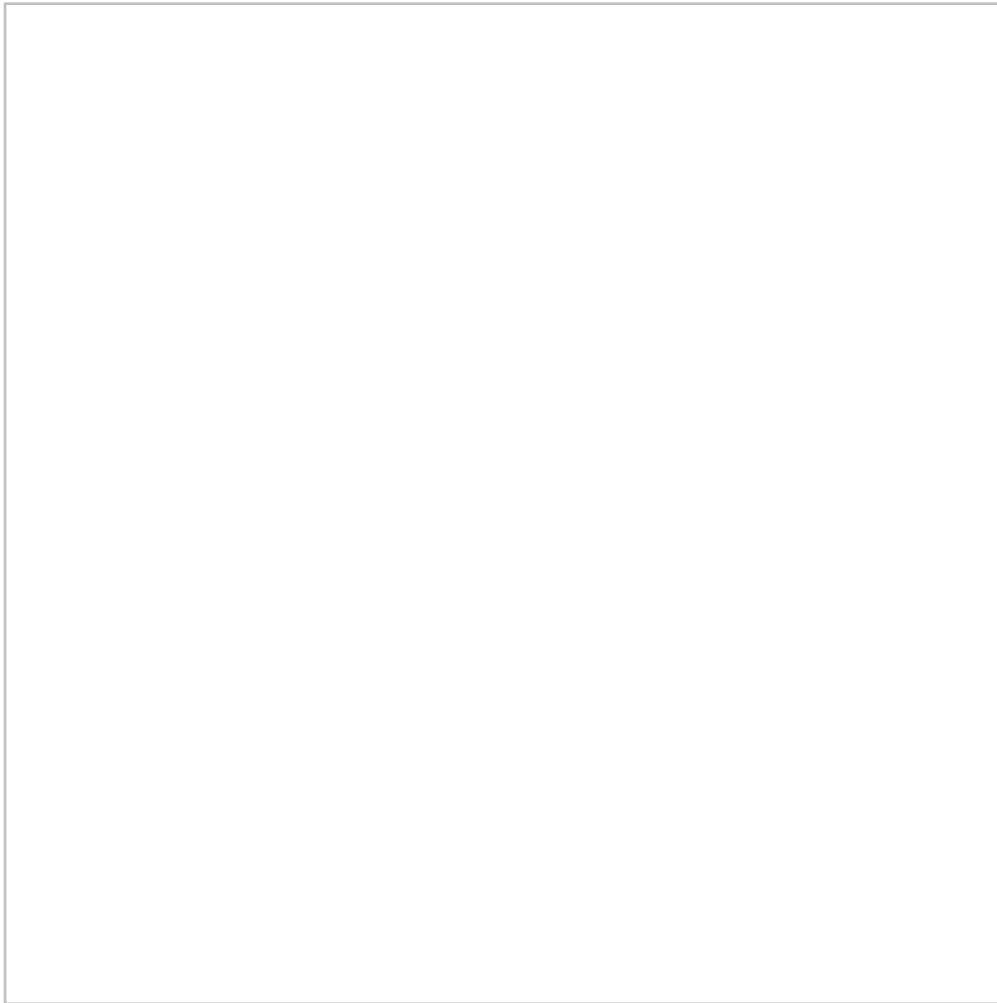
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Brian McClure  
**Date:** Tuesday, 18 June 2024 9:16:12 am

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Brian McClure

Organisation name: BA Trustees Ltd

Agent's full name: Brian McClure

Email address: [bjamb88@gmail.com](mailto:bjamb88@gmail.com)

Contact phone number: 021 489105

Postal address:  
507/121 Customs Street West  
Auckland Central  
Auckland Central 1010

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:  
Plan modification 15 re Maori Heritage sites Grey Lynn Library

Property address: 447 Great North Road Grey Lynn

Map or maps: Grey Lynn

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Oppose the inclusion of this site on the following grounds:

1. Any impact on the community facility of the library and the use of the land
2. Any affects of the designation on our property across the road at 447 Great North Road under current zoning under the Unitary Plan and any future plans, height in relation to boundary controls, density, height controls and design.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested | 6.1

Details of amendments: As above - surety that our site is unaffected

Submission date: 18 June 2024

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

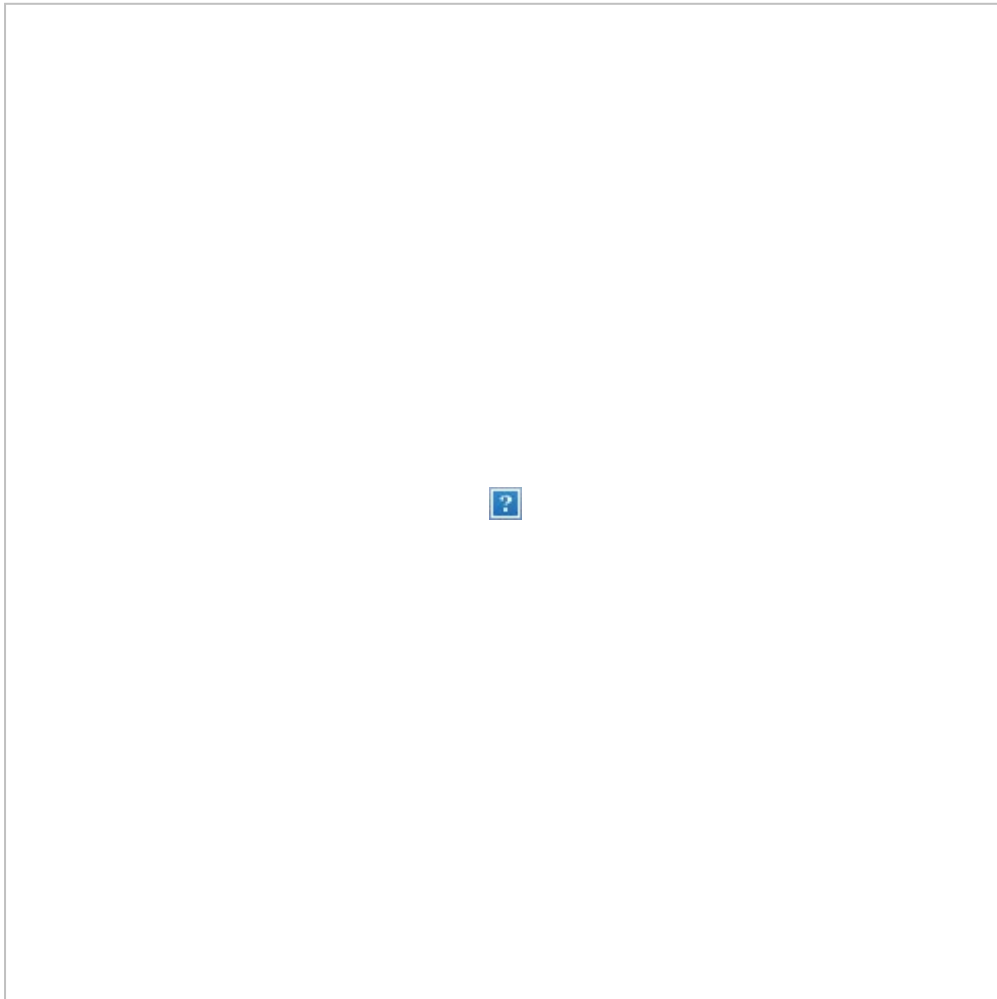
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Will Fairbairn  
**Date:** Wednesday, 19 June 2024 8:30:58 am  
**Attachments:** [Carlaw Campus Limited Partnership - PC102 Submission.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Will Fairbairn  
Organisation name: Carlaw Campus Limited Partnership  
Agent's full name: Planning Focus Limited  
Email address: pa@planningfocus.co.nz  
Contact phone number: 02102221165  
Postal address:  
PO Box 911361  
Auckland  
Auckland 1142

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 102  
Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

**My submission relates to**

Rule or rules:  
Property address: 12-16 and 20-24 Nicholls Lane  
Map or maps:  
Other provisions:  
Waipapa Awa Site and Place of Significance to Mana Whenua  
Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified  
Do you wish to have the provisions you have identified above amended? Yes  
The reason for my or our views are:  
See attached

I or we seek the following decision by council: Decline the plan change | 7.1

Submission date: 19 June 2024

Supporting documents  
Carlaw Campus Limited Partnership - PC102 Submission.pdf

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

**Declaration**

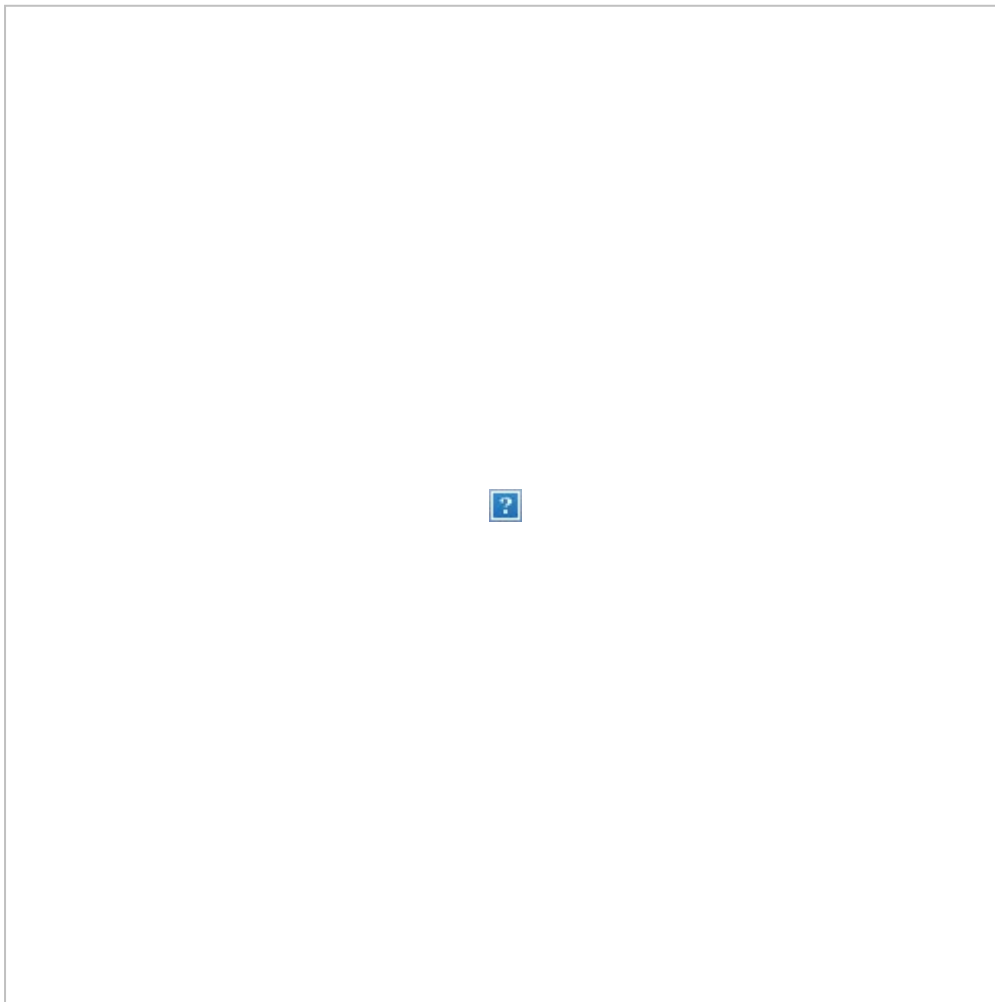
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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FORM 5

**Submission on a notified proposal for policy statement or plan change or variation**

**TO:** Auckland Council  
Private Bag 92300  
Auckland 1142

**1. Submitter's Details**

This submission is made by Carlaw Campus Limited Partnership (the **Submitter**), being the owner of the properties at 12-16 and 20-24 Nicholls Lane, Parnell.

The address for service is as follows:

Carlaw Campus Limited Partnership  
c/- Planning Focus Limited  
PO Box 911361  
Auckland 1142

Phone: 0210 222 1165  
Email: pa@planningfocus.co.nz

**2. Scope of Submission**

The submission relates to Plan Change 102 - Sites and Places of Significance to Mana Whenua - Tranche 2a (**PC102**) to the Auckland Unitary Plan – Operative in Part (**AUPOP**), and in particular the Waipapa Awa Site and Place of Significance to Mana Whenua

**3. General Submission**

The Submitter is the owner of the sites at 12-16 and 20-24 Nicholls Lane, which are directly affected by the proposed Waipapa Awa Site and Place of Significance to Mana Whenua. At least at this juncture, the Submitter opposes the proposed change.

The Waipapa Awa Overlay sits within the building footprint of four multi-storey student accommodation buildings at 20-24 Nicholls Lane, and at the north-eastern extent of four-storey office buildings at 12-16 Nicholls Lane, as highlighted in the figure overleaf.





The Cultural Values Assessment Summary included with the PC102 documentation notes that the proposed Overlay “follows the historic route of the Waipapa stream and incorporates the current overland flow path and lower contours”. It also notes that the stream now mostly flows through stormwater pipes, as is the case at the Submitters site.

Pursuant to rules D21.4.1 (A5) and (A6) of the AUPOP, new buildings, and additions to buildings that increase building footprint require resource consent as a discretionary activity when undertaken within a Site and Place of Significance to Mana Whenua overlay.

The proposed Waipapa Awa Overlay has potential implications on the long term redevelopment of the Submitters site. Regretfully, referencing also the Cultural Values Assessment Summary, it is unclear how the cultural significance of the proposed Overlay is expected to be acknowledged and/or recognised.

The Submitter requires more information from Ngati Whatua in order to better understand the implications of the proposed overlay. The proposed Overlay should also be populated with additional information and provisions so property owners (and Auckland Council, as administrator) understand its purpose and implications.

4. Pending further information, as outlined above, the Submitter seeks that the plan change be declined.
5. The Submitter wishes to be heard in support of this submission.
6. The Submitter may consider presenting a joint case with others.

**Signature:** Planning Focus Limited



---

Paul Arnesen  
Planner/Partner  
For and on behalf of Carlaw Campus Limited Partnership

**Date:** 19 June 2024

## SUBMISSION ON PLAN CHANGE 102: (SITES AND PLACES OF SIGNIFICANCE TO MANA WHENUA) TO THE AUCKLAND UNITARY PLAN OPERATIVE IN PART

### Clause 6 of Schedule 1 of the Resource Management Act 1991

To: Auckland Council  
[unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**KARAKA HARBOURSIDE ESTATES LIMITED** and **PARARĒKAU ISLAND LIMITED** at the address for service set out below (“**KHEL** and **PIL**”) make the following submission in relation to Plan Change 102: Sites and Places of Significance to Mana Whenua to the Auckland Unitary Plan (Operative in Part) (“**Plan Change**” and “**AUPOP**”).

1. KHEL and PIL could not gain an advantage in trade competition through this submission.
2. The submission relates to following aspects of the Plan Change:
  - (a) Proposed inclusion of new item 110 “Pahurehure Islands (Kopuahingahinga/Waikirihinau and Orona/Orewa Islands)” (“**Item 110**”) within Schedule 12 Sites and Places of Significance to Mana Whenua of the AUPOP.
  - (b) Proposed amendments to Schedule 14.1 Schedule of Historic Heritage (“**Schedule 14.1**”).
  - (c) Proposed amendments to the Auckland Unitary Plan GIS Viewer, Tranche 2a – Sites of Significance to Mana Whenua, Site Name – Pahurehure Islands, Site ID – 000172 (“**GIS Viewer**”).

#### ***Scope of submission***

3. KHEL and PIL support in part the Plan Change. In particular, it:
  - (a) Supports inclusion of item 110 within Schedule 12 but seeks that the “Location” column of Item 110 is amended to better reflect the item’s true location; 8.1
  - (b) Seeks amendments that update Schedule 14.1 to reflect the archaeological assessments undertaken by KHEL and PIL during previous resource consent 8.2

processes including, deleting scheduled features confirmed as not present and updating the "Verified Location" and "Verified Legal Description" columns.

- (c) Seeks that the GIS Viewer (ie, planning maps) are amended such that the illustrated extent of Item 110 does not include causeways and easement areas through Kopuahingahinga/Waikirihinau that provide for vehicle and active mode access and network utilities.

8.3

### ***Reasons for submission***

4. The reasons for the submission are as follows:

- (a) Unless the relief sought in this submission is granted, the Plan Change will:
- (i) Result in ongoing AUPOP interpretation and administration issues on the part of Council, KHEL and PIL and other stakeholders;
  - (ii) Create uncertainty in regulatory compliance, consenting and monitoring of Schedule 12 and Schedule 14.1;
  - (iii) Not promote provisions that will be effective or efficient in achieving the objectives of the Plan Change or the AUPOP;
  - (iv) Be inconsistent with the purpose and principles in Part 2 of the Resource Management Act 1991 ("**RMA**");
  - (v) Not represent the most appropriate way to achieve the objectives of the Plan Change and AUPOP in accordance with s 32 of the RMA; and
  - (vi) Not represent best resource management practice.

In particular, but without derogating from the generality of the above:

#### *Schedule 12: Sites and Places of Significance to Mana Whenua Schedule*

- (b) The "Location" column for Item 110 in the Plan Change refers to "149 Capriana Drive, Hingaia Auckland 2580". However, this does not accurately reflect the legal description of the site extent as spatially delineated in the GIS Viewer as proposed to be amended by the submission.

- (c) 149 Capriana Drive is the current address for a land parcel comprising the westernmost part of Pararēkau Island, which is an area not included in the site extent as illustrated on the GIS Viewer. That property address will change to reflect the soon to be titled development on Pararēkau Island as per the plans included at **Attachment 1** to this submission. (BUN60346237<sup>1</sup> and BUN60411077<sup>2</sup>).
- (d) The format of Schedule 12 includes a mix of locational descriptors that include general geographic locations, specific property addresses and legal descriptions. The site extent of Item 110 includes land in both public and private ownership, which is most accurately identified in relation to their legal descriptions, "Part Tidal Lands of Manukau Harbour SO Plan 67474: CMA" and "Lot 1 DP 449405 RT 685651".
- (e) KHEL and PIL therefore request that the "Location" column for Item 110 within Schedule 12 is amended to delete the current, incorrect property address and substitute the legal descriptions above, in order to accurately reflect the actual location and extent of Item 110. This is a more effective and efficient method to achieve the objectives of the Plan Change and the AUPOP.

*Schedule 14.1: Schedule of Historic Heritage*

- (f) Schedule 14.1 contains inaccurate information including scheduled features that are not present, and incorrect location and legal description details.
- (g) The most recent archaeological and heritage assessments of the Pahurehure Islands were undertaken in relation to the consent processes BUN60346237 and BUN60411077. The relevant assessments are set out below:

*BUN60346237*

<b>Report title and reference</b>	<b>Author</b>	<b>Dated</b>
<i>Pararekau Island: addendum to archaeological assessment</i>	<i>CFG Heritage</i>	<i>12 November 2018</i>
<i>Archaeological Assessment</i>	<i>Russell Foster and Associates</i>	<i>August 2017</i>
<i>Addendum to Heritage Impact Assessment</i>	<i>Plan. Heritage Ltd</i>	<i>20.9.2019</i>
<i>Archaeological Management Plan</i>	<i>Plan. Heritage Ltd</i>	<i>September 2019</i>
<i>Archaeological Management Plan</i>	<i>Russell Foster and Associates</i>	

*BUN60411077*

<b>Report title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
<i>Archaeological/ Heritage Impact Assessment</i>	<i>Plan.Heritage</i>	<i>1</i>	<i>05 October 2022</i>

<sup>1</sup> LUC60346280, SUB60346281, DIS60346239, CST6034623

<sup>2</sup> LUC60411079, DIS60411078

- (h) The assessments set out above refer to an Auckland Council Heritage Review by the Auckland Council Heritage Team in 2017 that included a number of recommended changes to the Schedule 14.1, which have not been included in PC102:

*In addition to the Heritage NZ criteria, Auckland Council have criteria for scheduling under the AUPOP. 10 of the archaeological sites on the Island have been scheduled as a Category B historic heritage place of considerable significance, under criterion D: knowledge (AUPOP ID 660, 661, 663, 662, 658, 659, 682, 689, 684 and 683). Although these sites have been scheduled by Auckland Council, this level of significance does not appear to be supported by the findings of the Russell Foster and Associates report for most of the sites, with the notable exception of R12/194 and R12/195 which have been assessed as more archaeologically significant. The archaeological review by Auckland Council in 2017 recommended that ID 663, 662, 658, 659, 682, 689, 684 and 683 be removed from the Schedule (subject to an assessment of Mana Whenua values). (Addendum to Heritage Impact Assessment Plan. Heritage Ltd, 20.9.2019)*

- (i) KHEL and PIL seeks that Schedule 14.1 is updated to ensure it is accurate, including by making the changes necessary to reflect the most recent archaeological and heritage assessments of the Pahurehure Islands. This approach:
- (i) Will avoid future plan interpretation issues including when individual lot owners seek to develop dwellings or undertake works on lots located near a site identified in Schedule 14.1, but which has been shown to no longer exist; and
  - (ii) Is accordingly a more effective and efficient method to achieve the objectives of the Plan Change and the AUPOP,

*Proposed Amendments to the Auckland Unitary Plan GIS Viewer (Planning Maps)*

- (j) KHEL and PIL agree with the PC102 evaluation report (Preferred Option 3) that:

*The application of the SSMW is an efficient and effective response to Kopuahingahinga and Orona Islands where they are largely undeveloped. Scheduling of these islands will encourage active mana whenua involvement in the management of the islands, particularly where development is concerned.*

*The scheduling of the CMA is an effective method to protect these customary fishing grounds from future disturbance. As the development of Pararēkau Island is completed, and an esplanade reserve is vested in council around the island, the scheduling of the CMA will complement conservation, education and possibly water access for the community.*

*This option is recommended as the most effective option to achieve the objective of the plan change to provide for the relationship of mana whenua with their cultural heritage by recognising and protecting the tangible and intangible Māori cultural values of the Pahurehure Islands.*

- (k) KHEL and PIL have had a long association with Mana Whenua through the subdivision, use and development of Pararēkau Island and have worked collaboratively to respect Mana Whenua values and interests.

- (l) KHEL and PIL support the mixed method approach of the Plan Change which applies the site extent of Item 110 to the Pahurehure Islands with the exclusion of Pararēkau Island. This approach is the most efficient and effective response to the management of this urbanised site given the overlapping nature of the Plan Change 78 response to Pararēkau Island, and the agreed position reached between iwi and KHEL and PIL in relation to that process.
- (m) As notified, the GIS Viewer as proposed by the Plan Change will apply Item 110 to the causeways (one in part) and easement areas that provide for vehicle and active mode access and provision of utilities across Kopuahingahinga/Waikirihinau Island, and pedestrian/cycle structures in the Coastal Marine Area adjacent the causeways. Details of the causeways and accesses are provided at **Attachment 2**, in summary:
- (i) The first causeway, running between Karaka Harbourside and Kopuahingahinga/Waikirihinau, is partially included in the site extent for Item 110 ("**Causeway 1**"). Causeway 1 is legally described as Lot 1 DP 196443, 2641 square metres more or less, and is under the ownership of KHEL and PIL.
  - (ii) The second causeway, running between Kopuahingahinga/Waikirihinau and Pararēkau ("**Causeway 2**") is legally described as Lot 2 DP 196443, 1600 square metres more or less, and is also under the ownership of KHEL and PIL.
  - (iii) Kopuahingahinga/Waikirihinau Island itself is legally described as Lot 1 DP 449405, 6.7963 hectares more or less, and is under the ownership of KHEL.
- (n) Causeway 1, Causeway 2 and the access way through Kopuahingahinga/Waikirihinau form a private extension of the public Capriana Drive from Karaka Harbourside to Pararēkau ("**Capriana Drive extension**"). The AUPOP planning maps, consistent with the majority of Auckland's road network, does not apply an AUPOP zone to the Capriana Drive extension.
- (o) Neither BUN60346237 nor BUN60411077 provide for vesting of any part of the Capriana Drive extension. Accordingly, it will remain in private ownership, and operation, use, maintenance, repair and upgrading obligations will be prescribed in rights of way.

- (p) As well as providing for vehicle and active mode access, the Capriana Drive extension will also provide a corridor for Network Utility Services (water, wastewater, power, communications). These will also remain in private ownership, with operation, use, maintenance, repair and upgrading obligations prescribed in easement documents.
- (q) The Plan Change has not described or assessed how the regulatory framework would apply to the operation, use, maintenance, repair and upgrading of the vehicle and active mode access ways, and Network Utilities, located in the Capriana Drive extension and to which Item 110 would apply. For example:
- (i) AUPOP D21 Sites and Places of Significance to Mana Whenua Overlay provides a planning framework for activities in the overlay. Table D21.4.1 specifies the activity status of land use and development, subdivision and works, occupation or activity in the coastal marine area pursuant to sections 12(1), 12(2) or 12(3) of the RMA, and includes a range of activities (A3)-(A6) which would require resource consent. Given that the Capriana Drive extension will comprise vehicle and active mode access corridors prescribed under registered rights of way, and Network Utilities activities prescribed under registered easements, KHEL and PIL say the activities are unlikely to occur, and the protections under D21 are accordingly not required.
- (ii) Further, the effect of the inclusion of the Capriana Drive extension within the site extent of Item 110 on Schedule 12 is that:
- In relation to Network Utilities, a range of activities that might otherwise be permitted under Table 26.6.3.1 may require resource consent pursuant to Table E26.10.3.1.
  - In relation to vehicle and active mode access ways, activities that would otherwise be permitted under Table E26.2.3.2, (A67), (A68), (A70) may require resource consent under E12.4.2 (A28)-(A33) due to the Capriana Drive extension being a private way, rather than a private road under section 315 of the Local Government Act 1974.
- (r) Effects associated with the installation and ongoing maintenance, renewal, repair and upgrading of the vehicle and active mode access and Network Utilities within the Capriana Drive extension were comprehensively assessed as part of the



consent process which resulted in the granting of BUN60346237 and BUN60411077, such that it is unnecessary to include additional regulatory control via E26.6.3.1 and E26.10.3.1.

### Relief sought

5. KHEL and PIL seeks that the Plan Change be amended as follows:

(a) Amend Schedule 12 Sites and Places of Significance to Mana Whenua as follows:

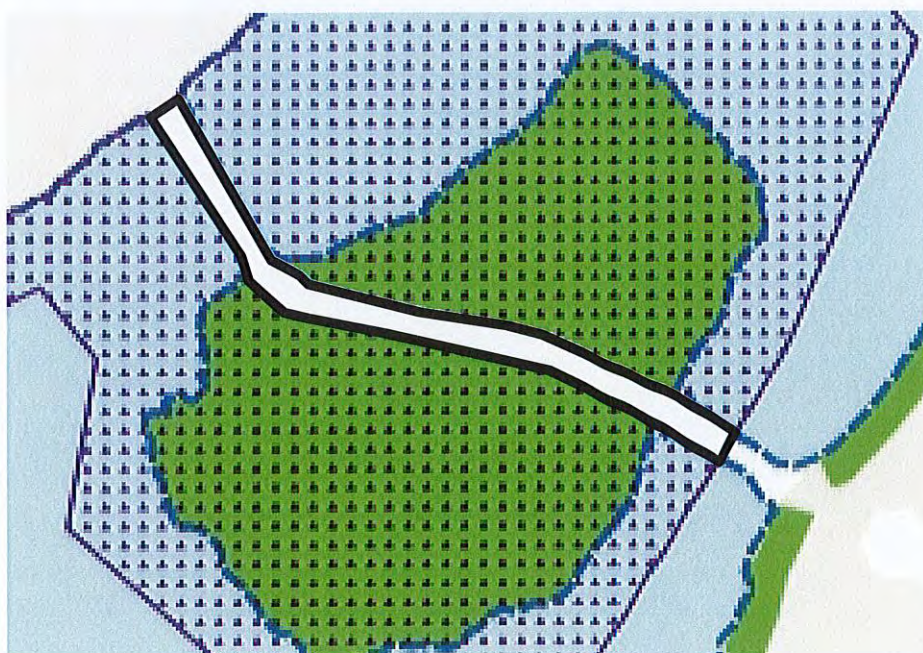
Schedule ID	Name	Location	Description
109	Pahurehure Islands (Kopuahingahinga/ Waikirihinau and Orona/Orewa Islands)	<del>149 Capriana Drive, Hingaia Auckland 2580</del>  <u>Part Tidal Lands of Manukau Harbour Survey Office Plan 67474; CMA</u>  <u>Lot 1 Deposited Plan 449405 RT 685651</u>	Islands, kaingamahinga kai, wahi tapu

(b) Amend Schedule 14.1 Schedule of Historic Heritage as follows, with consequential amendments to the Auckland Unitary Plan GIS Viewer (Planning Maps), Historic Heritage Overlay.

ID	Place Name or Description	Verified Location	Verified Legal Description	Category	Heritage Values	Extent of Place	Additional Rules for Archaeological Sites or Significance	Place of Maori Interest or Significance
655	Orona settlement site R12_167	Orona / <del>Orewa</del> Island (east of Pararekau Island). Manukau Harbour	Part Tidal Lands of Manukau Harbour Survey Office Plan 67474; CMA	B	<del>C,D</del>	Refer to planning maps	Yes	Yes
658	<del>Midden R12_192</del>	<del>Pararekau Island, 149 Capriana Drive, Hingaia</del>	<del>Allotment 44 PSH OF Papakura</del>	B	D	<del>Refer to planning maps</del>	Yes	Yes
659	<del>Midden R12_193</del>	<del>Pararekau Island, 149A Capriana Drive, Hingaia</del>	<del>Allotment 44 PSH OF Papakura</del>	B	D	<del>Refer to planning maps</del>	Yes	Yes
660	Midden R12_194	Pararekau Island, <del>149A Capriana Drive, Hingaia</del>	<del>Lot 1 1000 DP 476406</del> <u>Pending Esplanade Reserve</u>	B	D	Refer to planning maps	Yes	Yes

661	Midden R12_195	Pararekau Island, 149A Capriana Drive, Hingaia	Lot 1-1000 DP 476406  Pending Esplanade Reserve	B	D	Refer to planning maps	Yes	Yes
662	Midden R12_196	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B	D	Refer to planning maps	Yes	Yes
663	Pit R12_197	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B	D	Refer to planning maps	Yes	Yes
664	Gum digger site R12-198	147 Capriana Drive, Hingaia  Kopuahingahinga/Waikirihinau	Allotment 46 PSH OF Papakura  Lot 1 Deposited Plan 449405	B	D	Refer to planning maps	Yes	Yes
682	Midden R12_692	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B	D	Refer to planning maps	Yes	Yes
683	Midden R12_693	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B	D	Refer to planning maps	Yes	Yes
684	Midden R12_694	Pararekau Island, 149A Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B	D	Refer to planning maps	Yes	683
689	Midden R12_744	Pararekau Island, 149 Capriana Drive, Hingaia	Allotment 44 PSH OF Papakura	B	D	Refer to planning maps	Yes	Yes

- (d) Amend the site extent shown on the Auckland Unitary Plan Operative in Part GIS Viewer (Planning Maps) to exclude the Capriana Drive extension, as follows:



- (e) Amend the Auckland Unitary Plan GIS Viewer (planning maps) Site ID reference to be consistent, as follows:
- Tranche 2a – Sites of Significance to Mana Whenua

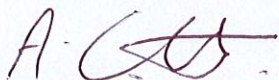
- Site Name - Pahurehure Islands
- ~~Site ID - 000172~~
- Site ID - 000110

(f) Any other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

6. KHEL and PIL wish to be heard in support of this submission. If other parties make a similar submission, KHEL and PIL would consider presenting a joint case with them at the hearing.

DATED this 19th day of June 2024

**KARAKA HARBOURSIDE ESTATES LIMITED  
PARARĒKAU ISLAND LIMITED**



**Andrew Frost (General Manager)**

**ADDRESS FOR SERVICE:**

Karaka Harbourside Estates Limited

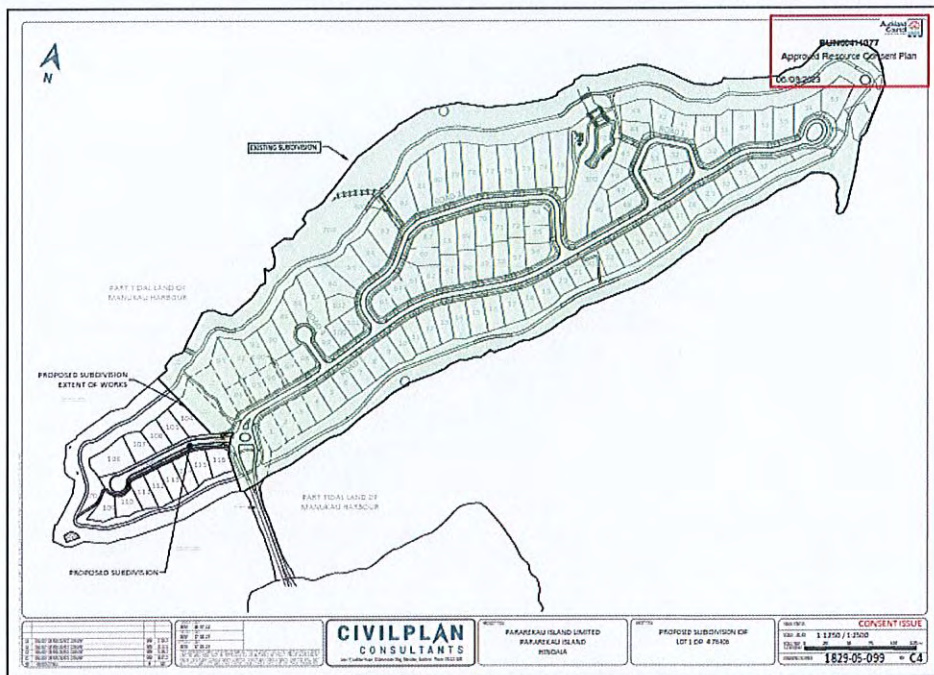
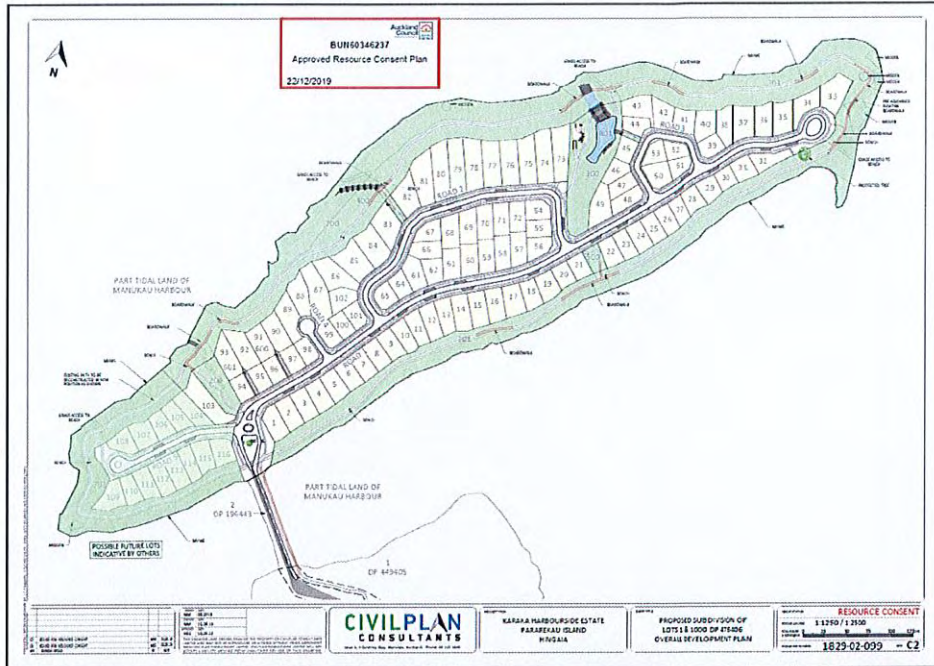
Pararēkau Island Limited

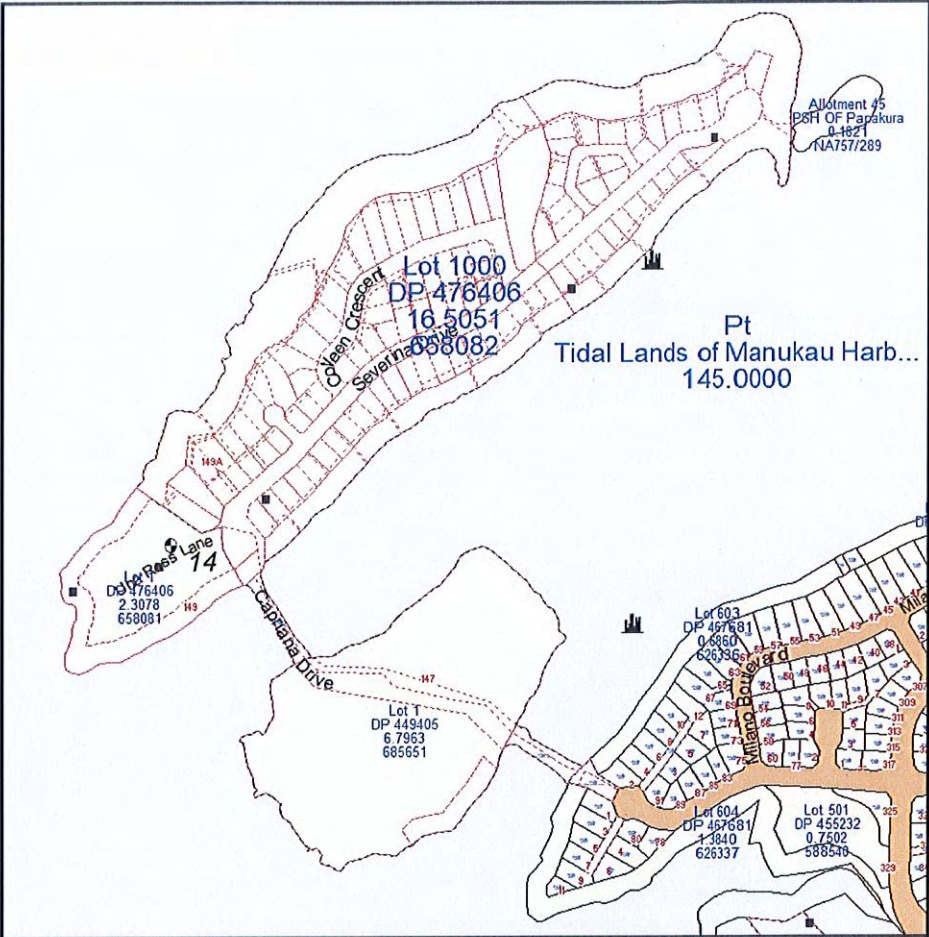
PO Box 202-215 Southgate, Takanini, Auckland 2246

Telephone: 0224312497.

**Attention:** Andrew Frost, [andrew.frost@rossholdings.co.nz](mailto:andrew.frost@rossholdings.co.nz).

### Attachment 1 149 Capriana Drive – location plans



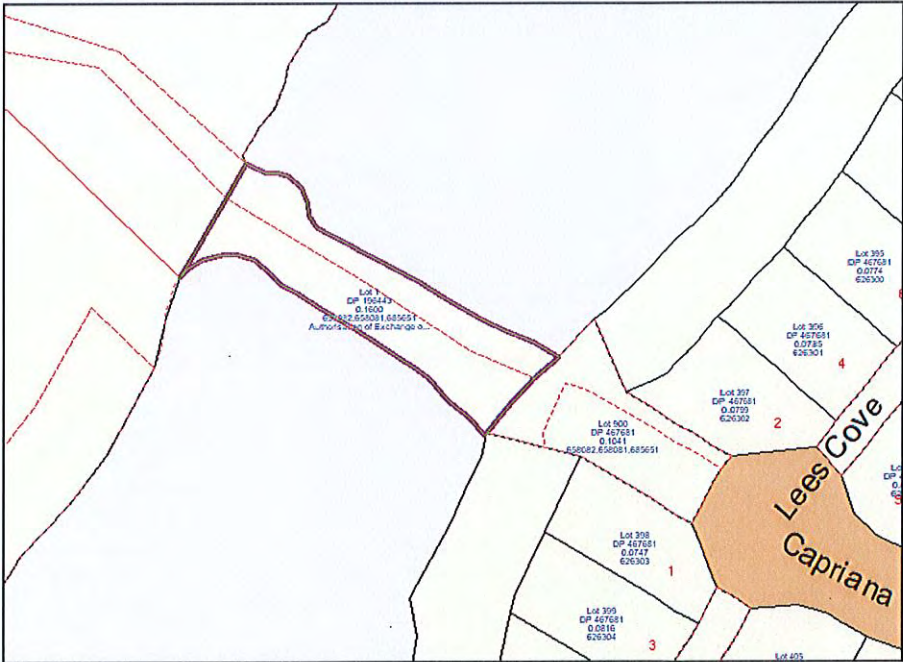


Quickmap Property Information: 05 May 2024

Attachment 2  
Causeways and access way across Kopuahingahinga/Waikirihinau



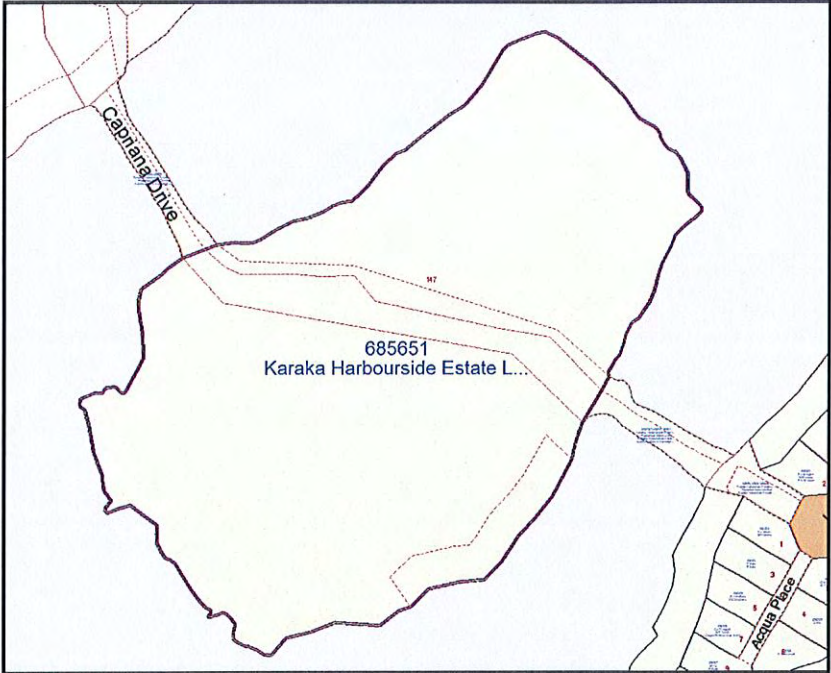
Excerpt from Council Geomaps showing “unzoned” causeways and accessway.



Causeway 1 – from Karaka Harbourside to Kopuahingahinga/Waikirihinau



Causeway 2 – between Kopuahingahinga/Waikirihinau and Pararékau



Kopuahingahinga/Waikirihinau

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of a submission by **DOMAIN  
GARDENS LIMITED** on  
**PROPOSED PLAN CHANGE  
102** to the **AUCKLAND  
UNITARY PLAN**

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**SUBMISSION OF DOMAIN GARDENS LIMITED ON PROPOSED PLAN CHANGE  
102 TO THE AUCKLAND UNITARY PLAN**

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To: Auckland Council  
unitaryplan@aucklandcouncil.govt.nz

**1. INTRODUCTION**

- 1.1 This is a submission by Domain Gardens Limited ("Domain Gardens") on Proposed Plan Change 102 to the Auckland Unitary Plan ("PC 102").
- 1.2 Domain Gardens could not gain an advantage in trade competition through this submission.
- 1.3 Domain Gardens owns land at 1 Domain Drive, Parnell, Auckland ("property"). PC 102 proposes to add the Waipapa Awa ("Awa") to Schedule 12 (Sites and Places of Significance to Mana Whenua) of the AUP. The extent of the Awa, as shown in Attachment 2k to the PC 102 maps includes a section that is on Domain Gardens' property. That section of Attachment 2k is **attached** to this submission.
- 1.4 Domain Gardens opposes the inclusion of the Awa in Schedule 12 as regards Domain Gardens' property due to the significant uncertainty arising from its inclusion. The reasons for that submission are addressed in section 2 below.



## 2. REASONS FOR SUBMISSION

2.1 The property is zoned Residential – Terraced Housing and Apartment Building in the AUP. Domain Gardens purchased the property for the purpose of undertaking residential development on it.

2.2 Domain Gardens understands that:

- (a) The part of the Awa identified in Attachment 2k on the property emanated from a natural spring that formed the headwaters of the Awa and the Awa then flowed from those headwaters down Parnell Valley;
- (b) The Awa was culverted / diverted when construction of what was then known as the Kaipara-Waikato railway commenced in the second half of the 19<sup>th</sup> century;
- (c) The railway included construction of the Parnell Tunnel; and
- (d) The section of that railway through Parnell, including the Parnell Tunnel, and onto Newmarket is now part of the Auckland City railway network and is also subject to a KiwiRail designation.

2.3 Domain Gardens' also understands that the Awa once flowed from its property, or land beneath its property – noting that:

- (a) The property is above the Parnell Railway Tunnel;
- (b) There are significant uncertainties regarding modification of the landform to construct the Parnell Railway Tunnel, given how long ago that occurred; and
- (c) Methods to construct the Parnell Railway Tunnel included cut and cover.

2.4 There are no traces of the Awa on the property.

2.5 In addition to those uncertainties, there are two issues of significant concern to Domain Gardens:

- (a) Uncertainty in relation to what is required by the provisions of Part D21 of the AUP regarding protection and enhancement of sites and places of significance to Mana Whenua; and
- (b) Uncertainty in relation to who a processing officer at Auckland Council ("AC") might in the future identify as being Mana Whenua.

2.6 Each of the above issues is addressed below.

### Uncertainty regarding Part D21 of the AUP

- 2.7 Inclusion in Schedule 12 of the section of the AWA shown on Domain Gardens' property would result in Domain Gardens having to obtain a discretionary activity resource consent for development of the property. The provisions of D21 of the AUP would then have to be considered in the processing of the application for that resource consent, including with respect to who might be given notification of the application.
- 2.8 The objectives and policies of Part D21 of the AUP provide absolutely no certainty to Domain Gardens regarding what might be required to "protect and enhance"<sup>1</sup> the AWA or ensure it is "protected from inappropriate subdivision, use, and development."<sup>2</sup> What that might be could only be determined via engagement with Mana Whenua – it could be something relatively simple and straightforward or it could be something that would result in development not being feasible or economically viable.
- 2.9 Domain Gardens will always seek to engage constructively with Mana Whenua with the aim of:
- (a) Agreeing to a means by which their relationship with their ancestral land, water, etc can be recognised and provided for in terms of section 6(e) of the Resource Management Act 1991 ("RMA"); and
  - (b) Ensuring that particular regard is given to kaitiakitanga in terms of section 7(a) of the RMA.
- 2.10 Domain Gardens' issue is not with constructive engagement with Mana Whenua, its issue is the uncertainty arising from the open-ended provisions of Part D21 of the AUP in relation to inclusion in Schedule 12 of the section of the Awa shown on Domain Gardens' property.
- 2.11 In that regard, the section 32 report for PC 102 states, possibly somewhat optimistically, the following:

*"10.30. Scheduling the Waipapa Awa does not prevent development from occurring, but does seek to ensure development does not result in further degradation of the stream. In areas where the historical extent is mapped, the scheduling seeks design acknowledgement in future development to recognise the cultural significance."*

(Emphasis added.)

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<sup>1</sup> Objective 1.

<sup>2</sup> Objective 2.

2.12 The text to the footnote to the above quote states:

*"Refer to photo 5 of Waipapa Awa in Attachment 7 – some design recognition already exists with the Carlaw Mixed Use Precinct"*

(Emphasis added.)

2.13 Photo 5 shows a metal plaque in the footpath in the Carlaw Mixed Use Precinct ("Precinct"). That plaque was not put there by the developer of the Precinct. Presumably it was put there by AC. More importantly, the provisions of Part D21 of the AUP do not even use the words "design acknowledgement" or "design recognition" and they form no part of PC 102 as notified. The objectives and policies in Part D21 of the AUP are not limited to any "design acknowledgement" or "design recognition." The provisions in Part D21 are very broad.

2.14 In light of the above, there is very significant uncertainty for Domain Gardens arising from the section of the Awa shown on Domain Gardens' property being included in Schedule 12 in terms of what might be required regarding protection and enhancement of the Awa. Domain Gardens is therefore opposed to inclusion of that section of the Awa in Schedule 12.

### **Uncertainty regarding Mana Whenua**

2.15 Part D21.5 of the AUP provides that:

- (a) The usual tests for notification in the RMA apply to resource consent applications required in relation to sites and places of significance to Mana Whenua; and
- (b) In deciding who affected persons are, AC will give specific consideration to the persons listed in Rule C1.13(4).

2.16 The persons listed in Rule C1.13(4) include "the iwi authority in whose rohe the proposal is located." It is not clear on the face of that provision how many iwi authorities an AC processing officer might identify as requiring limited notification on the basis that:

- (a) AC recognises 19 iwi authorities;<sup>3</sup> and
- (b) AC's interactive "Maori Identity & Wellbeing Interactive Map" identifies the Domain Gardens' property as having 14 to 15 "Tribal Area Overlaps."

<sup>3</sup> [The hapū and iwi of Tāmaki Makaurau \(aucklandcouncil.govt.nz\)](https://www.aucklandcouncil.govt.nz)

- 2.17 In addition, using AC's website and entering the address of the property turns up 15 iwi authorities who are supposedly all "Mana Whenua" in relation to the property.
- 2.18 That creates very significant uncertainty for Domain Gardens and potentially significant time and costs if Domain Gardens has to engage with 15 different iwi authorities, all of whom would receive limited notification of any application for consent and, consequently, the right to submit in opposition and be heard.
- 2.19 Domain Gardens considers that that would be contrary to the provisions of Part D21 of the AUP in that the provisions in that part of the AUP are about "Mana Whenua" interests. Domain Gardens understands that:
- (a) Ngāti Whātua Orākei ("Ngāti Whātua") are Mana Whenua and kaitiaki of the area and have maintained ahi kaa (the fires of occupation) in relation to the area since at least 1740;
  - (b) The land that became the Auckland Domain was, and still is, the ancestral land of Ngāti Whātua;<sup>4</sup> and
  - (c) The Awa formed one of the boundaries of the Domain prior to construction of the railway.
- 2.20 Domain Gardens received a letter dated 14 November 2022 from Ms Celia Davison, Manager Planning (Central/South), of AC advising that Ngāti Whātua had nominated the Awa as a heritage site.
- 2.21 Despite the above, PC 102 as notified does not even recognise Ngāti Whātua in the "Nominated by Mana Whenua" column of the amended Schedule 12 to PC 102. In comparison, the operative provisions of Schedule 12 do identify, for some entries, the nominating Mana Whenua, including some entries for Ngāti Whātua.
- 2.22 For the reasons stated above, inclusion in Schedule 12 of the section of the Awa shown on Domain Gardens' property creates very significant uncertainty for Domain Gardens and:
- (a) Is not efficient or effective in terms of achieving the objectives in Part D21 of the AUP;

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<sup>4</sup> See the 2018 evidence of Ngarimu Blair presented to the Environment Court regarding the direct referral application for consent for the necessary infrastructure for the America's Cup. Also see Chapter 3 of the Waitangi Tribunal's 1987 Orakei Report, especially pages 18 and 19 regarding the mana of Ngāti Whātua on the Tamaki Isthmus, central Auckland being the ancestral land of Ngāti Whātua, and the exercise of ahi kaa by Ngāti Whātua.

- (b) Potentially creates significant economic costs for Domain Gardens;
- (c) Is contrary to sound planning and practice; and
- (d) Could result in the purpose of the RMA not being achieved with respect to Domain Gardens being able to provide for its economic wellbeing.

2.23 Given the above, Domain Gardens is opposed to inclusion in Schedule 12 of the section of the Awa shown on Domain Gardens' property. Nevertheless, Domain Gardens has commenced initial engagement with Ngāti Whātua regarding the Awa and will continue that engagement irrespective of the outcome of the PC 102 process. It was agreed at that initial engagement that the part of the Awa shown on the Domain Gardens' property cannot be reinstated and further engagement with Ngāti Whātua will focus on how the Awa can be recognised and provided for.

3. **RELIEF SOUGHT**

3.1 The relief sought by Domain Gardens is:

- (a) That the section of the Awa shown on the Domain Gardens' property is not included in Schedule 12 to the AUP; or 9.1
- (b) Failing that, then:
  - (i) Clear identification in Schedule 12 of the relevant Mana Whenua in terms of any consultation for resource consent applications or other related planning matter purposes regarding the Awa; and 9.2
  - (ii) Such further or other relief, including consequential relief, as will address the reasons addressed in this submission.

3.2 Domain Gardens wishes to be heard in support of its submission.

**DATED** at **AUCKLAND** on 21 June 2024



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S J Berry / C D H Malone  
**Counsel for Domain Gardens Limited**

Addresses for service:

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simon@berrysimons.co.nz / craig@berrysimons.co.nz



0 385 770 1,540 Meters

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### Tranche 2 - Sites of Significance to Mana Whenua

Site Name - Waipapa Awa

Site ID - 0255



Plans and Places

 Tranche 2 - nominated sites extent

**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Phil Wihongi  
**Date:** Friday, 21 June 2024 3:15:25 pm  
**Attachments:** [NWO Submission - PC 102 Sites and Places of Significance to Mana Whenua FINAL.pdf](#)

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The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Phil Wihongi

Organisation name: Ngāti Whātua Ōrākei Trust

Agent's full name:

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Contact phone number: 021723376

Postal address:  
PO Box 90465  
Victoria Street  
Auckland  
Auckland 1042

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:

The Plan Change in its entirety, as described in the attached submission.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

As described in the attached submission.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: As described in the attached submission.

Submission date: 21 June 2024

Supporting documents

NWO Submission - PC 102 Sites and Places of Significance to Mana Whenua FINAL.pdf



**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
No

**Declaration**

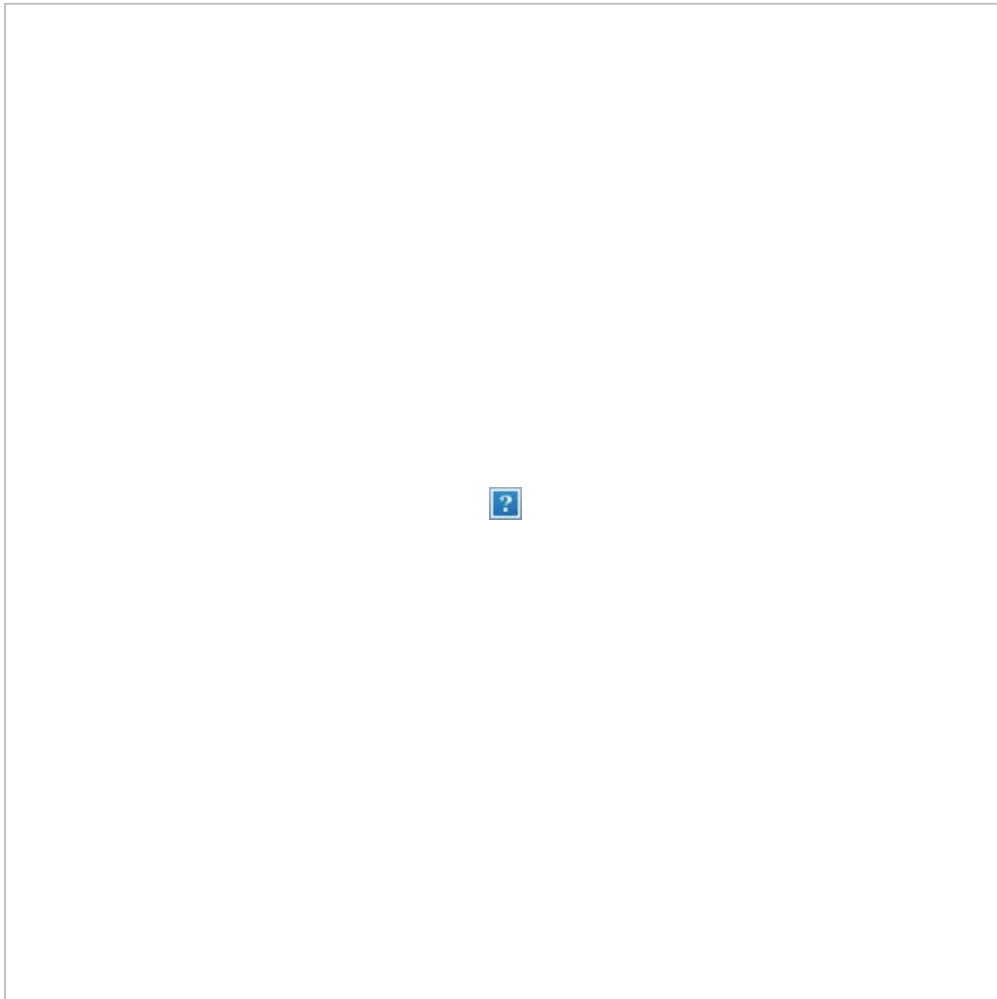
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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To: Auckland Council

Re: Submission on Plan Change 102 – Sites and Places of Significance to Mana Whenua Tranche 2a (**PC102**) – Ngāti Whātua Ōrākei Trust (**Ngāti Whātua Ōrākei**)

Name of Submitter: Ngāti Whātua Ōrākei Trust Attn: Phil Wihongi

Address for Service: Phil Wihongi Philw@nwo.iwi.nz

Date: 21 June 2024

---

Ko Maungakiekie te maunga

Ko Waitematā te moana

Ko Te Taoū, ko Ngāoho, ko Te Uringutu ngā hapū

Ko Ngāti Whātua Ōrākei te iwi

**Submission Information:**

This is a submission by Ngāti Whātua Ōrākei on the Proposed Plan Change (PC102) on Sites and Places of Significance to Mana Whenua (Tranche 2a).

The specific provisions of PC102 that Ngāti Whātua Ōrākei's submission relates to and reasons for Ngāti Whātua Ōrākei's position in relation to those provisions are set out in section 3.0 of this submission.

Ngāti Whātua Ōrākei generally supports PC102, subject to the amendments to the proposed additions to Schedule 12 and site extent of the Waipapa Awa, nominated by Ngāti Whātua Ōrākei, as listed in **Attachment 1**.

Ngāti Whātua Ōrākei could not gain an advantage in trade competition through this submission.

Ngāti Whātua Ōrākei wishes to be heard in support of this submission.

## 1.0 Introduction to Ngāti Whātua Ōrākei

Ngāti Whātua Ōrākei Trust represents the collective rangatiratanga and tribal authority of the descendants of Tuperiri who established Ngāti Whātua Ōrākei mana in Tāmaki, the central Auckland Isthmus and Waitematā from the 1740s. As such, every member of Ngāti Whātua Ōrākei can trace their whakapapa to Tuperiri and are descended from the 3 hapū (sub-tribes): Te Taoū, Ngāoho, and Te Uringutu, collectively referred to as Ngāti Whātua Ōrākei. Ngāti Whātua Ōrākei is driven by its vision *kia rere te kāhu pokere ki ngā taumata tiketike* (to soar and fly to the highest heights) and its mahi is underpinned by its uara, the values that ground it to tikanga Māori.

Ngāti Whātua Ōrākei are the tangata whenua of central Tāmaki the northern Manukau Harbour and the Waitematā on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), tuku whenua (traditional gifting of land), which demonstrates mana i te whenua; and ahi kā (continuous and unbroken occupation and use of land and sea). Our people have lived off the bounty of the Tāmaki since the mid-18th century. The rohe of Ngāti Whātua Ōrākei – Te Kahu Tōpuni o Tuperiri – is shown in **Figure 1** below.

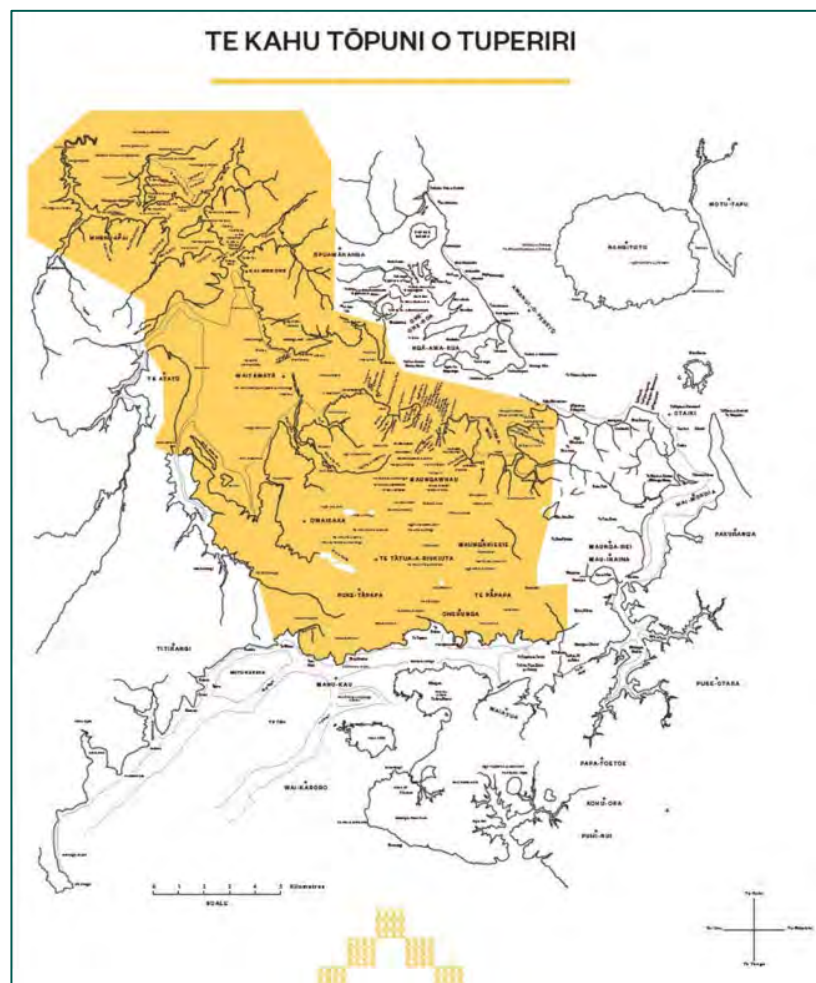


Figure 1 Map showing Ngāti Whātua Ōrākei's rohe in Tāmaki Makaurau – Te Kahu Tōpuni o Tuperiri.

Ngāti Whātua Ōrākei have approximately 7,500 Hapū members throughout Aotearoa New Zealand and around the world. Located in and around the Tāmaki isthmus, in the largest city in Aotearoa, we hold firm to our history, culture, identity and language. While Hapū members are located throughout the motu, the vast majority reside in Tāmaki Makaurau. Today the collective affairs of Ngāti Whātua Ōrākei are looked after by the Ngāti Whātua Ōrākei Trust. The Trust’s purpose is to ensure the cultural, commercial, and social development of Ngāti Whātua Ōrākei for the benefit of its members through receiving, administering, managing, protecting, and governing its assets.

## 2.0 PC 102: Sites and Places of Significance to Mana Whenua Tranche 2a

Proposed Plan Change 102 (PC102) is a council-initiated plan change, which aims to introduce nine Sites and Places of Significance to Mana Whenua (SSMW) to Schedule 12 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)).

The additions to the SSMW Schedule, proposed through PC102 are shown on the overall location map layout (refer Figure 2 below), which was notified as part of the Plan Change on 23 May 2024.



Figure 2 Plan Change 102 proposed changes, Overall Location Map Layout (Source: Auckland Council)

### 3.0 Ngāti Whātua Ōrākei – General Comments

#### 3.1 Overall Approach

Ngāti Whātua Ōrākei are **generally supportive** of PC102 (and Proposed Plan Modification 15 (Hauraki Gulf Islands Section)), and its purpose to provide for the relationship of mana whenua with their cultural heritage by recognising and protecting the tangible and intangible Māori cultural values of 12 sites and places within Tāmaki Makaurau.

In particular, Ngāti Whātua Ōrākei acknowledge and support Auckland Council’s proposal to include an additional **two SSMW** in Schedule 12 of the AUP(OP) that were nominated by Ngāti Whātua Ōrākei (Te Rae o Kāwharu and Waipapa Awa – these two sites are discussed below). Ngāti Whātua Ōrākei also commend the efforts of Auckland Council with preparing PC102. In Ngāti Whātua Ōrākei’s opinion, the process that has been followed by Auckland Council in identifying and engaging with Ngāti Whātua Ōrākei as the “appropriate” group in relation to the two SSMW nominated and included in PC102 is an example of Auckland Council getting the mana whenua engagement and consultation process and approach generally “right”. Ngāti Whātua Ōrākei wish to see such a process and approach continue in respect of sites within its rohe. Accordingly, to facilitate this approach and provide direction to the Council and plan users, Ngāti Whātua Ōrākei seek that the nominating group in relation to each SSMW be specifically named in the “Nominated by Mana Whenua” column of Schedule 12, subject to ensuring only the ‘appropriate’ or ‘local’ iwi and hapū who are the tangata whenua at place (and so those who hold ahi kā status) for the relevant site and/or place are recognised as the nominating group. This does not mean that other iwi or hapū do not have an interest in any particular site, but rather appropriately recognises those who are the tangata whenua.

#### 3.2 Recognition of Tangata Whenua

As a general overarching comment, Ngāti Whātua Ōrākei’s position is that only “appropriate” and correct iwi and hapū must be considered, consulted and involved in plan and resource consent processes that relate to identified SSMW. Ngāti Whātua Ōrākei therefore seeks that the Schedule (Schedule 12 of the AUP(OP)), and the AUP(OP) more broadly (including consequential amendments to Chapter D21 Sites and Places of Significance to Mana Whenua Overlay) ensures that the ‘appropriate’ or ‘local’ hapū, and iwi who are the tangata whenua (and so those who hold ahi kā status) for the relevant site and/or place are recognised and consulted with. Ngāti Whātua Ōrākei is concerned that failure to involve those who are the ‘right’ tangata whenua in decision making processes associated with the SSMW that have been nominated by them, could lead to poor outcomes. Similarly, recognising and consulting entities who are not tangata whenua may result in unnecessary delays and conflicts in decision making processes.

Ngāti Whātua Ōrākei exercises its Tangata Whenua status within the ‘heartland’ of our rohe (as shown in **Figure 3** below). The High Court has issued a declaration that Ngāti Whātua Ōrākei has ahi kā and mana whenua (authority over the land) within this area (see *Ngāti Whātua Ōrākei Trust v Attorney-General* (No.5) [2023] NZHC 74 at [8]):

*“Ngāti Whātua Ōrākei currently have ahi kā and mana whenua in relation to the area identified in Map 1 of the substantive judgment of 28 April 2022 in central Tāmaki Makaurau, with all the obligations at tikanga that go with that, according to the tikanga and historical tribal narrative and tradition of Ngāti Whātua Ōrākei.”*

Allowing any iwi and hapū to participate in engagement and decision making relating to SSMW, without considering whether they are the ‘right’ hapū and iwi to do so facilitates further claims upon territories and resources within the rohe of tangata whenua (as Ngāti Whātua Ōrākei has historically experienced in Local Government Act and Resource Management Act processes). This is not just an issue for Ngāti Whātua Ōrākei, but many iwi and hapū throughout Tāmaki Makaurau and Aotearoa.

Ngāti Whātua Ōrākei has been frustrated by the persistent lack of direction being displayed by Auckland Council in this space. Too often the Council incorrectly groups Ngāti Whātua Ōrākei with other iwi and hapū in engagement on Council projects. On a number of occasions, various iwi and hapū have been erroneously involved in engagement for projects within our SSMW in central Tāmaki where we hold ahi kā status. At other times, Ngāti Whātua Ōrākei has been consulted on projects within parts of the wider region where we would expect to defer to those iwi and hapū who hold ahi kā status there. Such inefficiencies have led to instances of the “appropriate” iwi and hapū not being involved at all, or their feedback being lost or detracted from throughout the process. Not only do these actions by the Council fail to acknowledge our status as tangata whenua in central Tāmaki, but enabling up to 21 iwi / hapū to consult on and be involved in significant decision-making processes results in substantial inefficiencies and additional costs. This is completely unsatisfactory in all instances, but particularly in relation to the SSMW in Schedule 12, when the ‘right’ iwi and hapū have already been formally identified, in part to avoid such outcomes.

Ngāti Whātua Ōrākei oppose the footnotes that have been added in the Cultural Values Assessments (Attachment 3 to PC102) that:

*the nominating entity is the hapū/iwi group(s) that have nominated the place for assessment and does not necessarily correlate to primary or exclusive interest in a place, for example some hapū/iwi work together to divide the many heritage places that need assessment into work allocations, while other hapū/iwi may have interests but are not actively participating in a given place assessment due to capacity or other issues. Reference to the nominating hapū/iwi is not in the schedule itself due to risk of misinterpretation and misapplication<sup>1</sup>.*

Ngāti Whātua Ōrākei also oppose the comment at para 2.10 in the Council’s s32 report, that states:

*Mana whenua have requested that any references to ‘nominating iwi’ be left blank in the schedules and appendices so as to not give an impression to plan users that only the nominating iwi have an interest in any particular site<sup>2</sup>.*

Comments in the s32 report notwithstanding, Ngāti Whātua Ōrākei consider the Council as a consent

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<sup>1</sup> Footnote included in Attachment 3 Cultural Values Assessments, to PC102.

<sup>2</sup> Para 2.10 (page 9) of the Councils s32 Statutory Assessment Report for PC102.

authority and decision maker, can and should assess the relative strength of iwi and hapū relationships within an area, where that claim is properly grounded in tikanga Māori. This position has been recognised and supported by the High Court (see *Ngāti Maru Trust v Ngāti Whātua Ōrākei Whaia Maia Limited* [2020] NZHC 2768 at [133]):

*“...when addressing the s 6(e) RMA requirement to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, a consent authority, including the Environment Court, does have jurisdiction to determine the relative strengths of the hapū/iwi relationships in an area affected by a proposal...”*

Ngāti Whātua Ōrākei requests that our reo and identity is seen, heard and provided for in the relevant PC102 provisions. That outcome can be achieved through the Council intentionally and meaningfully working only with the appropriate iwi and hapū on the identified SSMW, instead of engaging with all 21 iwi and hapū for all projects, regardless of where they are located, as a tick-box exercise. Ngāti Whātua Ōrākei’s position goes both ways. While Ngāti Whātua Ōrākei wish to exercise our tangata whenua status within the ‘heartland’ of our rohe (as shown in **Figure 3** below), we also seek the mana whenua and tangata whenua status of other iwi and hapū for other sites outside the rohe of Ngāti Whātua Ōrākei is acknowledged and recognised.

Ngāti Whātua Ōrākei therefore seeks that the “Nominated by Mana Whenua” column in Schedule 12 be updated to specifically name the group that has nominated the relevant site, to ensure that only the appropriate group is considered, consulted and involved in plan and resource consent processes that relate to identified SSMW, along with any consequential amendments required to Chapter D21 of the AUP(OP). A failure to do so, at least in relation to the sites nominated by Ngāti Whātua Ōrākei that are within our rohe, fails to recognise and provide for the ahi kā and tangata whenua status of Ngāti Whātua Ōrākei as declared by the High Court, and may result in unnecessary delays, costs and conflicts in decision making and other processes for all involved.

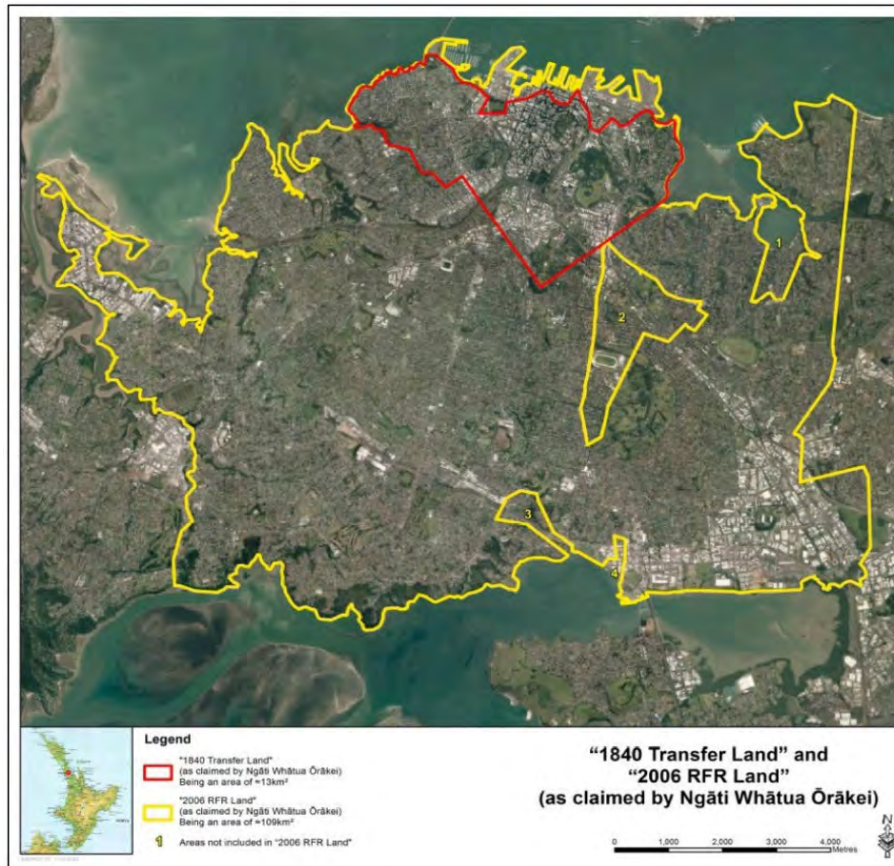
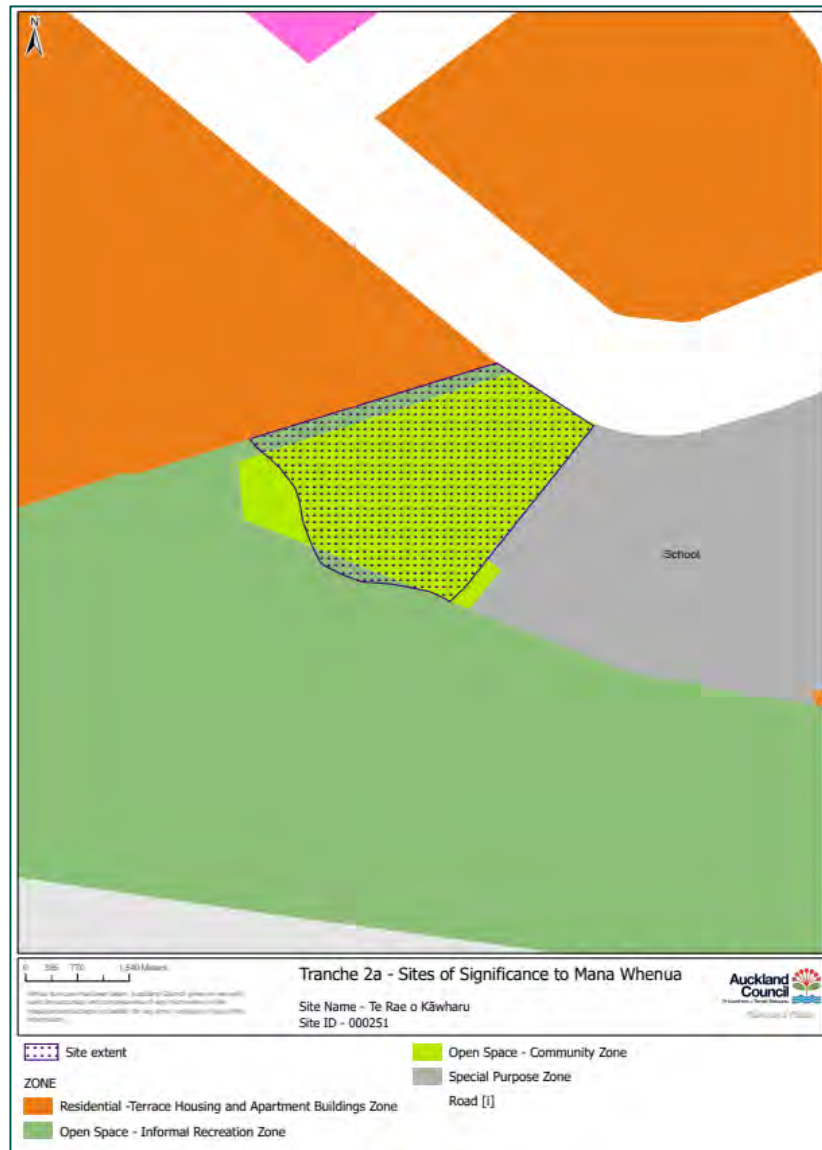


Figure 3 Ngāti Whātua Ōrākei ‘heartland’ of rohe

### 3.3 Te Rae o Kāwharu

Ngāti Whātua Ōrākei **supports** the inclusion of Te Rae o Kāwharu which is a Wāhi Tupuna and Wāhi Tohu, at 474 Great North Road, Arch Hill (Schedule ID 114). Ngāti Whātua Ōrākei also supports the extent to which the overlay has been applied to the site, located on the steep bluff at Arch Hill on the site of the current library, as shown in **Figure 4** below.





**Figure 4 Site extent - Te Rae o Kāwharu (PC102)**

Te Rae o Kawharu is associated with the Ngāti Whātua tupuna Kawharu and relates to his presence at the site during the battles between Ngāti Whātua and Te Waiohua in the 16th century. The site is a wāhi tupuna and a wāhi tohu.

#### *Kōrero Tūturu*

Te Rae o Kāwharu is of significant cultural importance to Ngāti Whātua Ōrākei, because of its association with Kāwharu and his mana. He led Ngāti Whātua out of the South Kaipara into the Tāmaki Isthmus during battles with Waiohua in the 16<sup>th</sup> century known, in Ngāti Whātua tradition, as Te Raupatu Tihore or ‘the Stripping Conquest’. At Arch Hill, Kāwharu rested between his battles. He named the Arch Hill area after his forehead, an age-old Māori custom of claiming authority over a

place by naming it after the most tapu part of the body, being the head. Ngāti Whātua returned to the Kaipara after these events having extracted the necessary compensation for past felt injustices. A saying amongst Ngāti Whātua Ōrākei to this day is, 'He Taumata Rau Te Toa o Kāwharu' - 'The Fame of Kāwharu Has Many Resting Places'. Arch Hill is one of those places and Ngāti Whātua Ōrākei support its recognition and protection in the PC102 provisions.

### 3.4 Waipapa Awa

Ngāti Whātua Ōrākei **supports** the inclusion of Waipapa Awa (Awa), through the Auckland Domain (Schedule ID 115). However, Ngāti Whātua Ōrākei seeks amendments to the extent to which the overlay has been applied to the Awa following the historic route of the Waipapa stream, as shown in **Figure 5** below, so that it applies only to those parts of the stream that are open/daylighted or on public land.

The Waipapa Awa flows from the Parnell - Te Tī Tūtahi ridge at the foot of Pukekawa (Auckland Domain). It flows mostly through stormwater pipes though it is daylighted for a short stretch before discharging into the stormwater network and eventually the Waitematā Harbour near Mechanics Bay. As it is wai māori that runs from the ridge down into the former gully wetland it retains a mauri though it has been severely impacted.

The Waipapa Awa originally flowed down the gully between Parnell and Pukekawa (Auckland Domain) into the wetlands near the Stanley Street/Parnell Rise junction before discharging into the Waitematā. The Waipapa wetlands were an important source of tuna for the ancestors of Ngāti Whātua Ōrākei.

The site was an important mahinga kai and was associated with historic repo (wetlands) and kāinga.

The name Waipapa was also that of the former satellite fishing village of Ngāti Whātua which was part of a complex network of villages dotted across the isthmus. Waipapa is also associated with the scheduled village and Māori trading site.



**Figure 5 Site extent Waipapa Awa – PC102**

#### 4.0 Conclusion

In conclusion, Ngāti Whātua Ōrākei seeks the following relief:

- That the ahi kā and tangata whenua status of Ngāti Whātua Ōrākei within the ‘heartland’ of our rohe is recognised and provided for in the relevant PC102 provisions, and any consequential amendments required to the AUP(OP), in particular to Chapter D21;
- That only “appropriate” and correct iwi and hapū are considered, consulted and involved in plan and resource consent processes that relate to identified SSMW;
- Amendments to the spatial extent of the SSMW overlay applied to the Waipapa Awa so that it applies only to those parts of the Waipapa stream that are open/daylighted or on public land;
- The specific amendments sought in **Attachment 1**; and
- Any other further necessary consequential amendments required to achieve the relief sought.

Ngāti Whātua Ōrākei looks forward to working collaboratively with Auckland Council to address the

above relief and is happy to meet with Auckland Council planning policy staff or consultants to work through these matters.

**Attachment 1: Specific Submission Points on PC102**

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
1	Overall Approach	Support	Ngāti Whātua Ōrākei is supportive of the general approach to PC102, noting the more detailed comments provided in section 3.1 above.	Approve PC102, notwithstanding the amendments outlined in Ngāti Whātua Ōrākei's submission above and below.	10.1
2	Recognition of Tangata Whenua	Seek amendment	Ngāti Whātua Ōrākei seeks that there is specific acknowledgement and provision for engagement with the "correct" hapū, and iwi which are recognised as "tangata whenua" for the reasons outlined in Section 3.2 above.	Include a specific requirement that <b>only</b> the "appropriate" or "correct" hapū, and iwi which are recognised as "tangata whenua" are engaged with on any proposals for development within identified SSMW. Specifically for Te Rae o Kāwharu and Waipapa Awa, Ngāti Whātua Ōrākei should be listed as the "appropriate" or "correct" hapū, and iwi, recognised as "tangata whenua."	10.2 10.3
3	Te Rae o Kāwharu – Mana Whenua nominated	Seek amendment	While Ngāti Whātua Ōrākei supports the inclusion of Te Rae o Kāwharu in Schedule 12 (Schedule ID 114), Ngāti Whātua Ōrākei request that <b>Ngāti Whātua Ōrākei</b> are explicitly identified in the Nominated by Mana Whenua column of the Schedule, as Te Rae o Kāwharu was nominated as a SSMW to be included in Schedule 12, by Ngāti Whātua Ōrākei.	Include <i>Ngāti Whātua Ōrākei</i> in the 'Nominated by Mana Whenua' Column of Schedule 12.	10.3
4	Te Rae o Kāwharu – Site extent	Support	Ngāti Whātua Ōrākei supports the spatial extent that the SSMW overlay	Retain as notified.	10.4

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			has been applied to Te Rae o Kāwharu in the AUP(OP), as notified.	
5	Waipapa Awa – Mana Whenua nominated	Seek amendment	While Ngāti Whātua Ōrākei supports the inclusion of the Waipapa Awa in Schedule 12 (Schedule ID 115), Ngāti Whātua Ōrākei request that <b>Ngāti Whātua Ōrākei</b> are explicitly identified in the Nominated by Mana Whenua column of the Schedule, as the Waipapa Awa was nominated as a SSMW to be included in Schedule 12, by Ngāti Whātua Ōrākei.	Include <i>Ngāti Whātua Ōrākei</i> in the 'Nominated by Mana Whenua' Column of Schedule 12.
6	Waipapa Awa – Site extent	Support	While Ngāti Whātua Ōrākei supports the inclusion of the Waipapa Awa in Schedule 12 (Schedule ID 115), Ngāti Whātua Ōrākei seeks amendment to the spatial extent that the SSMW overlay has been applied to the Waipapa Awa in the AUP(OP), as notified.	Reduce the spatial extent of the SSMW overlay applied to the Waipapa Awa so that it applies only to those parts of the stream that are open/daylighted or on public land.
7	Other Sites – Mana Whenua Nomination	Seek amendment	Noting the submission points above seeking that Ngāti Whātua Ōrākei be identified as the nominator of the SSMW for Te Rae o Kāwharu and Waipapa Awa, for consistency (and subject to the agreement of the relevant mana whenua group), Ngāti Whātua Ōrākei seek that all sites within Schedule 12 list the mana whenua group that nominated the site, subject	Update the 'Nominated by Mana Whenua' Column of Schedule 12 to list the relevant Mana Whenua Group that nominated the SSMW.

10.5

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			to our comments in section 3.1 above.	
8	AUP(OP) more broadly, including Chapter D21 Sites and Places of Significance to Mana Whenua Overlay	Seek amendment	Noting the submission points above, Ngāti Whātua Ōrākei seek any consequential amendments be made to the AUP(OP) more broadly, to ensure that Ngāti Whātua Ōrākei's ahi kā and mana whenua status within the 'heartland' of our rohe is recognised and provided for.	Update the AUP(OP), in particular Chapter D21 – Sites and Places of Significance to Mana Whenua Overlay, to include consequential amendments to the relief sought above, to include specific requirement that <b>only</b> the "appropriate" or "correct" hapū, and iwi which are recognised as "tangata whenua" are engaged with on any proposals for development within identified SSMW.

**SUBMISSION ON PLAN CHANGE 102: SITES AND PLACES OF SIGNIFICANCE TO MANA  
WHENUA TRANCHE 2A TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

**Clause 6 of Schedule 1 of the Resource Management Act 1991**

To: Auckland Council  
  
unitaryplan@aucklandcouncil.govt.nz

**FOODSTUFFS NORTH ISLAND LIMITED** at the address for service set out below (“**FSNI**”) makes the following submission in relation to Plan Change 102: Sites and Places of Significance to Mana Whenua Tranche 2A (“**Plan Change**” or “**PC102**”) to the Auckland Unitary Plan: Operative in Part (“**AUP**”).

1. The Plan Change seeks to introduce Sites and Places of Significance to Mana Whenua (“**SSMW**”) to Schedule 12 of the AUP, amend other schedules in the AUP to recognise the association Mana Whenua have with Outstanding Natural Features and Historic Heritage Places, and make a change to one already scheduled Historic Heritage Place.
2. FSNI will be directly affected by the Plan Change as the owner, lessee or prospective occupier of the following sites which are either adjacent to, adjoining or directly impacted by a SSMW proposed to be introduced by PC102, being Item 109 - Te Wai o Ruarangi / Oruarangi and Waitomokia Creeks (“**Item 109**”):
  - (a) 530-546 Oruarangi Road;<sup>1</sup>
  - (b) 35 Landing Drive;<sup>2</sup> and
  - (c) 81 Pavilion Drive.<sup>3</sup>

Those properties are identified on **Figure 1 attached**.

3. FSNI could not gain an advantage in trade competition through this submission.

---

<sup>1</sup> Legally described as Lot 1 DP 166239, Lot 101 DP 559396 and Lot 1 DP 189594.

<sup>2</sup> Pt Allot 89 Parish of Manurewa and defined on DP 13716, and Lot 1 DP 28940.

<sup>3</sup> Lot 34 DP 358114, Lot 35 DP 358114, Lot 32 DP 358114, Lot 28 DP 358114 and Lot 29 DP 358114.



4. The submission relates to the following aspects of the Plan Change:
  - (a) Proposed inclusion of new Item 109 “Te Wai o Ruarangi / Oruarangi and Waitomokia Creeks” within Schedule 12 Sites and Places of Significance to Mana Whenua of the AUP (“**Schedule 12**”).
  - (b) Proposed amendments to the Auckland Unitary Plan GIS Viewer, Tranche 2a – Sites of Significance to Mana Whenua, Site Name – Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek, Site ID – 000125 (“**GIS Viewer**”).
5. FSNI does not oppose the inclusion of Item 109 within Schedule 12 but seeks to ensure that the notations on the GIS Viewer (i.e. planning maps) are such that the “Site Extent” of Item 109 is correctly and appropriately located with respect to the current and actual extent of the water courses on each site, Mean High Water Springs (“**MHWS**”) and the title boundaries.
6. The reasons for the submission are as follows:
  - (a) Provided the relief sought below in this submission is granted, the Plan Change will:
    - (i) Promote the sustainable management of natural and physical resources;
    - (ii) Amount to and promote the efficient use and development of resources;
    - (iii) Promote provisions that will be effective and efficient in achieving the objectives of the Plan Change and the AUP;
    - (iv) Be consistent with the purpose and principles in Part 2 of the Resource Management Act 1991 (“**RMA**”);
    - (v) Represent the most appropriate way to achieve the objectives of the Plan Change and the AUP in accordance with s 32 of the RMA; and
    - (vi) Represent best resource management practice.

In particular, but without derogating from the generality of the above:

- (b) FSNI leases or will lease the Landing Drive site and part of the Oruarangi Road site. The Landing Drive site houses the Foodstuffs Ambient Distribution Centre and its Head Office, Chilled and Frozen Distribution Centre. FSNI does not oppose the

inclusion of Item 109 provided the identified extent aligns with the most seaward of the title boundaries or the current location of MHWS as it relates to the Landing Drive and Oruarangi Road sites.

- (c) FSNI owns the properties at 81 Pavilion Drive (Foodstuffs Fresh Distribution Centre). FSNI understands that the extent of Item 109 does not directly impact 81 Pavilion Drive. Based on that understanding, FSNI does not oppose the extent of Item 109 as it relates to 81 Pavilion Drive.

7. FSNI seeks the following relief with regard to PC 102:

- (a) The GIS Viewer (i.e. planning maps) is altered such that the "Site Extent" of Item 109 is re-aligned to reflect the most seaward of:
  - (i) title boundaries; and
  - (ii) the current location of MHWS.
- (b) Such alternative or other relief or consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

11.1

8. FSNI wishes to be heard in support of this submission. If other parties make a similar submission, FSNI would consider presenting a joint case with them at the hearing.

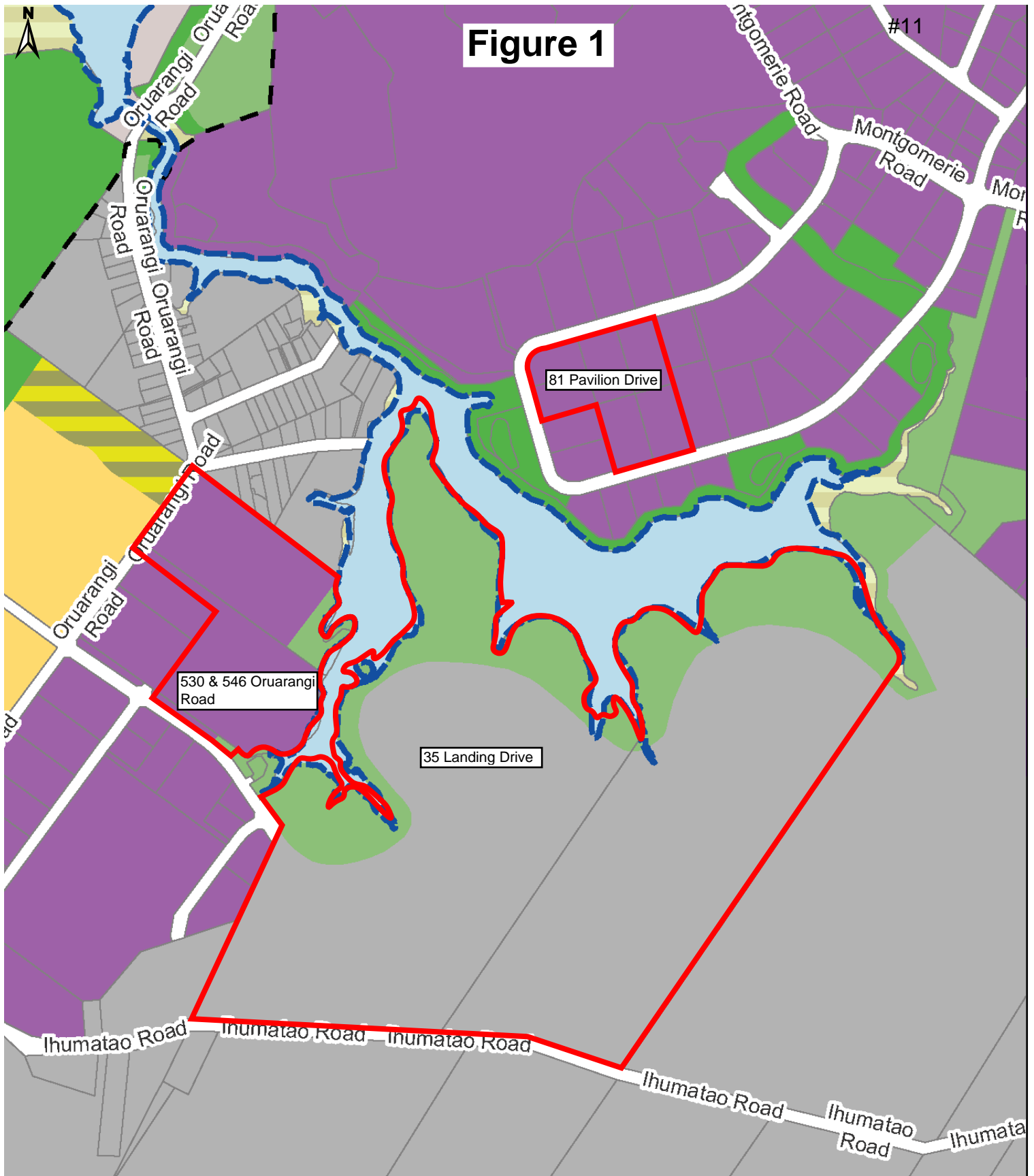
**DATED** this 21st day of June 2024

**FOODSTUFFS NORTH ISLAND LIMITED** by its solicitors and duly authorised agents, Ellis Gould

**Alex Devine**

**ADDRESS FOR SERVICE:** The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: 306 1075. **Attention:** Alex Devine. adevine@ellisgould.co.nz.

**Figure 1**



0 385 770 1,540 Meters

Indicative Property Boundary

Indicative Coastline (i)

**ZONE**

Open Space - Conservation Zone

Open Space - Informal Recreation Zone

Business - Light Industry Zone

Rural - Rural Production Zone

Special Purpose Zone

Coastal - General Coastal Marine Zone [rcp]

Coastal - Coastal Transition Zone

Road [i]

**203**

To: Auckland Council

Re: Submission on Plan Change 102 – Sites and Places of Significance to Mana Whenua Tranche 2a (**PC102**) –GIPL Investment Group

Full Name of Submitter: Gloucester Industrial Park Limited. Attn: Andrew Muller

Address for Service: Matt Norwell ([mattn@barker.co.nz](mailto:mattn@barker.co.nz))

Date: 21 June 2024

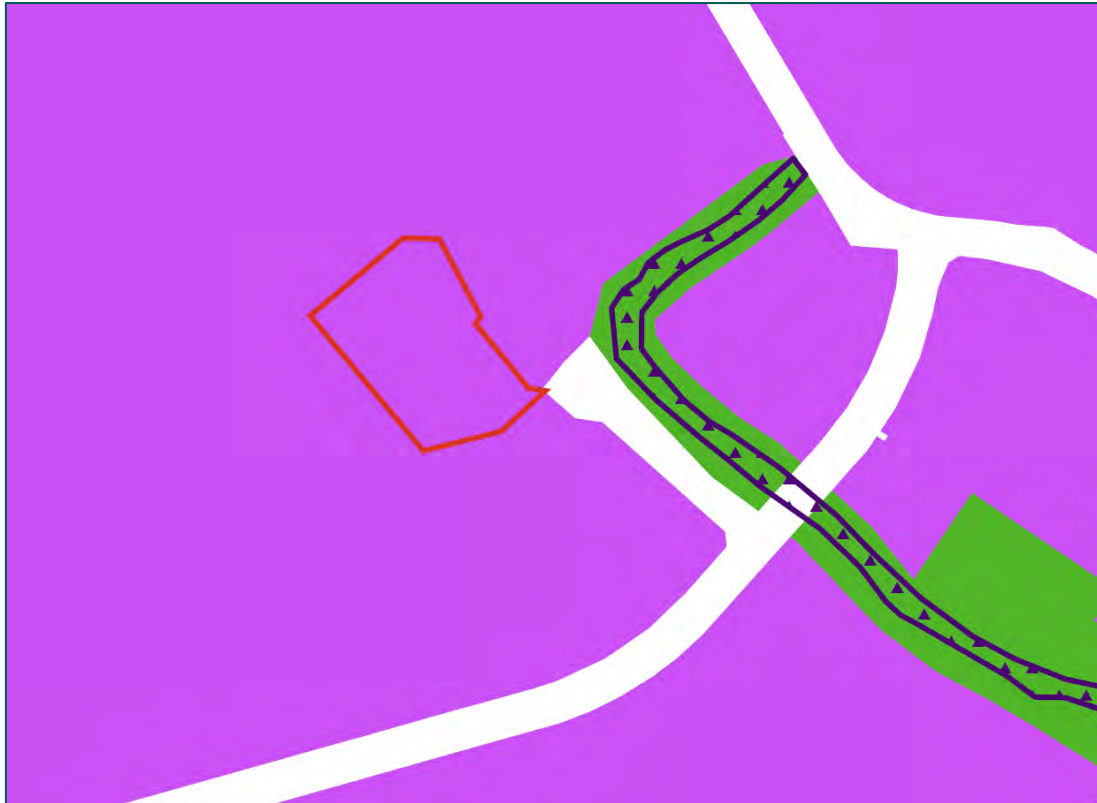
## Submitter Details:

**Name of Submitter:** Gloucester Industrial Park Limited ('GIPL')

- (1) GIPL makes this submission on the Proposed Plan Change (PC102) on Sites and Places of Significance to Mana Whenua (Tranche 2a).
- (2) GIPL could not gain an advantage in trade competition through this submission.
- (3) GIPL generally supports PC102.
- (4) GIPL wishes to be heard in support of their submission.

## Overview of PC102 and GIPL Site

- (5) PC102 is a council-initiated plan change, which aims to introduce nine Sites and Places of Significance to Mana Whenua (SSMW) to Schedule 12 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)). GIPL has an interest in PC102, in particular, the proposed new site of significance referred to as 'ID 109 - Te Wai o Ruarangi' which includes the Oruarangi and Waitomokia Creeks.
- (6) The site at 10 Penihana Place is zoned Business Light Industry Zone under the AUP(OP) and has an area of 1.588ha. GIPL have been notified of the proposed site of significance (ID 109 Te Wai o Ruarangi) as this landholding is located adjacent to the notified area, as shown in **Figure 1** and **Attachment 1**.



**Figure 1: Proposed Sites and Places of Significance to Mana Whenua overlay 'Te Wai o Ruarangi' (shown hatched) in relation to the landholdings at 10 Penihana Place, Mangere (shown in red outline).**

#### Scope of Submission

- (7) This submission relates to the proposed Te Wai o Ruarangi site of significance to mana whenua overlay (ID 109) as it relates to the landholdings at 10 Penihana Place, Mangere.
- (8) GIPL generally supports the notified extent of the Te Wai o Ruarangi site of significance to mana whenua within the schedule, as this will not affect the current industrial operation or any future development of the site.

#### Relief Sought

- (9) GIPL seeks for the plan change to be approved as it has been notified. | 12.1

#### Address for Service:

Barker & Associates Limited  
Attn: Matt Norwell  
PO BOX 1986  
Shortland Street  
Auckland 1140

Contact Number: 029 850 2780

#### Barker & Associates

+64 375 0900 | admin@barker.co.nz  
Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

Email Address: [mattn@barker.co.nz](mailto:mattn@barker.co.nz)

**Copied To:**

Andrew Muller, Gloucester Industrial Park Limited

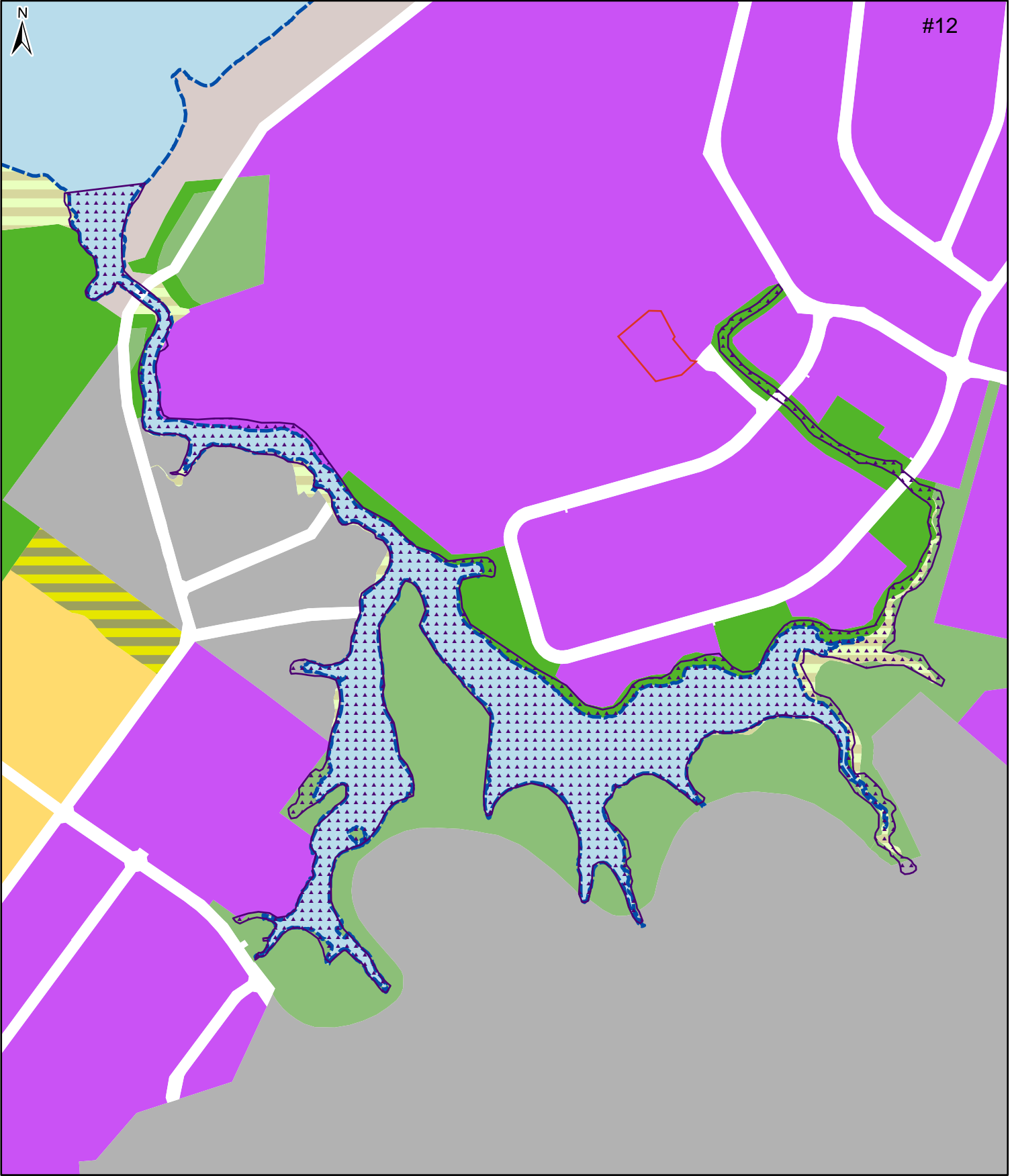
Appendix 1

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Relevant Extent of PC102



Urban & Environmental



0 385 770 1,540 Meters

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

### Tranche 2a - Sites of Significance to Mana Whenua

Site Name - Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek  
Site ID - 000125



Site extent

Indicative Coastline (i)

**ZONE**

Open Space - Conservation Zone

Open Space - Informal Recreation Zone

Business - Light Industry Zone

Rural - Rural Production Zone

Special Purpose Zone

Coastal - General Coastal Marine Zone [rcp]

Coastal - Coastal Transition Zone

Road [i]

208



**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Tyler Sharratt  
**Date:** Friday, 21 June 2024 3:30:52 pm  
**Attachments:** [Winstone Aggregates Plan Change 102 Submission.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Tyler Sharratt

Organisation name: Winstone Aggregates

Agent's full name: Tyler Sharratt

Email address: tyler.sharratt@winstoneaggregates.co.nz

Contact phone number: 0272029453

Postal address:  
810 Great South Road  
Penrose  
Auckland 1061

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:

The site extent of Attachment 2e of PC102: Manukapua (ID:0192)

Property address:

Map or maps: Attachment 2e of PC102: Manukapua (ID:0192)

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please see attached submission document.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Please see attached submission document for proposed amendments.

Submission date: 21 June 2024

Supporting documents

Winstone Aggregates Plan Change 102 Submission.pdf

#### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

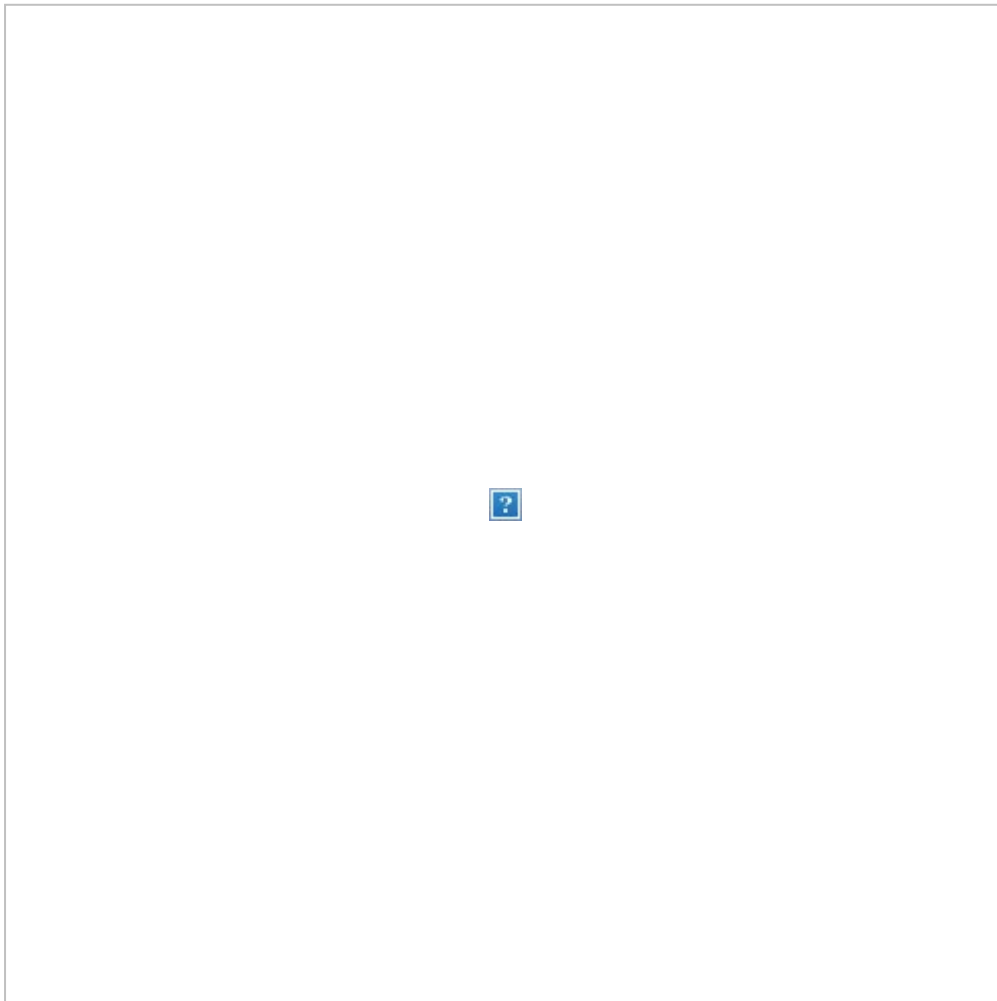
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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## SUBMISSION ON PLAN CHANGE 102: SITES AND PLACES OF SIGNIFICANCE TO MANA WHENUA TRANCHE 2A

**21 June 2024**

Winstone Aggregates  
810 Great South Rd, Penrose  
Auckland 1061

We appreciate the opportunity to provide feedback on the proposed Plan Change 102 and acknowledge the work Auckland Council has done with us prior to reaching this stage.

Our main points of feedback are –

- We are supportive of the proposed Plan Change, subject to the extent of the Manukapua (ID:0192) mapped footprint being reduced to avoid our consented sand dredging activity area.

13.1

### BACKGROUND

Winstone Aggregates and Mt Rex Shipping Ltd hold resource consents (Coastal Permit No.41662 and 41663) to extract sand from the coastal marine area of the Kaipara Harbour, as authorised by a 2006 decision of the Environment Court. The consented dredging area is over the Taporapora banks, adjacent to Manukapua Island. The permit authorises the extraction of sand at a maximum of up to 392,000m<sup>3</sup> per annum at an average rate of 336,000m<sup>3</sup> per annum.

The sand extracted is supplied to the Auckland market, with Kaipara sand supplied by Winstone and Mt Rex representing more than 60% of all sand supplied to the concrete industry. It is projected that sand supply from the Kaipara (Mt Rex and Winstone) will increase to approximate 80 to 90% over the next 3 to 5 years, following a recent Environment Court decision (ENV-2022-AKL-121) resulting in McCallum Bros Limited consents sand volumes from Pakiri being significantly reduced. Given the increase in demand for Auckland, reduced overall supply, the dependence on minerals and an accessible supply of minerals are matters of regional importance.

### RELIEF SOUGHT

Map 1 (attached) shows where the proposed Manukapua Site and Place of Significance to Mana Whenua layer overlaps the consented area of sand extraction. This area has been actively dredged since the 1990's by both Mt Rex and Winstone Aggregates and therefore placing a layer of significance over a consented area is not likely to achieve the intention of the plan change.

Notwithstanding this, Winstone Aggregates believes that to provide for the ongoing sustainable extraction of the regionally significant sand resource and to protect and enhance the tangible and intangible values of scheduled sites and places of significance to Mana Whenua, a further setback is recommended (see Map 2 attached).

Once again, we appreciate Auckland Council reaching out early in the process and we would like to express our willingness to discuss our submission with Te Uri o Hau and Council when possible.

Yours sincerely,



**Tyler Sharratt**

Resource Management Planner

m: +64 27 202 9453

w: [winstoneaggregates.co.nz](http://winstoneaggregates.co.nz)

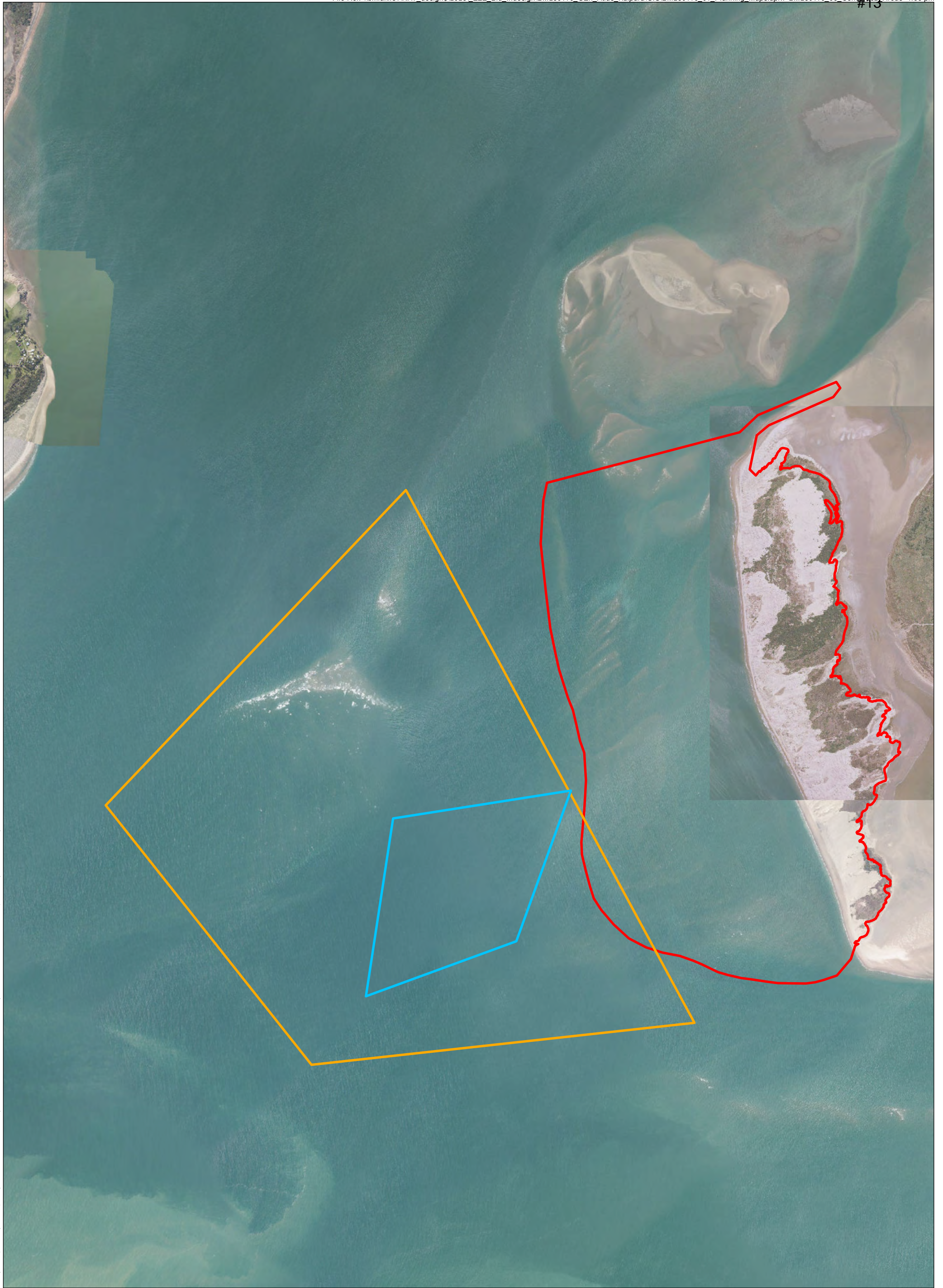
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**APPENDIX: MAP 1 (CONSENTED AREAS) AND MAP 2 (RELIEF SOUGHT)**

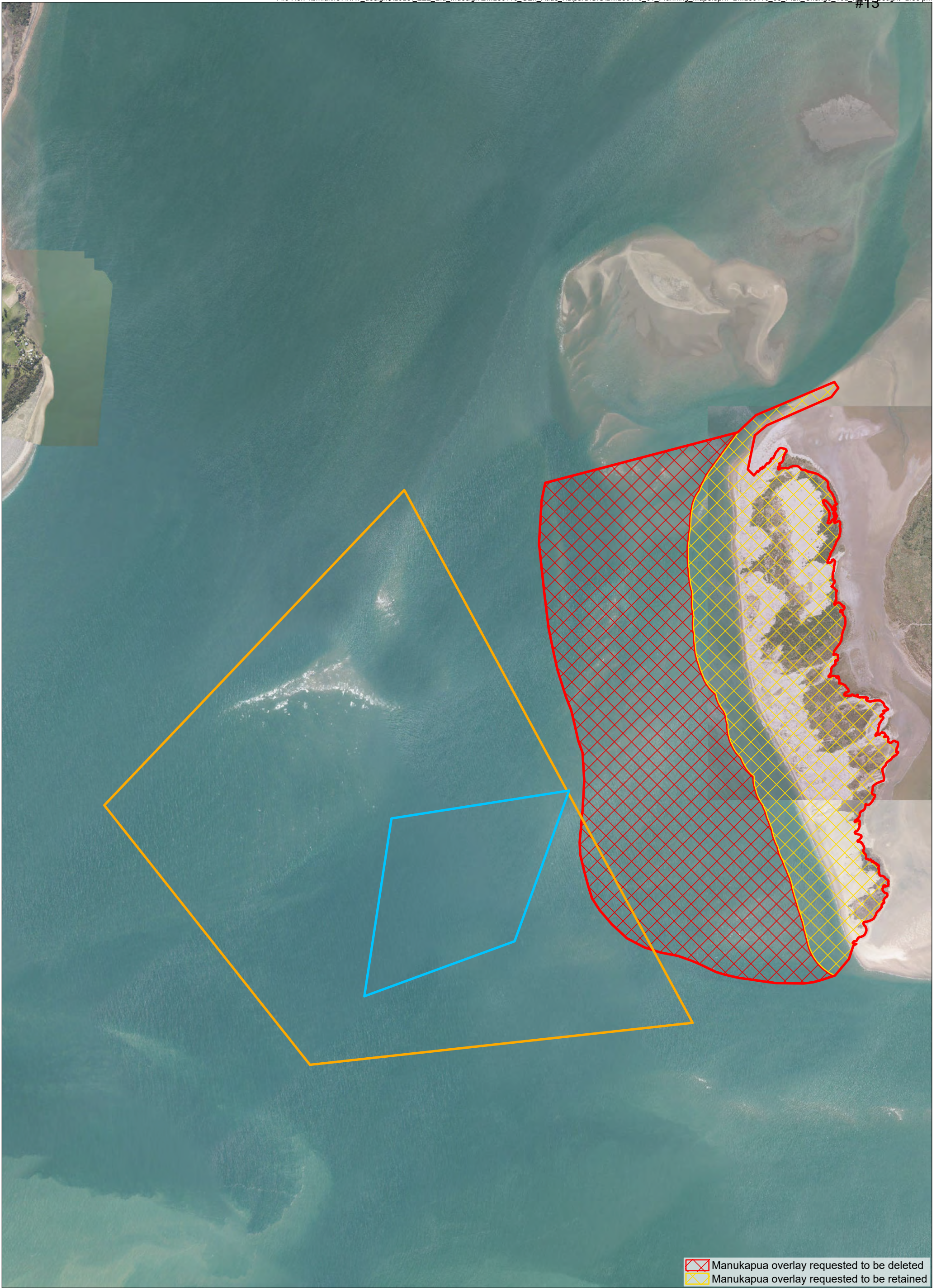
This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.





LEGEND

- ▭ Mt Rex Coastal Permit
- ▭ Winstone Coastal Permit
- ▭ Tranche 2a - Sites of Significance to Mana Whenua, Site Name - Manukapua Site ID - 0192

This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.



 Manukapua overlay requested to be deleted  
 Manukapua overlay requested to be retained

# Southpark PC102 Submission

To: Auckland Council

Re: Submission on Plan Change 102 – Sites and Places of Significance to Mana Whenua Tranche 2a (**PC102**) – R B Takeoff LP

Full Name of Submitter: R B Takeoff LP Attn: James Sax

Address for Service: James Sax (james@southparkcorp.co.nz)

Date: 21 June 2024

## Submitter Details:

**Name of Submitter:** RB Takeoff LP (**'Southpark'**)

- (1) Southpark makes this submission on the Proposed Plan Change (PC102) on Sites and Places of Significance to Mana Whenua (Tranche 2a).
- (2) Southpark could not gain an advantage in trade competition through this submission.
- (3) Southpark seeks a realignment of the Sites and Places of Significance to Mana Whenua overlay boundary (as it relates to ID 109 Te Wai o Oruarangi) so that it does not apply to any part of the properties at 546 and 530 Oruarangi Road, Mangere.
- (4) Southpark wishes to be heard in support of their submission.

## Overview of PC102 and Southpark Site

- (5) Southpark is a member of the Southpark Group which has been successfully developing properties for the past 30+ years and has completed over 60 projects throughout New Zealand, predominantly in the industrial sector.
- (6) PC102 is a council-initiated plan change, which aims to introduce nine Sites and Places of Significance to Mana Whenua (SSMW) to Schedule 12 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)). Southpark has an interest in PC102, in particular, the proposed new site of significance referred to as 'ID 109 - Te Wai o Ruarangi' which includes the Oruarangi and Waitomokia Creeks. Paragraph 14.21 of the Section 32 Report notes that the extent of Te Wai o Ruarangi is mapped to the legal boundaries of properties as recorded by Land Information New Zealand (LINZ).
- (7) This plan change directly affects the land holdings at 530 and 546 Oruarangi Road, Mangere owned by Southpark.
- (8) The sites at 530 and 546 Oruarangi Road are zoned Business Light Industry Zone under the AUP(OP) and have a combined land area of 10.654ha. As part of resource consent currently being processed by Auckland Council, a recent survey of the property boundaries (including mean high-water springs) was undertaken to support this resource consent application. The proposed site of significance (ID 109 Te Wai o Ruarangi) directly affects this landholding as the overlay extends within the site boundaries, as shown in **Figure 1** and **Attachment 1**.



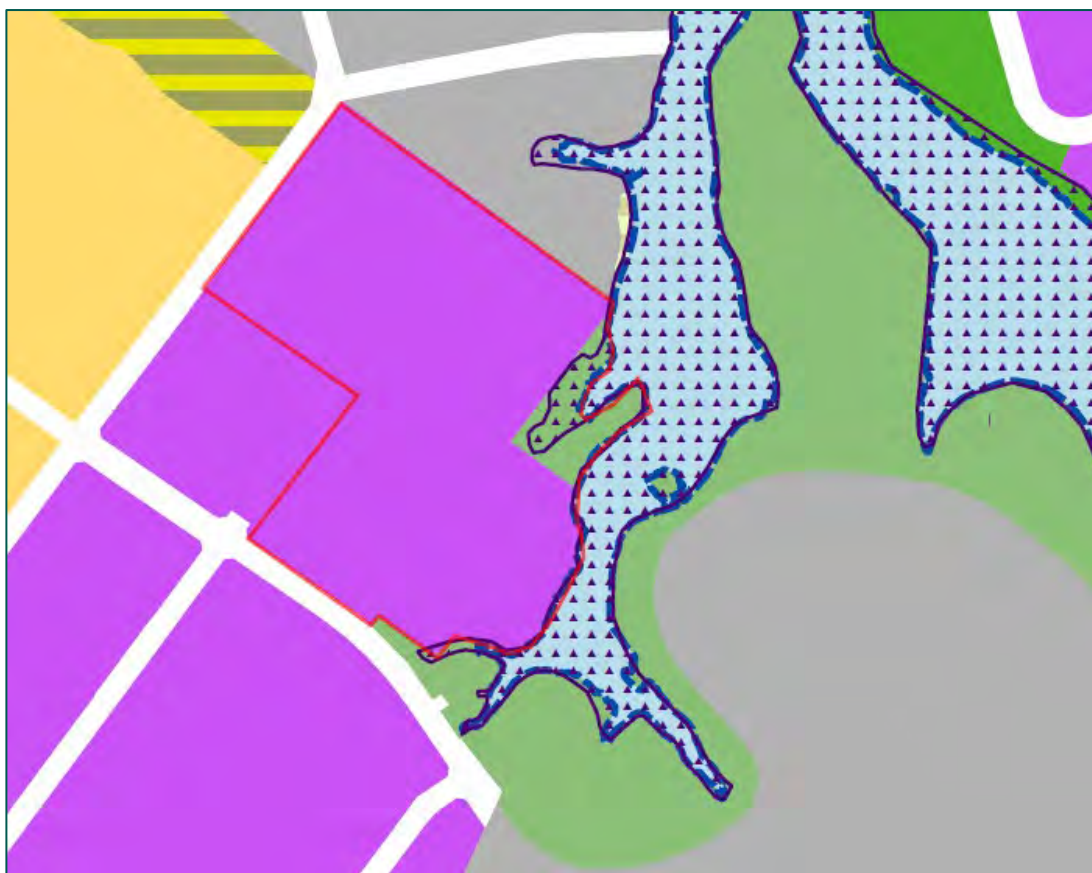


Figure 1: Proposed Sites and Places of Significance to Mana Whenua overlay 'Te Wai o Ruarangi' (shown hatched) in relation to the landholdings at 530 and 546 Oruarangi Road, Mangere (shown in red outline).

### Scope of Submission

- (9) This submission relates to the proposed Te Wai o Ruarangi site of significance to mana whenua overlay (ID 109) as it relates to the landholdings at 530 and 546 Oruarangi Road, Mangere.
- (10) Southpark submits that the Te Wai o Ruarangi site of significance to mana whenua overlay, should be realigned so that the overlay boundary reflects the surveyed mean high water springs boundary at 530 and 546 Oruarangi Road and does not affect any part of the Southpark's Oruarangi Road properties. It appears that the existing sediment pond has been captured within this overlay. This pond is man-made and does not form part of the Oruarangi and Waitomokia Creeks. For these reasons, we seek that the boundary is re-aligned to be consistent with the most recent survey information completed by a qualified surveyor.
- (11) A copy of the most recent surveyed mean high water springs boundary is provided as **Attachment 2**.

### Relief Sought

- (12) Southpark seeks the following relief on Plan Change 102:
- (a) The extent of the Sites and Places of Significance to Mana Whenua overlay boundary (as it relates to 530 and 546 Oruarangi Road) is amended to reflect the surveyed mean high water springs boundary provided in **Figure 2** below and **Attachment 3** and so that the overlay does not apply to any part of the properties at 546 and 530 Oruarangi Road, Mangere.

14.1



Figure 2: Proposed realignment of the Sites and Places of Significance to Mana Whenua overlay 'Te Wai o Ruarangi' to reflect the latest survey/mean high water springs boundary on the 530 and 546 Oruarangi Road sites.

### **Attachments**

The following attachments are provided in support of this submission:

**Attachment 1:** Plan Change 102 Extent – ID 109 (Te Wai o Ruarangi)

**Attachment 2:** Surveyed Mean High Water Springs Boundary

**Attachment 3:** Proposed Change to Mana Whenua Overlay

### **Address for Service:**

R B Takeoff LP  
 Attn: James Sax  
 PO BOX 12301  
 Penrose  
 Auckland 1642

Contact Number: 021 229 9009

Email Address: [james@southparkcorp.co.nz](mailto:james@southparkcorp.co.nz)

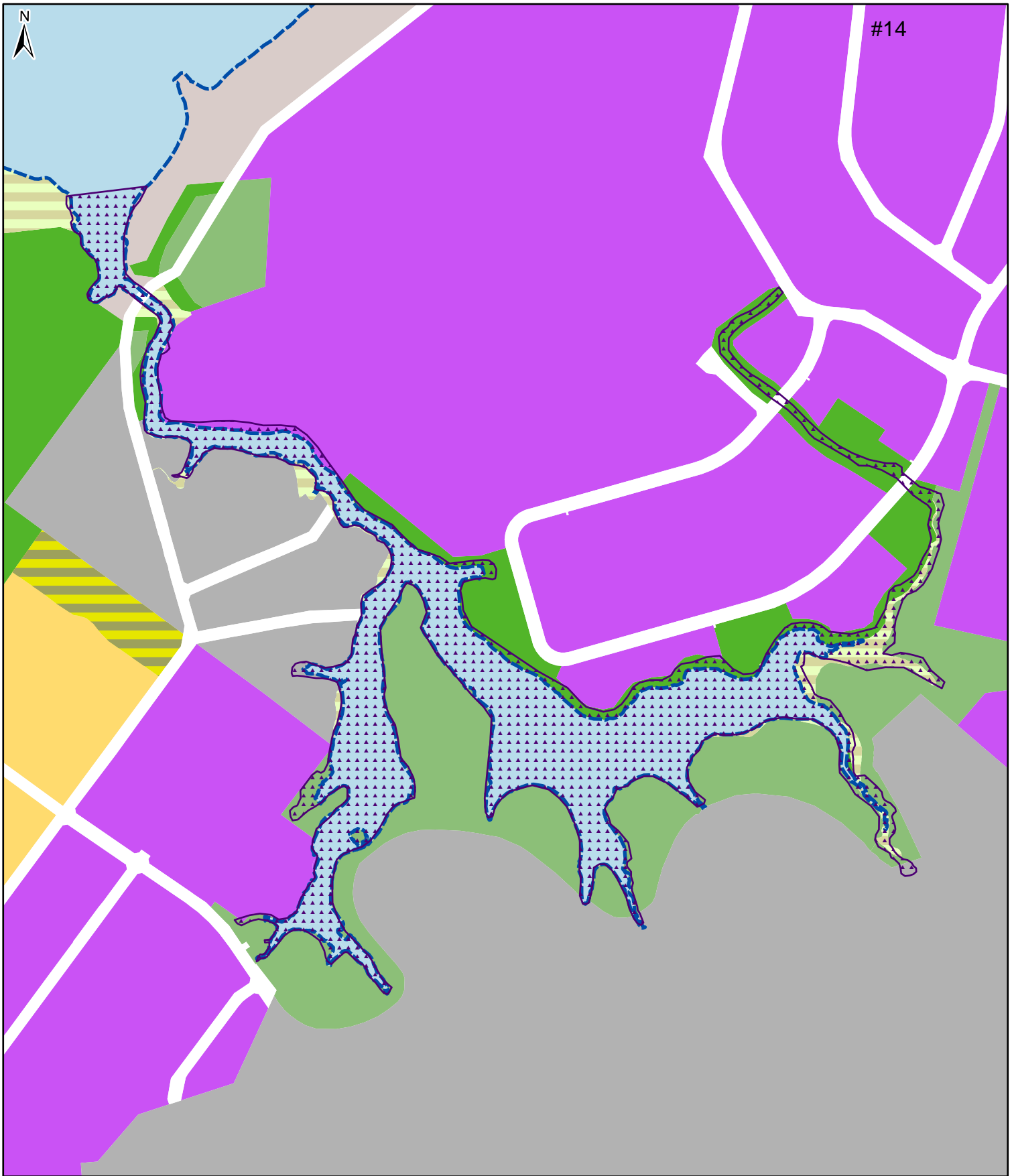
### **Copied To:**

Rupert Wilson, Southpark Corporation Limited ([legal@southparkcorp.co.nz](mailto:legal@southparkcorp.co.nz))

Attachment 1

---

Plan Change 102 Extent - ID 109 (Te Wai o Ruarangi)



0 385 770 1,540 Meters

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

### Tranche 2a - Sites of Significance to Mana Whenua

Site Name - Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek  
 Site ID - 000125



Site extent

Indicative Coastline (i)

**ZONE**

Open Space - Conservation Zone

Open Space - Informal Recreation Zone

Business - Light Industry Zone

Rural - Rural Production Zone

Special Purpose Zone

Coastal - General Coastal Marine Zone [rcp]

Coastal - Coastal Transition Zone

Road [i]

220

Attachment 2

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Surveyed Mean High Water Springs Boundary

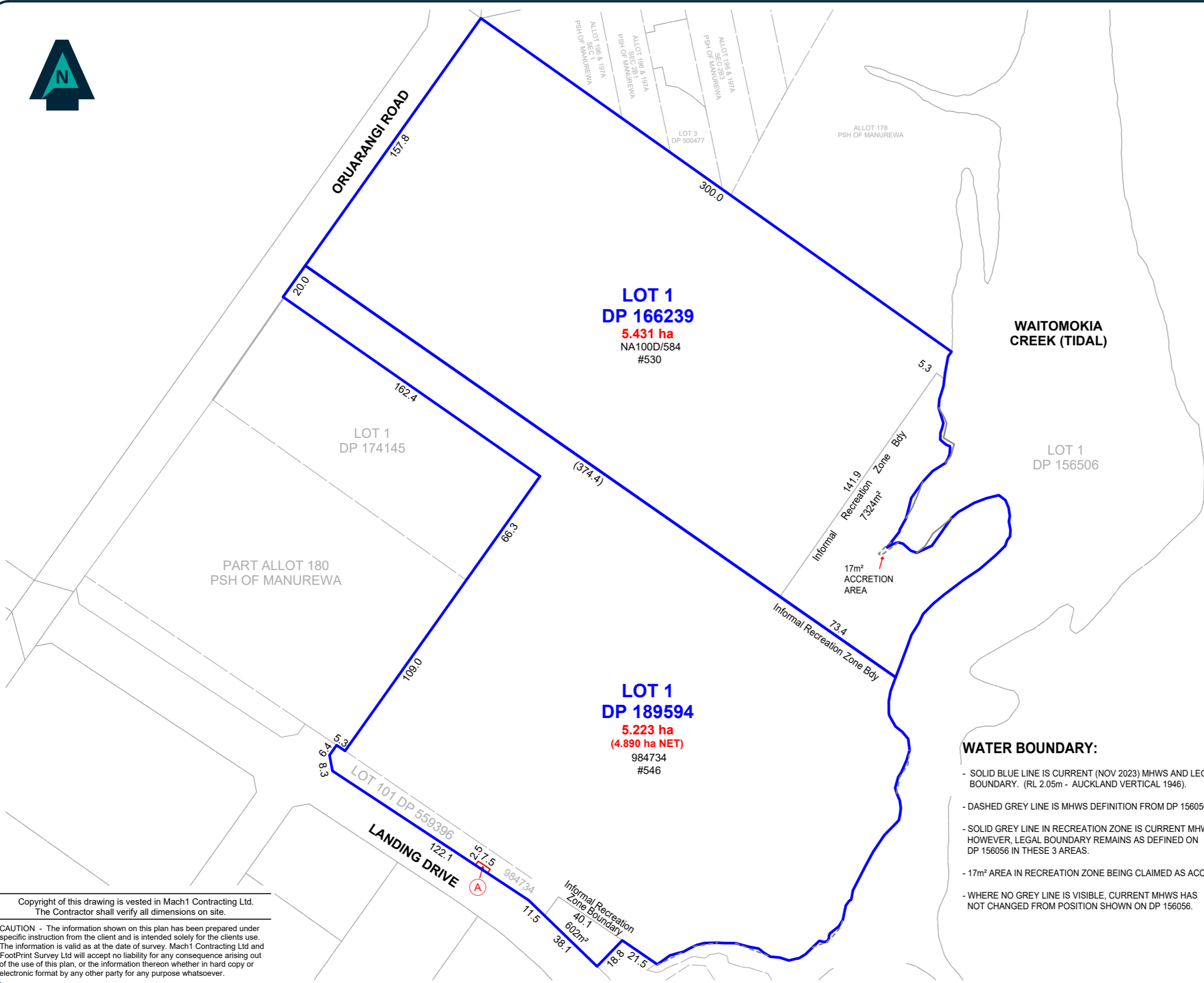


**LINE & SYMBOL LEGEND #14**

SURVEY	
	PROPOSED BOUNDARY
	EASEMENT
	ABUTTAL PECKED
	ABUTTAL SOLID
	TITLE BOUNDARY

**CADASTRAL NOTES:**

- DIMENSIONS & LOT AREAS ARE SUBJECT TO RESOURCE CONSENT & FINAL SURVEY.
- CADASTRAL BOUNDARIES BEARINGS & DISTANCES HAVE BEEN ADOPTED FROM DP 166239 & DP 156056 UNLESS SHOWN OTHERWISE.
- AREA A IS AN EXISTING ELECTRICITY EASEMENT (IN GROSS) IN FAVOUR OF VECTOR LIMITED, CREATED ON DP 559396 BY EASEMENT INSTRUMENT 11703433.16. FOR OTHER COVENANTS AND CONSENT NOTICES, PLEASE REFER TO THE TITLES.
- FOR WATER BOUNDARY INFORMATION, PLEASE SEE NOTES ON FACE OF PLAN.



**WAITOMOKIA CREEK (TIDAL)**

**WATER BOUNDARY:**

- SOLID BLUE LINE IS CURRENT (NOV 2023) MHWS AND LEGAL BOUNDARY. (RL 2.05m - AUCKLAND VERTICAL 1946).
- DASHED GREY LINE IS MHWS DEFINITION FROM DP 156056.
- SOLID GREY LINE IN RECREATION ZONE IS CURRENT MHWS, HOWEVER, LEGAL BOUNDARY REMAINS AS DEFINED ON DP 156056 IN THESE 3 AREAS.
- 17m² AREA IN RECREATION ZONE BEING CLAIMED AS ACCRETION
- WHERE NO GREY LINE IS VISIBLE, CURRENT MHWS HAS NOT CHANGED FROM POSITION SHOWN ON DP 156056.

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The Contractor shall verify all dimensions on site.

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CAD FILE: S23-007-SP1 Rev E.dwg

REV	DATE	REVISION DETAILS	DRAFTED	VERIFIED
A	04/08/23	FIRST ISSUE	CGW	MI
B	04/08/23	SOUTHPARK REQUEST - CHANGE OF BOUNDARY	CGW	MI
C	18/10/23	ADDITION OF 'AA' BOUNDARY	CGW	MI
D	19/11/23	ADDITION OF MHWS & REC ZONES	CGW	MI
E	08/12/23	MHWS ASSESSMENT	CGW	MI

CLIENT & PROJECT:	
<b>SOUTHPARK CO. LTD - 530 &amp; 546 ORUARANGI RD, MANGERE</b>	
DRAWING TITLE:	
<b>LOT 1 DP 166239, LOT 1 DP 189594 &amp; LOT 101 DP 559396</b>	
<b>222</b>	

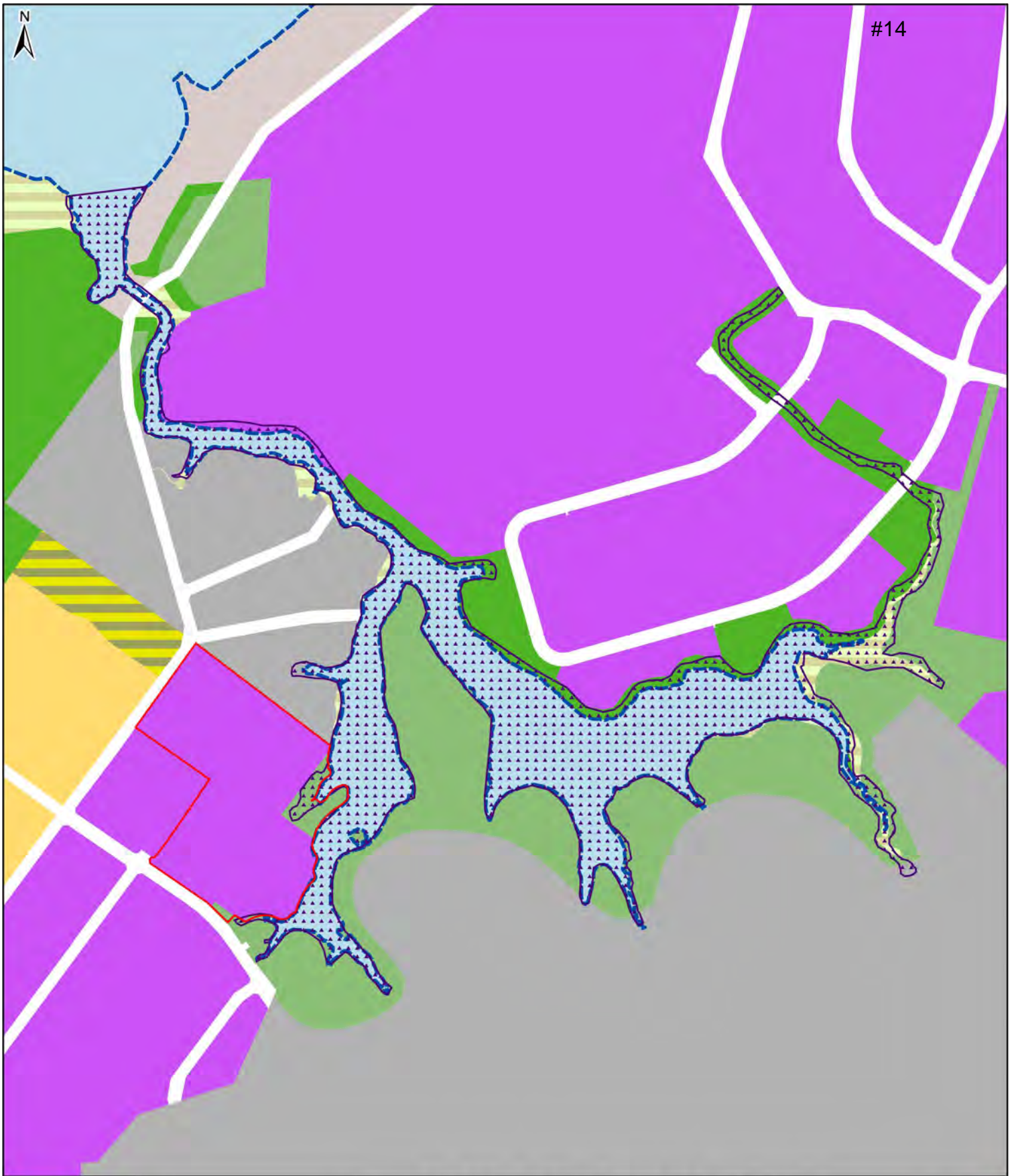
INFORMATION ONLY	
PROJECT NO:	<b>S23-007</b>
SCALE:	<b>1 : 2000</b>
DRAWING NO:	<b>S23-007-SP1</b>
REV:	<b>E</b>



Attachment 3

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Proposed Change to Mana Whenua Overlay



0 385 770 1,540 Meters

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

### Tranche 2a - Sites of Significance to Mana Whenua

Site Name - Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek  
 Site ID - 000125



Site extent

Indicative Coastline (i)

**ZONE**

Open Space - Conservation Zone

Open Space - Informal Recreation Zone

Business - Light Industry Zone

Rural - Rural Production Zone

Special Purpose Zone

Coastal - General Coastal Marine Zone [rcp]

Coastal - Coastal Transition Zone

Road [i]

Most up to date survey of mean high water springs



**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE UNDER CLAUSE 6 OF  
THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

**TO:** Auckland Council

**SUBMITTER:** Auckland International Airport Limited

**SUBMISSION ON:** Proposed Plan Change 102 ("**PC102**"): Sites and Places of Significance to Mana Whenua Tranche 2a to the Auckland Unitary Plan - Operative in Part ("**AUP**")

**Introduction**

1. Auckland Airport is the landowner of over 1,500 hectares of land, including more than 100 hectares of comprehensively planned development at The Landing business park. The activities at The Landing support Auckland Airport's function as strategic infrastructure of critical local, regional, and national importance.
2. Part of the planning for the development of Auckland Airport's land is comprehensive stormwater management. These plans are developed in consultation with iwi partners, recognise the significance of the area in which Auckland Airport operates, and are consistent with good practice.
3. Auckland Airport welcomes the opportunity to submit on PC102, which proposes to introduce additional Sites and Places of Significance to Mana Whenua ("**SSMW**") to Schedule 12 of the AUP, including Te Wai o Ruarangi / Oruarangi and Waitomokia Creeks ("**Site 109**").
4. This submission relates specifically to the proposal to schedule Site 109 (see map at Annexure A) as a SSMW in the AUP, noting the catchments of Oruarangi and Waitomokia Creeks include The Landing.
5. Auckland Airport could not gain an advantage in trade competition through this submission and the submission does not relate to trade competition or the effects of trade competition.

**Reasons for Submission**

6. Auckland Airport recognises the cultural significance of the Oruarangi and Waitomokia Creeks.
7. Auckland Airport supports the identification of Site 109 as a SSMW subject to amendments to the geographic extent of the proposed SSMW so that it does not apply to Airport land that is landward of the indicative Coastal Marine Area ("**CMA**") as mapped on Council's Geomaps and excludes existing Auckland Airport stormwater infrastructure. This will support appropriate consenting pathways critical to development at The Landing, including for the development of public open space and ongoing development, operation, maintenance and upgrading of stormwater infrastructure proximate to Oruarangi and Waitomokia Creeks.
8. Auckland Airport provided feedback on the geographic extent of Site 109 pre-notification of PC102 and acknowledges that the notified extent has been amended in part in response to that previous feedback.
9. Site 109 as notified still extends into Auckland Airport's landholdings, including land that is occupied by significant stormwater infrastructure (see Annexure B) and land that will be future

public open space. The stormwater infrastructure discharges stormwater to Site 109. Communications with Auckland Council post notification of PC102 indicates that the inclusion of artificial stormwater devices on Auckland Airport land within Site 109 may be unintentional.

10. If scheduled, the geographic extent of Site 109 will influence when provisions contained within Chapter D21 (Sites and Places of Significance to Mana Whenua Overlay), Chapter E12 (Land Disturbance) and Chapter E26 (Infrastructure), are relevant. Where these provisions apply, this will add a layer of planning complexity. The provisions themselves are not within the scope of PC102 and therefore it is critical that the mapped area is appropriate.
11. Auckland Airport does not consider that applying Site 109 to the Airport's landholdings at The Landing, outside the indicative CMA mapped on Council's Geomaps, will promote sustainable management, including continued good practice stormwater management. A number of examples are included below to provide context with respect to how Site 109 has potential to complicate upgrades, maintenance, and new stormwater infrastructure at The Landing.
12. There are existing stormwater treatment ponds located on Auckland Airport land south-west of the northern terminus of Maurice Wilson Avenue. The design of this stormwater management system includes provision for a future upgrade of the lower tier to provide additional treatment capacity as development in the catchment occurs. This lower tier is within the notified extent of Site 109 and as proposed any resource consent application for its development will need to navigate the SSMW provisions referenced above.
13. There are authorised stormwater outfalls servicing Auckland Airport owned land which appear to be located within the extent of Site 109 based on the notified PC102 maps. Ongoing maintenance and operation of this stormwater infrastructure includes land disturbance, vegetation removal and replacement that may trigger consent under Chapter D21 and Chapter E12. As proposed, Site 109 would add a level of consenting complexity and uncertainty for activities that are essential to maintain the function of existing stormwater infrastructure.
14. As development continues at The Landing, new stormwater management infrastructure and discharges, all consistent with good practice, will also be required. Work to inform this design is ongoing. In line with the approach of Auckland Airport, stormwater management solutions will be developed in conjunction with iwi partners and any new discharge consent application will consider effects on Site 109.
15. The notified extent of Site 109 also extends into discrete areas of land owned by Auckland Airport and landward of the indicative CMA as mapped on Council's Geomaps which is to be developed as public open space. The SSMW does not provide an appropriate pathway for activities required to develop the area before vesting, including riparian planting and associated land disturbance, which are intended to enhance public access and access to Oruarangi and Waitomokia Creeks. This does not promote sustainable management.

#### **General Reasons for Submission**

16. Without limiting the above, the general reasons for this submission are that amendments to PC102 proposed by Auckland Airport are necessary to provide for the ongoing development and operation of Auckland Airport's stormwater infrastructure and public open space to ensure the plan change:
  - (a) promotes sustainable management of resources, and will achieve the purpose and principles of the Resource Management Act 1991;
  - (b) meets the reasonably foreseeable needs of future generations;

- (c) enables social, economic and cultural wellbeing; and
- (d) avoids, remedies or mitigates adverse effects on the environment.

**Decision Sought**

17. Auckland Airport seeks the following amendments:

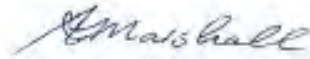
- (a) that the extent of Site 109, as it relates to Auckland Airport land, be amended to exclude:
  - (i) areas landward of the indicative CMA as mapped on the Council's Geomaps;
  - (ii) existing stormwater infrastructure servicing Auckland Airport land; and
- (b) such further other relief or other consequential amendments as considered appropriate and necessary to address the concerns set out above.

15.1

18. Auckland Airport wishes to be heard in support of this submission.

**AUCKLAND INTERNATIONAL AIRPORT LIMITED:**

**Signature:**



Andrea Marshall  
Head of Masterplanning and Sustainability  
Auckland International Airport Limited

**Date:**

21 June 2024

**Address for Service:**

C/- Joy Morse  
Auckland International Airport Limited  
PO Box 73020  
**MANUKAU 2150**

**Telephone:**

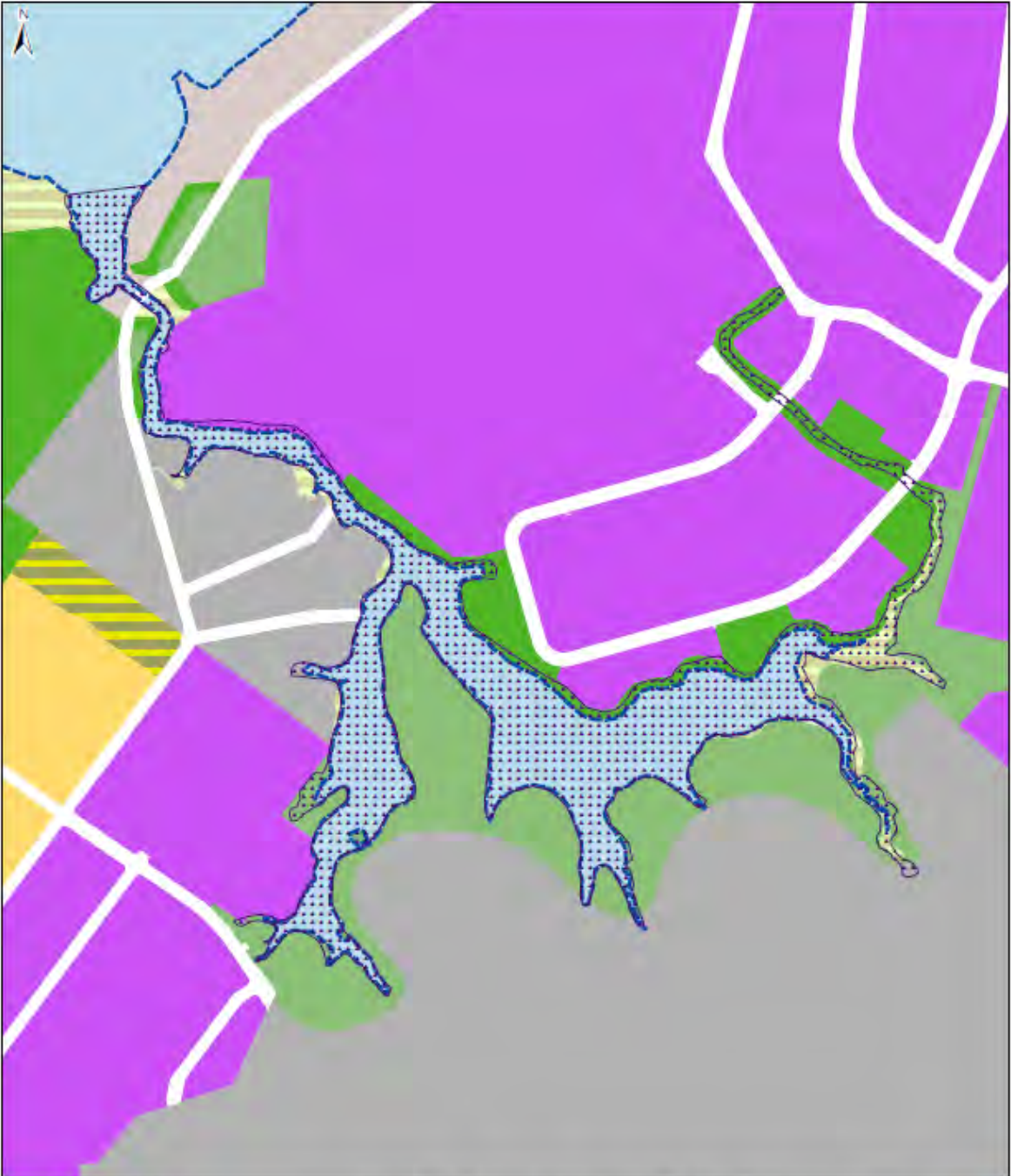
+64 277464611

**Email:**

[joy.morse@aucklandairport.co.nz](mailto:joy.morse@aucklandairport.co.nz)



**ANNEXURE A - MAP OF NOTIFIED SITE 109: TE WAI O RUARANGI / ORUARANGI AND WAITOMOKIA CREEKS:**



0 365 770 1,540 Meters

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

Tranche 2a - Sites of Significance to Mana Whenua

Site Name - Te Wai o Ruarangi / Oruarangi Awa and Waitomokia Creek  
Site ID - 000125

- Site extent
- Indicative Coastline (i)
- ZONE**
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Business - Light Industry Zone
- Rural - Rural Production Zone
- Special Purpose Zone
- Coastal - General Coastal Marine Zone [rcp]
- Coastal - Coastal Transition Zone
- Road (r)

**ANNEXURE B - MAP OF AUCKLAND AIRPORT SIGNIFICANT STORMWATER INFRASTRUCTURE:**



**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 102 - Graeme Lundie  
**Date:** Friday, 21 June 2024 4:45:18 pm

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Graeme Lundie

Organisation name: Tel Properties Nominees Limited

Agent's full name:

Email address: [graeme.lundie@cbre.co.nz](mailto:graeme.lundie@cbre.co.nz)

Contact phone number: 021586343

Postal address:

Po Box5053

Wellington

Wellington 6011

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 102

Plan change name: PC 102 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:

Property address: 89 Richard Pearse Drive

Map or maps:

Other provisions:

Impact on future sale of the property with the impact of sensitive land adjacent to it

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

As representative of the owner this to advise that we wish to make a submission post consultation with a town planner to fully understand the impact of this change on the property in questions

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

16.1

Details of amendments: We need to understand how this proposed change impacts future sale of the property, the plan change documents do not appear to cover that off.

Submission date: 21 June 2024

#### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

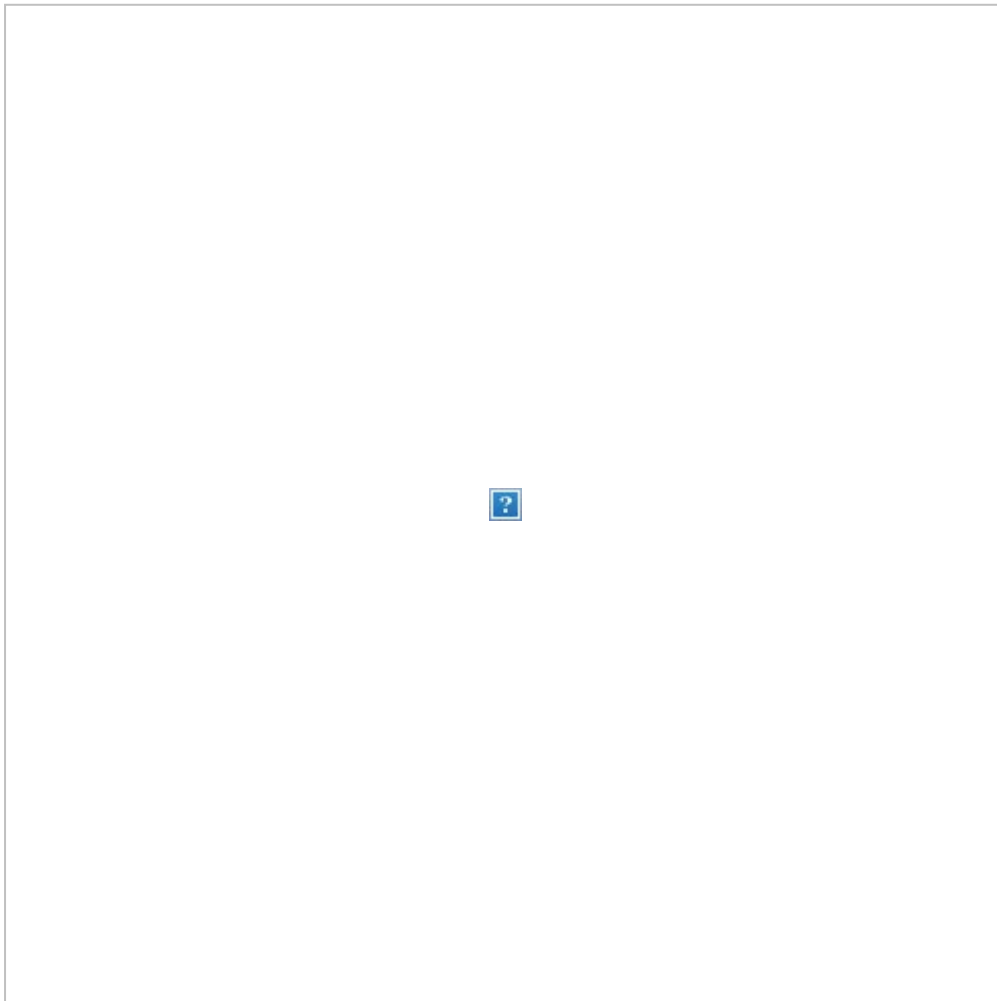
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 16, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name) \_\_\_\_\_

**Organisation Name (if submission is made on behalf of Organisation)**

**Address for service of Submitter**

Telephone:  Email:

Contact Person: (Name and designation, if applicable)

## Scope of submission

**This is a submission on the following proposed plan change / variation to an existing plan:**

Plan Change/Variation Number

Plan Change/Variation Name

**The specific provisions that my submission relates to are:**

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or  
Property Address

Or  
Map

Or  
**Other (specify)** \_\_\_\_\_

## Submission

**My submission is:** (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)



I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

**If you could gain an advantage in trade competition through this submission please complete the following:**

I am  / am not  directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.



**Summerset Group Holdings Limited**

Level 27, Majestic Centre, 100 Willis St, Wellington

PO Box 5187, Wellington 6140

**Phone:** 04 894 7320 | **Fax:** 04 894 7319

**Website:** [www.summerset.co.nz](http://www.summerset.co.nz)

**SUBMISSION ON PROPOSED PLAN CHANGE 102 TO THE AUCKLAND UNITARY PLAN**

**TO:** Auckland Council

**SUBMITTER:** Summerset Villages (Parnell) Limited ("**Summerset**")

**SUBMISSION ON:** Proposed Plan Change 102 to the Auckland Unitary Plan ("**PC102**")

**Summary**

1. Summerset is one of New Zealand's leading and fastest growing retirement village operators, with more than 7,400 residents living in our village communities. Summerset offers a range of independent living and care options to meet the changing needs of its residents. Summerset has 50 villages which are either completed or in development, spanning from Whangārei to Dunedin, and employs over 2,400 staff members across its various sites.
2. Summerset welcomes the opportunity to submit on PC102, which proposes to introduce or amend twelve sites and places of significance to mana whenua to Schedule 12 of the Auckland Unitary Plan ("**AUP**"). Summerset is actively involved in development across Auckland, and owns a site located at 23 Cheshire Street, Parnell ("**Site**") – one of the nominated sites proposed to be scheduled through PC102 – which has the Waipapa Awa that historically ran through the Site.
3. Summerset acknowledges the Resource Management Act 1991 ("**RMA**") identifies it is a matter of national importance to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
4. Summerset generally supports the aim of PC102 to recognise and protect the tangible and intangible Māori cultural values of twelve sites and places of significance within Tāmaki Makaurau,



to provide for the relationship of mana whenua with their cultural heritage. However, Summerset also seeks pragmatic solutions to ultimately preserve the development potential of the Site, including going beyond the type of development which has already been authorised by its current resource consents. While landowner consultation occurred between September 2022 and March 2023, Summerset does not consider there was any meaningful discussion or ability to give feedback on how PC102 would interact with the Site.

### **Scope of submission**

5. Summerset could not gain an advantage in trade competition through this submission.
6. This submission relates to PC102 in its entirety.
7. For those provisions of PC102 that require amendment as sought by Summerset below, those provisions will not (without the amendments proposed by Summerset):
  - (a) promote the sustainable management of resources or achieve the purpose of the RMA, and are contrary to Part 2 and other provisions of the RMA;
  - (b) meet the reasonably foreseeable needs of future generations;
  - (c) enable the social, economic and cultural wellbeing of the community;
  - (d) enable the efficient use and development of Summerset's land and resources; and
  - (e) appropriately achieve the objectives of the AUP in terms of section 32 of the RMA.
8. Without limiting the generality of the above, the specific reasons for Summerset's submission are outlined below.

### **Specific reasons for submission**

9. The key focus of Summerset's submission is on the impacts on the future use and development of the Site resulting from the proposed scheduling of the Waipapa Awa as a site of significance to mana whenua. Summerset considers PC102 needs to be clearer about the parts of the Site to be affected by this scheduling. In particular, this submission seeks:
  - (a) a reduction in the extent of the Waipapa Awa as scheduled to the daylighted portion of the awa only;



- (b) greater specificity in PC102 regarding where the scheduling of sites of significance to mana whenua applies, relative to those parts of the Waipapa Awa that are daylighted and those that are not;
- (c) greater specificity on the particular matters to which the scheduling applies;
- (d) changes to the relevant activity statuses and consequential matters of discretion to which scheduling applies; and
- (e) clarity as to which related provisions of the AUP are implicated for each scheduled site.

10. These matters are each addressed in detail below.

#### **Reduction of scheduling to daylighted portion of the Waipapa Awa**

- 11. Summerset considers the scheduling of the Waipapa Awa as a site of significance to mana whenua under PC102 should be reduced to only capture the existing daylighted portion of the Waipapa Awa, rather than including the former alignment of the awa that has been physically extinguished and no longer physically exists.
- 12. As outlined in the Section 32 Report, the nominated alignment for the Waipapa Awa captures both the aboveground sections of the awa and the past alignment where the awa has been culverted under a former railway siding that is now zoned Business Mixed Use Zone under the AUP. Specifically, the awa terminates, with water entering the Auckland Council's underground stormwater network halfway along its nominated extent, which is just south of the portion of the Site consented for the development of a comprehensive retirement village. The remaining "balance" of the Site (which is currently unconsented), and where the awa is daylighted, is located south of this entry point.
- 13. Summerset seeks an amendment to the nominated extent of the Waipapa Awa in PC102 so that it only captures the daylighted portion of the awa that runs from the south into the Ngahere Inlet stormwater culvert on the Site. The scheduling of the Waipapa Awa would therefore exclude the section that intersects with the Site north of this point. This amendment would appropriately recognise the diversion of the awa that has already been undertaken, as well as the current state of the surrounding environment. For example, the area north of the stormwater culvert has been



comprehensively developed or consented for development (eg the Carlaw Park Precinct and Summerset's consent).

14. Summerset has discussed and agreed this fundamental submission point with Ngāti Whātua Ōrākei Whai Māia ("**Whai Māia**") and Ngāti Whātua Ōrākei Trust (the "**Trust**") whom are supportive of Summerset's submission on this matter and PC102 being amended to address this.

**Greater specificity regarding where the scheduling applies**

15. Where a site is scheduled as a site of significance to mana whenua, the provisions of Section D21 Sites and Places of Significance to Mana Whenua Overlay ("**Mana Whenua Overlay**") of the AUP apply to that site. The PC102 documents are unclear as to whether the scheduling is limited to the "mapped" extent of the subject site as shown in PC102, or whether *any* development of the wider site that the Mana Whenua Overlay applies to is implicated. The extent of the scheduling is not defined by survey.
16. If the scheduling was to apply to the whole Site, any future use and development of any part of the Site would need to be considered against the Mana Whenua Overlay. This would implicate a variety of Auckland-wide AUP provisions which recognise Māori cultural values and heritage and in turn lead to significant limitations on the ability to develop the Site.
17. Summerset seeks that the introduction of scheduling be limited to the "mapped" extent of sites of significance as shown in PC102. This would ensure protection of the necessary areas of Waipapa Awa intersecting with the Site, rather than the scheduling capturing the whole Site. The latter approach would impose limitations on the future development of other parts of the Site (outside of the mapped extent of the Waipapa Awa) where it is otherwise unreasonable to do so.
18. Summerset has also discussed and agreed this fundamental submission point with Whai Māia and the Trust whom are supportive of Summerset's submission on this matter and PC102 being amended to address this.

**More specificity regarding the particular matters the scheduling applies to**

19. If the scheduling is to remain, Summerset considers that a nuanced approach should be taken when deciding the particular issues the scheduling in PC102 applies to. There were numerous issues identified by Auckland Council through the engagement process, such as the inappropriate intensification of development on significant sites, the loss of indigenous vegetation on significant



sites, and the lack of formal recognition of significant areas in order to inform local, regional and national planning processes. While the PC102 documents identify that the twelve sites of significance are all subject to one or more of these issues, it is unclear which issue(s) applies to each subject site. This lack of specificity regarding the identification of the issues that apply to each site undermines the ability to understand which particular matters need to be considered.

20. Summerset seeks that PC102 identify the specific issues that apply to each scheduled site on a site-by-site basis. This amendment will enable landowners and developers to understand what the key considerations should be when developing their site and consciously address those matters. Summerset considers implementing this amendment assists achieving the goal of PC102 to recognise and protect the tangible and intangible cultural values of the identified sites of significance, whilst avoiding unnecessary restrictions on development.

**Amendment of proposed activity statuses and matters of discretion / control**

21. As PC102 is currently drafted, any future development of the Site will be captured as a discretionary activity in accordance with the protection provided by the Mana Whenua Overlay. Summerset considers a restricted discretionary or controlled activity status would be more appropriate. In either case, PC102 should then include specific matters of discretion or control for each activity to align with the specific issues identified by mana whenua relating to the Site (once these are identified in PC102 in accordance with the relief discussed above).
22. The Section 32 Report notes that the Waipapa Awa is proposed to be subject to the "site exception rule", which provides a more enabling amended activity status for earthworks for service connections (permitted rather than restricted discretionary), and network utilities and electricity generation facilities (restricted discretionary rather than full discretionary). However, the site exception rule does not cover earthworks generally as they may relate to a future development (this has a more restrictive activity status – discretionary). This 'catch all' implication therefore does not recognise the specific features of the Site that is subject to PC102, and in particular does not recognise the nature / extent of the Waipapa Awa.
23. Summerset seeks a more enabling activity status be applied to the various activities associated with the future development of the scheduled Site. Summerset considers a more enabling activity status will still maintain the intangible Māori cultural values of the Waipapa Awa which PC102 seeks to protect by addressing the specific issues with the Site (as identified by mana whenua groups through the engagement process) through standards and / or the matters of discretion or



control. Summerset therefore seeks a controlled activity status for new buildings and structures in Table D21.4.1.

24. The application of the Mana Whenua Overlay to scheduled sites triggers other provisions of the AUP, which also recognise Māori cultural values and heritage and have more restrictive implications for the future use and development of the Site. Summerset seeks specificity regarding which other AUP provisions are triggered for each of the twelve sites and places of significance (as opposed to broadly citing "related sections" of the AUP for each scheduled site). This will require a careful assessment by the Council, in consultation with mana whenua groups, of which provisions of the AUP *need* to apply on a site-by-site basis to protect the tangible and intangible Māori cultural values of the subject site.
25. Summerset also seeks consequential amendments to the activity status of other activities found in other AUP chapters that may limit development potential to maintain the status quo of the Auckland-wide provisions, especially in relation to the undaylighted portion of the Waipapa Awa. These activities are implicated through the application of the Mana Whenua Overlay and are found in the following chapters of the AUP:
- (a) Water quality and integrated management (E1);
  - (b) Lakes, Rivers, Streams and Wetlands (E3);
  - (c) Taking, using, damming and diversion of water and drilling (E7);
  - (d) Land disturbance – District (E12);
  - (e) Infrastructure (E26); and
  - (f) Subdivision (E38/E39).

**Relief sought**

26. Summerset respectfully seeks:
- (a) the nominated extent of the Waipapa Awa in PC102 is reduced so that it only includes the daylighted portion and does not include the undaylighted portion of the Waipapa Awa that intersects the Site;

17.1



- (b) the scheduling of the Waipapa Awa as a site of significance to mana whenua be limited to the surveyed extent, rather than applying to the whole of any property (including the Site) that it passes through; 17.2
- (c) identification of the specific matters / issues that apply to each scheduled site (as opposed to broadly applying all issues generically in the Mana Whenua Overlay); 17.3
- (d) an amendment to the activity status for new buildings and structures where the scheduling applies to the undaylighted portion of the Waipapa Awa that intersects the Site from discretionary activity status to controlled activity status (as well as consequential amendments to the specific mana whenua issues for the Site, and for these to be introduced as matters of control); and 17.4
- (e) identification of broader AUP provisions relevant to each site and amendments to the activity status of other activities in the Auckland-wide provisions of the AUP that the Mana Whenua Overlay implicates to ensure that it does not result in more onerous provisions than currently apply. 17.5
27. As previously outlined, the above has been fully discussed and agreed with Whai Māia and the Trust whom are supportive of PC102 being amended to grant Summerset's relief at subparagraphs (a) and (b) above. Summerset acknowledges Ngāti Whātua Ōrākei's ahi kā and the cultural significance of Waipapa Awa, and Summerset has made an undertaking to honour this during the development of the Site.
28. Summerset would be open to engaging further with the Council, Whai Māia, and the Trust or any other mana whenua groups, on the matters raised in this submission if that would assist. Summerset respectfully requests an opportunity to speak to this submission.

Yours faithfully

A handwritten signature in blue ink that reads "A Smail".

**Aaron Smail**

Chief Development Officer

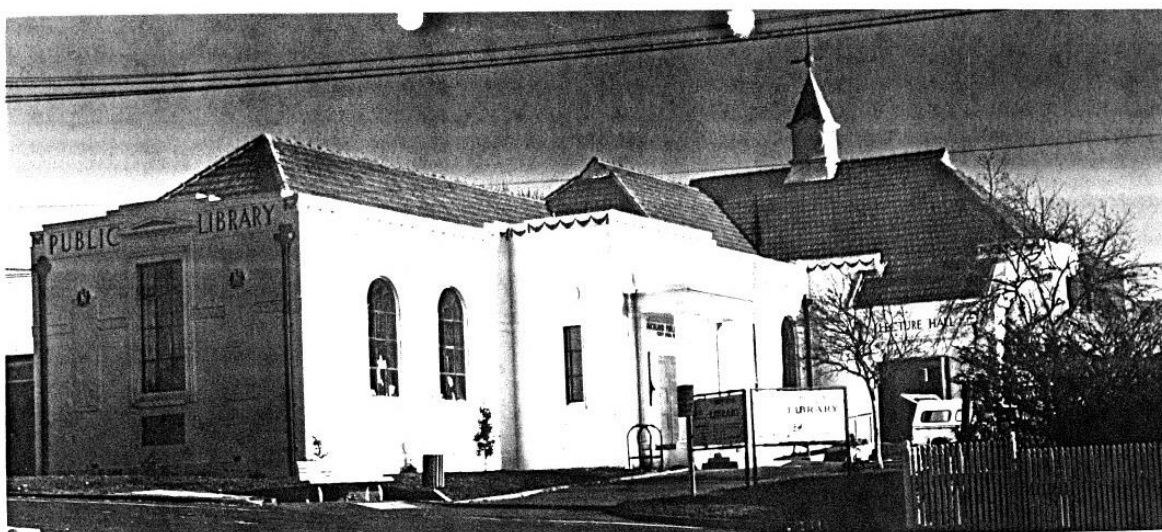




**Submission on Plan Change 102, Sites and Places of Significance to Mana Whenua**

**Re: Inclusion of 474 Great North Road, Arch Hill on Schedule 12.1**

I submit that the proposed scheduling of 474 Great North Road fails to adequately provide for the heritage values that currently exist on the site described in the plan change as being “currently occupied by the Grey Lynn Library”.



Grey Lynn Public Library, 482 Great North Road, Grey Lynn  
Atc Regional Office, Photo Album 8, p817

Rec No 584  
Bldg 282  
(with 06)  
Atc ok.



The heritage values of the library and hall are recognised through their inclusion in Schedule 14.1 as a Category B place and also through their inclusion on Heritage New Zealand’s List as a Category II place. It is unknown when Council last reviewed its heritage assessment of the building, and though the Heritage NZ listing appears not to have been reviewed since its initial listing in the 1980s, the most recent Conservation Plan from 2000 attests to the pedigree of this public building designed by the eminent firm of Gummer and Ford.

It is acknowledged in the Section 32 report that inclusion of the site on a heritage schedule does potentially constrain use of the site, and furthermore that the potential exists that the Council could sell this property.

While it is acknowledged that the Library and Hall may have some seismic issues, these should be appraised and considered as well as an updated assessment of heritage values, in conjunction with those that may be associated with mana whenua.

I submit that there is no particular urgency and that scheduling of this item should not be confirmed without concurrent consideration of an updated assessment of the Grey Lynn Library and Hall.

18.1

I am not a trade competitor and look forward to speaking to my submission at a subsequent hearing.



Allan Matson  
[allan.matson1@gmail.com](mailto:allan.matson1@gmail.com)

21 June, 2024

## **Plan Change 102 and Plan Modification 15**

Parnell Community Committee (Inc) submission. By email to: unitaryplan@aucklandcouncil.govt.nz

### Introduction

1. We support scheduling the Waipapa Awa **and** Te Rae o Kāwharu | 19.1
2. More detail follows on our knowledge of Waipapa Stream (Waipapa Awa).
3. We wish to speak to this submission if a hearing is held

### Background

The restoration and recognition of Waipapa Stream (Waipapa Awa) is essential to preserving Auckland's cultural, historical, and natural heritage. The stream, which defines the footprint of the volcanic cone known as Pukekawa, upon which the Auckland Museum is built, holds significant value for both Māori and the broader community.

### Early Historical Context

Waipapa Stream has a rich history intertwined with the lives and events of the local Māori population and early European settlers. The stream has been the natural definition of the physical footprint that defines one of the Isthmus's most sacred and celebrated volcanic cones, Pukekawa. The following provides a historical account, drawing on verified sources and expertise in Auckland's history and Māori culture.

#### Early Raids (1300-1750)

Pukekawa, now known as the Auckland Domain, was a site of significant conflict and activity among various Māori tribes. The area witnessed numerous raids by Ngātiawa from Taranaki, Ngāti Whātua from Kaipara, and Maru-Tūahu from Hauraki. These raids were part of the broader intertribal dynamics and conflicts that shaped the region's history.

#### Ngāti Whātua Invasion (1760)

In 1760, Chief Tuperiri led Ngāti Whātua in a campaign that captured several strategic sites, including Maungakiekie (One Tree Hill). Following these victories, Ngāti Whātua engaged in extensive warfare with Ngāti Paoa, who sought assistance from Hauraki tribes. The conflict spread from the Manukau Harbour through Pukekawa to Point Chevalier Beach. Eventually, Ngāti Paoa were defeated, and the seat of conflict shifted eastward to Tamaki West Head.

#### Ngāpuhi Raids (1793-1800)

The first Ngāpuhi raids began in 1793, involving almost every hapū and pā in the region. The Ngāpuhi, armed with muskets, launched devastating attacks that forced Ngāti Whātua to abandon the Auckland isthmus as a place of residence. Ngāti Paoa continued to occupy fortified sites along the Tamaki River at Panmure and Otahuhu. One significant event during this period was the

massacre of Ngāti Paoa at a sacred site beside Waipapa Stream near Carlaw Park. By 1800, the introduction of firearms had rendered traditional pā fortifications largely obsolete.

### Captain Jules Dumont d'Urville on Astrolabe (1827)

French explorer Jules Dumont d'Urville visited Auckland in 1827 aboard the Astrolabe. His observations provide valuable insights into the landscape and Māori way of life during that period. He described the terrain as a series of hills with bracken, bushes, and streams of fresh water flowing through gullies, reflecting the natural state of the land before extensive European settlement.

### Chief Apihai Te Kawau and Governor William Hobson (1840)

In 1840, Chief Apihai Te Kawau of Ngāti Whātua offered land to Governor William Hobson for establishing a new capital for the colony of New Zealand. This land, which became the Auckland Domain, was delineated by the Waipapa Stream (Parnell) and the Waiparuru Stream (Grafton Gully). This agreement was a pivotal moment in the establishment of Auckland, effectively creating a city planned within a park. Preserving and daylighting the Waipapa Stream is crucial to maintaining Auckland's historical and cultural identity.

### The Public Domain Act (1860)

“An Act to provide for the Management of the Public Domains” (2nd November 1860) - This Act defined the Auckland Domain (Government Domain) in Schedule 1 as:

*“All that piece or parcel of land situated in the Parish of Waitemata in the County of Eden, containing 196 acres more or less, and known as the Government Domain or Auckland Park; - bounded towards the North-east by Suburban Section, No. 95-120 links, 300 links, 310 links, 306 links, 306 links, 304 links, and 300 links, and **by a stream**. Towards the South East by a road 1876 links, and by a road 960 links and 560 links. Towards the South by a road 569 links, and by a road 1187 links. Towards the South-west by a road 1612 links. Towards the West by the Provincial Hospital Grounds 299 links, 520 links, 824 links, and 220 links, **by a stream dividing it from Suburban Section No. 18**, to a marked Puriri tree, and by the said Suburban Section No. 18, 691 links and 396 links. Towards the North-west and North by a Mill race, by a line 175 links, and again by **the Mill race**, and by a line 423 links, and 405 links, to where the Boundary commenced.”*

### Current State of Waipapa Stream

The Waipapa Stream flows from the Parnell-Te Tii Tutahi ridge at the foot of Pukekawa. While much of the stream now runs through stormwater pipes, a short stretch is daylighted before it joins the stormwater network and eventually discharges into the Waitematā Harbour near Mechanics Bay. Despite being heavily modified, the stream retains its mauri (life force) and holds significant cultural value for Mana Whenua, particularly Ngāti Whātua Ōrākei.

### Importance of Preservation

**Cultural Significance:** The Waipapa Stream and its surrounding areas hold deep cultural and historical importance for Ngāti Whātua Ōrākei. The stream and its associated wetlands were vital sources of resources such as tuna (eel) and played a significant role in the lives of their ancestors.

**Historical Legacy:** The preservation of the Waipapa Stream is essential to honouring its historical role in both pre-European and post-European settlement. The stream's course and the surrounding areas are rich in historical narratives that contribute to Auckland's identity.

**Environmental Restoration:** Efforts to daylight the stream and restore its natural state would enhance the environmental quality and biodiversity of the area, providing ecological benefits and improving storm water management.

*(To the Editor of the Southern Cross.)*

SIR,—It has often struck me that there has been great want of regard to the nature of the ground in laying down roads and other boundaries, particularly that piece of ground for the Government Domain; certainly a more beautiful patch of ground is not to be found, possessing so many natural advantages; commanding most delightful views; a fine situation for a Government House, Botanical Gardens, and beautiful walks not to be surpassed; the boundary of this Domain is defined by nature in a very distinct manner by little brooks or streams of water on both sides from the high ground, and terminates in a swamp or low ground at the boundary of the town land; the distant boundary by high ground, or ridge sloping both ways; the whole forming the shape of a pear, the small end laying nearest the town. Can it be conceived that this piece of ground, which ought to have been held sacred, and which would have become the pride of the town, and the boast of the country (New Zealand) if properly planned and laid out? Is it possible to imagine that it has been broken in upon, and the work of destruction fairly commenced by running a fence, I was going to say, in a straight line ending in nearly the centre of it; but it is not a straight line, but one of those lines or characteristic crooks, for which the place is so notorious and famed, as if to shew by mathematical genius, how much of natural beauty at fell sweep he could destroy? It is to be hoped the Governor will arrive soon, so as to put a stop to the work of destruction upon the beauties of nature; it is a saying that idle hands will find time for doing mischief; the question very naturally occurs, what is to be done with this piece of ground so cut out of the Government Domain by the Surveyor General and Superintendent of it?—Shall it be sold, so that it shall fall into the hands of the present officer administering the Government for services performed?

I am, &c.,  
A FARMER.

December 16, 1843.

## Conclusion

The preservation and recognition of Waipapa Stream are crucial to maintaining Auckland's cultural heritage and natural environment. By integrating historical and cultural narratives, Auckland Council can ensure that this significant natural feature is protected and celebrated as a vital part of the city's identity.

**Importantly**, the area is a key aspect of Pages 13 and 14 ( upper left image) in the attached Parnell Plan

We need to establish long-term protection measures to preserve the stream and its surrounding areas for future generations. This could involve legal protections, ongoing maintenance plans, and community stewardship initiatives.

Prioritise projects that daylight sections of Waipapa Stream, restoring its natural course and enhancing its ecological health. These projects should involve consultation with Mana Whenua to ensure cultural values are respected and incorporated.

Develop educational programs and materials to inform the public about the historical and cultural importance of Waipapa Stream. This could include interpretive signage, guided tours, and educational partnerships with local schools and universities.











# The Parnell Plan

A 30-year plan for Auckland's First Suburb

March 2019



## Mihi

E toko ake rā e te iti, whakatata mai rā e te rahi, kia mihi koutou  
ki ngā kupu whakarei a te hunga kua tīpokotia e te ringa o te wāhi ngaro,  
ēngari e kainihi tonu nei i ngā mahara i te ao, i te pō.

Ngā ōha i mahue mai i tērā whakatupuranga  
kia āpitihia e tātou ki ngā tūmanako o tēnei reanga,  
hei mounga waihotanga iho ki te ira whaimuri i a tātou.

Koina te tangi a ngākau māhaki, a te wairua hihiri me te hinengaro tau.

Oho mai rā tātou ki te whakatairanga i ngā mahi e ekeina ai  
te pae tawhiti ka tō mai ai ki te pae tata..

**Welcome to you all let me greet you**

**with the eloquent words of those who have long since been taken by the unseen  
hand of the unknown,**

**but for whom we still mourn.**

**Let us enjoin the legacy they left**

**to the hopes of this generation**

**as our gift to those who will follow us.**

**That is the pledge of the humble heart, the willing spirit and the inspired mind.**

**Let us rise together and seek to do what is necessary to draw distant aspirations  
closer to realisation.**



Judges Bay

# Te kupu takamua

## Foreword

Eight years ago the community got to work on a plan that eventually became Tomorrow Parnell published in 2012. This document provided the foundation for developing a council supported plan through a community-involved planning approach.

Thanks to the commitment of community leaders, council's community empowerment unit, planning team and the local board I am delighted to now present the Parnell Plan, a 30-year plan for Auckland's first suburb.

The plan has been developed together with the Parnell Plan Working Group of community representatives and in partnership with mana whenua. A collaborative community-led approach by the working group to preparing a plan consultation document resulted in positive, constructive feedback from wide ranging submitters.

As Auckland's first residential suburb, built on layers of Māori occupation thanks to a plentiful water source and outstanding natural features, Parnell's European built heritage is diverse and has contributed to its unique character. From Kinder House built in 1857, to the Parnell Baths which opened in 1915, to the many period homes, and village architecture. Looking into the future we want to protect and celebrate Parnell's historic heritage and express its Māori history.

Parnell has grown from its productive beginnings into a beautiful and creative place to live, visit, play and work. From commercial galleries on Parnell Road, to Whitecliffe College of the Arts and the ever-evolving creative sector around St Georges Bay Road, Parnell is known for its art and design community. Among other objectives, the plan looks to foster this creative identity, and to support businesses to thrive.

Parnell is foremost about its community – local residents, visitors, and workers. We want to see improved accessibility and connections, particularly to and from the train station and along our greenways. We would also love to see our great community facilities and parks continue to be used and enjoyed, maintaining and upgrading them to reflect ongoing community needs. Parnell has some wonderful parks and pockets of indigenous flora to enhance and celebrate, and has the potential to be more child friendly.

This plan builds on Parnell's great attributes. We hope this plan will serve as a framework to guide our community, iwi, the council and our delivery partners, to work together over the next 30 years and turn these aspirations into a reality.

Pippa Coom

Chair, Waitemata Local Board



# Ngā upoko kōrero

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Saatchi & Saatchi Building, The Strand

# He kōrero mō te mahere

## About the plan

### Purpose

The Parnell Plan provides direction and actions for the next 30 years to ensure Parnell continues to be a fantastic place to live, work, play and do business in the future. It presents the local board, council and community's vision for the area, key objectives, strategies and a set of actions to achieve the objectives.

The Parnell Plan is an important guide for the community and decision-makers that can influence the future of Parnell. However, it is not a statutory planning document and cannot set rules controlling development or directly approve funding for projects. An implementation strategy and plan is included that outlines immediate, and short to long term actions. Some of these actions will already be funded, and some may not require funding. Many however are currently unfunded or aspirational, requiring further investigation or waiting to be prioritised in order to happen.

This plan provides the impetus for the council and the community to join together to achieve longer-term transformational changes and projects in and for Parnell.

### Vision and outcomes

The vision for Parnell over the next 30 years is:

***Auckland's First Suburb: A thriving, creative, and collaborative community that celebrates its unique natural, cultural and historic environment***

The five objectives for Parnell are:

- **Promote Parnell as an innovative and creative place to work, live, visit and do business**
- **Enhance connectivity and accessibility within Parnell and with its neighbouring places**
- **Enable the community to use and enjoy its great places and spaces**
- **Value, protect and enhance Parnell's natural environment**
- **Respect, recognise and protect Parnell's historic and cultural heritage and character**

### The plan area



The Parnell Plan study area encompasses the whole of historic Parnell – Auckland’s first suburb.

Parnell is bordered to the north by The Strand, Judges Bay, Tāmaki Drive and the Port of Auckland. To the west is the city centre, Grafton Gully and Pukekawa - Auckland Domain including Auckland War Memorial Museum. Newmarket, Remuera, Orākei, and Hobson Bay are to the south and east.

The Parnell Plan focuses on Parnell and acknowledges the close relationship it has with surrounding areas, attractions and communities

## Partnership and collaboration

The Parnell Plan was prepared in collaboration with the Parnell Plan Working Group - a committed and passionate group of local leaders and representatives. Achieving the vision and delivering the actions in this plan will require partnerships including the Parnell community, businesses, land owners, mana whenua, government agencies, local and regional organisations, the Waitemātā Local Board, Auckland Council and Council Controlled Organisations.



Waipapa Stream restoration programme - community day

## Te ao Māori and Te Tiriti o Waitangi (Treaty of Waitangi)

Te ao Māori (Māori world view) provides a holistic way of understanding our environment. For Māori, their connection with the natural environment provides a sense of identity and enables them to exercise their mana (prestige). When the natural environment is weakened, for example, through removal of native trees, sites of significance or worsening water quality, this connection can be weakened.

Te ao Māori recognises that the benefits the environment provides come with a responsibility to care for and maintain it for future generations. This is the practice of guardianship or kaitiakitanga. Working together with mana whenua enables access to knowledge and practices that can help look after and nurture the environment, such as knowing what local native plants are best to use for replanting.

Partnering with Māori in creating and implementing this plan is part of Auckland Council’s responsibilities under Te Tiriti o Waitangi and its broader obligations to Māori. Embracing this partnership will be an important part of realising the Parnell Plan’s vision and objectives.

Te Aranga Māori Design Principles are a set of outcome-based principles based on intrinsic Māori cultural values. The principles have been developed to assist mana whenua to enhance their presence, visibility

and participation in the design of the physical world. These principles are encouraged to be referred to and reflected in public and private projects and development in other parts of Auckland and are appropriate for Parnell. The Te Aranga principles can be found at [www.aucklanddesignmanual.co.nz](http://www.aucklanddesignmanual.co.nz).



Waipapa Stream



[placeholder image for Taurarua Judges Bay artwork – alternative image being sourced from Ngati Whatua Orakei ]

## He kōrero mō Parnell

# The story of Parnell

Parnell is Auckland's oldest suburb and occupies an enviable setting nestled between Pukekawa Auckland Domain and the bays of the Waitematā Harbour. Parnell has long been one of Auckland's most well-known suburbs due to its strategic location and its history.

The suburb lies close to key Auckland landmarks and destinations including the wider waterfront, Auckland War Memorial Museum, Spark Arena, the Port of Auckland, the Domain, Auckland Hospital and the University of Auckland, and Parnell Rose Gardens. It is one of the key gateways to the city centre and has a diverse community and a diverse range of buildings, shops, parks, restaurants and bars, parks, community facilities, businesses and employment opportunities.

The area has a lengthy Māori history with historic occupation by numerous iwi. After the arrival of Europeans, and following the transfer of the lands by negotiation with Apihai Te Kawau, and other Rangatira of Ngāti Whātua Ōrākei, Parnell was established in 1841.

Parnell soon became a key link to wider Auckland and the home of the Anglican Church, while prominent judges, merchants, port workers, and Sir Logan Campbell were drawn to the waterside location. Shipbuilding lined the foreshore and a retailing area grew along Parnell Road. The railway and railway tunnels arrived in the 1870s – the recent Parnell Station development again placing Parnell in this wider network.

The Parnell Village development by Les Harvey started a resurgence for modern Parnell with weekend shopping in the 1970s. Throughout the 1980s and 1990s Parnell continued as the place to be. Now weekly farmers' and French markets draw in visitors from across the city, while signature annual events include the Festival of Roses, Heritage Festival, alongside events supported by the Parnell Business Association - Artweek, The Waiters Race and the Chinese New Year celebration of Zodiac animals. Alongside new eateries, there has also been a noticeable increase in commercial development. This can be seen in the lower St Georges Bay Road quarter which has seen more than \$100 million spent on new developments in recent years.

Parnell is graced with some of Auckland's iconic built and landscape assets. It has been fortunate to have retained many heritage buildings from a range of eras and styles including the Holy Trinity Cathedral, the Royal Foundation for the Blind, St John the Baptist historic church, and Parnell Baths. These much loved buildings and facilities are among the many 'hearts' of Parnell. Today, these contribute to a diverse urban form which also includes suburban villas, terraced housing, civic buildings, modern apartments, office buildings and repurposed warehouses. With this has come diversity in population.

Parnell has always been a progressive community in championing new ideas – from art festivals and education facilities to built design and business innovation. Looking to the future, Parnell faces both challenges (such as from ongoing port activities) and opportunities to capitalise on its unique and excellent attributes and ensure it remains a desirable place to work, live, play and visit, as well as a prosperous place in which to do business.



The many 'hearts of Parnell'



Parnell Baths [19XX]



Parnell Rise [18XX]



Café, St Georges Bay Road



Parnell Village

## Ngā kaupapa mahi matua

### Key action areas

Five key action areas have been identified for the Parnell Plan. These are priority locations where investment in mainly physical and environmental improvements can achieve transformational change. They focus directly on achieving the vision and objectives for Parnell and are as follows:

- ❖ **Make Parnell Station a key gateway to Parnell and the Domain**
- ❖ **Realise the Waipapa Greenway**
- ❖ **Reinforce the core of Parnell town centre as the heart of Parnell**
- ❖ **Revitalise the St Georges Bay Road warehouses area**
- ❖ **Enhance key east-west links and realise the Parnell Parks Link Greenway**

Although the projects related to these key action areas are aspirational and are generally not funded, they have already been identified in previous local board or council strategies. Their selection elevates their importance in achieving the objectives of the plan, and will become priorities for delivery.

The key action areas are described below and illustrated with visualisations of how they may look like when they have been transformed. They form part of the implementation plan, with actions towards their realisation being required in the short term for them to be delivered in the medium and long term.

#### **Make Parnell Station a key gateway to Parnell and the Domain**

Parnell train station is an important gateway to Parnell, Auckland Domain and surrounding areas. The station itself is a heritage building and can be utilised for a range of activities including visitor information. Ensuring effective and attractive connections to and from the station are critical for Parnell to flourish and for enhancing accessibility between Parnell and the Domain. The quality of its surrounding environment and development is important for Parnell's future success.



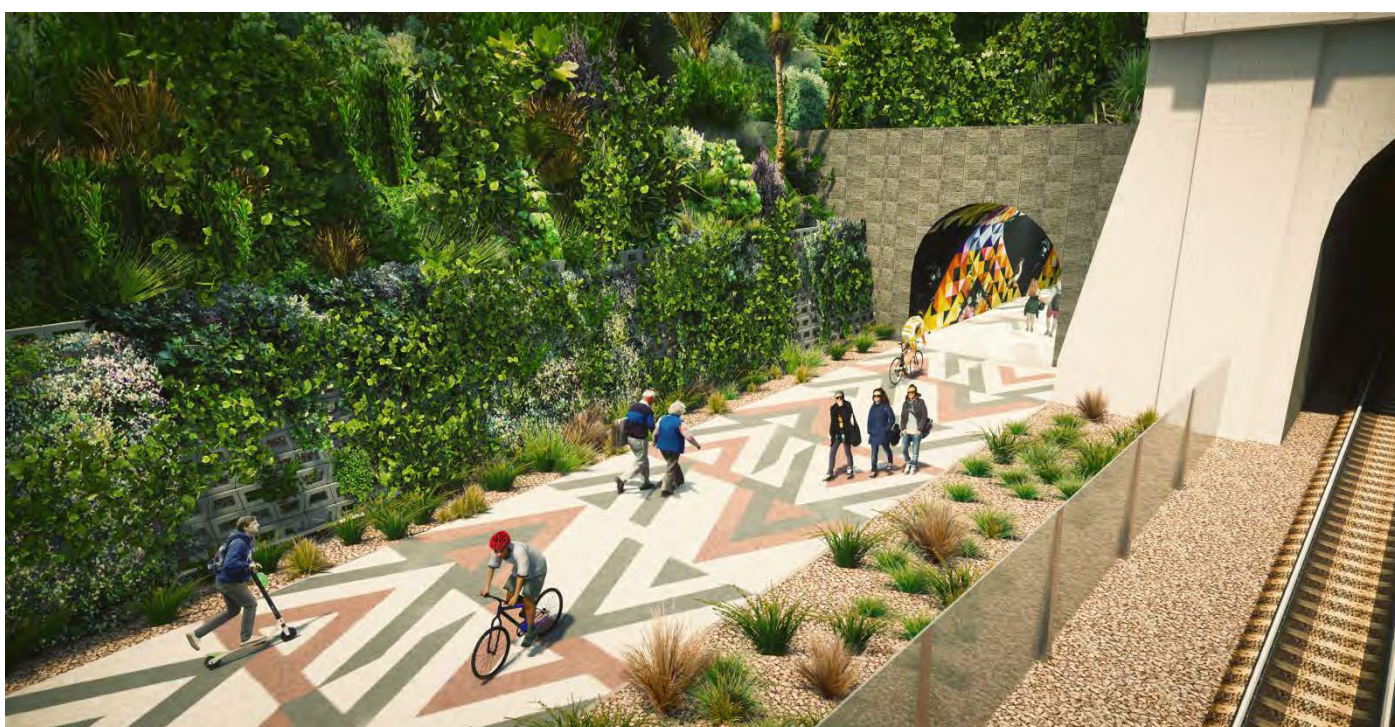
Parnell train station

## Realise the Waipapa Greenway

The Waipapa Greenway, or rail trail, in the valley between Parnell and the Domain is a unique opportunity for Auckland. With the lively Waipapa Stream continuing to flow, the valley is strategically and historically significant. There are opportunities to create walking and cycling pathways and connections next to the rail line, utilising the potential of a disused historic rail tunnel, and re-establishing better access between Parnell and the Domain. Recreational, ecological and educational opportunities can be developed in ways that reinforce the valley's historic meaning and that are distinctive and attractive for Parnell, including the potential to 'daylight' additional parts of the stream currently enclosed in culverts. This priority greenway connection was identified in the Waitematā Greenways Plan 2013.



Graphic impression of potential future Waipapa Greenway looking towards Ngahere Steps (indicative only)



Graphic impression of potential future Waipapa Greenway at currently disused railway tunnel (indicative only)

## Reinforce the core of Parnell town centre as the heart of Parnell

The heart of Parnell is the historic town centre, which is also the main transport route through Parnell from Newmarket to the city centre. Full of character, the centre requires revitalisation to encourage greater use and to further establish Heard Park and its surrounds as a key community place within the centre and for Parnell. The north-south road transport corridor should be managed and improved to ensure that Parnell centre is people-friendly, safe, and integrates different transport modes well. Streetscape and amenity improvements in the centre and its surrounding local streets, including flexible repurposing of these streets, needs to reflect Parnell identity, with recreational and play improvements being part of a transformed Heard Park.



Graphic impression of potential future Heard Park and Parnell Road (indicative only)

## Revitalise the St Georges Bay Road warehouses area

The northern half of St Georges Bay Road was once a busy wharf warehouse area for the port. It has great historic and architectural character, and is transforming into a bustling creative and design-related business precinct. Improving the function and design of the distinctive street environment will help create high amenity and more people-friendly spaces. It will complement ongoing investment in building refurbishment and development, and the presence of artistic, design and innovative businesses and education hubs such as the Whitecliffe School of Arts.



Graphic impression of potential St Georges Bay Road (indicative only)



Graphic impression of potential future Faraday Street during evening activation (indicative only)

Faraday Street 2 - awaiting final visual of daytime scene with angle parking on north side of road

Graphic impression of potential future Faraday Street during daytime (indicative only)

### Enhance key east-west links and realise the Parnell Parks Link Greenway

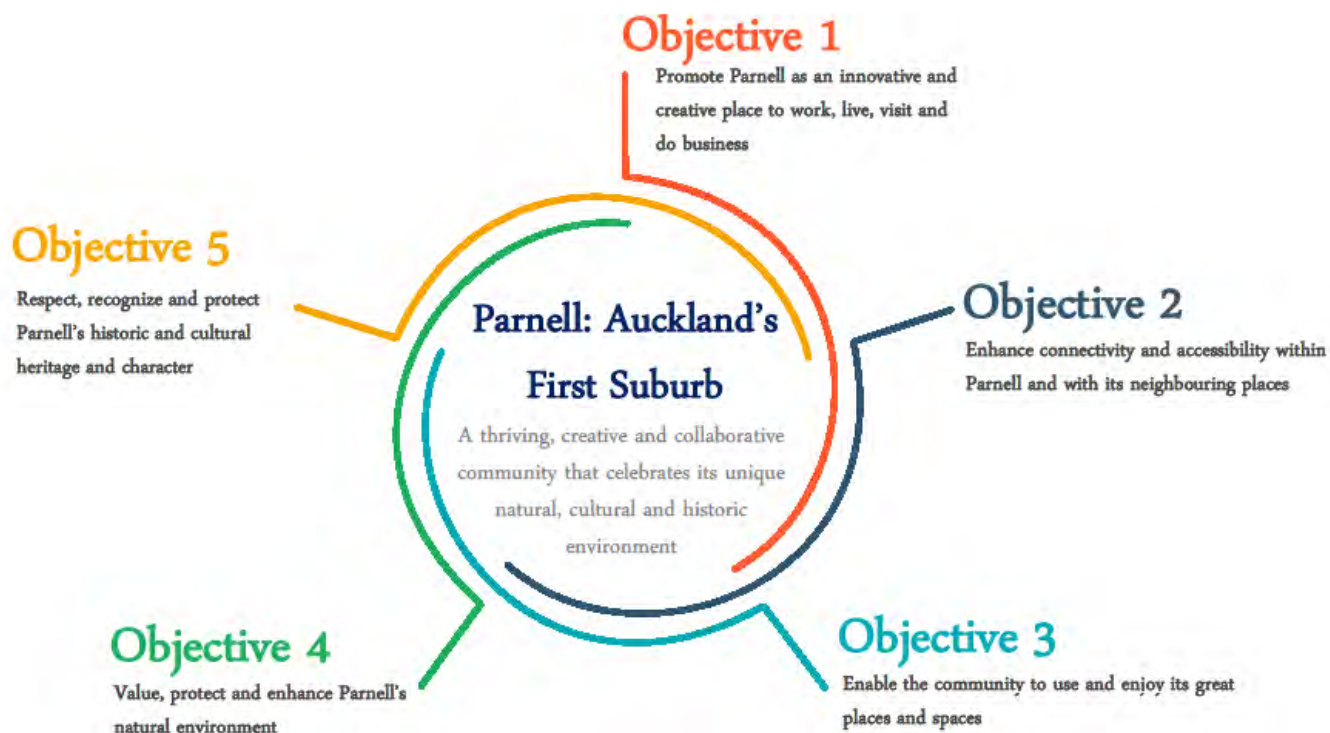
Enabling better links between east and west is important for Parnell. There is an opportunity to highlight and upgrade a more direct street link from Parnell Station through Parnell town centre and lower St Georges Bay Road to Parnell Rose Gardens via Garfield Street and Cleveland Road. Also identified in the Waitematā Greenways Plan 2013 is an east to west ecological connection that extends through the middle of Parnell from Hobson Bay to the Domain across quiet character streets, old stream gully parks, next to the local school and through the town centre. There are opportunities to heighten awareness of this route, better connect it and improve the quality of its experience.



Graphic impression of potential future Garfield Street (indicative only)

# Te tirohanga whānui me ngā whāinga

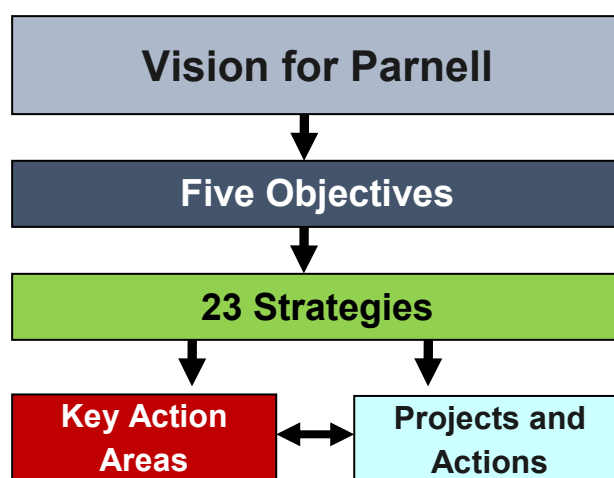
## Vision and objectives



The five supporting objectives should not be seen in isolation but as working together to deliver the overall vision for Parnell.

The strategies identified to achieve the objectives will be delivered over time through the projects and actions in the implementation plan. Many of the projects and actions, including the key action areas, deliver on more than one objective and often multiple objectives. This is shown in the implementation plan against each action and is why it is not possible to allocate projects and actions to one objective only.

A simple structure of how the elements of this plan relate and work together is shown in the diagram below.



## Objective 1: Promote Parnell as an innovative and creative place to work, live, visit and do business

**Parnell's historic relationship with Auckland commerce began as a home to early waterfront industry. Its proximity to a growing city centre saw it rise to greater prominence as a place to live, and also to shop along Parnell Road, which has continued as Parnell's centre. Parnell now finds itself well placed to capitalise on its reputation for creative enterprise. The future of Parnell will build on this creative identity, its status as a business location, as well as connections to heritage and the arts.**

### Why this needs to be achieved

Parnell has a diverse residential and business community. It is seeing a resurgence as a business destination and continuing this rise will require continued co-operation between a range of groups the business association and council.

Working with its many creative industries, galleries and education institutes, as well historic and cultural links to Auckland War Memorial Museum, Parnell can be further seen as a place for these to cluster and prosper.

Part of the appeal to residents and business is the unique character and identity of the suburb. This identity as the first suburb – a complete village providing homes, work places, shops, cultural and educational institutions – has buildings from the past sitting comfortably with modern apartments and offices. This should be enhanced through promoting excellent urban design in both the public and private realm.

There are buildings, sites and public spaces, within the Parnell area that are underused or pending some future development or occupation. These could be activated through pop-up events, temporary installations, flexible use or repurposing. Activating these sites will help to promote the area as a destination and could provide locations for creative events.

A successful and prosperous business area is good for people, communities, the economy and the environment. Strengthening relationships and knowledge sharing between businesses, council, education and cultural institutions and our communities will help to achieve this.

### Strategies to achieve this objective:

1. **Strengthen Parnell's role as a prominent centre and improve its appeal to visitors, locals, and existing and potential businesses**
2. **Build on Parnell's reputation as a destination for arts, culture, learning and creative enterprise**
3. **Encourage high-quality development and improvements that respect Parnell's unique identity**
4. **Encourage development and innovative use of underutilised sites and spaces**
5. **Support sustainable business and employment**





Local café and art gallery



St Georges Bay Road



Parnell Road



Woodpecker Hill, Parnell Road



Holy Trinity Cathedral



La Cigale French Market

## Objective 2: Enhance connectivity and accessibility within Parnell and with its neighbouring places

Parnell is located on the city fringe and the town centre, the heart of Parnell, straddles a key route into the city centre connecting south to Newmarket and beyond. It recently has been connected to the wider rail network. It is surrounded by the water to the east, the Auckland Domain to the west, bordered to the north by a state highway, and set across a series of ridgelines and gullies, all of which limits movement to and through the suburb.

Reducing the impact of these barriers and looking for opportunities to better connect Parnell to its surroundings is key to promoting the movement of people and connecting business and tourism opportunities.

### Why this needs to be achieved

Despite its proximity to the city centre and a range of other regional facilities, there remains number of barriers to movement both within, to and from the area. These include natural barriers such as topography, and man-made barriers including motorways, poor quality streetscapes and footpath obstacles. Ways to achieve this include new walkways, urban design interventions, improvements to pedestrian and cyclist safety and creative wayfinding.

Parnell has natural east-west and north-south routes that help define it and connect loved spaces and places. Connectivity improvements, including better wayfinding and streetscape improvements, could further help to link west from the city centre, through Carlaw Park to the station and Parnell town centre, on to the lower St Georges Bay Road quarter and through to Judges and Hobson Bays. This would stitch together key destinations and employment areas within Parnell.

Other gateways to be enhanced include links to the Domain, the Museum, Newmarket, connections to the coastline, and the unique potential for the Waipapa Greenway. Intersections between The Strand, Parnell Rise and Quay Street as gateways from Parnell to the city centre need improvement.

There are wider opportunities for improving access across all of Parnell – this will include new cycleways, improved pedestrian paths, wayfinding and better adherence to universal design principles.

With the 2023/24 anticipated completion of the City Rail Link, the railway station has the potential to place Parnell as a key location on the wider Auckland public transport network and act as a point of focus and source for tourism, people and business. This could be better achieved through public realm improvements and achieving transit-oriented development on the neighbouring large vacant site in a way that supports the station in becoming a lively, attractive, and well-connected gateway to Parnell.

Enabling Parnell to continue to be a destination and gateway to the city centre will require careful ongoing management of transport issues. This includes parking availability, traffic management and public transport accessibility.

### Strategies to achieve this objective:

1. **Better connect Parnell from west to east and enhance underutilised connections between important places**
2. **Better connect Parnell to its surrounding neighbours and amenities**

- 3. Improve safety, amenity, and accessibility for pedestrians, cyclists and all other users of public spaces
- 4. Realise the potential of Parnell train station as an accessible hub and gateway
- 5. Improve accessibility and management of traffic, parking and public transport in the context of Parnell's character



Parnell Rose Gardens



Parnell Road



Access to Parnell train station from Nicholls Lane extension (formerly Carlaw Park)



Parnell Rise

## Objective 3: Enable the community to use and enjoy its great places and spaces

**Parnell is fortunate to have many places and spaces where the community comes together to socialise, relax, stay healthy and have fun. It is also home to many active and engaged community groups that use these outdoor places and community spaces to run events and activities that make an important contribution to life in the suburb.**

### Why this needs to be achieved

Some outdoor places are either hidden away, such as Scarborough Reserve, or visible but only partly used, in the case of Fraser Park, or could be better connected such as Scarborough and Alberon Reserves. Park entrances that are narrow and hard to find, notably at Scarborough Reserve, could be widened and enhanced.

In the future, these and other spaces could be part of a well signposted and promoted green network of parks and public spaces. There is a need to improve of Parnell's parks and reserves over time with plans, designs and approaches that highlight their distinctive character and opportunities for more diverse community use such as gardens and orchards. Key green spaces can be linked by street planting and wayfinding initiatives.

Methods for activating outdoor spaces include creating areas for events, amenities like seating, shade and drinking fountains, and playgrounds. There is an opportunity for Heard Park in Parnell Road to become even more of a lively central park space for the town centre area and for Parnell.

As Parnell grows we will need to ensure that community facilities provide excellent services and are able to meet people's needs throughout the phases of their lives – providing for both younger and older people will be key to this. Looking forward, we will need to make the most of technology and innovative ideas to make community facilities more useful and relevant to a diverse population.

Parnell is fortunate to have a range of providers of community services. Strengthening partnerships with and between providers such as the Parnell Trust, sports clubs, education facilities and churches will help to deliver a more efficient and integrated network of facilities with improved accessibility. Some facilities fulfil a regional role such as the Holy Trinity Cathedral that provides a large place of assembly for cultural and religious events.

It is important to acknowledge spaces, facilities, and in some cases streets, as public places that can enable people to meet, move and play. Some important community places are privately owned and should be encouraged to continue embracing a sense of community and inclusion. Helping to enable these can provide visible, attractive and multi-functional opportunities for the wider community to celebrate Parnell.

Our many events and activities are a big part of what makes our places and spaces great. It is important that we continue to enable our communities by facilitating collaboration and supporting a range of initiatives and events for all abilities and ages.

The need for more and better facilities for children and young people is identified, particularly for play and recreation but also for services that support local children and parents.

### Strategies to achieve this objective:

- 1. Ensure public spaces are safe, distinctive, well designed and maintained**

- 2. Continue to provide and maintain quality and accessible community facilities and services that cater for community needs
- 3. Better connect and foster collaboration between community and learning facilities to function as an integrated network

- 4. Promote flexible and temporary use of our spaces, streets and facilities for the community
- 5. Support community collaboration, initiatives and events for a diverse community
- 6. Promote and establish more and better child and youth facilities and activities



Gladstone Tennis Club



Parnell Waiters Race



Heard Park



Fraser Park



Holy Trinity Cathedral



White Night Parnell

## Objective 4: Value, protect and enhance Parnell's natural environment

**A part of Parnell's character and appeal is its spectacular natural setting, a series of ridgelines and gullies nestled between the Auckland Domain and the bays of the Waitematā. As Parnell continues to grow, additional pressures will be placed on the natural environment. Ensuring this is preserved and enhanced for future generations is important not only for Parnell but the whole of Auckland.**

### Why this needs to be achieved

Parnell's historic shoreline ran along The Strand and connected to Judges Bay and Hobson Bay. Following reclamation and development around the port, Parnell's relationship to the Waitematā Harbour has weakened. Improving access to the coast can be achieved by implementing the Waitematā Greenways Plan and Point Resolution Taurarua Development Plan.

Elsewhere, streams have been modified and covered over, the Waipapa Stream being the most important and prominent. Continuing restoration would improve water quality outcomes and acknowledge the historical and cultural importance of the streams, waterways and bays.

Parnell has retained more of its significant native plants than any of the other city fringe suburbs. Parnell is also home to early European tree planting. Planting more native vegetation, including tree-lined streets, and supporting pest control in Parnell will help improve biodiversity and create ecological corridors for plant and animal life. It will also improve air and water quality and create a healthier, more beautiful environment for people to enjoy.

Achieving good natural environment outcomes requires the involvement of many

groups and the wider public. Greater collaboration could be encouraged between council, businesses, mana whenua land owners and community groups, while local sustainability initiatives for individuals and businesses are another way to help both the local and wider environment.

### Strategies to achieve this objective:

- 1. Enhance, restore and improve water quality and access to streams, waterways and bays**
- 2. Enhance biodiversity through predator control and by planting appropriate (ideally native) vegetation**
- 3. Encourage greater collaboration between local government, mana whenua, land owners and the community to protect and restore the natural environment**



Old Pohutukawa, Dove Myer Robinson Park



Hobson Bay Walkway



Hobson Bay Walkway



Alberon Reserve



Alberon Reserve

## Objective 5: Respect, recognise and protect Parnell's historic and cultural heritage and character

**Parnell is well known as Auckland's first suburb, with a wealth of preserved built heritage and a rich cultural heritage. Parnell lies close to the city centre and is an attractive location for residents and businesses, meaning there will be additional pressures placed on existing heritage. Development in the future should respect the heritage and context of Parnell's environment.**

### Why this needs to be achieved

Valuing Parnell's heritage could involve greater promotion of our heritage trails, oral histories, improved informational signage, use of digital platforms, archiving and lighting of heritage buildings and artworks.

Parnell also has close ties with the Auckland War Memorial Museum, one of the country's most culturally and historically important landmarks. The museum is home to the world's largest and most significant collection of Māori and Pacific taonga, and is the region's memorial to those who have served the country in war. The proximity of the museum and its physical spaces and collections could help promote Parnell as a home of cultural engagement and discussion.

Parnell's Māori heritage is not always visible in the landscape. Promotion could be achieved through greater use of Te Aranga design principles, education and art pieces like the sculpture soon to be installed at Taurarua Judges Bay by Ngāti Whātua Ōrākei.

Parnell's heritage is diverse. It includes buildings, sites, features, streetscapes and landscapes. It is not limited to a single period or type. There is an opportunity to encourage new development to embrace and enhance this heritage. The protections provided by the Auckland Unitary Plan could, for example, be

supported by design guidelines to encourage best-practice design that responds to its surrounding historical context. It is important heritage is protected and valued so it can be better understood and appreciated.

Encouraging the protection, restoration and adaptation of our heritage buildings will ensure they continue to contribute to Parnell's identity. This could mean adapting a place for a compatible use while retaining its cultural heritage value, or incorporating the building into a larger, compatible, development.

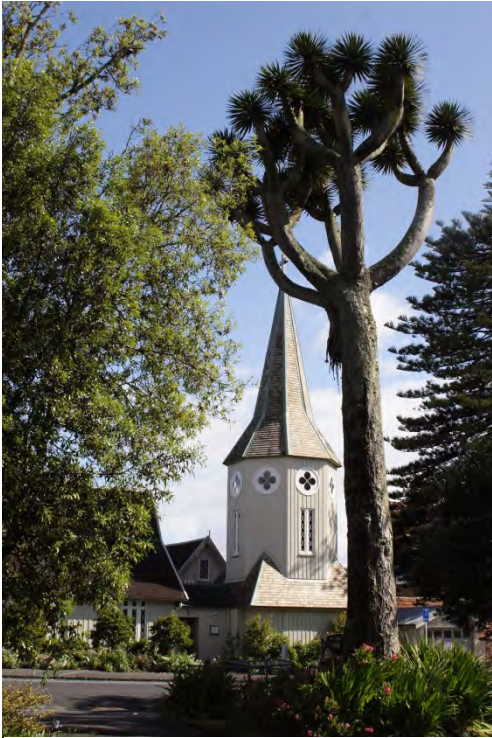
### Strategies to achieve this objective:

- 1. Celebrate Parnell's collective stories and heritage places, and their contribution to its identity**
- 2. Ensure that Māori heritage is visible, and cultural landscapes and taonga are respected**
- 3. Encourage new development to embrace and enhance Parnell's existing heritage environment**
- 4. Encourage and support owners to protect, restore and adapt heritage buildings**





Mayfair apartment building, Parnell Road



Kinder House, St Stephens Avenue



Holy Trinity Cathedral



Scarborough Terrace



La Cigale French Market

# Parnell Plan Map



# Map Legend

## Key Action Areas



**Make Parnell Station a key gateway to Parnell and the Domain**



**Realise the Waipapa Greenway**



**Reinforce the core of Parnell town centre as the heart of Parnell**



**Revitalise the St Georges Bay Road warehouses area**



**Enhance key east-west links and realise the Parnell Parks Link Greenway**



Parnell Plan study area

## Other actions and projects



Improvements and upgrades to local parks



Maintain, connect and develop Point Resolution and Hobson Bay Walkway



Support and invest in local community and public facilities

Enhanced gateways into Parnell from the north and south



Improvements to the Parnell interface with the City Centre



Auckland Cycle Network route in Parnell

Not mapped

Improved and coordinated wayfinding, signage and information

A coordinated programme of local events and activities

Create a digital platform to connect people to Parnell

Incorporate mana whenua narratives

Promote and celebrate public art, architecture, design and heritage features

Playground and play space improvements

Improvements for pedestrians, cyclists and bus users

A local transport service

Protect and enhance Parnell's built, natural and cultural heritage

Parking improvements and management

Continuing investment in local economic development

Activation in Parnell's public open spaces and streets

Leverage and support for improvements and activities at the Auckland Domain

Support Parnell community projects and initiatives

Environmental improvement and monitoring

Recognise and build upon Parnell's cultural identity and character

## Te rautaki whakatinanatanga

# Implementation strategy

The Parnell Plan identifies a number of actions to assist with achieving the vision and the five objectives of the plan. These actions can be implemented through a range of statutory and non-statutory methods. This implementation strategy and the plan that follows outlines when and how these actions can be delivered and whether the actions are funded or aspirational (future projects which are not yet funded and/or planned for). Implementation will involve partnerships with a range of stakeholders, with some of the key ones identified.

Transformational actions within this plan document will have the most positive effect on Parnell. With planning and design requirements, infrastructure and transport priorities and funding in mind, each action within the plan is identified for immediate (within the next year), short term (1-3 years), medium term (4-10 years) or long term (beyond 10 years) delivery.

The implementation plan is not exhaustive and the possibility of new projects to implement the vision, objectives, strategies and key action areas is acknowledged.

### Role of the local board and the community

The Waitemata Local Board will play a key role in realising the future vision and outcomes for Parnell. This role will take many forms from direct investment in public works to advocating for positive changes.

Parnell is characterised by a creative and capable community, well skilled and resourced to contribute to the design and implementation of many aspects of this plan.

### Funding implications

The 10-year Budget or Long-term Plan (LTP) is Council's main budgetary tool, which combines all the council and Council Controlled Organisation (CCO) activities and funding across Auckland over a ten year period. The current 10-year Budget was adopted in June 2018 and is formally reviewed every three years.

Some of the proposed actions in this plan are already in the 10-year Budget. Unfunded actions requiring new funding will require advocacy to become new budget initiatives. It is important to note that the availability of funding from the council for proposed projects is not guaranteed. Funding and prioritisation will be determined as part of 10-year Budget and the Annual Budget (Annual Plan) processes. It is intended that the implementation strategy and plan is used to advocate for and prioritise funding for projects and actions in Parnell.

### Actions and timeframes

Some actions within this plan document, notably those whose timeframe is immediate, are already underway and have completion dates, delivery partners and resourcing already determined. Other projects are either contained in an existing strategy, plan or programme but have not yet been committed or commenced, or funding secured. Some projects are wholly new, having been identified through this plan process.

The timeframes shown for actions indicate their level of priority in a sequence that will most realistically help achieve the desired outcomes for Parnell, while being mindful of likely resource requirements. The timeframes for the actions can change as implementation progresses.

### Monitoring and review

The implementation strategy and plan are designed to be flexible to recognise that some actions require further work, such as further consultation, feasibility testing, detailed design, a works programme and funding bids.

A monitoring and review process has been adopted so that progress on budgeting and implementing the plan, and others like it, can be tracked and necessary amendments made over time in conjunction with partners and the local board. Keeping the implementation strategy 'alive' will assist in achieving the vision and objectives of the plan.



Parnell Baths



Heard Park



La Cigale French Market

# Te mahere whakatinanatanga

## Implementation plan

Supports objective	Project/action/activity	Timeframe	Funding status	Delivery partners (* lead partner)
<b>Key Action Areas</b>				
1 2 3	<p><b>1. Make Parnell Station a key gateway to Parnell and the Domain</b></p> <p>Programmed and possible actions, subject to land owner approval, include:</p> <ul style="list-style-type: none"> <li>• completion of Parnell Station development project</li> <li>• utilisation of the heritage station building for arts, cultural and community activity including a visitor information facility</li> <li>• a high amenity pedestrian and cycle crossing (underpass preferred) at the northern end of the station</li> <li>• upgrades to selected streets from the station up to Parnell Road including investigation of a 'shared space' approach and retail precinct</li> <li>• enhancement of the Ngahere steps as the historical access from the Domain to Parnell</li> <li>• integration of access and circulation with adjoining site development, better access to the Domain, and future Waipapa Greenway.</li> </ul>	<p>Immediate</p> <p>Short term</p> <p>Short to medium term</p>	<p>Funded</p> <p>Partially funded</p> <p>Unfunded</p>	<p>Auckland Transport*, Auckland Council, land owners, Parnell community and businesses</p>
1 2 3 4 5	<p><b>2. Realise the Waipapa Greenway</b></p> <p>Investigation, design and implementation, subject to land owner approval, of an integrated greenway link along the historic Waipapa Valley from Grafton Gully through to Newmarket, as in the Waitemata Greenways Plan 2013. The project includes:</p> <ul style="list-style-type: none"> <li>• investigating opening up the disused historic rail tunnel to Newmarket for walking and cycling</li> <li>• new and sensitively designed walking and cycling paths</li> <li>• passive and active recreation opportunities</li> <li>• good access and integration with Parnell Station and improved and potentially new access links to Auckland Domain</li> <li>• effective stormwater management, ongoing Waipapa Stream restoration and exploration of partial stream daylighting potential</li> <li>• extensive landscaping and planting appropriate</li> </ul>	<p>Short, medium and long term</p>	<p>Unfunded</p>	<p>Waitemata Local Board*, Auckland Council, Auckland Transport, Kiwirail, Parnell community, land owners</p>

	to the setting and its heritage.			
1 2 3	<p><b>3. Reinforce the core of Parnell Town Centre as the heart of Parnell</b></p> <p>Investigation and implementation of projects including:</p> <ul style="list-style-type: none"> <li>• upgraded pedestrian crossings with improved safety and lighting on Parnell Road</li> <li>• opportunities through design, development and placemaking to reinforce Parnell town centre, particularly Heard Park and surrounds, as the heart of Parnell</li> <li>• additional pedestrian crossings and intersection improvements along Parnell Road</li> <li>• innovative street improvements for side streets linking to Parnell Road (Tilden Street, Ruskin Street, Denby Street, Heather Street, Windsor Street, Akaroa Street, Gibraltar Crescent), including repurposing for more flexible and temporary use (such as for walking, cycling and other activity), and investigation of a one-way system</li> <li>• improved pedestrian links, play and event facilities, and amenity at and around Heard Park</li> <li>• high amenity streetscape and public realm upgrade in Parnell Road including wider footpaths, planting, entrance calming, potential speed reduction, pedestrian raised tables, and landscaping</li> <li>• better links from Parnell Road to the Auckland Domain and Auckland Museum such as a footpath extension in Domain Drive.</li> </ul>	<p>Immediate, short term</p> <p>Short to medium term</p> <p>Medium term</p>	<p>Funded</p> <p>Unfunded</p> <p>Unfunded</p>	<p>Auckland Transport*, Waitematā Local Board, Auckland Council, local community and businesses</p>
1 2 3	<p><b>4. Revitalise the St Georges Bay Road warehouses area</b></p> <p>Investigation, design and implementation of projects including:</p> <ul style="list-style-type: none"> <li>• a review of access, parking and circulation functions in lower St Georges Bay Road and connecting streets, resulting in a high amenity pedestrian-focused streetscape upgrade</li> <li>• an improved pedestrian and cycling connection to the upper part of lower St Georges Bay Road and amenity improvements to the closed road area with upper St Georges Bay Road.</li> </ul>	<p>Medium term</p>	<p>Unfunded</p>	<p>Auckland Transport*, local community and businesses, land owners</p>
1 2 3 4 5	<p><b>5. Enhance key east-west links and realise the Parnell Parks Link Greenway</b></p> <p>Investigation, design and implementation of:</p> <ul style="list-style-type: none"> <li>• a combined reserve and street-based greenway linking Auckland Domain, Parnell Road, Scarborough and Alberon Reserves (including wider and improved entrances and links such as at 69 St Georges Bay Road), Hobson Bay, Dove Myer Robinson Park and Point Resolution, as in</li> </ul>	<p>Medium term</p>	<p>Unfunded</p>	<p>Waitematā Local Board*, Auckland Council, Auckland Transport, land owners, Parnell community</p>

	<p>the Waitematā Greenways Plan 2013</p> <ul style="list-style-type: none"> <li>an upgraded high-amenity pedestrian and cycling link from Parnell Station through to Dove Myer Robinson Park following Garfield Street and Cleveland Road.</li> </ul>			
<b>Other projects and actions</b>				
1 2 3 5	<p><b>6. Improved and coordinated wayfinding, signage and information</b></p> <ul style="list-style-type: none"> <li>Design and implementation of an integrated and comprehensive wayfinding and signage strategy for Parnell and surrounding facilities and points of interest, including Auckland Domain and Museum.</li> <li>Support locally generated information, signage, wayfinding and interpretation, such as along greenways and heritage trails, at historic or other sites of significance, public art and design features, and through street planting.</li> </ul>	Short to medium term	Unfunded	Waitematā Local Board*, Auckland Transport, Auckland War Memorial Museum, Parnell Business Association, Parnell community
2 3 4	<p><b>7. Maintain, connect and develop Point Resolution and Hobson Bay Walkway</b></p> <ul style="list-style-type: none"> <li>Continue with committed slip remediation work on Hobson Bay Walkway.</li> <li>Implement the actions in the Point Resolution Development Plan 2014 including connections to Judges Bay and the repair, maintenance and completion of the Hobson Bay Walkway.</li> </ul>	Immediate  Medium term	Funded  Partially funded	Waitematā Local Board*, Auckland Council
1 2 3	<p><b>8. Improvements to the Parnell interface with the City Centre</b></p> <p>Investigation, design and implementation of the following:</p> <ul style="list-style-type: none"> <li>interim improvement works in the Grafton Gully, The Strand and Quay Park areas</li> <li>future projects to be included in the City Centre Masterplan Refresh, including improvements to The Strand (traffic management, safety and pedestrian improvements, public transport facilities), to consider the objectives of the Parnell Plan and enable input from the community</li> <li>SH16/Parnell Rise intersection improvements (grade separation and realignment of SH16).</li> </ul>	Immediate and short term  Short, medium and long term	Partially funded  Unfunded	Auckland Council*, Auckland Transport, NZTA
3 5	<p><b>9. Support and invest in local community and public facilities</b></p> <ul style="list-style-type: none"> <li>Comprehensive renewal of the Parnell Baths facility and investigation of more flexible year-round use in the medium to long term.</li> <li>Recognise and value existing public and community facilities and services that advise,</li> </ul>	Immediate, medium term	Funded  Funded,	Waitematā Local Board*, Auckland Council, Parnell Trust, community services



	<p>support and provide spaces for local and other people. This includes library and community centre services, Parnell District School, Holy Trinity Cathedral, Parnell Baths, Plunket rooms, tennis clubs, public toilets and changing facilities.</p> <ul style="list-style-type: none"> <li>The need for renewed, expanded or additional facilities will be monitored and investigated over time, with opportunities identified to provide better services and spaces for the needs of the local community.</li> </ul>	Ongoing	partially funded or unfunded	
1 3	<p><b>10. A coordinated programme of local events and activities</b></p> <p>The range of existing and potential future regular and periodic events can be promoted through establishing a programme that provides information for local people, workers and visitors. This includes local markets, festivals such as the Festival of Roses and public space activations.</p>	Short term	Partially funded	Auckland Council*, Parnell Business Association, Parnell Trust, Parnell community
1 3	<p><b>11. Create a digital platform to connect people to Parnell</b></p> <p>Develop and establish an online site or app that engages with local people, workers and visitors, particularly young people, with story-telling, information, history and heritage features, activities, wayfinding, event information, activities and facilities.</p>	Short term	Unfunded	Parnell Business Association, Parnell Trust, Parnell community
3 4 5	<p><b>12. Incorporate mana whenua narratives</b></p> <p>Encourage the incorporation of mana whenua narratives in identified places and in design where appropriate, such as the installation at Judges Bay. This can be assisted by installing appropriate mana whenua interpretive signs.</p>	Short term, ongoing	Partially funded	Mana whenua*, Auckland Council, Waitematā Local Board, community groups
1 3 5	<p><b>13. Promote and celebrate public art, architecture, design and heritage features</b></p> <ul style="list-style-type: none"> <li>identify suitable locations and items for special attention for example through lighting, better seating or setting, interpretation and information</li> <li>support a community initiative to 'art up Parnell' by encouraging art schools and the local design profession to investigate and deliver creative interventions in public spaces to showcase Parnell's art and design attributes</li> <li>install new items in appropriate locations when opportunities arise. This includes temporary installations and architectural and landscape design features that address the public realm.</li> </ul>	Short term, ongoing Short term, ongoing Ongoing	Partially funded Unfunded Unfunded	Auckland Council*, Parnell Business Association, Parnell community
3 4	<p><b>14. Improvements and upgrades to local parks</b></p> <ul style="list-style-type: none"> <li>Improvements to the southern part of Heard Park including relocation of the toilet block and</li> </ul>	Short term	Funded	Waitematā Local Board*, Auckland Council,

5	<p>enabling better activation of the park.</p> <ul style="list-style-type: none"> <li>Develop and implement improvement plans for local parks to reflect the particular nature, history and character of each reserve, notably Heard Park, Fraser Park, Alberon Reserve, Scarborough Reserve, Ayr Reserve, Gladstone Reserve, Dove Myer Robinson Park and Judges Bay Reserve.</li> <li>Improvements to Heard Park as a central public space to reconsider the role of surrounding buildings and streets to its success, and enable better play and activation opportunities.</li> <li>Implement initiatives and investments in Parnell as contained in the Waitematā Open Space Network Plan 2019 (plan commencing 2018).</li> </ul>	Medium term	Unfunded	Parnell community and land owners
3	<p><b>15. Playground and play space improvements</b></p> <p>Investigate and programme improvements including:</p> <ul style="list-style-type: none"> <li>a gap analysis to identify opportunities, then implement new or improved provision of play spaces and activities</li> <li>to existing playground, play space and recreational space and equipment in local parks, notably a larger facility at Heard Park, and other public spaces as identified in gap analysis.</li> </ul>	Short to medium term Medium term	Partially funded Partially funded	Waitematā Local Board*, Auckland Council, Parnell community
1 2 3	<p><b>16. Improvements for pedestrians, cyclists and bus users</b></p> <ul style="list-style-type: none"> <li>New and upgraded to footpaths, crossings, bus stops and bus priority lanes, for example upgraded pedestrian crossings with improved safety and lighting at SH16-Stanley Street intersection, and at northern end of St Georges Bay Road.</li> <li>Implement the Auckland Cycle Network high amenity cycleway and facilities between Parnell Road and Tamaki Drive via St Stephens Avenue and Gladstone Road.</li> <li>Ongoing monitoring, review, and implementation of safety and management facilities and upgrades for vehicle traffic, bus users, pedestrians and cyclists including the effectiveness of, and improvements to, the new bus network.</li> </ul>	Immediate, short-term Short term Ongoing	Funded Funded Partially funded	Auckland Transport*, NZTA
1 2	<p><b>17. A local transport service</b></p> <p>Investigate and establish a local 'shuttle' transport service that moves people around the area between businesses, attractions, facilities, retail and residential areas and sites.</p>	Short to medium term	Unfunded	Private sector, Parnell Business Association*
3 4 5	<p><b>18. Protect and enhance Parnell's built, natural and cultural heritage</b></p> <p>Investigate and support actions that:</p>			Auckland Council*, Parnell Heritage,

	<ul style="list-style-type: none"> <li>prepare heritage design guidelines to encourage high-quality design that responds to the surrounding historical context</li> <li>create community awareness of heritage or character buildings in a state of decline so that steps may be taken to avoid their demolition</li> <li>continue to evaluate places to determine eligibility for inclusion as scheduled historic heritage places, character areas and scheduled notable trees</li> <li>increase the accessibility and care of Parnell's many historic buildings, for example the refurbishment of Ewelme Cottage</li> <li>create heritage trails (or goldways) connecting heritage buildings and features of interest</li> <li>implement the proposed Waitemata Ngahere Urban Forest Action Plan to increase tree cover</li> <li>provide appropriate tree planting along selected streets to enhance character and help define key links</li> <li>retain mature trees on public space as far as possible, and encourage retention of mature trees on private land.</li> </ul>	Short to medium term  Ongoing	Unfunded  Partially funded	Parnell community, public and private owners
1 2	<p><b>19. Parking improvements and management</b></p> <p>Complete the implementation of a comprehensive parking management plan for Parnell to improve management and optimise availability of on-street vehicle parking for local residents and visitors, and to support businesses.</p>	Immediate and ongoing	Funded	Auckland Transport*
2 3 5	<p><b>20. Enhanced gateways into Parnell from the north and south</b></p> <p>Investigation, design and implementation of opportunities to create distinctive and prominent gateway features into Parnell from Newmarket, Remuera, Auckland Domain, and the city centre at The Strand and Stanley Street.</p>	Medium term	Unfunded	Waitemata Local Board, Auckland Council*
1 2 3	<p><b>21. Continuing investment in local economic development</b></p> <p>Implement priority initiatives of Auckland's City Fringe Economic Development Action Plan 2017 and future iterations as it relates to Parnell.</p>	Ongoing	Partially funded	Waitemata Local Board*, Parnell Business Association
1 3	<p><b>22. Activation in Parnell's public open spaces and streets</b></p> <p>Support opportunities to activate, enliven and celebrate Parnell through activities and engagement in appropriate public and open spaces and places. This includes temporary 'pop-up' events (with limited street closures) or the investigation of more permanent 'repurposing' and activation in streets, parks, reserves, market and urban spaces that may be underutilised.</p>	Ongoing	Unfunded	Parnell community*, Auckland Council, Parnell Business Association

1 2 3	<p><b>23. Leverage and support for improvements and activities at the Auckland Domain</b></p> <p>Continue to implement the Auckland Domain Masterplan 2016, including new and improved routes to Parnell and station, safer pedestrian and cycling routes, reduction of vehicle impacts, improved links to the Auckland Museum particularly at Domain Drive, provision of new natural play space and new recreation opportunities at the Kari Street Commons.</p>	Ongoing	Partially funded	Auckland Domain Committee*, Auckland Council
3 4	<p><b>24. Support Parnell community projects and initiatives</b></p> <p>Encourage and support local people and groups to enhance and be active in their area through volunteering activities such as planting programmes, weed and predator control, public space clean-ups, establishing community gardens, placemaking projects, community events and celebrations.</p>	Ongoing	Partially funded	Parnell community*, Waitemata Local Board
4 5	<p><b>25. Environmental improvement and monitoring</b></p> <ul style="list-style-type: none"> <li>• Continue with stream restoration, water quality monitoring, and weed control in the Waipapa Valley and Stream.</li> <li>• Continue programmes to monitor and advise coastal water quality, particularly at Judges Bay, including Safeswim and digital signs.</li> <li>• Seek opportunities to improve the quality of stormwater runoff to the coast where practical.</li> <li>• Continue to implement the Pest Free Auckland 2050 community-led conservation programme, relating to both private and public land, and use of ecological restoration contracts.</li> </ul>	Ongoing	Partially funded	Auckland Council*, Parnell community
1 3 5	<p><b>26. Recognise and build upon Parnell's cultural identity and character</b></p> <p>Parnell's identity as an artistic, creative, and innovative design-led location with a sophisticated village atmosphere should be retained and emphasised by:</p> <ul style="list-style-type: none"> <li>• encouraging and managing day and night time activity and integration</li> <li>• leveraging local creative businesses and school for the arts</li> <li>• encouraging people-scale development and village-like qualities in shopping streets and areas.</li> </ul>	Ongoing	Partially funded	Parnell residential and business community, land and building owners and occupiers

# Te hanga i te mahere

## Creating the plan

### The process

The Parnell Plan is sponsored by the Waitematā Local Board. It has been developed in collaboration with a working group of key community stakeholders over a series of workshops and meetings held locally in Parnell during 2018. This is in addition to input, meetings and workshops with relevant staff from council and council-controlled organisation stakeholders.

The Parnell Plan Working Group included representatives from the following local groups and organisations. Mana whenua were also involved in the process both through separate meetings and working group attendance.

- Blind Foundation
- Holy Trinity Cathedral
- Local youth representatives
- Parnell Business Association
- Parnell Community Committee
- Parnell Heritage
- Parnell District School
- Parnell Trust
- The Auckland War Memorial Museum
- Waitematā Local Board members

A consultation document was prepared and approved by the local board in May 2018, for the purpose of community engagement. This document proposed a vision, five objectives and a range of strategies for the future of Parnell along with projects and ideas from the working group. The document and this plan have been informed by a number of current and previous council and community strategy and planning documents, including Tomorrow Parnell (2012), a planning document developed as part of a community initiative led by the Parnell Community Committee.

Following community engagement on the consultation document, the feedback received was analysed and key themes identified that would inform the development of a final plan. An implementation plan of projects and actions was prepared with input from council and community stakeholders. The final plan document was approved by the Waitematā Local Board in December 2018, with implementation already underway on some identified actions.

### Engagement and feedback

Feedback was sought from stakeholders and the community on the Parnell Plan consultation document over a six-week period between May 21 and June 29, 2018. A summary of the engagement activity follows:

**11 events**  
**2 static displays**  
**Tuk-talk rides**  
**postal mail-out**  
**online presence**

✓ **Over 230 pieces of feedback received via formal submission**

✓ **Over 600 respondents via Tuk-talk rides**

Approximately a quarter of respondents who provided feedback identified as submitting on behalf of organisations or businesses (not limited to an individual's view). Submitters who provided feedback were evenly split in terms of gender, a mix of ages, and the majority identified as being Pakeha/NZ European.

The Parnell Business Association was instrumental in getting information out about the plan, particularly through their organisation and sponsorship of the 'Tuk-talk' initiative in association with the Waitemata Local Board.



The Tuk-talk initiative was an electric tuk-tuk vehicle that journeyed on short trips around Parnell, with passengers being able to have a free ride in exchange for their thoughts about Parnell and getting around. Over a two-week period in June, 680 people responded to an iPad questionnaire on the trip.

In May, Auckland Council staff visited Parnell District School to host a workshop.

Staff gave a presentation to a class of students from Years 4-6, speaking to them about what makes a great place and city, and the importance of engaging with the community on projects.

In the groups, the students identified on a map landmarks and notable places in Parnell, and their travel route to school. Several questions were also posed to the groups, with informative feedback received.



What we heard - several key themes emerged from feedback as follows:

### *Transport and connectivity*

- Accessibility and getting around is important
- Connectivity improvements needed
- Parking provision required
- Better traffic management
- Safety and comfort for street users
- Accommodating different transport modes

### *Community, events, parks and Parnell's heritage*

- Better facilities needed
- Distinctive events wanted
- Improvements to parks and spaces
- Storytelling and awareness
- Respecting heritage buildings

### *Business and Parnell's image or brand*

- Creativity and innovation are key attributes
- Visitors and tourism important
- Reinforce Parnell's identity and character
- Amenity enhancement needed
- Train station potential
- The need for further investment

### *Natural environment*

- Taking greater care of the environment
- Infrastructure upgrade and maintenance needed
- General park maintenance

Overall there was good support for the vision, objectives and strategies in the consultation document and a substantial number of comments, suggestions and requests. An engagement summary document was prepared and made available online for the community and those who had given feedback to view. The detailed feedback on the consultation document was considered in the development of the draft and final Parnell Plan, and have had a significant influence on the content of the final plan.



Jubilee Building, Parnell Road

# Te horopaki ā-rautaki

## The Strategic Context

The Parnell Plan is a local spatial plan, one of the council's place-based plans. It sits within the context of a number of other strategic documents. These include:

- **The Auckland Plan 2050:** This is Auckland's strategy for addressing the key challenges of high population growth, shared prosperity, and environmental degradation. The Parnell Plan will help to identify how this can be done at a local level.
- **10-year Budget or Long-term Plan 2018-27:** The plan that sets out all council and council-controlled organisation funding across Auckland over a 10-year period. It is one of the key tools for implementing the Auckland Plan and includes budgets for projects and initiatives identified in the local board plans.
- **Auckland Unitary Plan (Operative in Part):** The rule book for development in Auckland. It sets out what can be built and where, legal protections for natural, historic and cultural heritage, and how to create a higher quality and more compact Auckland. A map of land use zones and key controls follows.
- **Waitematā Local Board Plan 2017:** A three-year strategic plan that sets out the aspirations for the Waitematā Local Board and its community. It guides the decision making and actions of the local board. Local board plans are the basis for the developing annual local board agreements and inform the development of the council's 10-year Budget. Actions identified in the Parnell Plan can be prioritised for funding and implementation through the local board plan and annual agreements.
- **Other important place-based or functional plans:** These provide outcomes and actions for particular areas within, nearby or related to Parnell. They are referenced in the implementation plan where a relevant project or action contained in them is identified. The delivery of these place-based plans will assist the achievement of the vision and outcomes for Parnell.
  - Waitematā Greenways Plan 2013
  - Auckland Domain Master Plan 2016
  - Point Resolution Taurarua Development Plan
  - Hobson Bay Action Plan
  - Parnell Rise/Road Corridor Management Plan
  - City Centre Masterplan 2012 and refresh 2019
  - Auckland Regional Land Transport Plan 2018
  - Waitematā City Fringe Economic Development Action Plan 2017
  - Future Museum: Auckland War Memorial Museum Master Plan

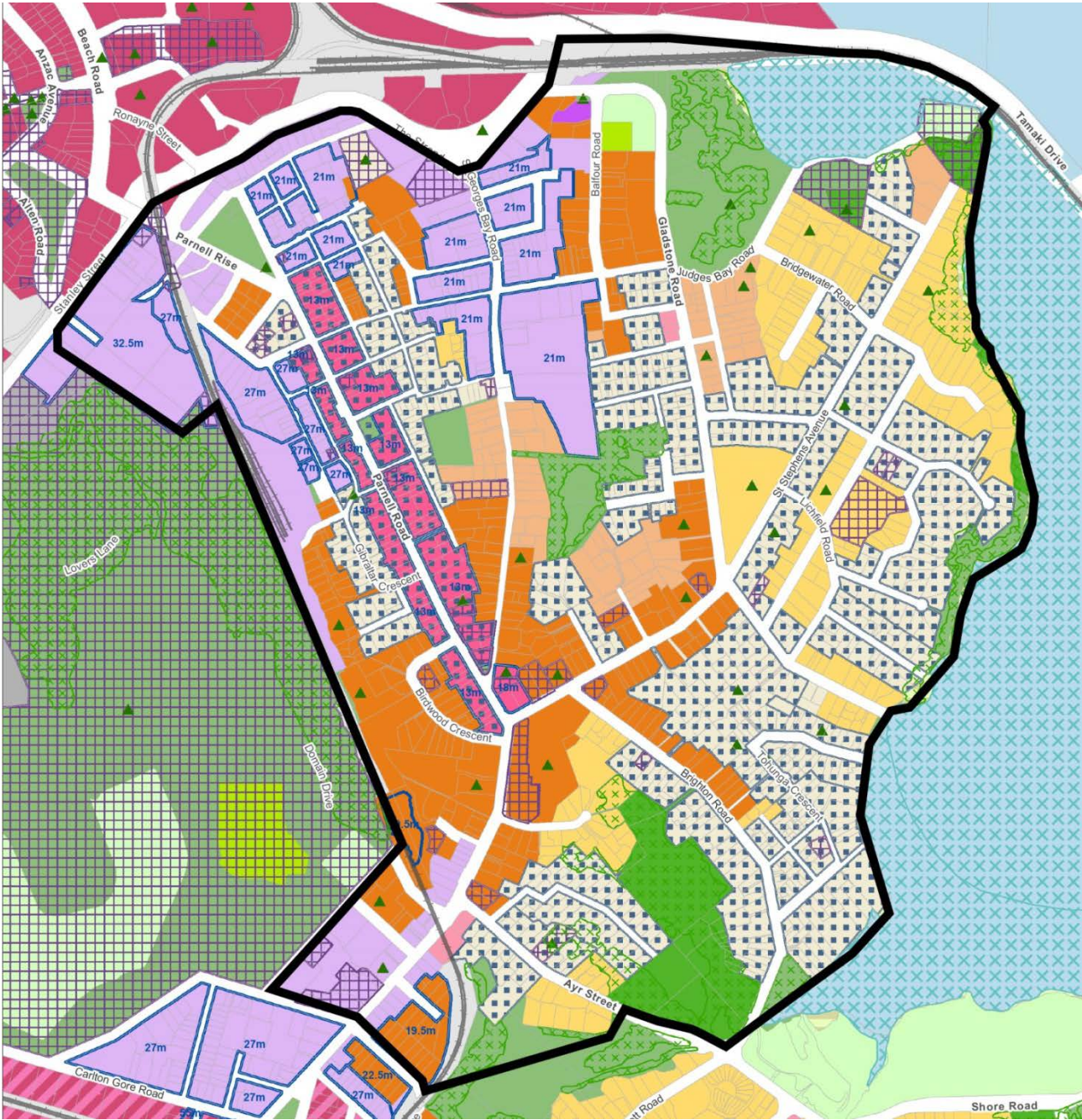


<b>Mayor’s vision</b>		
<b>The Auckland Plan 2050</b>		
A 30-year spatial plan for the whole of Auckland that is led by the mayor, and delivered by the council, council-controlled organistaions, central government and external stakeholders.		
<b>Auckland Unitary Plan</b>	<b>Long-term Plan</b>	<b>Local board plans</b>
The principal statutory planning document for Auckland. It sets the regulatory framework through zoning and rules for land use and development.	A 10-year budget for the council and delivered by the council and council-controlled organisations. It outlines how we will invest in Auckland over the next decade.	Three-year plans for each of the 21 local boards that set out the aspirations of the communities which they represent.
<b>Place-based spatial plans</b>		
Spatial (area or local) plans for geographical areas, including the Parnell Plan.		



Whanau Day, Parnell District School

# Auckland Unitary Plan map for Parnell



- Residential - Single House Zone
  - Residential - Mixed Housing Suburban Zone
  - Residential - Mixed Housing Urban Zone
  - Residential - Terrace Housing and Apartment Buildings Zone
  - Open Space - Conservation Zone
  - Open Space - Informal Recreation Zone
  - Open Space - Sport and Active Recreation Zone
  - Open Space - Civic Spaces Zone
  - Open Space - Community Zone
  - Business - City Centre Zone
  - Business - Town Centre Zone
  - Business - Local Centre Zone
  - Business - Neighbourhood Centre Zone
  - Business - Mixed Use Zone
  - Business - Light Industry Zone
- Significant Ecological Areas**
- Terrestrial
  - Marine 2

For full and accurate details and provisions of the Auckland Unitary Plan go to [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

- Notable Trees
- Height Variation Control
- Historic Heritage Overlay Extent of Place (rcp/dp)
- Special Character Areas Overlay Residential and Business

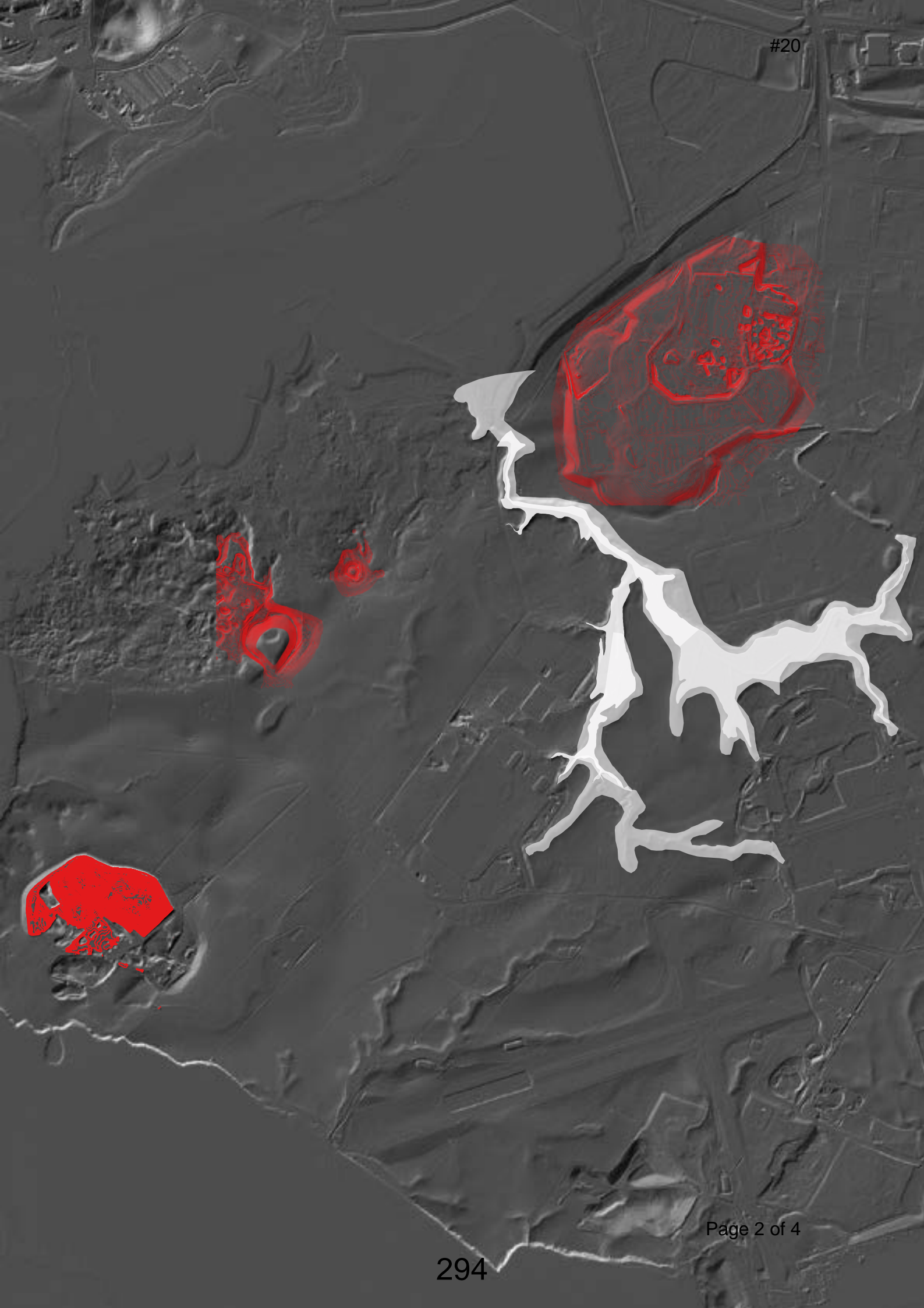






**Te Mahere Whakakotahi i Taamaki Makaurau: PC 102 – Sites and Places of  
Significance to Mana Whenua – Tranche 2a**

Submitter: Louis Scott



24<sup>th</sup> Pipiri 2024  
Te Kaunihera a Taamaki Makaurau  
135 Albert Street  
Taamaki Makaurau 1010

**Te Mahere Whakakotahi i Taamaki Makaurau: PC 102 – Sites and Places of Significance to Mana Whenua – Tranche 2a**

Hei whakatuwhera te marau nei, e karanga atu ana ki ngaa tohu i roto te rohe a Te Ahiwaru. Ko Maungataketake, Ko Otuataua, Ko Puketapapatanga oo Hape i ngaa maunga, Ko Ooruarangi te awa, Ko Maanukanuka a Hoturoa te moana.

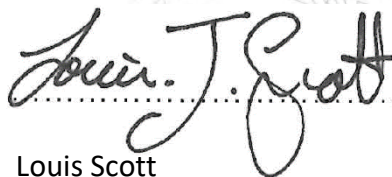
He motuhake Ooruarangi, he motuhake Manukau nui - tonu, he motuhake Te Ahiwaru - hei korero kotahi.

E kore au e whakaae te kaupapa nei – PC 102 –Te Wai o Oruarangi. He mana tikanga a Oorurangi ki runga i te Te Mahere Whakakotahi i Taamaki Makaurau.

E ai ki ngaa ture o Niu Tireni, noo Watercare Te Awa Ooruarangi – he pono teka. Whakakoretia te “Manukau Harbour Control Act 1911.” Noo Manukau te awa. Kaati.

Ehara i te awa a Watercare, Te Kaunihera a Taamaki Makaurau raanei.

24/06/2024

  
.....  
Louis Scott

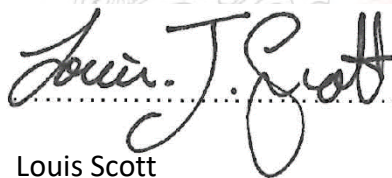
24<sup>th</sup> Pipiri 2024  
Te Kaunihera a Taamaki Makaurau  
135 Albert Street  
Taamaki Makaurau 1010

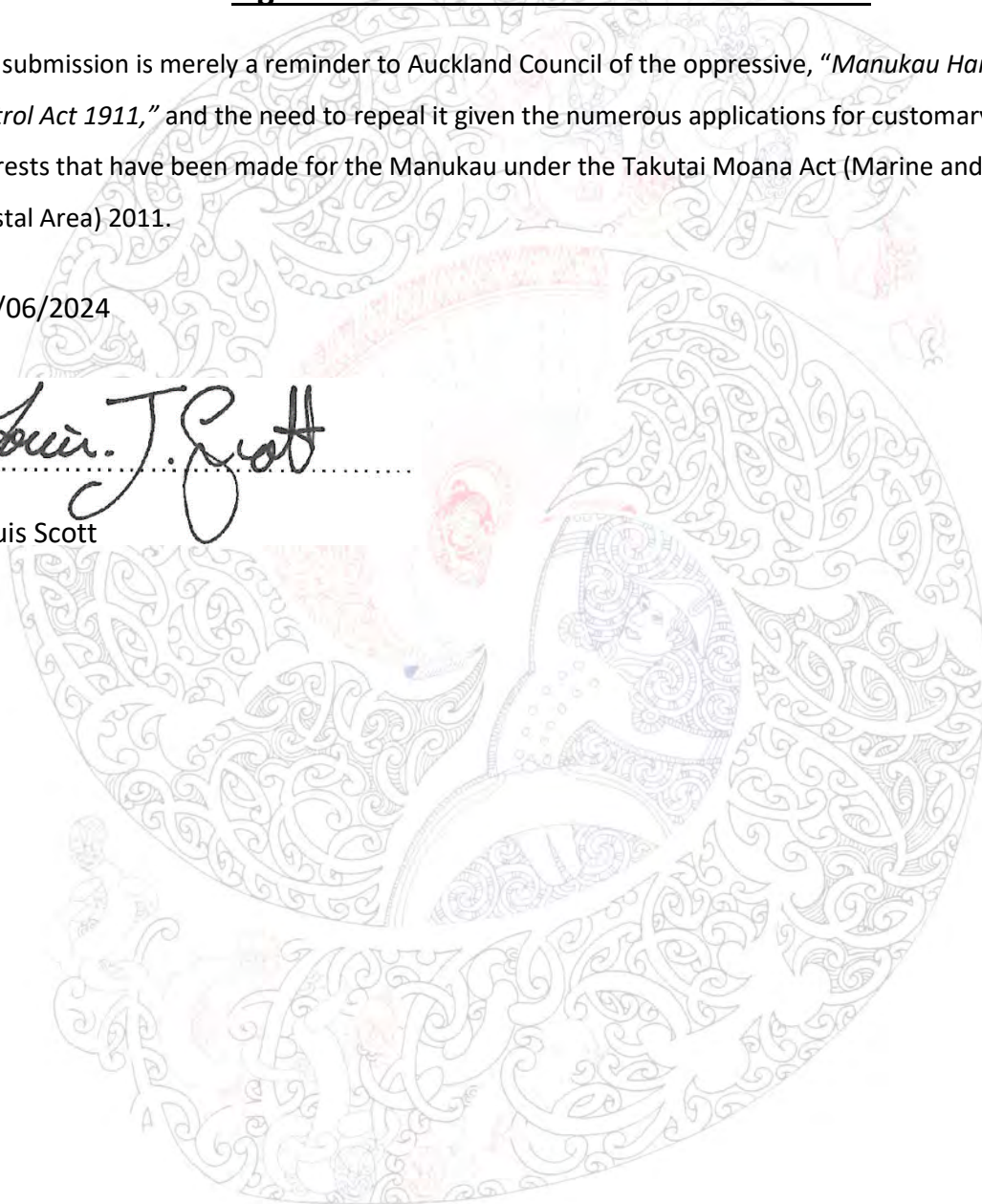
**Te Mahere Whakakotahi i Taamaki Makaurau: PC 102 – Sites and Places of Significance to Mana Whenua – Tranche 2a**

This submission is merely a reminder to Auckland Council of the oppressive, “*Manukau Harbour Control Act 1911*,” and the need to repeal it given the numerous applications for customary interests that have been made for the Manukau under the Takutai Moana Act (Marine and Coastal Area) 2011.

20.1

24/06/2024

  
.....  
Louis Scott





**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Modification 15 - L Dixon I Fordham  
**Date:** Thursday, 20 June 2024 2:15:11 pm

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: L Dixon I Fordham

Organisation name: N/A

Agent's full name: N/A

Email address: [izzy@farmside.co.nz](mailto:izzy@farmside.co.nz)

Contact phone number:

Postal address:  
PO Box 42; Claris  
Great Barrier Island  
Auckland 0961

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Modification 15

Plan change name: PM15 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:  
Auckland Council District Plan - Hauraki Gulf Islands Section - plan modifications  
PM 15: Sites & Places of Significance to Mana Whenua Tranche 2a

Property address: 30 Omata Road Great Barrier island

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
It's imperative that Sites & Places of Significance to Mana Whenua are recognized & held in perpetuity

I or we seek the following decision by council: Approve the plan change without any amendments | 1.1

Details of amendments:

Submission date: 20 June 2024

#### **Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

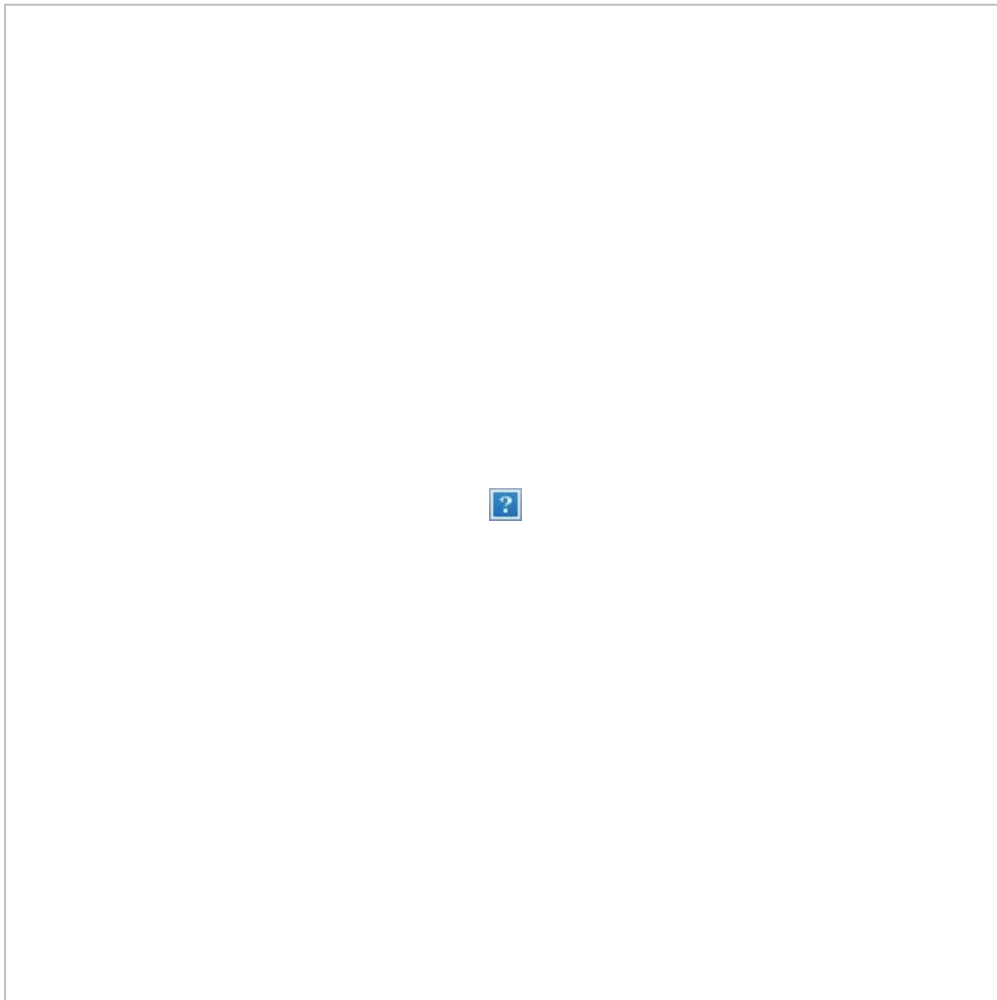
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Modification 15 - Geoff Hills  
**Date:** Friday, 21 June 2024 2:00:32 pm  
**Attachments:** [Submission Documents Geoff Hill Plan Modification.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Geoff Hills

Organisation name: N/A

Agent's full name: N/A

Email address: [cushla.buchanan@aucklandcouncil.govt.nz](mailto:cushla.buchanan@aucklandcouncil.govt.nz)

Contact phone number: 094290-458 0212297880

Postal address:  
PO Box 55 Tryphena  
Great Barrier Island  
Auckland 0961

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Modification 15

Plan change name: PM15 - Sites and Places of Significance to Mana Whenua Tranche 2a

##### **My submission relates to**

Rule or rules:  
Designation on Hunky Dory Land Allot 240 Parish Aotea - Ruahine ID000200

Tranche 2- Sites of Significance to Manu Whenua

Property address: Allot 240 Parish Aotea

Map or maps: Refer Map Site Name: Ruahine Site ID 000200

Other provisions:  
As above

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
As outlined in attached PDF Documents

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: As per PDF documents attached

Submission date: 21 June 2024

Supporting documents

Submission Documents Geoff Hill Plan Modification.pdf

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
No

**Declaration**

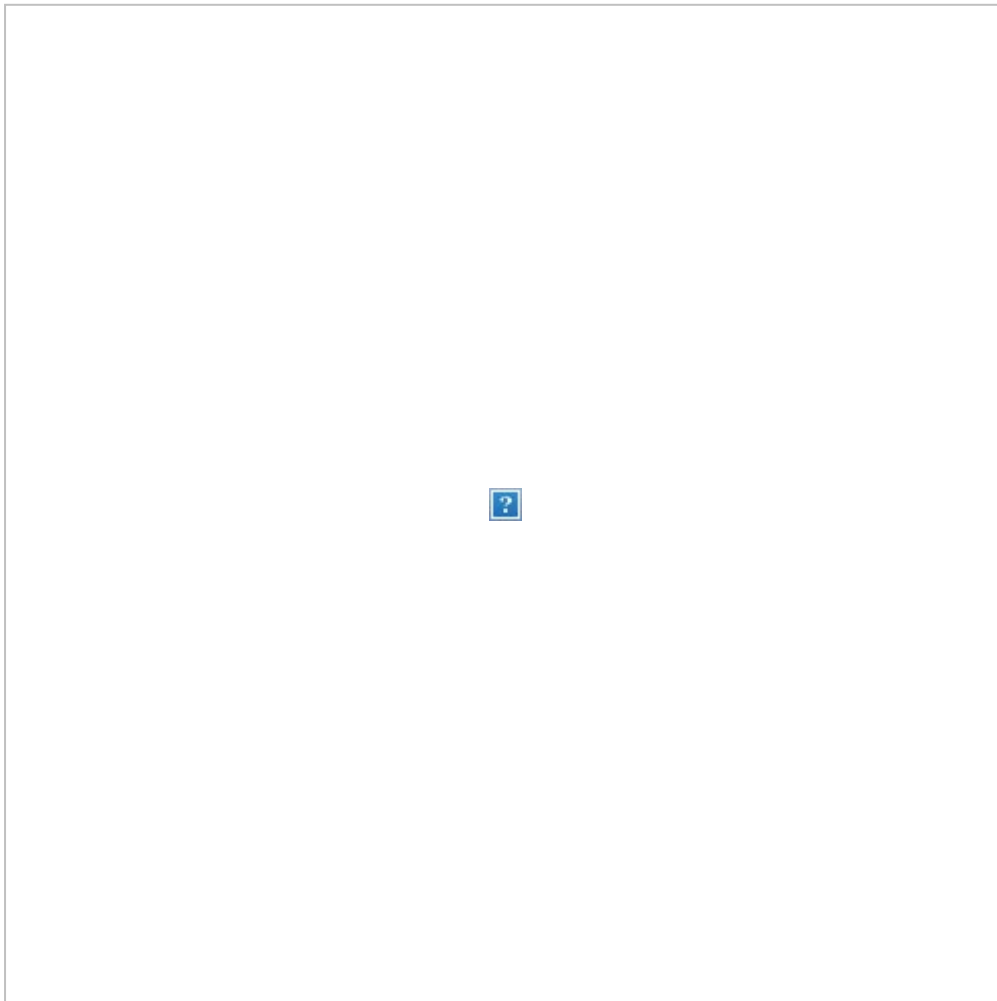
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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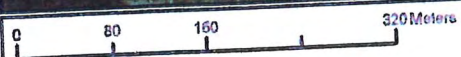
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Allot 240 Parish Aotea

329 Cape Barrier Road

Cape Barrier Road




Where due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information that has been supplied and accepts no liability for any error, omission or use of the information.

### Tranche 2 - Sites of Significance to Mana Whenua

Site Name - Ruahine

Site ID - 000200



 Tranche 2 - nominated sites extent

Tyrhena

HUNKY DORY IS BLOCK 240

Great Barrier Island  
Friday 21 June 2024

Dear Matthew,

With reference to the conversations I had with you and Lushla, yesterday 20 June 2024, with regards having "great at the table" via a late submission today to the "Māori Heritage Sites Parish Aotearoa Rosalie Bay Road, Great Barrier Island.

I do so as an individual and not as a share holder in Hunky Dory Company.

The concerns I have and need addressing are as follows.

1. The boundaries need defining and marking clearly on the ground in a permanent form. 2.1
2. Likewise iwi authority Ngāi Kēhira Ngātawai ki Aotearoa Trust must mark and define the heritage sites that are important to them and equally importantly why and what makes them so. I recalled history for me is easier to understand and appreciate. Like it would be for everyone 2.2
3. The recent government's changes to the R.M.A will have to be studied in how this will change and effect land zoning and its restrictions and at what cost. 2.3

All of the above can be made possible via current technology. being applied IE G.P.S. location and Drone aerial direct photographs then try showing the land as it real land true form.

Both of these technologies would make, a foot based task both extremely difficult and time consuming and therefore expensive,

Trusting you and other stakeholders and decision makers will take on board what I have written

Yours faithfully  
Jeff Hills

P.S. could Shurka provide me 2 photo copies of this submission. Thank you.



**From:** [UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Modification 15 - Graeme Lundie  
**Date:** Friday, 21 June 2024 4:45:19 pm

---

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Graeme Lundie

Organisation name: Tel Properties Nominees Limited

Agent's full name: Graeme Lundie

Email address: [graeme.lundie@cbre.co.nz](mailto:graeme.lundie@cbre.co.nz)

Contact phone number: 021586343

Postal address:

Po Box5053

Wellington

Wellington 6001

### Submission details

#### This is a submission to:

Plan change number: Plan Modification 15

Plan change name: PM15 - Sites and Places of Significance to Mana Whenua Tranche 2a

#### My submission relates to

Rule or rules:

Proposed Plan modification 15

Property address: 89 Richard Pearse Drive

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Impact on future sale of the property with the impact of sensitive land adjacent to it

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

3.1

Details of amendments: We need to understand how this proposed change impacts future sale of the property, the plan change documents do not appear to cover that off.

Submission date: 21 June 2024

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

**Declaration**

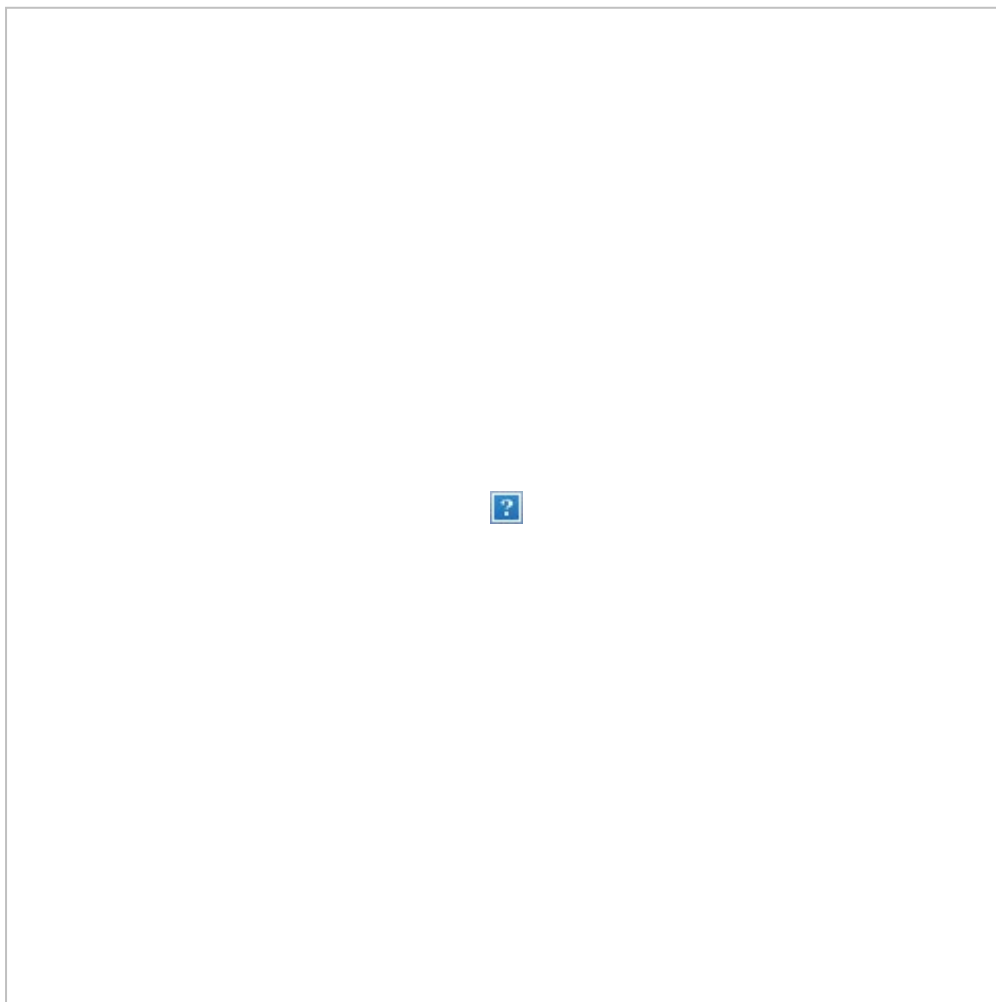
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

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- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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**IN THE MATTER** of the Resource Management Act 1991 ("RMA" or "the Act")

**AND**

**IN THE MATTER** of a further submission by **DOMAIN GARDENS LIMITED** in support of the submission by **SUMMERSET VILLAGES (PARNELL) LIMITED** on **PROPOSED PLAN CHANGE 102** to the **AUCKLAND UNITARY PLAN**

---

**FURTHER SUBMISSION BY DOMAIN GARDENS LIMITED ON PLAN CHANGE 102 TO THE AUCKLAND UNITARY PLAN**

**23 JULY 2024**

---

To: Auckland Council  
unitaryplan@aucklandcouncil.govt.nz

**Name of submitter: Domain Gardens Limited ("DGL")**

1. This is a further submission in support of a submission on Proposed Plan Change 102 to the Auckland Unitary Plan ("PC 102").
2. DGL lodged a primary submission in relation to PC 102.

**Domain Gardens Limited**

3. DGL is an entity which has an interest in PC 102 that is greater than the interest the general public has on the basis that:
  - (a) DGL owns land at 1 Domain Drive, Parnell, Auckland ("property"); and
  - (b) PC 102 proposes to add the Waipapa Awa ("Awa") to Schedule 12 (Sites and Places of Significance to Mana Whenua) ("SSMW") of the Auckland Unitary Plan ("AUP"). The extent of the Awa includes a section that is on DGL's property.

**Support for Summerset Villages ("Summerset") submission (number 17), reasons for support and DGL's request**

**DGL supports the submission of Summerset Villages on PC 102 in its entirety. The particular parts of Summerset's submission that DGL supports, the reasons for that support, and DGL's request in that regard are as follows.**

**Extent of the scheduling of the Waipapa Awa**

4. DGL supports the Summerset submission particularly to the extent that the submission requests that the extent of the scheduling of the Waipapa Awa be restricted in the manner described in paragraphs 13 and 17 of the Summerset submission as follows:

"13. Summerset seeks an amendment to the nominated extent of the Waipapa Awa in PC102 so that it only captures the daylighted portion of the awa that runs from the south into the Ngahere Inlet stormwater culvert on the Site. The scheduling of the Waipapa Awa would therefore exclude the section that intersects with the Site north of this point. This amendment would appropriately recognise the diversion of the awa that has already been undertaken, as well as the current state of the surrounding environment."

(Underlining ours.)

5. And at paragraph 17:

"17. Summerset seeks that the introduction of scheduling be limited to the "mapped" extent of sites of significance as shown in PC102. This would ensure protection of the necessary areas of Waipapa Awa intersecting with the Site, rather than the scheduling capturing the whole Site. The latter approach would impose limitations on the future development of other parts of the Site (outside of the mapped extent of the Waipapa Awa) where it is otherwise unreasonable to do so."

(Underlining ours.)

6. The reasons for DGL's support are:

- (a) For the reasons outlined in paragraphs 11 - 18 of the Summerset submission, particularly those cited above.
- (b) Reducing the scheduling of the Awa to only include daylighted portions and limiting it to the "mapped" areas in PC 102 resolves the significant uncertainty DGL faces with what is currently proposed in

Schedule 12. DGL has concerns over what might be required regarding protection and enhancement of the Awa should the scheduling remain as is.

- (c) The granting of such relief would be efficient and effective in terms of achieving the objectives in Part D21 of the AUP.

7. DGL's request in relation to this aspect of the Summerset submission is that the relief sought in paragraphs 26(a) and (b) of the Summerset submission (as outlined above and identified as 17.1 and 17.2 of the Council's numbering system) is granted.

**General issues in relation to sound planning**

8. DGL supports the Summerset submission insofar as it expresses concerns in relation to the planning approach reflected in PC 102 and the Auckland Unitary Plan more generally but particularly to the extent that the Summerset submission seeks (per paragraph 7 of the submission):

"(b) *greater specificity in PC102 regarding where the scheduling of sites of significance to mana whenua applies, relative to those parts of the Waipapa Awa that are daylighted and those that are not;*

(c) *greater specificity on the particular matters to which the scheduling applies;*

(d) *changes to the relevant activity statuses and consequential matters of discretion to which scheduling applies; and*

(e) *appropriately achieve the objectives of the AUP in terms of section 32 of the RMA."*

9. The reasons for DGL's support are:

- (a) For the reasons set out in paragraphs 15-25 (inclusive) of the Summerset submission.

10. DGL's request in relation to this aspect of the Summerset submission is that the relief sought in paragraphs 26(c), (d) and (e) of the Summerset submission (as identified as 17.3, 17.4 and 17.5 of the Council's numbering system) is granted.

12. DGL wishes to be heard in support of its further submission.

**DATED** 23 July 2024

**DOMAIN GARDENS LIMITED** by its solicitors and duly authorised agents **BERRY SIMONS:**



---

**S J Berry / C D H Malone**

**Partner**

**Address for Service:**

Domain Gardens Limited C/- Berry Simons  
Level 1  
1-13 Shortland Street  
AUCKLAND 1140

**Telephone:** (09) 969 2300

**Facsimile:** (09) 969 2304

**Email:** [simon@berrysimons.co.nz](mailto:simon@berrysimons.co.nz) / [craig@berrysimons.co.nz](mailto:craig@berrysimons.co.nz)

**Contact Person:** Simon Berry / Craig Malone

**IN THE MATTER** of the Resource Management Act 1991 ("RMA" or "the Act")

**AND**

**IN THE MATTER** of a further submission by **DOMAIN GARDENS LIMITED** in support of the submission by **NGĀTI WHĀTUA ŌRĀKEI** on **PROPOSED PLAN CHANGE 102** to the **AUCKLAND UNITARY PLAN**

---

**FURTHER SUBMISSION BY DOMAIN GARDENS LIMITED ON PLAN CHANGE 102 TO THE AUCKLAND UNITARY PLAN**

**23 JULY 2024**

---

To: Auckland Council  
unitaryplan@aucklandcouncil.govt.nz

**Name of submitter: Domain Gardens Limited ("DGL")**

1. This is a further submission in support of a submission on Proposed Plan Change 102 to the Auckland Unitary Plan ("PC 102").
2. DGL lodged a primary submission in relation to PC 102.

**Domain Gardens Limited**

3. DGL is an entity which has an interest in PC 102 that is greater than the interest the general public has on the basis that:
  - (a) DGL owns land at 1 Domain Drive, Parnell, Auckland ("property"); and
  - (b) PC 102 proposes to add the Waipapa Awa ("Awa") to Schedule 12 (Sites and Places of Significance to Mana Whenua) ("SSMW") of the Auckland Unitary Plan ("AUP"). The extent of the Awa includes a section that is on DGL's property.

**Support for Ngāti Whātua Ōrākei submission (No.10)**

4. DGL supports the submission of Ngāti Whātua Ōrākei ("NWO") (submission number 10) on PC 102.

**The particular parts of NWO's submission that DGL supports, the reasons for that support and DGL's request in that regard are as follows.**

**Recognition of NWO as appropriate iwi and hapu**

5. DGL supports the NWO submission to the extent that it asserts that NWO is the only 'appropriate' and correct iwi and hapu to be considered consulted and involved in plan and resource consent processes that relate to sites and places of significance to Man Whenua, as signified in:
  - (a) Section 3.2 of the NWO submission; and
  - (b) The related relief sought in 10.2, 10.3 and 10.4 of Attachment 1 of the NWO submission.
  
6. The reasons for DGL's support are that:
  - (a) For the reasons set out in Section 3.2 of the NWO submission, NWO are the appropriate iwi and hapu to be involved in RMA processes.
  - (b) Recognising and consulting with the 'appropriate' or 'local' hapū and iwi who are the tangata whenua for the relevant site and/or place, avoids poor outcomes, unnecessary delays, costs and conflicts in the decision-making processes.
  
7. DGL's request in relation to this aspect of NWO's submission is that the relief sought and identified at paragraphs 10.2 and 10.3 in Attachment 1 to the NWO submission is granted.

**Extent of the scheduling of the Waipapa Awa**

8. DGL supports the NWO submission to the extent that it supports the inclusion of the Waipapa Awa as a place of significance to Mana Whenua, but particularly to the extent that the NWO submission requests that the extent of the scheduling be restricted in the manner described in paragraph 3.4 of the NWO submission as follows:

*"Ngāti Whātua Ōrākei supports the inclusion of Waipapa Awa (Awa), through the Auckland Domain (Schedule ID 115). However, Ngāti Whātua Ōrākei seeks amendments to the extent to which the overlay has been applied to the Awa*



*following the historic route of the Waipapa stream, as shown in Figure 5 below, so that it applies only to those parts of the stream that are open/daylighted or on public land.*

(Underlining ours.)

9. The reasons for DGL's support are:
- (a) For the reasons outlined in Section 3.4 of the NWO submission.
  - (b) Reducing the scheduling of the Awa to only include daylighted portions or parts of the Awa on public land in PC 102 resolves the significant uncertainty DGL has with what is currently proposed in Schedule 12. DGL has concerns over what might be required regarding protection and enhancement of the Awa should the scheduling remain as proposed by PC 102.
10. DGL's request in relation to this aspect of the NWO submission is that the relief sought, as identified as 10.5 in Attachment 1 of the NWO submission, be allowed, namely:

*"Reduce the spatial extent of the SSMW overlay applied to the Awa so that it applies only to those parts of the stream that are open/daylighted or on public land."*

11. DGL wishes to be heard in support of its further submission.

**DATED** 23 July 2024

**DOMAIN GARDENS LIMITED** by its solicitors and duly authorised agents

**BERRY SIMONS:**



**S J Berry / C D H Malone**

**Address for Service:**

Domain Gardens Limited C/- Berry Simons  
Level 1  
1-13 Shortland Street  
AUCKLAND 1140

**Telephone:** (09) 969 2300  
**Facsimile:** (09) 969 2304  
**Email:** simon@berrysimons.co.nz / craig@berrysimons.co.nz  
**Contact Person:** Simon Berry / Craig Malone

**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 16, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name) Geoff England, Planner/ Senior Principal, Boffa Miskell.

**Organisation Name (if further submission is made on behalf of Organisation)**

Mt Rex Shipping Limited

**Address for service of Further Submitter**

Boffa Miskell, PO Box 91250, Auckland, 1142.

Telephone:  Email:

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

**This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:**

Plan Change/Variation Number	<input type="text" value="PC 102"/>
Plan Change/Variation Name	<input type="text" value="Sites and Places of Significance to Mana Whenua Tranche 2a"/>

I support :  Oppose  (tick one) **the submission of:** *(Please identify the specific parts of the original submission)*

*(Original Submitters Name and Address)*

Submission Number	Point-Number
<input type="text"/>	<input type="text"/>

- Winstone Aggregates - 13.1
- Ngāti Whātua Ōrākei Trust - 10.1 and 10.2
- Te Kawerau A Maki - 1.1

**The reasons for my support / opposition are:**

The reasons for our support and opposition to the submissions listed above are detailed in the attached table of further submissions.

**I seek that:**

the whole :

or part  (describe precisely which part) refer table attached.

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



\_\_\_\_\_  
Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

25 July 2024

\_\_\_\_\_  
Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Mt Rex Shipping Ltd operations will be directly affected by the proposed plan change 102.

\_\_\_\_\_  
\_\_\_\_\_

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

PC 102 Sites and Places of Significance to Mana Whenua Tranche 2a

Mt Rex Shipping Limited  
 C/- Geoff England, Planner/ Senior Principal  
 Boffa Miskell,  
 PO Box 91250,  
 Auckland, 1142.

Email: [geoff.england@boffamiskell.co.nz](mailto:geoff.england@boffamiskell.co.nz)

Phone: 027 346 0587

Scope of Further Submission

Original Submitter	Submission Number	Point Number	Support/ Oppose	Reasons
Winstone Aggregates	13	.1	Support	The submission is consistent with the original submission of Mt Rex Shipping because the requested change to the extent of the proposed SSMW at Manukapua will avoid clashes with the consented sand dredging activity area over the Taporapora banks and provide for any future applications to extend the existing consents.
Ngāti Whātua Ōrākei Trust	10	.1 and .2	Support	The submission is not inconsistent with the original submission of Mt Rex Shipping because the requested requirement that only the 'appropriate' or 'correct' hapū which are recognised as 'tangata whenua' are engaged with for development proposals within identified SSMW' will provide clarity to the community and future applicants for resource consent as to which tangata whenua group needs to be consulted with regarding proposed activities.

Original Submitter	Submission Number	Point Number	Support/ Oppose	Reasons
Te Kawerau A Maki	1	.1	Oppose in part	This submission is not consistent with the original submission of Mt Rex Shipping because the submission requests the approval of the plan change without amendments. Mt Rex Shipping Ltd submission (#3) supports the plan change but with changes as detailed in our submission (submission points 3.1 and 3.2), and in submission 13 by Winstone Aggregates.

**FURTHER SUBMISSIONS ON A NOTIFIED PROPOSAL FOR POLICY  
STATEMENT OR PLAN, CHANGE OR VARIATION**

**CLAUSE 8 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991**

**To:** Auckland Council  
Via email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**Name of submitter:** Fort Richard Laboratories Limited (**the Submitter**)

**Introduction**

1. This is a further submission on Proposed Plan Change 102 (**PC102**) to the Auckland Unitary Plan (**AUP**).
2. The Submitter did not make a primary submission on PC102. However, the Submitter has an interest in PC102 that is greater than the public in general, relative to the specific matters in the attached table and owing to its ownership and control of land at 15 Pavilion Drive, Māngere being in proximity to the proposed Site of Significance for Mana Whenua (**SSMW**) reference 109 Te Wai o Ruarangi / Oruarangi and Waitomokia Creeks.
3. The Submitter responds to the submission points listed in the attached table for the reasons also noted in that table.

**Relief Sought**

4. The Submitter seeks:
  - a) That the identified submission points are accepted or rejected in part or in full as set out in the attached table; and
  - b) Any necessary consequential relief to give effect to its further submissions.
5. The Submitter wishes to be heard in support of its further submissions.
6. If others make similar submissions, the Submitter would consider presenting a joint case with them at the hearing.

**DATED** at Auckland this 26th day of **July 2024**

**Address for Service:**  
Forme Planning Limited  
Suite 203 Achilles House  
8 Commerce Street  
Auckland 1010  
[kay@formeplanning.co.nz](mailto:kay@formeplanning.co.nz)

This further submission is in relation to the submission of:	The particular submission point we support or oppose is:	Our position on this submission point is:	The reasons for our support or opposition is:	The decision we want Council to make is:
Gloucester Industrial Park Limited	S12.1 which seeks to approve the plan change without amendments	Support in full	As for the reasons outlined in the primary submission, noting that the extent of SSMW 109 will not affect the current industrial operation or any future development of the Submitter's site at 15 Pavilion Drive.	Allow in full



To: Auckland Council

Re: Further Submission on Plan Change 102 – Sites and Places of Significance to Mana Whenua Tranche 2a (**PC102**) – Ngāti Whātua Ōrākei Trust (**Ngāti Whātua Ōrākei**)

Name of Submitter: Ngāti Whātua Ōrākei Trust Attn: Phil Wihongi

Address for Service: Phil Wihongi [Philw@nwo.iwi.nz](mailto:Philw@nwo.iwi.nz) and David Badham [DavidB@barker.co.nz](mailto:DavidB@barker.co.nz)

Date: 26 July 2024

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Ko Māhuhu ki te rangi te waka  
Ko Maungakiekie te maunga  
Ko Waitematā te moana  
Ko Ngā Oho, Te Taoū, Ko Te Uringutu ngā hapū  
Ko Ngāti Whātua Ōrākei te iwi

**Further Submission Information:**

This is a further submission on Auckland Council’s Proposed Plan Change 102 – Sites and Places of Significance to Mana Whenua Tranche 2a (PC102).

Ngāti Whātua Ōrākei Trust (Ngāti Whātua Ōrākei) has an interest greater than the general public has, as:

- it made an original submission on PC102 (sub #10), and
- the submission points identified within this further submission specifically affect the interests of Ngāti Whātua Ōrākei within Tāmaki Makaurau.

Ngāti Whātua Ōrākei could not gain an advantage in trade competition through this further submission.

The specific original submission points of PC102 that Ngāti Whātua Ōrākei’s further submission relates to, whether Ngāti Whātua Ōrākei supports or opposes the specific submission points and the reasons for Ngāti Whātua Ōrākei’s support or opposition are set out in **Attachment 1**.

The decisions that Ngāti Whātua Ōrākei wishes Auckland Council to make to ensure the issues raised by Ngāti Whātua Ōrākei are dealt with are also contained in **Attachment 1**.

Ngāti Whātua Ōrākei wishes to be heard in support of this further submission and will not consider presenting a joint case at hearings.

The address for service has been updated to include a representative from Barker & Associates. Please ensure that this contact is included in all communications associated with PC102.

## Attachment 1: Ngāti Whātua Ōrākei PC102 Further Submission Points

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
<b>Extent of SSMW</b>					
9.1	Domain Gardens Ltd	Extent of SSMW	Support	Ngāti Whātua Ōrākei supports a reduction to the extent of the SSMW overlay applied to the Waipapa Awa to open/daylighted parts of the stream and those on public land.	Accept
17.1	Summerset Villages (Parnell)	Extent of SSMW	Support	Ngāti Whātua Ōrākei supports a reduction to the extent of the SSMW overlay applied to the Waipapa Awa to open/daylighted parts of the stream and those on public land.	Accept
19.1	Parnell Community Committee	Extent of SSMW	Support	Ngāti Whātua Ōrākei supports the scheduling of both Waipapa Awa and Te Rae o Kāwharu as SSMW, noting the amendments sought to the extent of the Waipapa Awa.	Accept
<b>Mana whenua engagement</b>					
9.2	Domain Gardens Ltd	Mana whenua engagement	Support in part	Ngāti Whātua Ōrākei supports this submission in part. The submission from Ngāti Whātua Ōrākei requested that only the 'appropriate' or 'correct' hapū are recognised as tangata whenua and engaged with. For both Te Rae o Kāwharu and Waipapa Awa, Ngāti Whātua Ōrākei seek to be listed as	Accept in part

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
				the 'correct' hapū in the 'Nominated by Mana Whenua' column of Schedule 12.	
<b>General</b>					
2.1	Qiping Sun	General	Oppose	Ngāti Whātua Ōrākei supports PC102, subject to the amendments to the proposed additions to Schedule 12 and site extent of the Waipapa Awa, nominated by Ngāti Whātua Ōrākei.	Reject
5.1	John Darroch	General	Oppose	Ngāti Whātua Ōrākei supports PC102, subject to the amendments to the proposed additions to Schedule 12 and site extent of the Waipapa Awa, nominated by Ngāti Whātua Ōrākei.	Reject
6.1	BA Trustees Ltd	General	Oppose	Ngāti Whātua Ōrākei supports PC102, subject to the amendments to the proposed additions to Schedule 12 and site extent of the Waipapa Awa, nominated by Ngāti Whātua Ōrākei.	Reject
7.1	Carlaw Campus Limited Partnership	General	Oppose	Ngāti Whātua Ōrākei supports PC102, subject to the amendments to the proposed additions to Schedule 12 and site extent of the Waipapa Awa, nominated by Ngāti Whātua Ōrākei.	Reject

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
16.1	Tel Properties Nominees Limited	General	Oppose	Ngāti Whātua Ōrākei supports PC102, subject to the amendments to the proposed additions to Schedule 12 and site extent of the Waipapa Awa, nominated by Ngāti Whātua Ōrākei.	Reject

## **APPENDIX 4**

### **RECOMMENDED CHANGES TO PC102 AND PM15 FOLLOWING SUBMISSIONS**



## 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 10e).~~
- gardening for domestic purposes.**
- 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.**
- 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.**
- 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:

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

#### 7.14.1



## **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
<u>(A5A)</u>	<u>New buildings and structures when in a Mana Whenua Responsive Design Area identified in Schedule 12</u>	<u>RD</u>
(A6)	Alterations and additions to existing buildings where the building footprint is increased	D
<u>(A6C)</u>	<u>Alterations and additions to existing buildings where the building footprint is increased when in a Mana Whenua Responsive Design Area identified in Schedule 12</u>	<u>RD</u>
[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 Taporā 0977</u>	<u>Pā</u>	
<u>1123</u>	<u>Manukapua</u>	<u>Gum Store Road, Taporā 0977</u>	<u>Island, mahinga kai</u>	
<u>1134</u>	<u>Te Rae o Kāwharu</u>	<u>474 Great North Road, Arch Hill</u>	<u>Wāhi tupuna</u>	<u>Ngāti Whātua Ōrākei</u>
<u>1145<sup>#</sup></u>	<u>Waipapa Awa</u>	<u>Auckland Domain</u>	<u>Awa</u>	<u>Ngāti Whātua Ōrākei</u>

[\* 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.

Schedule 12.2 Mana Whenua Responsive Design Area Maps



## **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	
<p><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></p>							
(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*	D <u>RD#</u> <u>RD# when in a Mana Whenua Responsive Design Area Identified in Schedule 12</u>			

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

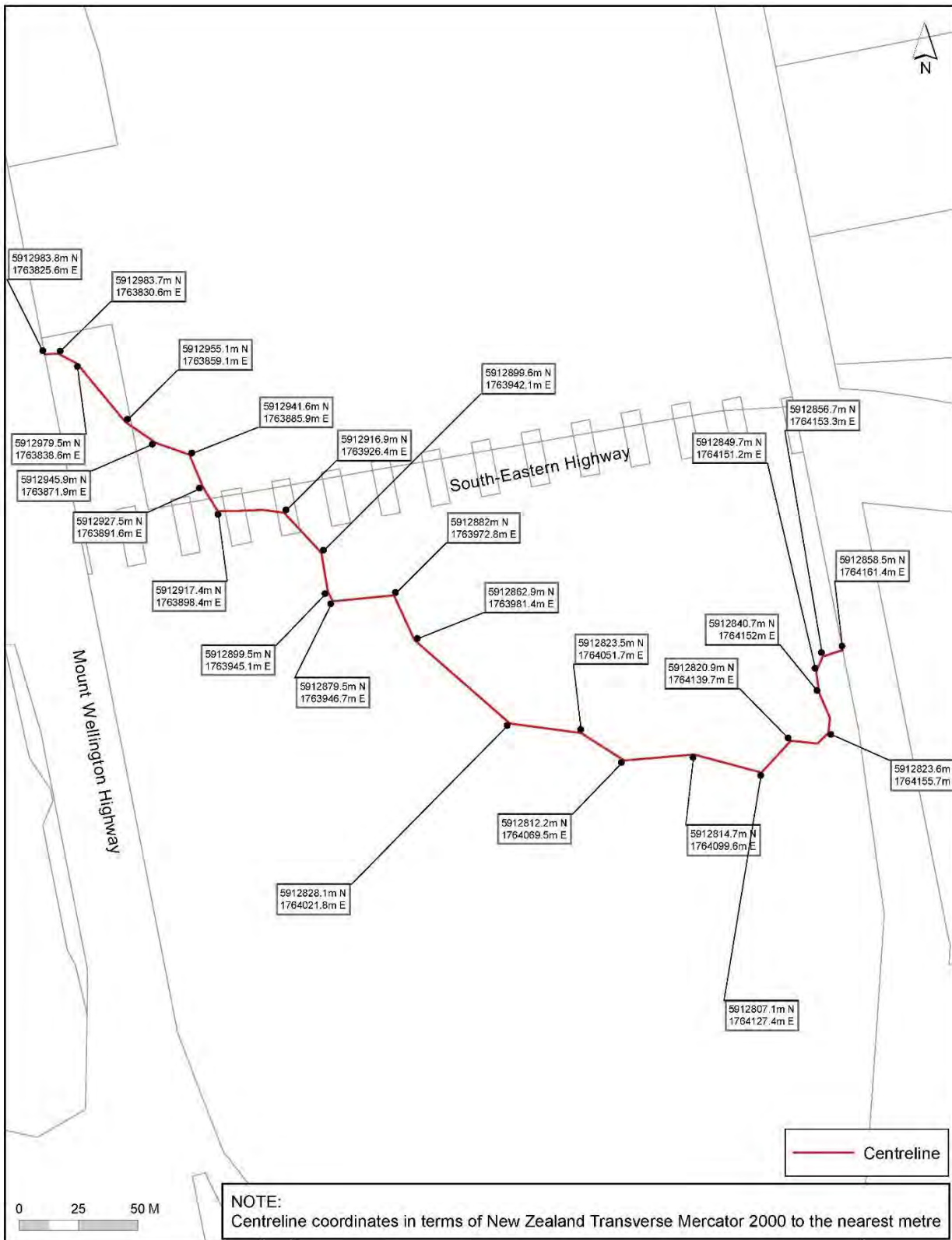
- (3) additional assessment criteria for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
- (a) the extent to which adverse effects on the features can be avoided or mitigated having regard to:
    - (i) the provision of a satisfactory record 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

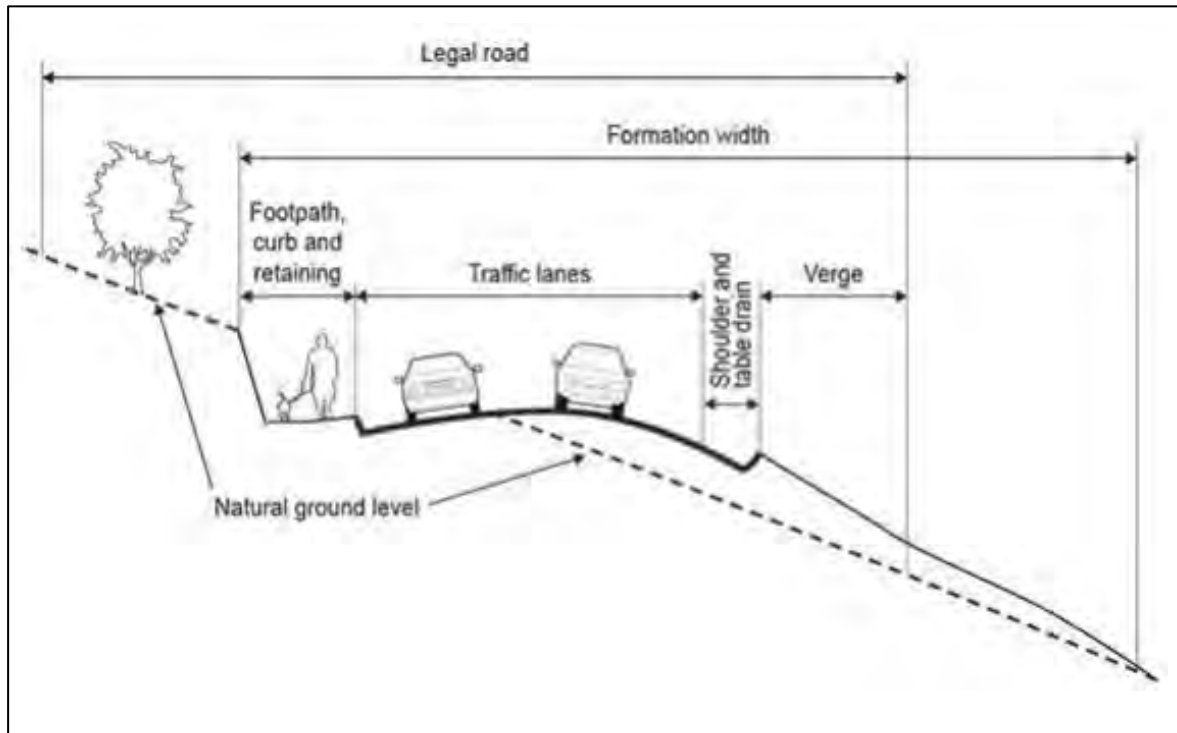
Table E26.2.3.2 Activity table specifies the activity status of land use and development for road network activities pursuant to section 9(3) of the Resource Management Act 1991.

(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**

Zone group	Permitted height
<ul style="list-style-type: none"> <li>• Rural zones;</li> <li>• Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land);</li> <li>• Future Urban Zone;</li> <li>• Special Purpose – Quarry Zone;</li> <li>• Industrial zones;</li> <li>• Centres zones and Business – Mixed Use Zone (excluding the Business – Local Centre Zone and Business – Neighbourhood Centre Zone);</li> <li>• Business – General Business Zone;</li> <li>• Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Zone, Special Purpose – Healthcare Facility and Hospital Zone and the Business – Business Park Zone; and</li> <li>• Special Purpose – Tertiary Education Zone</li> </ul>	5m
<ul style="list-style-type: none"> <li>• Business – Local Centre Zone and Business – Neighbourhood Centre Zone;</li> <li>• Open space zones; and</li> <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**

Roof area (plan view)	Maximum number of antennas per site
300m <sup>2</sup> or less	6
Greater than 300m <sup>2</sup> and less than 1,000m <sup>2</sup>	8
1,000m <sup>2</sup> or more	12

(10) For all other zones the maximum number of antennas is 12 per site.

*Height of masts and attached antennas (excludes NESTF)*

- (11) Masts and attached antennas identified as permitted activities in Table E26.2.3.1 must not exceed the height limits in Table E26.2.5.3.3, excluding provision for lightning rods, 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 <a href="#">or Mana Whenua Responsive Design Area</a> 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 <a href="#">or Mana Whenua Responsive Design Area</a> 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 <a href="#">or Mana Whenua Responsive Design Area</a> 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.

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## 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

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(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](#))

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**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 Pending Esplanade Reserve	B		D	Refer to planning maps		Yes	Yes
00661	Midden R12_195	Pararekau Island, 149A Capriana Drive, Hingaia	LOT 1000-DP-476406 Pending Esplanade Reserve	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

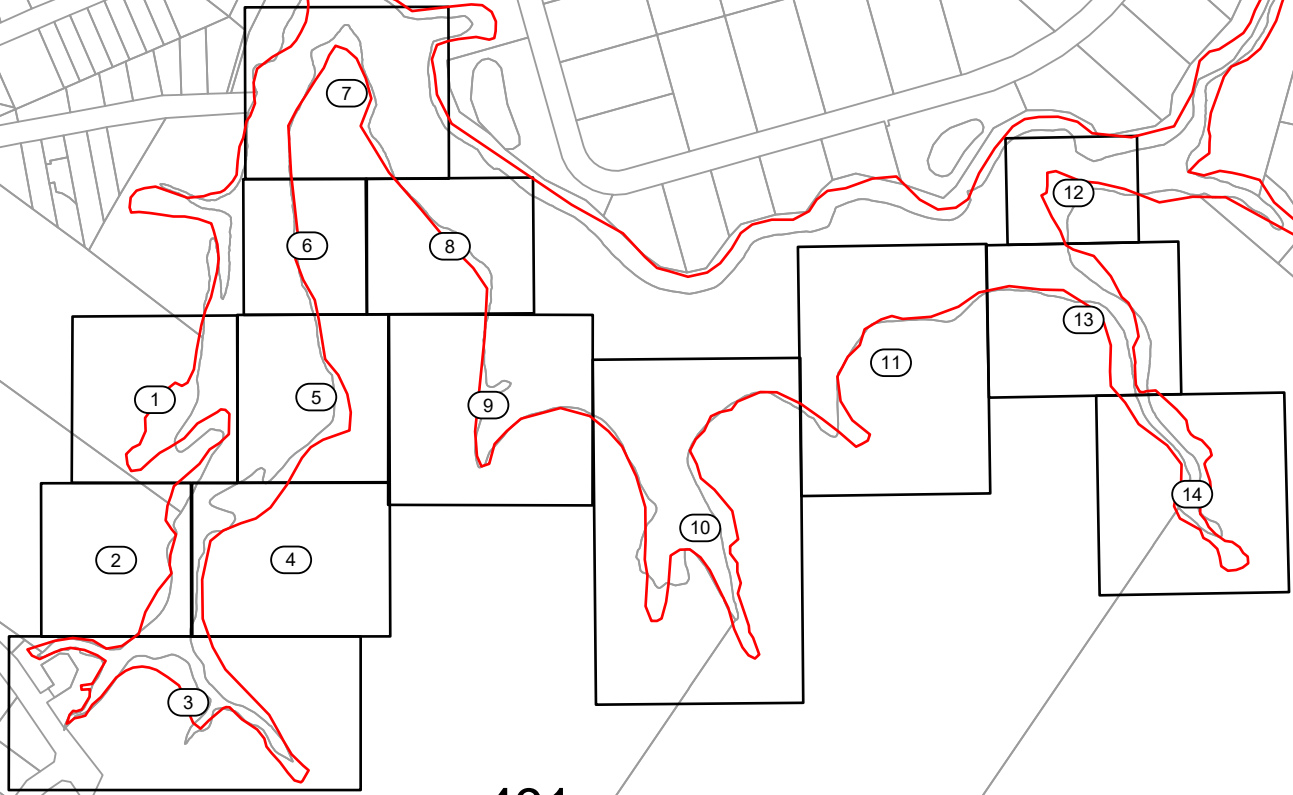
ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
00674	Midden R12_682	Hingaia Esplanade Reserve, 21 Hayfield Way, 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			



Te Wai o Ruarangi Map Series - Post Submissions



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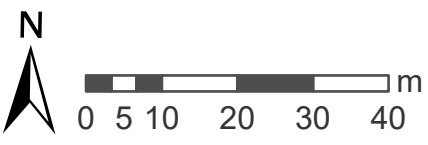
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- Te Wai o Ruarangi
- Private land boundary
- Notified extent



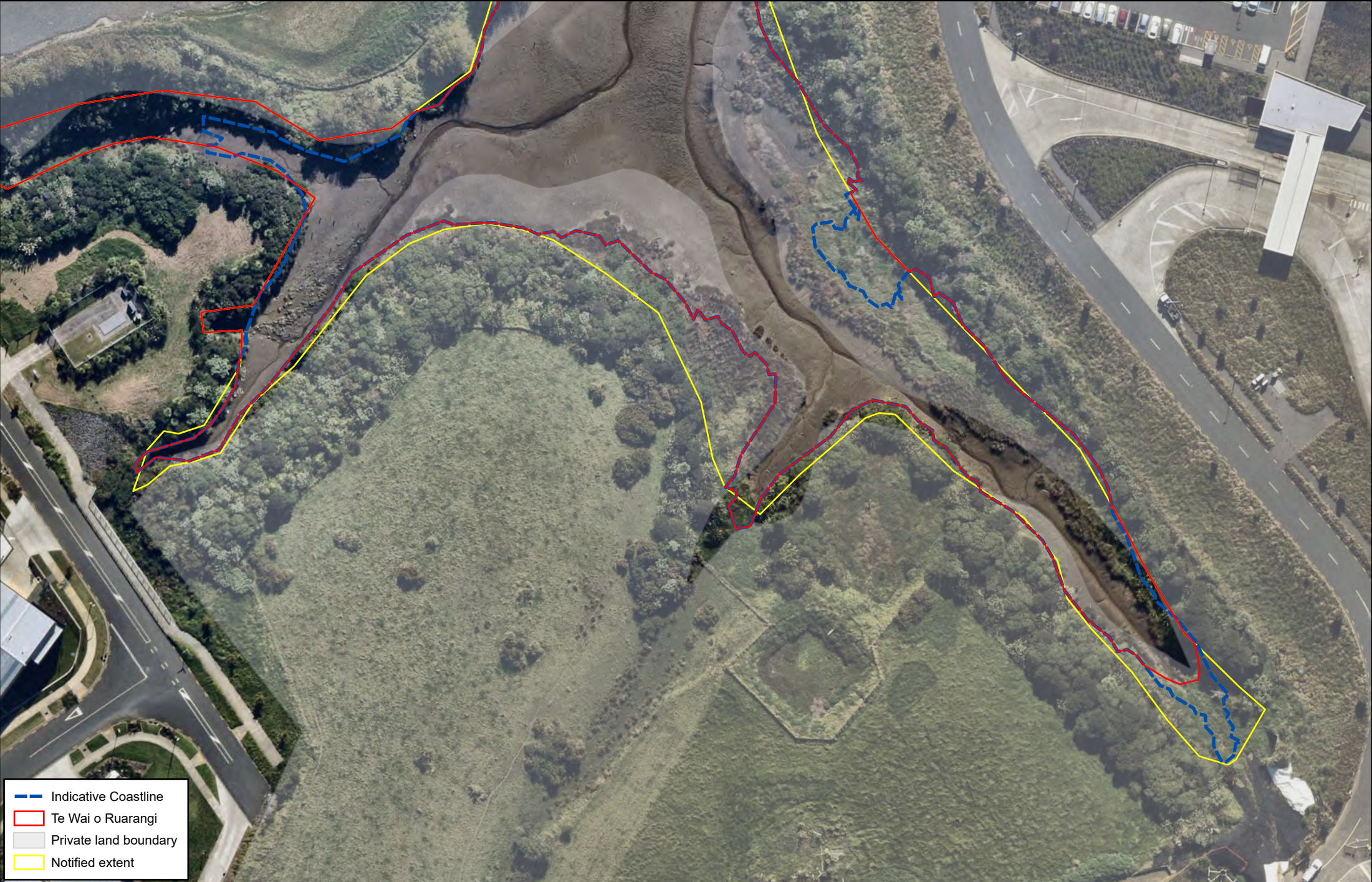
Te Wai o Ruarangi series  
Map 1 of 14



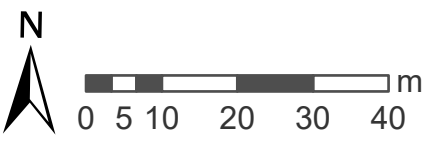
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- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 2 of 14



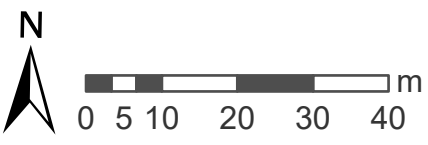
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- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 3 of 14



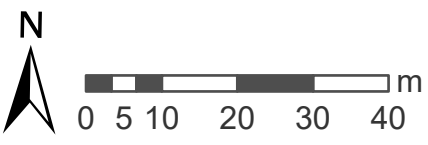
- Indicative Coastline
- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 4 of 14



- Indicative Coastline
- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 496 of 14

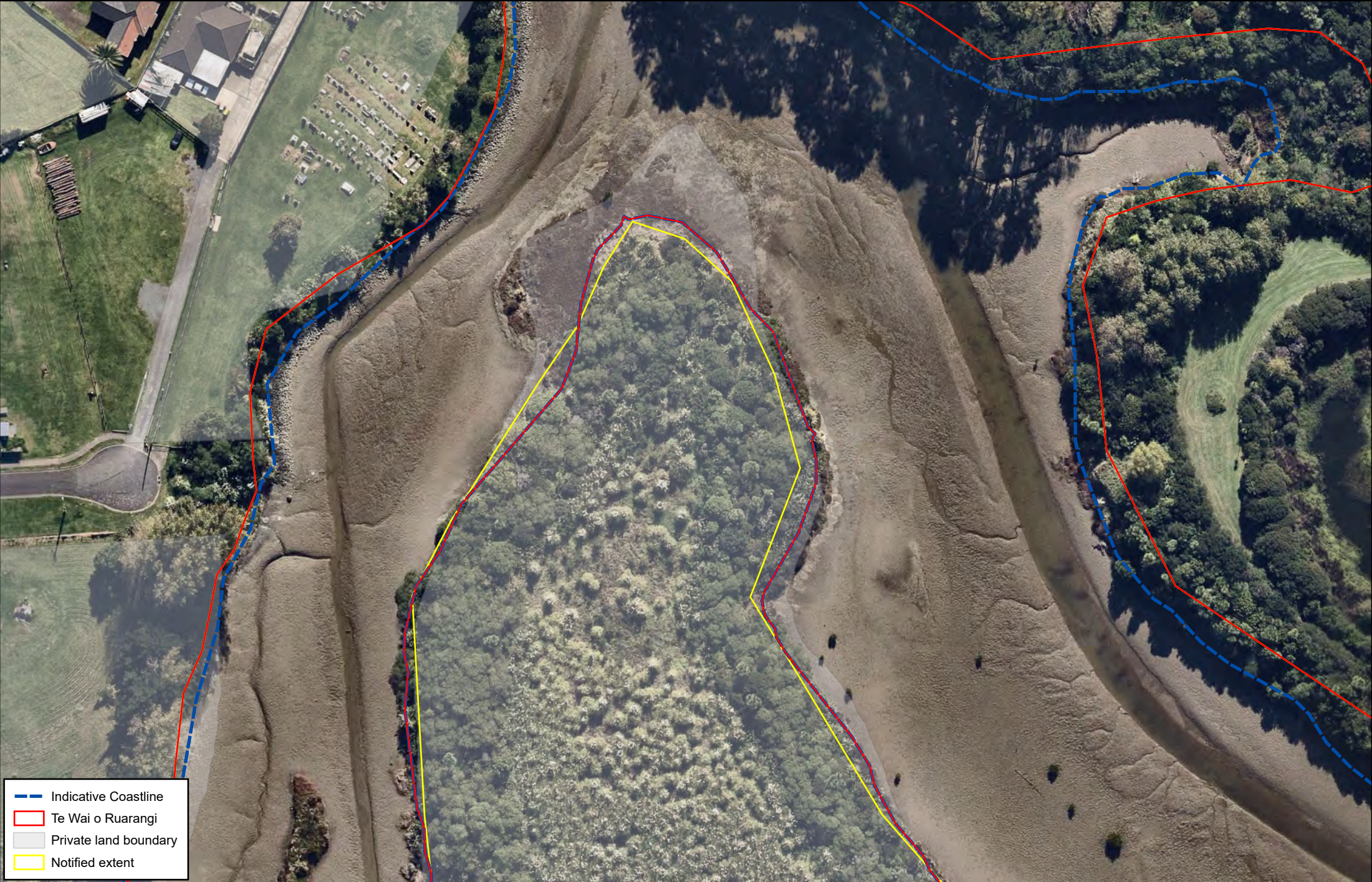




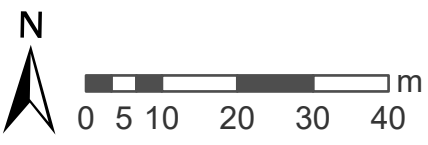
- - - Indicative Coastline
- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 10 of 14



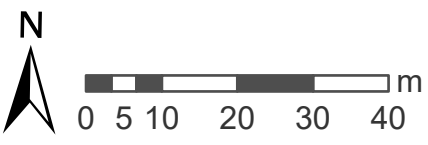
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- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 7 of 14



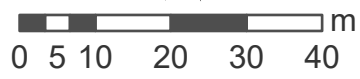
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- Te Wai o Ruarangi
- Private land boundary
- Notified extent

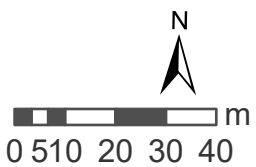
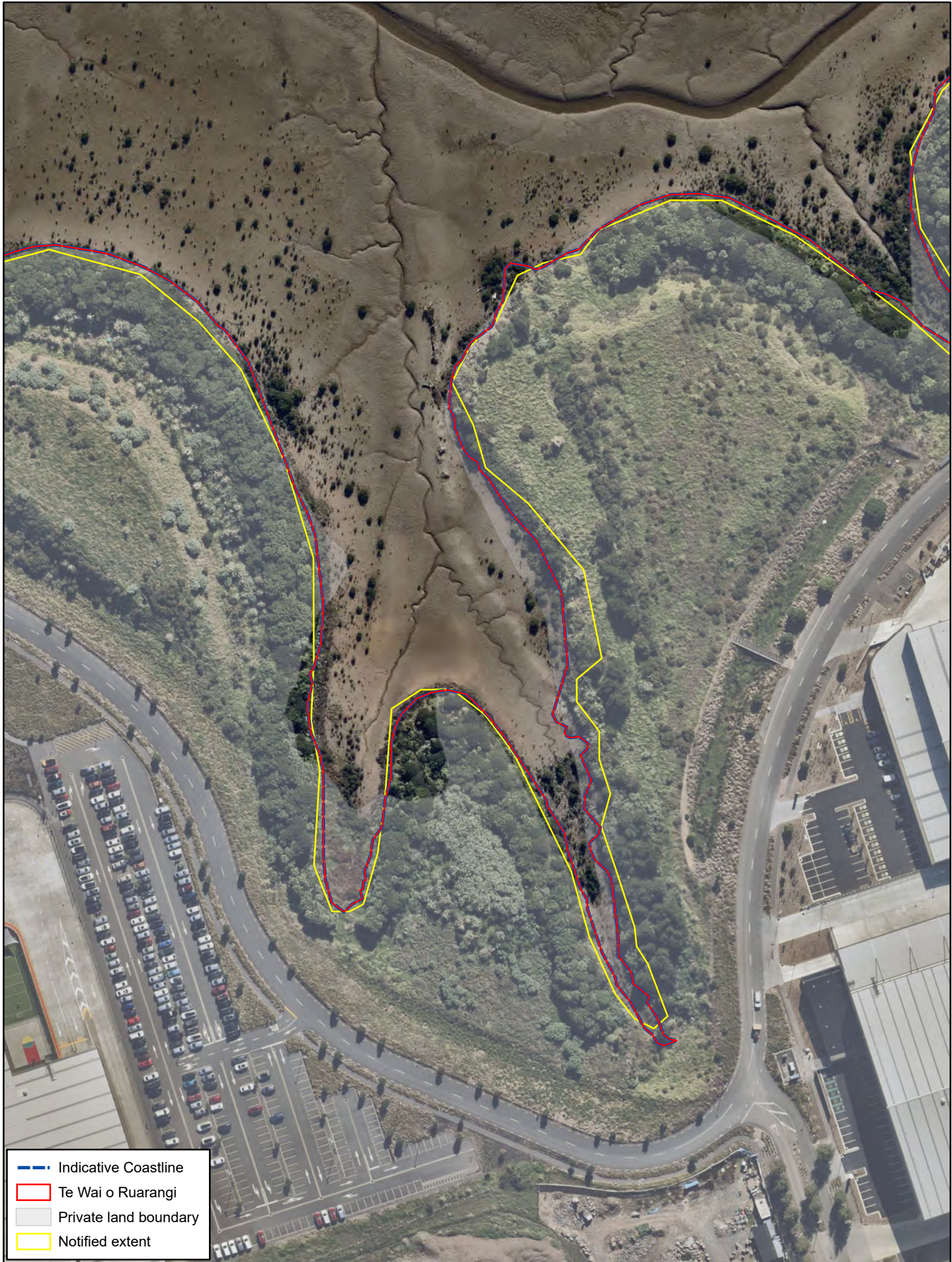


Te Wai o Ruarangi series  
499  
Map 8 of 14



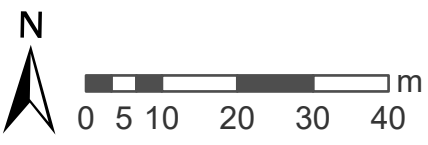
- - - Indicative Coastline
- Te Wai o Ruarangi
- Private land boundary
- Notified extent







- Indicative Coastline
- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 502 of 14



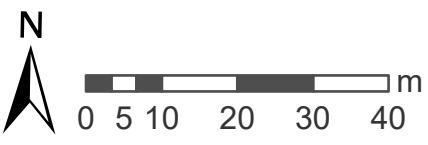
- - - Indicative Coastline
- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 503 of 14

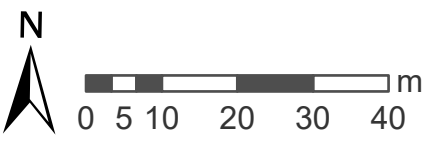


- Indicative Coastline
- Te Wai o Ruarangi
- Private land boundary
- Notified extent



Te Wai o Ruarangi series  
Map 504 of 14





Te Wai o Ruarangi series  
Map 505 of 14



## **APPENDIX 5**

### **SPECIALIST TECHNICAL REPORTS**



**BEFORE THE AUCKLAND COUNCIL HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Plan Change 102 and Plan Modification 15 regarding the addition of  
12 sites to the Sites and Places of Significance to Mana Whenua schedule  
to the Auckland Unitary Plan and Auckland Council District Plan –  
Hauraki Gulf Islands Section

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**STATEMENT OF EVIDENCE OF NICO DONOVAN-PEREIRA**

**ON BEHALF OF THE MĀORI HERITAGE TEAM AUCKLAND COUNCIL**

**18<sup>th</sup> December 2024**

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## 1. INTRODUCTION

- 1.1. My full name is Nico James Joseph Donovan-Pereira. I hold a degree of Science (Hons) in Geography (2016) from the University of Auckland. My qualification was focused on the intersection of human geography and environmental management. I am a current fourth year PhD candidate at the University of Waikato. I am employed as a Technical Specialist – Māori Heritage for Auckland Council. I have been employed in this role since 13 December 2017 and have worked at Auckland Council since 1 February 2016. During my time with Auckland Council I have worked in various planning roles. Since starting my role as a Technical Specialist I have worked closely with the 19 hapū and iwi who hold mana whenua status in various areas covered by the Auckland Council statutory boundary. This work has focused on partnering with hapū and iwi on the identification and assessment of their Māori cultural sites and places.
- 1.2. My professional background is in environmental management and environmental impact assessments. I have worked as a resource consent planner, resource consent monitoring officer and now as a Technical Specialist – Maori heritage. I am an associate member of the New Zealand Planning Institute, Papa Pounamu (technical interest group within NZPI). I have a technical proficiency with tikanga Māori developed through my role and expertise in the nature of, and management issues facing Māori heritage.
- 1.3. I have some knowledge in the reo (language), mātauranga (knowledgebase and knowledge systems) and tikanga (customs, lore and processes) at a generic level but I am not an expert and defer to the tohunga, kaumatua, kuia and other tangata



whenua knowledge holders on such matters. I do not speak on behalf of hapū or iwi in this capacity.

1.4. No Ohomairangi ka heke mai Houmaitawhiti. No Ohomairangi ka heke mai Atuatua. No Atuatua ka heke mai Ngātoroirangi rāua ko Tamatekapua. No Ngātoroirangi rāua ko Tamatekapua ka heke mai Te Arawa. Ko Te Arawa te waka. Ko te Arawa te iwi. Ko Tūhourangi te hapū. Ko Te Pakira te marae. Ko Waretini rāua ko Wikingi ōku whanau. Ko Nico Donovan-Pereira tōku ingoa.

1.5. I belong to the Te Arawa people through my family connections of Waretini and Wikingi. Through them I connect to Tūhourangi and the eponymous ancestors Tamatekapua and Ngātoroirangi. They are my connection between Houmaitawhiti and Ohomairangi from Hawaiki.

## 2. CODE OF CONDUCT

2.1. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this report is within my area of expertise.

## 3. SCOPE OF EVIDENCE

3.1. My evidence will focus on the comparison and contrast of the nature of Māori heritage compared to other kinds of heritage and the general Te Ao Māori or first principles approach to Māori heritage management, the nature of Waipapa Awa and Pahurehure Islands and its related management issues, and the process of

identifying and assessing values for Sites and Places of Significance to Mana Whenua.

- 3.2. I briefly discuss my understanding of the policy context of Māori heritage under the Resource Management Act 1991 (RMA), Te Tiriti o Waitangi and the Regional Policy Statement (RPS) section of the Auckland Unitary Plan. The details of the legal and policy context have been covered by council's planner, Mr. Gouge, in the section 32 evaluation report so it is not repeated here.
- 3.3. I refer to and pay particular attention to the cultural values assessment (CVA) and submission provided by Ngāti Whātua Ōrākei for Waipapa Awa and Ngāti Tamaoho for Pahurehure Islands as part of the scheduling assessment process.

#### 4. MĀORI CULTURAL HERITAGE PROGRAMME

- 4.1. The Māori Cultural Heritage Programme (MCHP) began in 2014 and was co-designed with hapū and iwi for the purpose of:

*Improving the identification, mapping and protection of Māori cultural heritage in Auckland/Tāmaki Makaurau.*

- 4.2. Through the MCHP, the council in partnership and collaboration with the 19 hapū and iwi entities of wider Tāmaki Makaurau, co-developed and applied a process for the identification, nomination and assessment of sites and places for recording in the Sites and Places of Significance to Mana Whenua Schedule, and/or other management responses. The process needed to be supported by hapū and iwi, to have cultural integrity, follow best practices, and to fulfil the Treaty principles of partnership and active protection. The process was confirmed by hapū, iwi and council and is subject to continuous improvement.

- 4.3. MCHP identifies sites and places that may be appropriate for assessment for proposed inclusion in Schedule 12 of the AUP or Appendices 1f or 2f of the HGIP through a plan change process. This occurs primarily through nomination based on mātauranga and tikanga Māori and hapū and iwi guidance but may also be an outcome of council research subject to hapū and iwi confirmation. To include a place into the MCHP nomination process requires a place name, an address/physical location, and a first draft spatial extent (map).
- 4.4. The process of scheduling is at its core a value and mapping (geographic extent) identification exercise. It is then secondary to identify the quality or state of the values, and these steps are separate to the planning effects and management response. Part of identifying the relevant values includes information referencing the Policy B6.5.2(2) of the RPS.
- 4.5. This is separate from subsequent considerations of the planning effects of scheduling (other than efficiency and effectiveness considerations as part of the s32 exercise), which are dealt with by the plan's existing objectives, policies, rules, and methods.<sup>1</sup>
- 4.6. Items such as scheduled outstanding natural features are identified based on their natural values, for example a volcanic cone that holds geological value and can be mapped by following the extent of this value. A scheduled river tends to follow the

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<sup>1</sup> The courts have made clear this distinction, see for example *Man O War Station Limited v Auckland Council*, and *Hawthenden Ltd v Queenstown Lakes District Council*, para 64-65, 76. Available at [https://www.westlaw.co.nz/maf/wlnz/app/document?docguid=10971a0e3e8e411e98d34858489f4be61&isTocNav=true&tocDs=AUNZ\\_CASES\\_TOC&startChunk=1&endChunk=1](https://www.westlaw.co.nz/maf/wlnz/app/document?docguid=10971a0e3e8e411e98d34858489f4be61&isTocNav=true&tocDs=AUNZ_CASES_TOC&startChunk=1&endChunk=1)

banks of the river, and a significant ecological area tends to follow the area covered by important ecological habitat that meets certain criteria under the AUP.

4.7. It is the same principle with Māori heritage – the scheduled item is identified by the spatial extent of its value. In essence, Māori heritage sites, like geological, ecological, or historical sites, exist in the real world irrespective of scheduling and certainly do not come into being through the mapping premised on convenience or limited by planning considerations.

4.8. This principle is the same whether you are scheduling the value of something natural and fixed (maunga), natural and variable (awa) or metaphysical (wāhi tapu or tūpuna). A mountain does not need to be scheduled before it can be identified as real.

4.9. The threshold is if a place is significant enough to warrant scheduling and if it is effective or efficient to do so. The AUP Regional Policy Statement Policy B6.5.2(2) provides a starting point for considering the significance and in no way limits or confines the values that iwi and hapū can have for a place. The way that development and use are managed on scheduled sites is through the existing provisions of the AUP/HGIP in conjunction with the mapped extent.

4.10. To not scheduled a significant place where it is effective or efficient to do so would fail the basic directive in AUP B6.5 and international best practice<sup>2</sup> and would result in portions of a site otherwise deemed to be significant sitting outside of the

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<sup>2</sup> including ICOMOS guidance

protected extent, which would lead to the value of the scheduled item as a whole ultimately being put at risk of significant impact.

- 4.11. A five-task process occurs for the nominated site or place to be considered for inclusion in a plan change. The tasks or aspects of the tasks may be conducted concurrently or out of sequence as may be appropriate. Each of the tasks supports the investigation of the significance of the site or place and its extent as may be proposed for scheduling purposes. The five tasks are:

*Task 1 – Research and Information Gathering.*

*Task 2 – Mātauranga Māori and Assessment Against AUP Criteria* hapū or iwi officers identify and record, via a Cultural Values Assessment (CVA), the cultural values of the nominated site/place against 6 factors in AUP RPS Policy B6.5.2(2) and HGIP Appendix 4 (7.0) with the HGIP only being relevant if the nominated site/place is in the HGI.<sup>3</sup>

*Task 3 – Landowner Consultation and Site Visits.*

*Task 4—Risk Assessment.* Both council and hapū or iwi officers undertake an assessment of the site's risks to help determine appropriate management responses and options.

*Task 5 – Planning and Management Response.*

- 4.12. Once several nominations have gone through the above process, those considered suitable for scheduling are collated into a proposed plan change tranche with

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<sup>3</sup> An additional factor of Horopaki (context) is included in the CVAs to state the context of the site or place within the wider Māori cultural landscape. Horopaki is included for information purposes and is not one of the AUP/HGIP factors for scheduling purposes.

recommendations made to all 19 hapū and iwi entities represented at a governance level within the MCHP programme and to the council.

4.13. Through this process, there is active engagement with hapū and iwi, and individual and collective hui at both the kaitiaki and governance levels. Based on their guidance, the process is adaptive and varied for different hapū and iwi entities.

4.14. The mātauranga of iwi and hapū is kept confidential due to the sensitivity of the information, with the CVA that forms part of the formal plan change assessment first signed off by the nominating hapū or iwi. The principles of partnership (collaborative decision-making), rangatiratanga (authority and ownership over their mātauranga), and kaitiakitanga (ability to protect and manage their sites and places) are key to the MCHP design and delivery.

4.15. I cannot speak on behalf of the hapū and iwi partners, but in my opinion, the co-design of the programme takes account of Te Ao Māori, particularly in (i) the Mana Whenua factors for identifying Māori heritage sites and places which are based on general tikanga, mātauranga and values, and (ii) the spatial extent of such places is determined by hapū and iwi as evidenced by the application of their mātauranga and values (rather than other evidence and values such as archaeology) to a geographic area.

4.16. It is arguable that rangatiratanga is given partial but not full effect due to the co-decision-making framework with council,<sup>4</sup> and that while enabling kaitiakitanga in the sense of hapū and iwi being able to nominate their sites and places for

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<sup>4</sup> Rangatiratanga, given full effect, would see full decision-making or regulatory functions sitting with the hapū or iwi who holds customary authority over the site or place.

protection via scheduling (and other means), the process stops short of fully embedding tikanga into the operational management of the site or place going forward.

- 4.17. It is my opinion that the sites included in the plan change are of clear significance to iwi and hapū. As a result of this significance they should be recognised, protected and the iwi/hapū with association to these places be given the ability to actively input and participate in the management in the manner anticipated within the AUP.
- 4.18. I think that it is a general symptom of our society that we are not aware of the significance of these sites/places, and this can be a source of scepticism. The proposed Plan Change 102 and Plan Modification 15 is the first statutory step to protecting these sites/places and making the public aware of the significance of these sites/places.

## 5. MANAGEMENT OF MĀORI HERITAGE

- 5.1. Māori heritage is identity building, and heritage contributes tangibly to how individuals and groups (whānau, hapū, iwi etc) identify with a site or place.
- 5.2. A common concept for Māori heritage is taonga tuku iho ('treasures passed down'). This term is understood as incorporating the intergenerational responsibilities of both the receiver and giver of these treasures. The things you are given provide for your needs and were made available through the efforts and care of those who lived before you.

- 5.3. Because of this, there is a social contract that must be upheld so that taonga tuku iho can be passed to future generations. Treasures are received in the best condition possible and with the knowledge that they must be cared for (and improved) before being passed on to a new generation again.
- 5.4. This starts to differentiate Māori heritage from other forms of heritage. The process of tuku iho (handing down) and the inherent reciprocity outline the belonging and obligations required.
- 5.5. In the context of Sites and Places of Significance to Mana Whenua, heritage in the context of this evidence is place-based heritage: sites, structures and landscapes.
- 5.6. There is a distinction between western perspectives of heritage or environment, which separates things into parts and a Te Ao Māori (the Māori world view) holistic view. There is traditionally a separation between man and nature in Western perspectives, and consequently, makes humans disconnected, independent and in a superior position to nature.
- 5.7. In a Te Ao Māori view, all things are connected and have value; this means there is a connection between vegetation, geology, waterways, the sky and people (including human-made places such as marae, kāinga and other places). As a result, it is counterintuitive to separate human and nature and is unnecessary to distinguish the two.
- 5.8. The connections and relationship between humans and nature are considered through concepts such as whakapapa, mauri, and taonga tuku iho. This connects people with the taiao (environment) and ngā atua (Māori deities) Significant places can be the embodiment of ancestors or are handed down by them for the use and



safekeeping of the present generation. This is often alluded to in the associated names or practices of a place.

## 6. MĀORI HERITAGE LEGAL, POLICY AND MANAGEMENT CONTEXT

- 6.1. It has been recognised for a long time that Māori cultural heritage in the Auckland region is and has been threatened by development and growth, particularly in urban areas, coastal fringes and in association with major infrastructure development.
- 6.2. The state of Māori heritage in the region is difficult to determine because sites and places are not systematically identified, the baseline condition of the heritage is not well established, and their associated Māori heritage values have not been systematically monitored over time.
- 6.3. Despite these uncertainties it is generally accepted that Māori heritage has been subjected to sustained loss and degradation, that Mana Whenua values and associations with their heritage is poorly understood within the general public and the levels of protection for Māori heritage are low.<sup>5, 6</sup>

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<sup>5</sup> Approximately 6.7% of currently protected heritage places are of Māori origin although the actual figure is probably closer to 1-2% as reported in E. Ashby (2019) Auckland Unitary Plan and Hauraki Gulf Islands Plan Māori Heritage Provision Analysis, Auckland Council unpublished internal report, p.p.16-18.

<sup>6</sup> See also AUP RPS B6.6 which states: 'For reasons such as limited investment, cultural sensitivities and mismanagement of information in the past, very little Mana Whenua cultural heritage has been scheduled despite the large number of Mana Whenua groups with strong associations to Auckland. The council has a statutory responsibility to protect Mana Whenua cultural heritage from inappropriate subdivision, use and development.'

- 6.4. Auckland Council has Te Tiriti o Waitangi-based obligations<sup>7</sup> and administers a statutory and policy framework requiring active involvement in the protection and management of Māori heritage. In the case *TRANS-TASMAN RESOURCES LIMITED v TARANAKI-WHANGANUI CONSERVATION BOARD*, [2021] NZSC 127, the Supreme Court found that Treaty principles are implicit relevant considerations in the exercise of statutory powers affecting Māori interests, irrespective of the specific text of the statute.
- 6.5. Māori tikanga (customs and processes) is part of the common law of New Zealand<sup>8</sup> and recognised by New Zealand law as a “free-standing” legal framework<sup>9</sup>. It has yet to be fully engaged with but is acknowledged by the Courts and the Waitangi Tribunal in a rapidly evolving area of the law. There is also an international context to heritage management that is relevant to how the council meets its duties to protect heritage.<sup>10</sup>
- 6.6. The Resource Management Act 1991 (RMA) and Te Tiriti o Waitangi are the guiding legal frameworks for the management of the environment and resources in New Zealand. Part 2 provisions of the RMA require persons exercising functions under

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<sup>7</sup> Councils have Te Tiriti-based obligations under statute and case law. The Waitangi Tribunal found councils to inherit the Treaty obligations of the Crown as found in Waitangi Tribunal (2011) *Ko Aotearoa Tēnei - A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, Wellington, p.p.269-270; and *Ngāti Maru Ki Hauraki v Kruithof* (2005) NZRMA 1, 14.

<sup>8</sup> Refer to “He Poutama” September 2023 Study Paper 24 by Te Aka Matua o te Ture Law Commission.

<sup>9</sup> *Ngāti Whātua Ōrākei Trust v Attorney-General* [2022] NZHC 843 at [32].

<sup>10</sup> New Zealand ratified the UNESCO World Heritage Convention (1972), requiring states to conserve both World Heritage sites and national heritage through regional planning programmes and other methods. New Zealand has supported the UN Declaration on the Rights of Indigenous Peoples (2007), which includes the rights of indigenous peoples to maintain, control, protect and develop their cultural heritage. The New Zealand National Committee of International Council on Monuments and Sites (ICOMOS) produced a New Zealand Charter in 2010 which has been adopted as a standard reference document by council.

the RMA to expressly recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance (section 6(e)), recognise and provide for the protection of recognised customary activities as a matter of national importance (section 6(g)), and as wider protection of historic heritage (s6).

- 6.7. The New Zealand Coastal Policy Statement 2010 (NZCPS)<sup>11</sup> also direct councils to proactively '*provide for the identification, assessment and management of areas of sites of significance or special value to Māori*'. Council, in delegated administration of the Reserves Act 1977 must also give effect to s4 of the Conservation Act 1987 which must be applied to give effect to the principles of the Treaty of Waitangi.
- 6.8. The Hauraki Gulf Marine Park Act 2000 also directs council to provide for the cultural and spiritual relationship of tangata whenua with the Gulf and its islands (s7), and to protect the cultural and historic associations of people and communities (s8). Māori authority planning documents<sup>12</sup> also carry both Treaty and RMA relevance and most include heritage provisions. The protection of Māori heritage is also directed in the Auckland Plan 2050.<sup>13</sup>
- 6.9. The following Auckland Plan 2050 wording is also useful:
- The Auckland Plan 2050 recognises te Tiriti o Waitangi/ the Treaty of Waitangi in Auckland's past, present, and future. It is the foundation on which local government in Auckland works to deliver Māori aspirations.

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<sup>11</sup> Policy 2(g)(ii)

<sup>12</sup> Commonly termed Iwi or Hapū Management Plans.

<sup>13</sup> Adopted by Council on 5 June 2018

- To achieve te Tiriti o Waitangi outcomes first and foremost requires a commitment to te Tiriti and strong support by everybody.
- Auckland Council is a delegate of the Crown exercising powers of local government in Auckland. It has statutory obligations to Māori in order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty.

- 6.10. The duties and obligations above are, in part, implemented via the Auckland Unitary Plan (AUP) (operational in part). The AUP requires the council to identify, evaluate and protect sites and areas which are of significance to Mana Whenua (AUP Schedule 12 Sites and Places of Significance to Mana Whenua).
- 6.11. The Auckland District Plan Hauraki Gulf Island Section (HGIP) sits outside of the AUP and provides bespoke district-level Māori heritage provisions. Key provisions are Part 7 Heritage,<sup>14</sup> Part 7.13 Māori Heritage and Appendices 1f & 2f Schedules of Māori heritage sites (SMHS) (inner and outer islands).
- 6.12. The management of Māori heritage is further complicated by the lack of understanding that non-Māori may have of the ‘here & now’ or active practice that is required with a living culture. Often, Māori culture is seen as historic and the management of this is one of past histories somehow detached from the present and the future.

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<sup>14</sup> See HGIP Objective and Policies 7.3 which requires the scheduling of significant heritage resources.

- 6.13. There is a foundational difference between Māori ownership as a form of belonging versus a liberal interpretation of ownership as a form of rights<sup>15</sup>. This belonging can be understood through whakapapa and be recognised through appropriate responses in design and outcomes. Through decision-making that responds to Māori heritage, it enables the recognition and protection of the role that iwi and hapū have with their sites and places of significance.
- 6.14. While a planning framework is necessary and useful, enabling tikanga and kaitiakitanga in the management of Māori heritage requires actions beyond a legal and policy framework – most importantly, a genuine relationship between the parties.

## 7. Māori heritage context

- 7.1. There are many types and examples of Māori heritage places. They can generally be characterised as sacred places, ancestral places, resource places and landmarks. Such places have values made up of physical, tangible, intangible, metaphysical and spiritual components. These are also given importance relationally, understood through concepts of whakapapa, whanaungatanga and kōrero.
- 7.2. As stated at 4.4-4.10 this means sites can be physical or purely metaphysical with the values not linked to physical structures at a location but associated with the events that took place (i.e. a wāhi tapu associated with the specific death of an ancestor or the peaceful ending of conflict).

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<sup>15</sup> Wikaira, M. M. E. (2010). *Māori Ownership of Freshwater: Legal Paradox or Potential?* [Dissertation, University of Otago]. Otago.

- 7.3. These places form part of the cultural landscape for an iwi or hapū. These places and cultural landscapes become specific to that iwi and hapū, and independent to others despite existing over, within, between and among other iwi and hapū and their places and landscapes.
- 7.4. While these are geographic areas, the bounds are not necessarily defined by tangible/physical evidence like archaeology or geology. An example of this is wāhi pakanga - battle sites which retain cultural values yet do not necessarily include physical remains.
- 7.5. An ancestral body such as maunga (mountain) or awa (waterway) do not rely on physical evidence such as ditches, terraces or tangible evidence of human interaction to be considered wāhi tūpuna (ancestral places) or wāhi tohu (landmarks). The values and heritage associated remain even when physical or tangible evidence no longer exists.
- 7.6. In an extreme example, a geological feature may be completely quarried away; this process may cause immense harm to the people associated with the place, but the place can still be culturally significant.
- 7.7. A partial example of this is Manukapua Island, which is scheduled to reflect the current island extent and extend into the CMA, which is currently a consented sand extraction area. The activities may cause immense harm, but the place is still significant. The scheduled extent for Manukapua reflects the tangible island and associated intangible values, acknowledging the past whakapapa of the site and the people associated with it.

- 7.8. The key point is that Māori heritage does not rely upon physical evidence, but it acts as a tangible link to the past where such evidence exists. The important thing is the association of tangata whenua to a place and whether they continue to value that place and keep their relationship with it alive.
- 7.9. Māori heritage is not confined to the past; ancestors are not separated from the present but are continually acknowledged, and this means that what can often be thought of as history or the past, in Te Ao Māori, is living and breathing. The concepts of time for Māori are complex and work in conjunction with whakapapa to the natural world<sup>16</sup>.
- 7.10. Whakapapa is a foundation for understanding the layering of information and meaning for people, it allows them to locate themselves in the world and to their ancestors. Through whakapapa, people connect to the natural world, and this differs from the notion of Western perspectives where physical aspects such as maunga or waterways are not alive, or that we are not directly connected to them.
- 7.11. Archaeology might uncover an artefact and see it as a relic from the past, but to Māori, these are living connections to who you and your ancestors are. For example, a kāinga (village) may carry significant names associated with the wider place (including local environments) and provide a connection with prominent tūpuna.
- 7.12. The resources of an area provide a living connection with customary ways of living, for example, a mahinga kai (food gathering) site, which could have been used for

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<sup>16</sup> Refer to *The Woven Universe: Selected Writings of Rev. Maori Marsden—Te Ahukaramū Charles Royal* (Ed.) (2003) for more information on these concepts.

many generations, including the present. The specific food gathered may not be the same, but it would link you to your ancestors, i.e. fishing for tuna (longfin and shortfin eel), you might not necessarily catch the same ones, but the place and practice would connect you to them.

7.13. By safeguarding their heritage places and maintaining their living connection to them, tangata whenua seek to provide for their wellbeing and sustain their culture for the next generation.

7.14. Some of the core concepts in Te Ao Māori that are necessary to understand if Māori heritage is to be fully understood are:

- Whakapapa – the genealogical link between atua and all life.
- Mana – the inherent power or authority of people and things.
- Mauri – the essence which binds the physical and spiritual together in balance, thus enabling life to thrive.
- Wairua – the spiritual essence of people and things.
- Tapu – the sacred or separateness of knowledge, people, places and things.
- Noa – The normal, common or sometimes profane, effectively the opposite of tapu.

7.15. The hapū and iwi that whakapapa to and hold customary authority (mana whenua) over these places are required to ensure that these core values are maintained and balanced as part of the role of kaitiaki.



- 7.16. The role of kaitiaki is a sacred duty and a matter of their survival because of taonga tuku iho (5.2-5.4). This means that for Māori it is important that the right values are driving behaviour, it is not simply what is done but also how and why.
- 7.17. With the exception of whakapapa, all of the values can increase or decrease depending on the conditions of the environment and actions (or inactions) of people. For example, activities may be undertaken at a location but if the activities negatively affect the values (e.g. mauri, tapu, noa) then the activity would be questioned and potentially restricted.
- 7.18. This means that activities inappropriately affecting the cultural values and heritage may be restricted in response to the quantity or quality of these values based on Mātauranga Māori (knowledgebase). Hapū and iwi manage these responsibilities through a value-based system; this can vary by hapū or iwi but generally includes:
- Rangatiratanga is the application of chiefly or tribal customary authority.
  - Kaitiakitanga is the application of stewardship over resources, places and people.
  - Manaakitanga is the application of care towards others including guests.
  - Whānaunqatanga is the application of supporting familial connections or social networks (based on whakapapa) that engender mutual belonging.
  - Wairuatanga is the application of protecting and supporting the spirituality and identify of people, places and things.
- 7.19. The process and knowledge associated with place-based heritage are, by their nature, place-specific. This means that part of the values are informed by and inform the practices and experiences over time of a group of people and are, as a result, unique to the specific rohe environment, history, and whakapapa.

- 7.20. This is why whanau, hapū, and iwi are the experts in their own heritage and values. These values and concepts are implemented via tikanga and mātauranga, which are specific to each hapū and iwi.
- 7.21. These place specific associations can be seen in how different iwi and hapū have associations to Sites and Places of Significance that may be outside areas they consider to be of their primary interest and can extend into the areas of general interest across Tāmaki Makaurau.
- 7.22. It would not be unexpected for associations to a particular site to be specific to an iwi (or more than one iwi) within a complex interplay and overlap of historical use, tikanga, whakapapa and other factors. This also acknowledges the strong whakapapa and whanaungatanga connections between Mana Whenua entities across the wider Tāmaki Makaurau region.
- 7.23. This means the values associated to a Site and Place of Significance are specific to the experiences of people that whakapapa to those places. In order for them to maintain their obligations as kaitiaki the resource management responses need to enable that process. Specific design recognition is one approach which enables a space for iwi and hapū to fulfil their obligations as kaitiaki. This is picked up further through the design recognition discussed below.

## 8. Waipapa Awa

- 8.1. I now turn to provide comment to one of the proposed sites for scheduling:  
Waipapa Awa.

- 8.2. Waipapa Awa is a Māori cultural site which runs adjacent to the Auckland Domain. The awa runs from the top of the valley approximately from Domain Drive, down to Carlaw Park Avenue. The section 32 evaluation report prepared by Mr. Gouge includes pictures of the site and indicate the location.
- 8.3. In order to identify the extent of the nominated site, a combination of historic imagery and mapping was used. This identified the current and former extent of the awa.
- 8.4. Historical research, contours, and historic survey plans were used to identify the extent of the awa. This historical research is included as Attachment 5 to the section 32 evaluation report of the notified plan change.
- 8.5. This site was nominated by Ngāti Whātua Ōrākei who prepared a CVA for its assessment. As part of the nomination process, I undertook site visits with representatives of Ngāti Whātua Ōrākei on the 9<sup>th</sup> April 2021 and 4<sup>th</sup> of May 2021. More recently I visited the site alongside my colleagues Mr. Quin and Mrs Wright on the 2<sup>nd</sup> October 2024.
- 8.6. The site is also within the areas currently mapped in the Auckland Council mana whenua contacts tool as of interest to a Mana Whenua entity for Ngāti Pāoa, Ngāti Tamaoho, Ngaati Whanaunga, Ngāi Tai ki Tāmaki, Te Ahiwaru, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Rūnanga o Ngāti Whātua, Te Patukirikiri, Ngāti Tamaterā, Ngāti Te Ata, and Ngāti Maru and Ngāti Whātua o Kaipara. Paragraph 203 of the S32 report by Mr Gouge also makes reference to publicly available “Mana Whenua Area of Interest” under the “TangataWhenua” layer Maps in the Auckland Council Geomaps portal.

- 8.7. It is acknowledged that while those areas (8.6) of interest include Waipapa Awa, this, of course, does not automatically mean that those iwi have an interest or relationship to Waipapa Awa. Mana Whenua as their own experts will communicate the strength of the interest that they may have to a Site/Place of Significance to Mana Whenua. The ability to have this dialogue is important within the AUP. It is also acknowledged that as a consent authority the council may need to make evidential findings on relative strengths of iwi/hapū relationships to an area affected by a resource management proposal.<sup>17</sup>
- 8.8. I consider Waipapa Awa to be a site made up of interconnected and interrelated components. This is only fully understood where its nature, function, values, and features that make up the site are understood to be connected (177).
- 8.9. Referencing the CVA prepared by Ngāti Whātua Ōrākei these features include:
- Ridgeline called Te Tii Tutahi at the foot of Pukekawa (Auckland Domain)
  - A daylight stream runs from the northern entrance of the Parnell tunnel down the valley to the former wetland, connecting to approximately where the Parnell station area is before it is culverted and pipes.
  - Reclaimed wetland connecting Waipapa Awa with the already scheduled site 018 called Te Toangaroa and a former satellite fishing village of Ngāti Whātua Ōrākei

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<sup>17</sup> Ngāti Maru Trust v Ngāti Whātua Ōrākei Whai Maia Limited [2020] NZHC 2768

- Te Toangaroa is an already scheduled site historically used as a waka landing place for people to bring produce to sell to the new settlement of Auckland. Waka would land along what is now Beach Road.
- Waipapa Awa can be understood as a site that connected Te Tii Tutahi to the Waitematā, with the wetland and bay allowing waka to land and resources to be gathered. Unfortunately following the reclamation of the shoreline along the CBD and the Parnell railway yard, this resulted in the loss of the wetlands and culverting of the awa partway down the valley.

8.10. The section of Waipapa Awa without the open waterway is another example of the intangible values being recognised through scheduling discussed below at (10).

## 9. Pahurehure Islands

9.1. I now turn to provide comment in particular to one of the proposed sites for scheduling: Pahurehure Islands.

9.2. Pahurehure Islands are Māori cultural sites located in Pahurehure inlet. It is made up of three islands and the nearby coastal marine area. Each island has a name and this is recorded in the 15<sup>th</sup> June 1853 deed of sale for the 'Islands in the Papakura Creek'. Of relevance in the deed is the deliberate reservation of reserve access rights for mahinga kai for Māori<sup>18</sup>.

9.3. The largest island has been turned into a residential development with the associated housing and infrastructure on it. The second largest island is mostly vegetated in a mix of native and exotic vegetation. There is a roadway and

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<sup>18</sup> The alienation of South Auckland Lands, Husband & Riddell, 1993 P.29.

causeway that connects these two islands with the adjacent Hingaia suburb. As discussed in the council planner's s42A report, the causeways were constructed 1968 and retrospectively consented in 1998.

9.4. In order to identify the extent of the nominated site, a combination of historic research and mapping was used. Importantly in the 15<sup>th</sup> June 1856 deed it notes:

- “ko ona rohe koia enei pau katoa te tua whenua, otia kihai te moana i riro te wahi e ngaro ana i te tai, kua tuhituhia te ahua o enei moutere ki tua nei.
- The English text read: “The boundaries are (as follows) these, all the dry land down to high Water mark the parts which the tide covers is not sold.”
- In the English text this was explained with the added note: “The natives insisted on this being specified, intending thereby to retain the right of putting down the stakes for their nets when fishing.”
- The legal and customary rights flowing from this reservation are an open question to be addressed by the upcoming settlement negotiation with the Crown regarding Manukau Harbour.

9.5. This is reflected in the extent including part of the CMA and importantly Ngāti Tamaoho have agreed to a concession on the extent which keeps the extent within 100m of the islands rather than extending all the way back to the Hingaia Peninsula

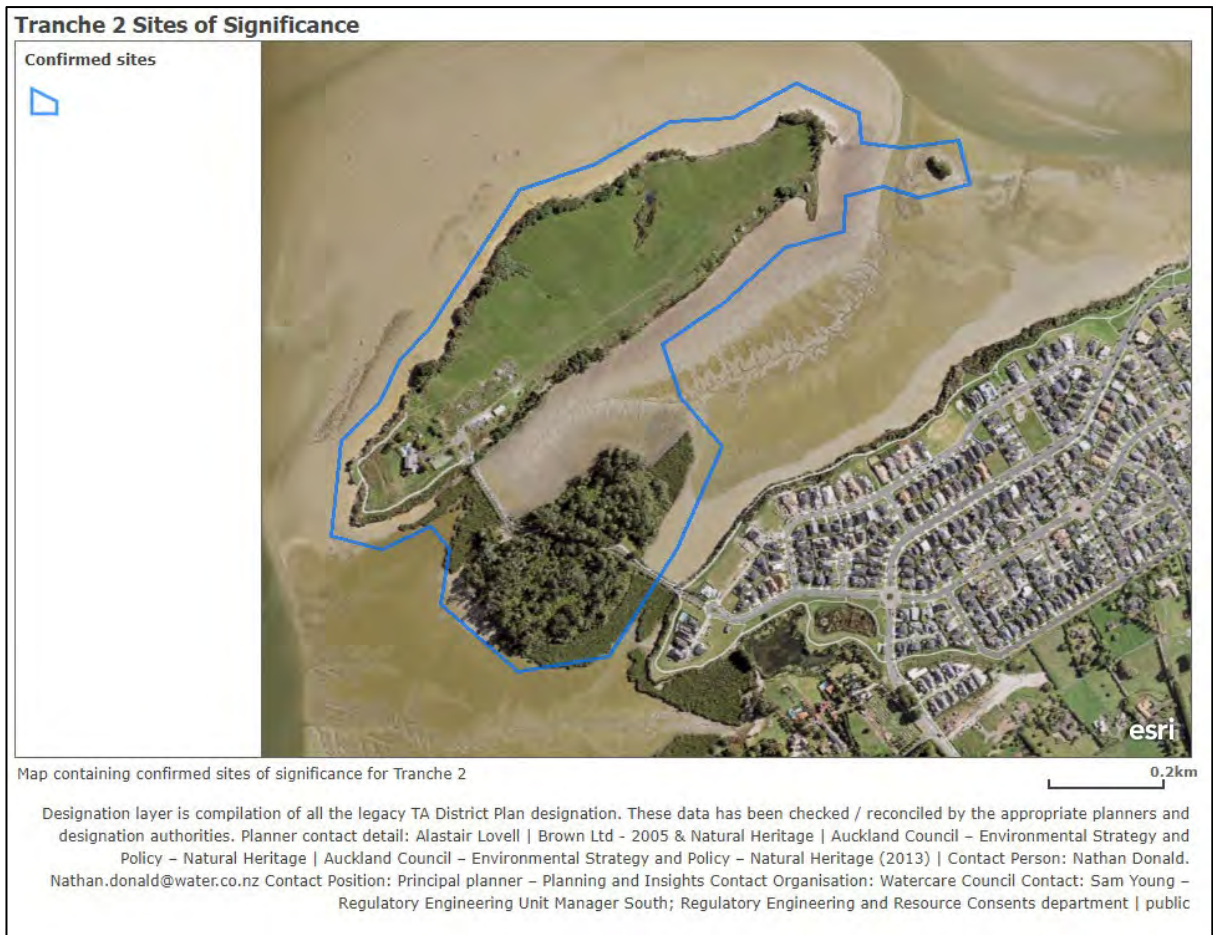


Figure 1 map of Pahurehure Islands showing scheduled extent and nearby Hingaia Peninsula

- 9.6. This site was nominated by Ngāti Tamaoho who prepared a CVA for its assessment. As part of the nomination process, I undertook site visits with representative of Ngāti Tamaoho on the 5<sup>th</sup> May 2021.
- 9.7. The site is also within the area of interest of Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Tamaterā, Ngāti Te Ata, Te Ahiwaru – Waiohua, Te Ākitai Waiohua, and Waikato – Tainui. Paragraph 203 of the S32 report by Mr Gouge also makes reference to publicly available ‘Tangata Whenua Mana Whenua Area of Interest Maps in the Auckland Council Geomaps portal.
- 9.8. It is acknowledged that while those areas (9.7) of interest include Pahurehure Islands, this of course does not automatically mean that those iwi have an interest

or relationship to the islands. Mana Whenua as their own experts will communicate the strength of the interest that they may have to a Site/Place of Significance to Mana Whenua. The ability to have this dialogue is important within the AUP. It is also acknowledged that as a consent authority the council may need to make evidential findings on relative strengths of iwi/hapū relationships to an area affected by a resource management proposal.<sup>19</sup>

9.9. I view Pahurehure Islands as a site of interconnected and interrelated components. Most notably are the three islands and the adjacent coastal area. Pahurehure Islands is only fully understood where its nature, function, values and features are understood to be connected (7).

9.10. Referencing the CVA prepared by Ngāti Tamaoho these features include:

- The three islands Paraurēkau, Kopuahingahinga/Waikirihīnau and Orona/Orewa.
- The shellfish banks and tidal land.

## 10. Intangible values

10.1. In my view, it is important to schedule sites and places based on the full extent of the cultural values associated with them. As a result, the extent reflects the mātauranga and tikanga of iwi and hapū as part of the MCHP process. In some

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<sup>19</sup> Ngāti Maru Trust v Ngāti Whātua Ōrākei Whai Maia Limited [2020] NZHC 2768



cases, these extents are so broad, that concessions need to be made by the nominating iwi and hapū<sup>20</sup>.

- 10.2. This approach attempts to meet best practices and processes that are part of the MCHP and case law<sup>21</sup>; which make clear that scheduling requires mapping to the extent that values exist and then the value qualified rather than pre-emptively bounding the extent of the values and then assessing the values at a later stage.
- 10.3. This requires an extent that works at the scale sufficient to account for the feature as a whole rather than at the smaller landscape character unit<sup>22</sup>. This means the extent of the sites and places of significance are at the scale relevant to the values Mana Whenua attribute to the whole site or place rather than at the scale of a singular component or extent of planning considerations (property boundary, planning overlay).
- 10.4. Some of the sites and places nominated for scheduling include intangible values. The objectives in B6.5 include “...tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.” and in D21 objective (1) states “The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.”.

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<sup>20</sup> Manukapua coastal extent is an example of this where the extent could have extended all the way past the North and South Kaipara Heads.

<sup>21</sup> such as *Self Family Trust vs. Auckland Council and Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* 2019 WL 7020197

<sup>22</sup> (*Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* 2019 WL 7020197 para 171).

- 10.5. In D21.3(8) the policy to 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. This includes instances where the site exception rule applies to a site.
- 10.6. Intangible values can be understood through the values mentioned at 4.9, Sites and Places of Significance to Mana Whenua all have intangible values associated with them. Some of the Scheduled sites only have intangible values either due to the type of heritage associated with it or due to activities or development that has destroyed the physical values (for example a pā that has been quarried away or kumara pits that have been excavated). Some sites and places have physical and intangible values for the entire site extent, or only intangible values on parts of the site.
- 10.7. The coastal extent of the Pahurehure Islands including the causeways are an example of the intangible values of a Site and Place of Significance. In the CVA provided by Ngāti Tamaoho, they describe how the mauri of the site is associated with the coastal waters and movement from Te Maanuka and the gathering of kai at this site.
- 10.8. The inclusion of the causeway enables the holistic extent of the mauri identified by Ngāti Tamaoho to be appropriately scheduled. This gives the opportunity for the mauri of the islands to be considered in resource management decisions. In particular it provides Ngāti Tamaoho the ability to signal that an outcome that enables the waters to flow uninterrupted around the islands would enhance the values of the site in accordance with B6.5 and D21.

## 11. Submissions on plan change 102 and plan modification 15

- 11.1. Firstly, I wish to acknowledge the submissions made on behalf of Ngāti Whātua Ōrākei and the affected landowners. The contents of the submissions show a clear relationship between iwi and the landowners, demonstrated in the dynamic positions and perspectives regarding the scheduled extent.
- 11.2. It is also worth restating my comments in section 5.4 and 7.18 that iwi and hapū have obligations of kaitiakitanga such that their taonga tuku iho is maintained and, where possible, enhanced for their future generations.
- 11.3. It is my opinion that the existing policy framework of the AUP enables a clear framework and process for the effective and efficient management of Māori heritage. This comes from my professional experience and technical background in matters relating to Māori heritage.
- 11.4. When it comes to the general public or layperson, it is my view that this framework and the nature of Māori heritage can appear to be unspecific, restrictive of development, or unnecessarily discretionary in the assessment of activities.
- 11.5. The holistic and multifaceted nature of Māori heritage requires a level of flexibility to enable the values, tikanga and aspirations of iwi and hapū to be appropriately recognised in resource management decisions. As stated in 6.12, 6.13, 6.14, the mismatch of Te Ao Māori and poor understanding contributes to these perceptions.
- 11.6. Mr. Gouge's section 42A report, summarises the submissions received on Plan Change 102 to the AUP and Plan Modification 15 to the HGIP. My understanding of the submissions that are not fully in support is that in general they seek to either

reduce the extent of scheduling based on the existing land uses or clarify the cultural outcomes being sought within the scheduled extent.

- 11.7. In particular the submissions on Manukapua, Waipapa Awa, Pahurehure Island and Te Wai o Ruarangi seek in their relief modifications to the identified extent.
- 11.8. In my opinion it would be going against the clear provisions of the AUP to alter the proposed extents unless this is agreed to as a culturally appropriate outcome by mana whenua.
- 11.9. In my view, and as stated in 4.4 and 4.5, the management implications of scheduling is secondary to the primary part of what is the value and where does that value exist. Secondly there is clear policy direction to schedule the intangible values for Sites and Places of Significance to Mana Whenua.
- 11.10. The intangible values as identified by iwi and hapū in their CVAs include but are not limited to, mauri<sup>23</sup>, wāhi tapu<sup>24</sup>, kōrero tūturu<sup>25</sup>, Hiahiatanga tūturu<sup>26</sup>, and Whakaaronui o te wā<sup>27</sup>. The scheduled extent must recognise these values so that they can be protected and enhanced according to B6.5.
- 11.11. My understanding of the general issues raised in these submissions is that the affected landowners are unclear about the implications of Schedule 12 on their land and would like to know how they can find certainty regarding this.

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<sup>23</sup> Te Wai o Ruarangi, Manukapua, Waipapa Awa, Pahurehure Islands

<sup>24</sup> Te Wai o Ruarangi, Manukapua, Pahurehure Islands

<sup>25</sup> Te Wai o Ruarangi, Manukapua, Pahurehure Islands

<sup>26</sup> Te Wai o Ruarangi, Manukapua, Pahurehure Islands

<sup>27</sup> Te Wai o Ruarangi, Manukapua, Waipapa Awa, Pahurehure Islands

- 11.12. In my opinion, it would be erroneous to simplify the values of Mana Whenua for their Sites and Places of Significance, especially as stated in 6.14, a genuine relationship between landowners and iwi and hapū is the most important outcome of scheduling.
- 11.13. Supporting this relationship are the provisions in the AUP that guide decision-making through the objectives and policies.
- 11.14. With respect to the submissions on Waipapa Awa, to respond appropriately to the cultural values for Sites and Places of Significance to Mana Whenua, requires a design response that is culturally appropriate. The response required is specific to each proposal and site/place of significance due to the unique values and associations that iwi and hapū may have as described in sections 7 above.
- 11.15. B6.5.2 provides factors to identify and evaluate Sites and Places of significance, in conjunction with D21 provide a framework for protecting and enhancing the values of Mana Whenua. How this can be achieved is kept non-prescriptive for the reasons stated above.
- 11.16. The appropriate design response framework suggested by my colleagues provides a roadmap for considering the cultural values and policy framework. This supports landowners to be able to respond to Mana Whenua values and aspirations. Helping to bridge the gap that may exist of knowledge of Te Ao Māori, Māori heritage, Iwi and hapū, and culturally appropriate design. I support this approach from a Māori heritage perspective.

## 12. Daylighted portion vs former alignment section of Waipapa Awa

- 12.1. In my view, it is essential to the integrity of the overlay to recognise both the tangible and intangible values of Sites and Places of Significance to Mana Whenua where these apply.
- 12.2. In this case the former alignment represents the intangible values of the Waipapa Awa in a specific and detailed approach by being based on the waterway extent rather than the wider flood plain of the awa.
- 12.3. It is incorrect to assume that the awa suddenly stops by being culverted or terminates by becoming part of the stormwater network. The values of the awa continue along its extent even though the wai is diverted into the stormwater network.
- 12.4. As noted in the CVA by Ngāti Whātua Ōrākei, the water continues to flow and thus retains a mauri associated with it. The mauri of the water is both physical and metaphysical, in the daylighted section it has both elements, and in the lower section the metaphysical and intangible values continue<sup>28</sup>.
- 12.5. Importantly the scheduled extent follows the former path rather than the current stormwater network because it is the values of Waipapa Awa that is being recognised by the extent. The scheduled extent following the cultural values of the

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<sup>28</sup> Refer to the books “Tikanga whakaaro key concepts in Māori culture” by Cleve Barlow, “Tikanga Māori Living by Māori Values” by Sir Hirini Moko Mead, and “The Woven Universe Selected Writings of Rev. Māori Marsden” edited by Te Ahukaramū Charles Royal for further Discussion on mauri and other values.

awa enables iwi and hapū to inform process within the AUP related to their site of significance.

- 12.6. In my view, a design response to these intangible sections is a legitimate response to recognise the significance of these cultural relationships.

### 13. Recognising the values and cultural significance of Waipapa Awa

- 13.1. I briefly outline how some of the values and associations of Waipapa Awa can be recognised as a response to parts of the submissions received. Through this, the intention is to demonstrate how the intangible and tangible values such as mauri, and Whakaaronui o te wā<sup>29</sup> (contemporary esteem), and wai can support appropriate future developments by a culturally responsive design approach to the cultural values and significance of Waipapa Awa.
- 13.2. My colleagues Mr Quin and Mrs Wright detail in their evidence the material and design opportunities that can be achieved through a culturally responsive design approach. My evidence here speaks to the overlap between the values and associations of Waipapa Awa and the context of the site of significance.
- 13.3. The first point is that only iwi and hapū are experts in their tikanga, values and mātauranga. This means that while the examples I share are from my own experience and technical background, they should not be taken as speaking on behalf of iwi and hapū.

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<sup>29</sup> B6.5.2(2)(f) Whakaaronui o te Wa/contemporary esteem: he wāhi rongonui tērā ki ngā Mana Whenua, arā, he whakaahuru, he whakawaihanga, me te tuku mātauranga. The place has special amenity, architectural or educational significance to Mana Whenua.

- 13.4. The AUP recognises both intangible and tangible cultural values when scheduling Sites and Places of Significance to Mana Whenua. This requires an approach to development that protects and enhances the intangible values of the non-daylighted extent.
- 13.5. How this can be done is discussed below, but changing the extent based on possible future development considerations would not meet best practice or existing case law as stated at 4.10 and 10.2 above.
- 13.6. Waipapa Awa represents a connection between the Te Tii Tutahi of Pukekawa and the Waitematā. The history and whakapapa of Waipapa Awa connects with the landing of many waka where the awa met the sea, and in the early economies of trade with the growing city and region.
- 13.7. In my view the Parnell train station and Carlaw student apartments are a modern representation of the historic movement and gathering of people along Waipapa Awa. In this way the trains that pass along Waipapa are reminiscent of the waka that would bring people into the CBD for trade and community needs. Likewise the residents of the apartments gather near the satellite fishing village of Ngāti Whātua Ōrākei, reflecting the permanence of place (and Māori) and temporariness of individual human occupation.
- 13.8. As stated in 5.7 and 5.8 the world in Te Ao Māori is understood through the relationship and belonging to ngā atua, specifically for Waipapa Awa, Papatūānuku, Tangaroa and Tane are relevant given the valley floor setting of the site and the waterway.



- 13.9. In a Te Ao Māori framework of health such as Te Whare Tapa whā<sup>30</sup>, the four sides of tinana (physical), hinengaro (emotion), whānau (social) and wairua (spiritual) are understood holistically to support individual and collective wellbeing. As distilled in the question ‘Ko wai koe?’ – who are you (more specifically, whose waters<sup>31</sup> are you from), water as wai is of fundamental importance to your identity and wellbeing.
- 13.10. The wai within Waipapa and the people that interact with this place have the opportunity for wellbeing and health benefits that may align with future intentions of the landowners and Ngāti Whātua Ōrākei.
- 13.11. In my opinion cultural recognition through design enables development that is appropriate to each place. A design that is responsive to the values of iwi and hapū can enable the intangible values that may not be intuitive for non-Māori and concepts of Te Ao Māori. The bridge that is required is in the form and function of development that achieves this potential opportunity.
- 13.12. In my view a culturally appropriate design approach is relevant for many of the Sites and Places of Significance to Mana Whenua where there is alignment between landowners and Mana Whenua. The opportunity to recognise and enhance the relationship between Ngāti Whātua Ōrākei and Waipapa Awa, Ngāti Tamaoho and Pahurehure Islands, in a meaningful and tangible way could also enhance the development outcomes that are possible in those locations.

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<sup>30</sup> Whare Tapa Wha was developed from a hui of Māori health workers in 1982 as described by Dr. Mason Durie (1994).

<sup>31</sup> In this instance, the waters of fertilisation and the waters of the womb that protect you while you are in the mother.

13.13. Importantly although some of the scheduled extent no longer have tangible values, there are future opportunities to bring back tangible and physical elements through appropriate activities (such as daylighting or infrastructure upgrade).

#### 14. Nominated by Mana Whenua column

14.1. The nominated by Mana Whenua column provides guidance in some instances regarding which Mana Whenua entity nominated the site for scheduling. There is no restriction on the number of Mana Whenua that could be on the nominating column.

14.2. At the MCHP Governance hui November 2019, a resolution was passed that the Tranche 2 Plan Change will follow the same process of Tranche 1<sup>32</sup> this was Prior to the notification of Plan Change 22 and Plan Modification 12 in March 2019.

14.3. Part of the rationale behind the decision was that Mana Whenua raised the concerns that the names were incorrectly being interpreted as exclusive association and determination of rohe boundaries rather than reflecting the administrative and kaitiaki role that the relevant Mana Whenua entities had in the plan change process. I am aware that subsequent training and guidance material has been developed for council staff, and this is referred to in Mr. Gouge's section 42A report.

14.4. As stated earlier, a site or place in the Sites and Places of Significance to Mana Whenua Schedule can be very specific as to which iwi or hapū have associations

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<sup>32</sup> "In November 2018 at a MCHP Governance hui, a resolution was passed 'That the *Nominated by Mana Whenua* column be retained but that sites included in the notified Tranche 1 Plan change will not list the nominating Mana Whenua entities in the Auckland Unitary Plan Schedule 12 and the Hauraki Gulf Islands Plan Appendix 1(f)."

and belong to that place. But the location and associations occur within overlapping boundaries of different iwi and hapū reflecting the specific whakapapa, whanaungatanga and mana of each. This acknowledges the fact that various iwi and hapū would work together and coexist, with specific areas allocated and demarcated for use by particular groups of people according to tikanga and mātauranga.

- 14.5. The result is that there can be quite specific boundaries that are set pertaining to use and access, but those areas exist in a much larger and complex system of whakapapa and mana between and of, multiple iwi and hapū.
- 14.6. In conclusion I rely on the evidence of Mr. Gouge regarding the scope of the relief sought with respect to “appropriate” and “correct” iwi and hapū, ahi kā and how the overlay identifies relative cultural associations.
- 14.7. In my view, it would be a good outcome to better reflect the reality of the relationships between iwi and hapū in order to avoid them confronting or fighting for their values to be recognised.
- 14.8. This, however, would require a wider discussion with mana whenua around how this might be achieved and set out in the AUP. As part of that discussion, space would be made for disputes between mana whenua to be resolved in accordance with the appropriate tikanga. In my view, the PC102 process is not an appropriate place to have those necessary discussions.

## 15. Conclusion

- 15.1. Plan Change 102 and Plan Modification 15 propose to add a number of Sites and Places of Significance to Mana Whenua to schedule 12 in the AUP and Appendix 2f in the HGIP, and is, in my opinion in general alignment with international, national and regional guidance for the identifying and protecting the relationships of tangata whenua with their taonga.
- 15.2. The process for nomination and assessment was done in partnership between hapū and iwi and the MCHP which administers the process.
- 15.3. The evidence base for Sites and Places of Significance to Mana Whenua is based upon tikanga and mātauranga of hapū and iwi. The starting point for consideration uses the Mana Whenua values (factors) outlined in the AUP Regional Policy Statement Policy B6.5.2.2, and as stated earlier is just a starting point for consideration of the cultural values provided by hapū and iwi.
- 15.4. Other forms of information and research undertaken by council officers supplements the cultural information. Importantly the identification is not reliant or restricted to information other than the cultural information provided by hapū and iwi.
- 15.5. Waipapa Awa has been nominated as a site of cultural significance to Ngāti Whātua Ōrākei, and other iwi and hapū also have cultural associations with this area. The sites importance exists through the tangible, intangible, physical and metaphysical values of the awa.

- 15.6. The Waipapa Awa extent reflects the daylighted and former daylighted section, following the identified values of Ngāti Whātua Ōrākei.
- 15.7. Pahurehure Islands has been nominated as a site of cultural significance to Ngāti Tamaoho. The sites importance exists through the tangible, intangible, physical and metaphysical values of the islands and surrounding waters. The site extent has been determined through the MCHP process alongside Ngāti Tamaoho. The extent reflects the islands and coastal margin where cultural practices and values exist. The existence of subsequent development does not extinguish that relationship.
- 15.8. The most important outcome for Sites and Places of Significance to Mana Whenua is a genuine relationship between landowners and iwi and hapū so that their Māori heritage is protected and enhanced. This is early, meaningful and ongoing engagement in projects affecting these sites.
- 15.9. Finally, my opinion is based on an understanding of the kōrero of these sites and Māori Heritage best practice within Tāmaki Makaurau and nationally.
- 15.10. I acknowledge the limits of my own expertise to speak on specific heritage matters relating to these sites and defer matters of tikanga and mātauranga about the sites and places to the relevant Mana Whenua entities.

Wikaira, M. M. E. (2010). *Māori Ownership of Freshwater: Legal Paradox or Potential?* [Dissertation, University of Otago]. Otago.

**BEFORE THE AUCKLAND COUNCIL HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Plan Change 102 and Plan Modification 15 regarding the addition of  
12 sites to the Sites and Places of Significance to Mana Whenua  
schedule to the Auckland Unitary Plan Auckland Council District Plan –  
Hauraki Gulf Islands Section

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**STATEMENT OF EVIDENCE OF AVA WRIGHT AND STEPHEN QUIN**

**ON BEHALF OF THE AUCKLAND COUNCIL'S TĀMAKI MAKĀURAU DESIGN OPE**

**Date: 13<sup>th</sup> December 2024**





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## **1. INTRODUCTION**

- 1.1. Our full names are Ava Roimata Wright and Stephen William Quin. We are Landscape Architects within the Tāmaki Makaurau Design Ope (TMDO) for Auckland Council. The TMDO provides design leadership, advice and expertise in the technical fields of urban, Māori and universal design, landscape architecture and planning.
- 1.2. Our qualifications and experience are attached as **ATTACHMENT 06**.
- 1.3. We undertook a site visit to the Waipapa Awa with Māori Heritage Specialist, Nico Donovan-Pereira, on 2<sup>nd</sup> October 2024.
- 1.4. Submissions regarding Plan Change 102 (PC102) raised concerns that the existing rules give no certainty of the cultural outcomes sought through scheduling sites as ‘Sites and Places of Significance to Mana Whenua’ and applying full discretion provisions will also hinder development certainty.
- 1.5. Summerset Retirement Village received resource consent in 2021. This project is explored in this evidence. In our opinion, this evidence offers a suitable framework for gaining a ‘Mana Whenua Responsive Design’ that balances iwi aspirations and concerns while providing developers with certainty around the process.

## **2. CODE OF CONDUCT**

- 2.1. We confirm that we have read the Code of Conduct for Expert Witnesses Contained in the Environment Court of New Zealand Practice Note 2023 and agree to comply. We confirm that we have considered all the material facts that might alter or detract from our opinions and that this report is within our area of expertise.

## **3. SCOPE OF EVIDENCE**

- 3.1. This document provides landscape architectural evidence on the proposed changes to the Auckland Unitary Plan (AUP) to incorporate ‘Mana Whenua Responsive Design’ provisions for Waipapa Awa.

3.2. Our evidence outlines the council’s broader approach to enabling Māori design within Tāmaki Makaurau and helps to understand how developers can use landscape and urban design to recognise local histories and whakapapa. This design research and exploration of design concepts for Waipapa Awa informed an approach for identifying a definition for ‘Mana Whenua Responsive Design’ and other provisions for the site.

#### **4. DESIGN METHODOLOGY**

4.1. Engagement was undertaken with Ngāti Whātua Ōrākei and ongoing discussions will ensure the term ‘Mana Whenua Responsive Design’ and the proposed provisions for Waipapa Awa are appropriate to their vision.

4.2. This design methodology explored a mix of strategic documents enabling Māori and Māori design outcomes within the Auckland Isthmus and City Centre areas. This research uses the consented Summerset Retirement Village landscape plans to create design concepts that are likely to provide more meaningful outcomes for mana whenua.

4.3. This design approach has been used to inform the proposed ‘Mana Whenua Responsive Design’ provisions set out in the evidence of council’s planner, Mr Gouge.

4.4. The Ngā Aho<sup>1</sup> - Auckland Urban Design Panel (AUDP)<sup>2</sup> was approached and provided feedback on the following matters for consideration in the design methodology for Waipapa Awa:

- i. Consideration of tikanga Māori
- ii. Provision for active kaitiakitanga
- iii. Environmental regeneration

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<sup>1</sup> <https://ngaaho.maori.nz/>

<sup>2</sup> <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/advisory-panels/Pages/auckland-urban-design-panel.aspx>

- iv. Masterplanning
  - v. Building form & massing
  - vi. Material selection
  - vii. Integrity and wholeness of landscape
  - viii. Acknowledgement of both process and outcome
- 4.5. Their feedback emphasised the importance of collaborating with mana whenua, prioritising the identification of values before considering the design outcomes and opportunities. The Panel recommended the previously considered definition term ‘Culturally Responsive Design Recognition’ be changed to ‘Mana Whenua Responsive Design’ to be more specific to and informed by mana whenua.
- 4.6. In the context of the definition for ‘Mana Whenua Responsive Design’<sup>3</sup>, the Panel also undertook a robust consideration of Te Aranga Design Principles, and noted they are an effective lens for Māori design analysis and assessment and have potential as the basis of a guide of practice in the absence of developed mana whenua design guidelines.
- 4.7. We agree that Te Aranga Design Principles are a useful design framework for identifying and incorporating mana whenua values. However, through engagement with Ngāti Whātua Ōrākei in the context of the Waipapa Awa we consider the proposed ‘Mana Whenua Responsive Design’ definition, which does not mention the Te Aranga Design Principles, gives flexibility for mana whenua specific design principles to be applied.

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<sup>3</sup> Mana Whenua Responsive Design definition - *“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”*

## 5. HIGH-LEVEL STRATEGIC CONTEXT

- 5.1. We considered the following documents: Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines<sup>4</sup>, Kia ora Tāmaki Makaurau<sup>5</sup>, Auckland Plan 2050 – Outcome: Māori identity and wellbeing<sup>6</sup>, the Auckland Unitary Plan<sup>7</sup>, and Te Aranga Design Principles<sup>8</sup> in developing this approach. These documents state the importance of meaningful engagement with mana whenua to enable Māori Design outcomes. Key themes that have been identified from these documents, which are relevant to the project include:
- i. Reflecting mana whenua mātauranga and Māori design principles throughout Auckland.
  - ii. Recognising Māori identity and wellbeing.
  - iii. Working together to achieve outcomes.
  - iv. Valuing te ao Māori, kaitiakitanga, rangatahi, and effective Māori participation.
  - v. Celebrating and reflecting Māori culture, mātauranga and Māori design principles throughout Auckland.
  - vi. Ensuring resilience and futureproofing are part of a Māori design context.
- 5.2. Ngāti Whātua Ōrākei have an Iwi Management Plan<sup>9</sup> that guides developers on their aspirations and preferred engagement practices. We noticed throughout this document that there is a priority for more meaningful involvement and design

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<sup>4</sup> 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

<sup>5</sup> Kia Ora Tāmaki Makaurau: Māori outcomes performance measurement framework – Auckland Council (2021)

<sup>6</sup> <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/maori-identity-wellbeing/Pages/default.aspx>

<sup>7</sup> Te Mahere Whakakotahi i Tāmaki Makaurau the Auckland Unitary Plan Operative in part 15 November 2016 – Auckland Council (Updated version 8<sup>th</sup> Nov 2024)

<sup>8</sup> He whakatakinga ki ngā Whanonga Pono Hoahoa Te Aranga Principles – Auckland Council in partnership with Mana Whenua.

<sup>9</sup> TE POU O KĀHU PŌKERE Iwi Management Plan for Ngāti Whātua Ōrākei - Ngāti Whātua Ōrākei (2018)

outcomes, especially on cultural landscapes and ‘Sites and Places of Significance to Mana Whenua’.

- 5.3. The Iwi Management Plan provides specific stormwater management for culverted streams to be restored to natural conditions and for increased riparian planting. See attached as **ATTACHMENT 03** for more information on key outcomes relevant to Waipapa Awa.
- 5.4. The design methodology was also informed by the Cultural Values Assessment and submission provided by Ngāti Whātua Ōrākei for Waipapa Awa. Ngāti Whātua Ōrākei identify that the awa retains a mauri even though it has been severely impacted, and this has been acknowledged through the design methodology.

## 6. DESIGN CASE STUDY: AUCKLAND DOMAIN MASTERPLAN

- 6.1. The Auckland Domain Masterplan<sup>10</sup> provides examples of the cultural values and principles that may be considered along the Waipapa Awa alignment. We note that what may be achievable in a public space like the Auckland Domain differs from a private site with a range of commercial aspirations.
- 6.2. Taking the Parnell Summerset Retirement Village site for example, the Auckland Domain Masterplan provides a useful guide due to the proximity of the site and the engagement Ngāti Whātua Ōrākei had with the landowner, Auckland Council.
- 6.3. Te Aranga design values – rangatiratanga, kaitiakitanga, manaakitanga, wairuatanga, kotahitanga, whanaungatanga, and mātauranga were used and further explored through initial engagement with Ngāti Whātua Ōrākei. From these values a matrix table was created which breaks down the primary outcomes of these values in ways that they have been applied in the Auckland Domain Masterplan. See attached as **ATTACHEMENT 04** matrix table.

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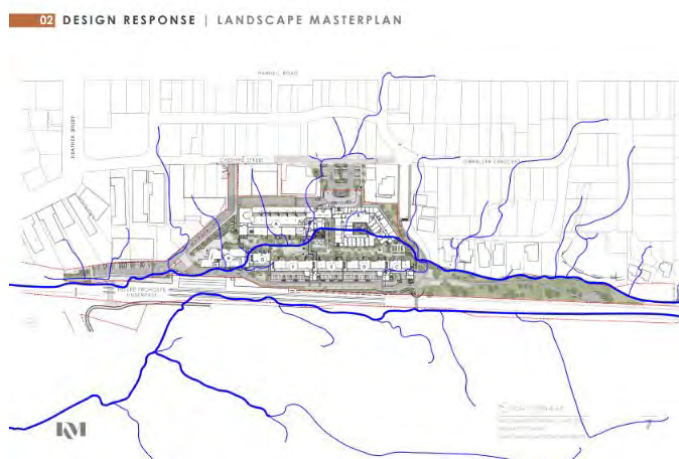
<sup>10</sup> Auckland Domain Masterplan – Auckland Council (26 July 2016).

## 7. HIGH-LEVEL EXPLORATORY RESEARCH

- 7.1. The exploratory research uses Auckland Council GIS Layers which have been used in other council projects. The GIS research marked Māori Design outcomes in the public realm within Auckland CBD.
- 7.2. The Māori Design GIS Layers were categorised into possible outcomes that can be worked through on projects with mana whenua interest groups. Key Māori design outcomes identified include building design and orientation; environmental or landscape design; use of te reo Māori or signage; and Māori Art. See attached as **ATTACHMENT 05** for examples of key Māori design outcomes.

## 8. SUMMERSET RETIREMENT VILLAGE: CONSENTED PLANS

- 8.1. The current Landscape Masterplan<sup>11</sup> for the Summerset Retirement Village has been used as a case study for this work. The site sits alongside the Parnell Train Station and within the valley that gives form to Waipapa Awa. The proposed buildings sit along the awa and add height to the site, which flattens the look of the natural valley shape in our opinion. Several courtyard spaces are proposed between the buildings, while car parks surround the site.



*Figure 1: Consented Summerset Retirement Village Landscape Masterplan with existing overflow paths (in blue) added by Ava Wright.*

<sup>11</sup> Summerset Parnell, Resource Consent REV-A Landscape Architecture – Kamo Marsh Landscape Architects (Aug 2020)

8.2. In our opinion, the architectural response in the consented drawings as shown in Figure 2 below flattens the topographical characteristics of the valley, which further disassociates the development from the legibility of the awa within the landscape.



Figure 2: Consented Summerset Retirement Village elevation<sup>12</sup> - flattening the look of the valley through building heights.

8.3. The retirement village application contained consultation documents<sup>13</sup>, which provided email threads with Ngāti Whātua Ōrākei Trust and Ngāti Tamaoho Trust.

8.4. Ngāti Whātua Ōrākei Trust suggested that the applicant prioritise flood solutions and maximise ecological outcomes for plant species and native animals. At the same time, Ngāti Tamaoho Trust suggested sustainability outcomes, Māori art and storyboards along the walkways and public spaces.

8.5. In our opinion, the consented design could be enhanced to recognise the site's cultural significance and more of those matters discussed with the mana whenua groups.

## 9. SUMMERSET RETIREMENT VILLAGE: CONCEPT PLANS

9.1. The research explored two concepts from the current Summerset Retirement Village design.

9.2. Concept One, included as Figure 3 below and appended as **Attachment 01**, considers 'Mana Whenua Responsive Design' in the constraints of the consented

<sup>12</sup> Summerset Parnell, Resource Consent REV-A Landscape Architecture – Kamo Marsh Landscape Architects (Aug 2020)

<sup>13</sup> Summerset Parnell, Resource Consent Consultation Summary – Attachment 3-4 (2020)



development and aims to retrofit design outcomes. By way of example, we noticed the courtyard pockets had parts of the stream culverted beneath it, which creates opportunities for art or signage to represent the awa and its significance.

- 9.3. Engagement with iwi and trusted Māori designers can ensure that art and signage are done appropriately. At the front of Parnell Train Station, parts of the stream run past, creating opportunities to activate the public space and welcome visitors to the train station. More engagement with iwi could better inform planting around the stream to protect waterways and will allow for eco-sourcing plants from iwi nurseries.

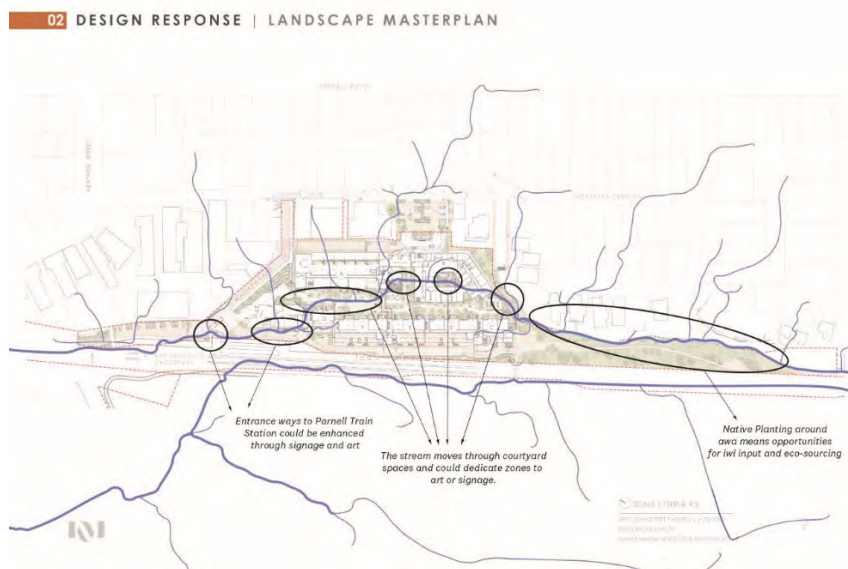


Figure 3: Concept One – 'Mana Whenua responsive design' within the constraints of the consented development.

- 9.4. Concept Two, included as Figure 4 below and appended as **Attachment 02**, considers 'Mana Whenua Responsive Design' opportunities in the context of a theoretical new development of the site. This design looks at complementing the valley landscape's shape by re-organising the buildings' orientation.
- 9.5. The building heights will emphasise the natural valley shape by doing this. Moving the buildings also creates more space and opportunities to respond to the awa, such as the potential for daylighting the awa. This will help to fully recognise the

full potential and significance of the awa and provide more amenity within the courtyard spaces.

02 DESIGN RESPONSE | LANDSCAPE MASTERPLAN

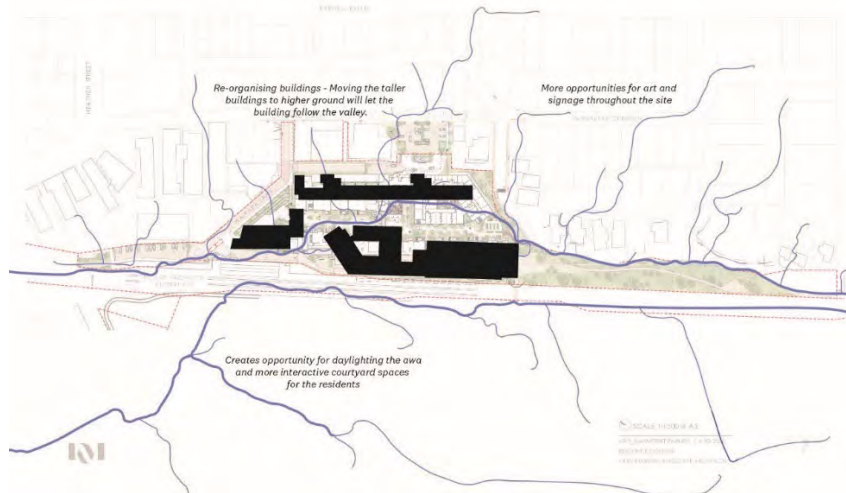


Figure 4: Concept Two – 'Mana Whenua responsive design' within the context of a theoretical new development of the site.

- 9.6. While we can highlight recommendations for design through concept drawings, meaningful engagement with iwi is still critical to finalising and working through these ideas. These designs do not consider the commercial aspirations of the landowner, matters that can be addressed through discussions with iwi.
- 9.7. Iwi can draw from their whakapapa, values and pūrākau<sup>14</sup> from the beginning of projects to highlight their vision for their culturally significant sites and be more involved in the design response, before presented to the Council for resource consenting.
- 9.8. The strategic documents and design exploration can assist in a generic understanding of better Māori design outcomes and engagement with mana

<sup>14</sup> 'Pūrākau as a methodology is knowledge learnt from myths, legends or lived experiences passed down from generations through indigenous storytelling practices.' - Decolonizing research: Indigenous Storywork as methodology. - Xiiem, J. A., Lee-Morgan, J. B., Santolo, J. D., Behrendt, L., Blair, N., Campbell, D., Cavino, H. M., Christian, D., Corr, E. A., Davidson, S. F., Greensill, H., Jones, C., Martin, G., Nicol, C., Pihama, L., Seed Pihama, J., Steffensen, V., William, J., & Yovanovich, J. (2019)

whenua for developers. However, this does not negate the need for more meaningful engagement with iwi and involving them in the design response.

- 9.9. In our opinion, this will ensure the best possible outcomes for iwi, developers, and the community. The provisions proposed are appropriate to enable this engagement on the Waipapa Awa, a recognised site of cultural significance.

## **10. CONCLUSION**

- 10.1. 'Mana Whenua Responsive Design' and the proposed provisions enable meaningful engagement with mana whenua on any future development proposals on the Waipapa Awa.
- 10.2. The approach is consistent with national and regional guidelines and strategies to reflect cultural design outcomes within the Tāmaki Makaurau urban environment
- 10.3. The proposed provisions provide a framework to achieve meaningful outcomes, such as the 'Concept Two' example, in those parts of the awa where only intangible values remain. In our view, the proposed provisions could also enable cultural recognition of the awa, as per the 'Concept One' example, where commercial development aspirations constrain more meaningful outcomes.
- 10.4. Furthermore, we consider the design research and proposed provisions could provide a practical case study and precedence for other potential sites of significance with intangible values, such as awa that have been culverted or buried, that could be the subject of plan changes in future.
- 10.5. There was value added in bringing the design methodology applied to Waipapa Awa to the AUDP, as it is comprised senior external practitioners qualified and experienced in Māori design approaches
- 10.6. The AUDP provides a mechanism for applicants and council officers to bring proposed design responses for independent assessment, to inform resource consent and plan change decisions.

- 10.7. Should the proposed provisions be accepted, in our opinion, there would be benefit in applicants and council officers bringing applications involving sites and places of significance to mana whenua to the AUDP, to provide an independent review of design proposals.
- 10.8. Finally, we acknowledge the limits of our own expertise in what constitutes an appropriate design as viewed by Ngāti Whātua Ōrākei and defer matters of tikanga and mātauranga about Waipapa Awa to the nominating hapū.

11. ATTACHMENT 01 – Concept One

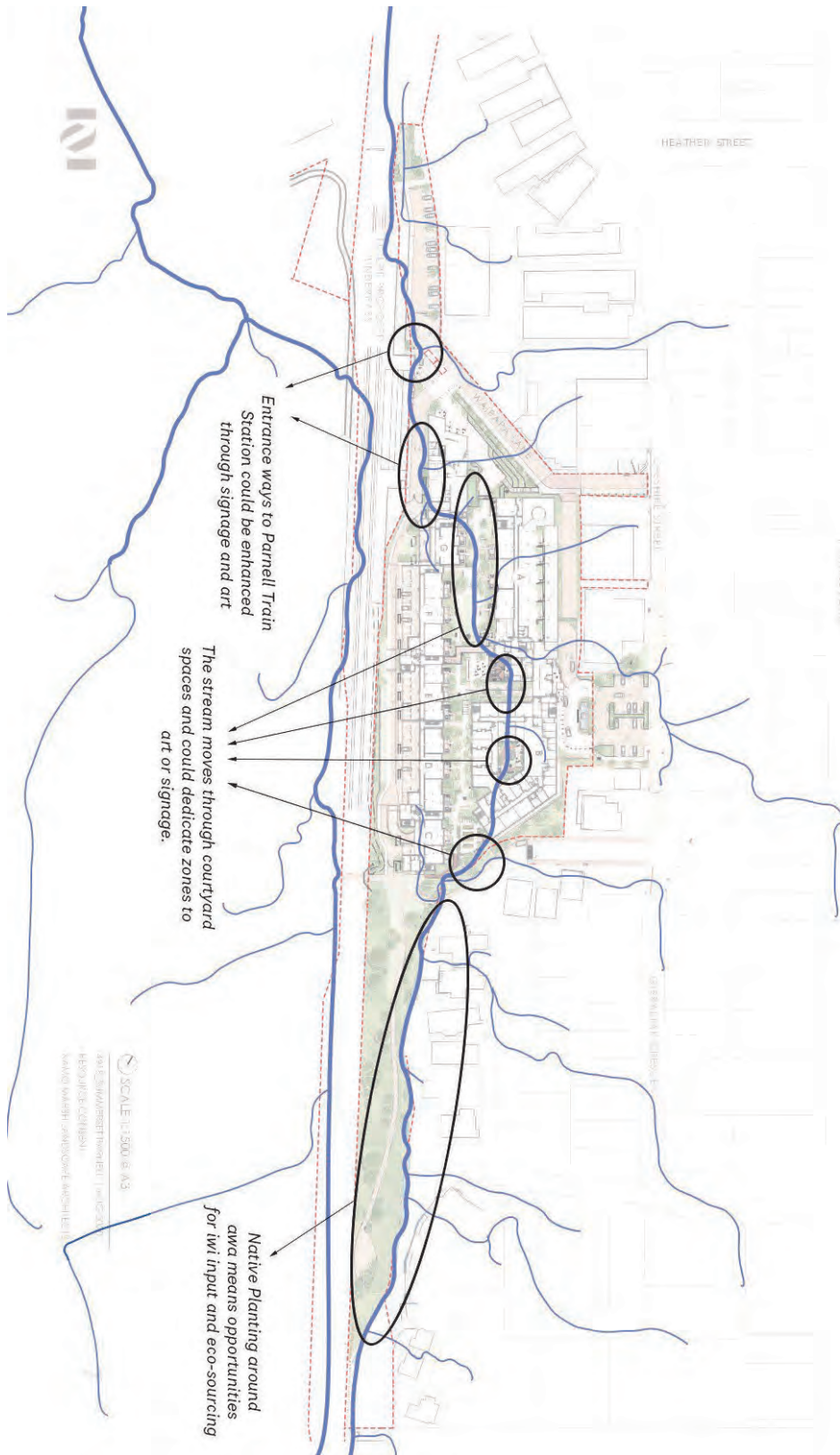


Figure 5: Concept One – ‘Mana Whenua responsive design’ within the constraints of the consented development.

12. ATTACHMENT 02 – Concept Two

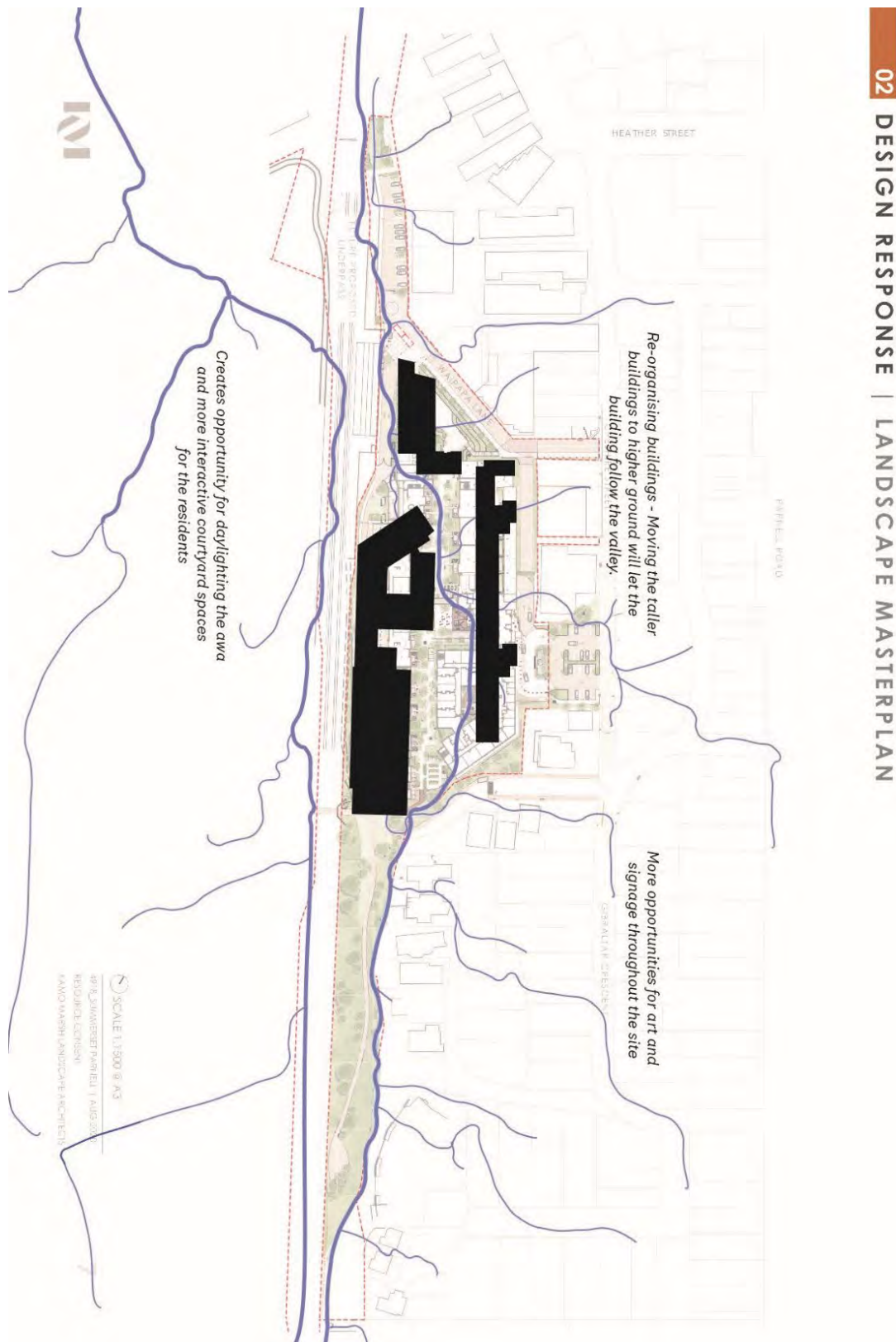


Figure 6: Concept Two – ‘Mana Whenua responsive design’ within the context of a theoretical new development of the site.

### **13. ATTACHMENT 03 – Iwi Management Plan**

Key outcomes identified that are relevant to the Waipapa Awa project:

#### **1.1. Kaitiakitanga**

- i. Incorporation of mātauranga Māori values and active exercise of kaitiakitanga in ecological reporting and in the development and implementation of initiatives for environments in the rohe.
- ii. Increased acknowledgement of and support for Ngāti Whātua Ōrākei values and our active exercise of kaitiakitanga. Improved strength of Ngāti Whātua Ōrākei relationships with other parties in developing and implementing initiatives to sustain cultural resources in the rohe.

#### **1.2. Climate Change**

- i. At the local level, all developments should incorporate energy-efficient design.
- ii. Developments should incorporate native trees and other vegetation.

#### **1.3. Terrestrial Biodiversity**

- i. New developments should incorporate green design to maximise ecological and indigenous biodiversity values of the site, including food sources for native birds and, where possible, habitats for native animals.
- ii. Open spaces, streets and gardens should be enhanced, with priority given to establishment of native species. Existing native tree stands, significant trees, areas of ecological value and wildlife corridors should be protected.
- iii. Appropriate variety in companion planting should be used to enable the establishment of functioning ecosystems. Where possible, planting should include cultural resources such as harakeke, kiekie etc.
- iv. New native planting should come from locally sourced indigenous stock of Tāmaki Makaurau provenance that is suited to the habitat.

#### 1.4. Water

- i. Water should be managed, and where necessary restored, to maintain or enhance mauri and to protect ecosystem, amenity, and mana whenua values.

#### 1.5. Stormwater

- i. New development should incorporate the use of sustainable (low impact) design practice for the management of surface water runoff
- ii. There should be no discharge of untreated surface water from urban areas.
- iii. Existing waterways which have been engineered by culverting, channel modification or underground piping, should be restored where possible to a natural condition, including daylighting, channel naturalisation and increased riparian planting

#### 1.6. Wastewater

- i. The direct discharge of wastewater into rivers, lakes and the sea should be avoided.
- ii. Best practice techniques in sustainable design should be used for minimising waste and treating wastewater at source.

#### 1.7. Cultural Heritage

- i. Ngāti Whātua Ōrākei sites of significance, and our relationships with those sites, are maintained or enhanced.
- ii. All applications for development affecting known sites of cultural significance should include cultural impact assessments.
- iii. Sites of cultural significance are promoted and actively celebrated with the focus on Ngāti Whātua Ōrākei values (unless restricted for tikanga reasons).



- iv. Ngāti Whātua Ōrākei should be directly involved in the management of sites of significance which remain in public ownership.

1.8. Cultural Landscape

- i. Cultural landscapes, including, maunga, streams and coastal areas are managed in partnership with Ngāti Whātua Ōrākei.
- ii. Access, permeability and connectivity of cultural landscapes are celebrated, preserved and enhanced.
- iii. Landscapes should be enhanced with appropriate cultural planting.

14. ATTCHMENT 04 – Te Aranga Design Principles Matrix Table<sup>15</sup>.

Te Aranga Principles	Definition	Mana Whenua Outcomes	Place Based Application – Auckland Domain
Mana	Rangatiratanga, authority	The status of iwi and hapū as mana whenua (mana whenua) is recognised and respected as a council partner: This framework acknowledges mana whenua as the first peoples of the region and an intimate part of the ecological and cultural fabric of this community. It is envisaged that decision-making is undertaken in a manner that: a. Recognises mana whenua as the indigenous peoples of the region; b. Accords value to te ao Māori; c. Gives due effect to Te Tiriti o Waitangi; d. Contributes to Māori needs and aspirations.	<ul style="list-style-type: none"> <li>- Mana whenua engagement is key to developing cultural narratives that are easily manifested in the design interpretation and design outcomes.</li> <li>- Engagement will also assist in developing and maintaining high standards of environmental sustainability through infrastructure development such as stormwater design.</li> </ul>
Whakapapa	Names and naming	Māori names are celebrated. Naming opportunities are supported.	<ul style="list-style-type: none"> <li>- Dual signage (English and Māori) should be provided at key points.</li> <li>- Interpretative material should take the opportunity to reference historical names such as Pukekaroa, Pukekawa, Waikohana</li> <li>- Geographic maps are provided as part of interpretative information at key points illustrating landforms, clearly showing topography, and Māori names relative to the wider landscape.</li> <li>- The wider area has a rich history and holds many archaeological remains including middens. Protection of cultural heritage is a key objective to ensure taonga are protected for future generations.</li> </ul>
Tohu	The wider cultural landscape	Mana whenua significant sites and cultural landmarks are acknowledged. Iconic mana whenua tohu are supported and developed.	<ul style="list-style-type: none"> <li>- References to significant sites and cultural landmarks (including the various Pā) will be acknowledged through design cues in the detailed landscape design proposals (for example, patterns in footpath treatments etc).</li> <li>- Views / orientation cues to maunga, Pā etc to be provided for, or sign posted, through the design of public spaces.</li> <li>- The association of various Pā and environments beyond the site scope will be articulated within interpretative panels / signage at appropriate locations.</li> <li>- A higher level of interpretation will be promoted in culturally sensitive areas.</li> </ul>

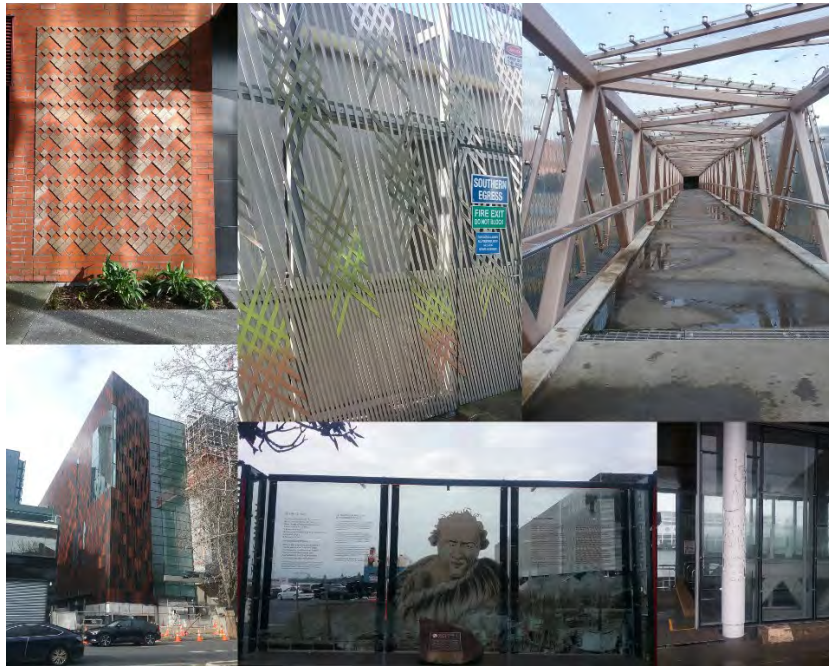
<sup>15</sup> Auckland Domain Masterplan – Auckland Council (26 July 2016), Pg. 17.

Taiao	The natural environment	The natural environment is protected, restored and enhanced.	<ul style="list-style-type: none"> <li>- Promotion of the environmental assets via use of native flora.</li> <li>- Enhancing the mauri of all things and in particular stormwater systems/waterways.</li> <li>- Native plantings will be promoted and supported along with the removal of weed species.</li> <li>- Plants native to the specific area will be preferred to enhance that sense of place and arrival.</li> <li>- As a value of manaakitanga, drinking water will be provided along the pathway.</li> <li>- Car park designs should incorporate water sensitive design techniques/initiatives such as permeable paving.</li> <li>- Strategies to improve water quality include; wetland implementation, swales, rain gardens upgrading storm water pipes etc and other methods of retaining rainwater at source will be used thus allowing water to settle and be filtered.</li> <li>- These strategies will be further developed through the implementation of this plan and in the detailed design phase of relevant projects including all renewals.</li> </ul>
Mauri Tū	Environmental health	Environmental health is protected, maintained and/or enhanced. Consideration of the sensitive natural environment is vital.	Existing native trees should be protected. The Domain's geological significance also needs to be recognised. In addition to protecting the overall landform from physical and visual effects, it is important that smaller features receive adequate protection from damage. These include various small rock exposures that illustrate aspects of the volcano's development along with midden and other culturally significant areas.
Mahi Toi	Creative expression	Iwi/hapū narratives are captured and expressed creatively and appropriately with engagement undertaken with mana whenua at the outset of the detailed design stage of projects and in a timely manner.	<ul style="list-style-type: none"> <li>- Opportunities should be taken through the design of proposals (through patterns in the footpaths, furniture and art, banner arms on the lighting columns etc.), to promote cultural heritage and incorporate mana whenua creative expression.</li> <li>- Opportunities for public art should be explored particularly at significant entry points.</li> </ul>
Ahi Kā	The living presence	<p>Mana whenua live, work and play within their own rohe.</p> <p>Acknowledge the post Treaty of Waitangi settlement environment where iwi living presences can include customary, cultural and commercial dimensions.</p> <p>Living iwi/hapū presences and associated kaitiaki roles are acknowledged and resumed within urban areas.</p>	<ul style="list-style-type: none"> <li>- Natural resources (weaving species, mahinga kai, waterways, etc) facilitate, maintain and /or enhance mana whenua, ahi kā and their kaitiakitanga.</li> <li>- Iwi/civic joint venture developments ensure ahi kā and sense of place relationships are recognised and enhanced.</li> <li>- Iwi/private sector joint venture ventures enhance employment and ahi kā mana whenua relationships.</li> </ul>

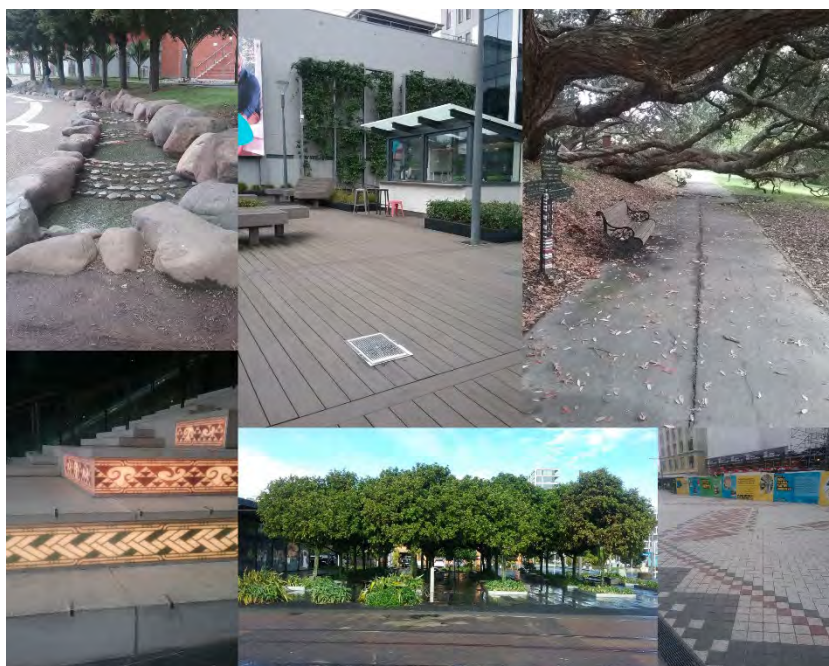
**15. ATTACHMENT 05 - Key Māori Design Outcomes**

15.1. The following images show key Māori design outcomes and provide good examples of what Māori identity could look like within the built environment. These images have been extracted from the Auckland Council GIS Māori Design Layers.

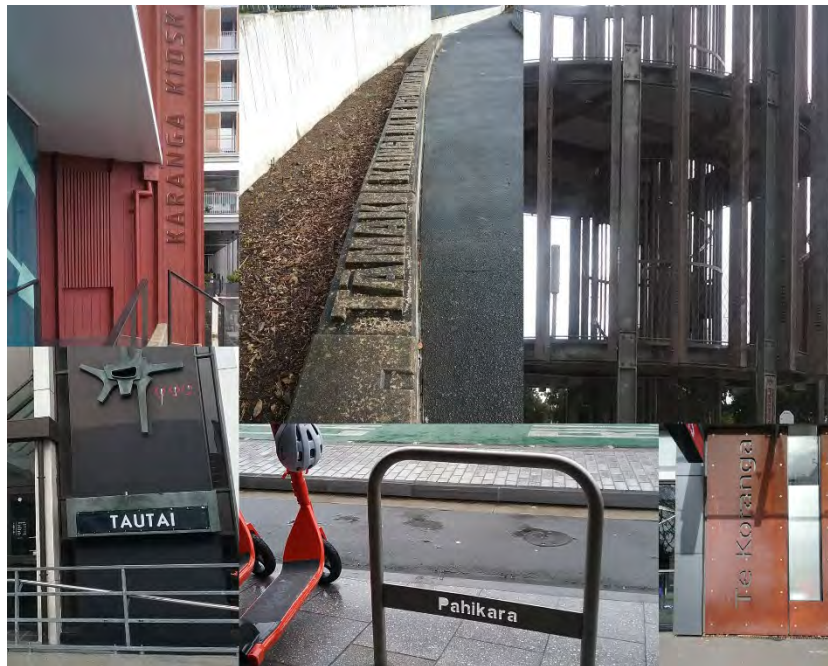
15.2. Design Outcome One - Building Design



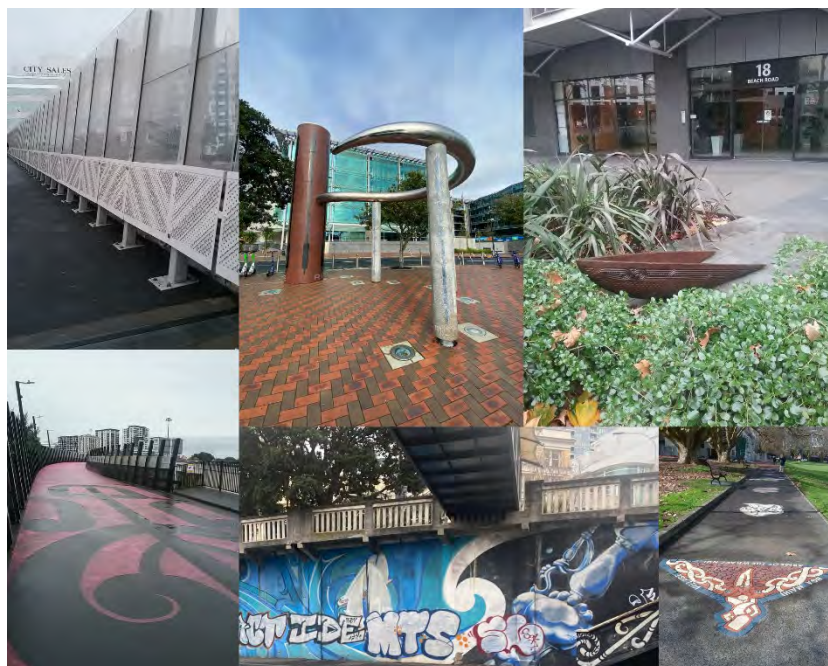
15.3. Design Outcome Two – Landscape / Environmental Design



15.4. Design Outcome Three – Te Reo / Signage



15.5. Design Outcome Four – Mahi Toi / Māori Art.



## 16. ATTACHMENT 06 – Qualifications and Experience

### 16.1. Ava Roimata Wright qualifications and experience:

- i. I started as a Specialist Landscape Architect for Auckland Council in October 2024. Prior to this, I was a part of an internship programme which started in March 2023 with Auckland Council, Isthmus and Te Pūkenga created by Phil Wihongi to support Māori and Pasifika people through their Masters studies, while gaining valuable work experience in Māori design. During the internship placement with Auckland Council, I worked on Māori design research which investigated the current process's council and council-controlled-organisations (CCO) use to gain Māori design outcomes within the built environment.
- ii. I hold both a Bachelor and Master's degree in Landscape Architecture from Te Pūkenga (Unitec, Mount Albert). My qualifications focused on creating design responses to flooding and sea-level rise issues Auckland's coastal communities face. The research worked closely with local iwi and community groups to ensure design responses held onto their identity and sense of belonging. Through my experience and research, I have gained a good understanding of Māori design outcomes within the built environment.
- iii. At a generic level I have some knowledge in te reo (language), Mātauranga (knowledgebase and knowledge systems) or tikanga (customs, lore and processes) but I am not an expert and defer to the tohunga, kaumatua, kuia and other tangata whenua knowledge holders on such matters.

### 16.2. Stephen William Quin qualifications and experience:

- i. I am employed as a Principal Landscape Architect by Auckland Council. I hold the qualifications of Bachelor of Landscape Architecture and am a Registered member of the Tuia Pito Ora New Zealand Institute of Landscape Architects (NZILA). I have been involved in landscape architecture, landscape planning and parks and reserves planning for over 18 years through landscape assessments and review of resource consent applications, public realm design

and policy planning, including advising and reviewing council-initiated and private plan changes.

- ii. I have presented evidence to resource consent applications, plan changes and reserve management plan hearings (Auckland Council and Queenstown Lakes District Council) and have presented evidence to the Environment Court.
- iii. I have experience in collaborating with iwi representatives on several parks and open space plans across Tāmaki Makaurau including Auckland Domain Masterplan, Western Park Tuna Mau Development Plan, The Landing – Pokonoo Point Concept Plan and the Stonefields (Maungarei) Heritage Trail Concept Plan.
- iv. I have limited understanding of te reo (language), Mātauranga (knowledgebase and knowledge systems) and tikanga (customs, lore and processes) and defer to the tohunga, kaumatua, kuia and other tangata whenua knowledge holders on such matters.






# **APPENDIX 6**

## **SITE PHOTOS**




Appendix 6: Site Photos

Site			
<b>Hirakimatā</b>			
	Photo 1: From Aotea Road looking west	Photo 2: From Okiwi looking south.	




Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
Statutory Assessment Report

Site			
<p><b>Te Wai o Ruarangi</b></p>			
	<p>Photo 1: From Oruarangi Esplanade Reserve looking east along Oruarangi Creek</p>	<p>Photo 2: From Pavillion Drive looking north west within industrial area</p>	<p>Photo 3: Southern tributary realigned near Ihumatao Road (looking west)</p>

Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
Statutory Assessment Report

Site			
<p><b>Pahurehure Islands</b></p>			
	<p>Photo 1: Pararēkau Island looking north from Karaka Harbourside</p>	<p>Photo 2: Pararēkau Island looking north-west from Karaka Harbourside</p>	<p>Photo 3: Kopuahingahinga/ Waikirihīnau Island looking west from Karaka Harbourside</p>
			
	<p>Photo 4: Orona / Orwea Island looking northeast from Karaka Harbourside</p>	<p>Photo 5: From eastern side of Pararēkau Island looking west.</p>	<p>Photo 6: Eastern side of Pararēkau Island looking west.</p>







Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
Statutory Assessment Report

Site			
<b>Whakahuranga Pā</b>			
	<p>Photo 1: From Journey's End Road looking north to pā site at summit</p>	<p>Photo 2: From forestry track looking east towards pā site.</p>	<p>Photo 3: From pā site looking west towards adjoining forestry.</p>
			
	<p>Photo 4: From pā at summit looking west towards Manukapua Island.</p>	<p>Photo 5: From pā looking east across conservation land and along Oruawharo River.</p>	<p>Photo 6: Southern slope of pā down to drystock farm at Lot 4 DP 1080722</p>

Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
 Statutory Assessment Report


Site			
<b>Manukapua</b>			
	Photo 1: From mainland looking west to Manukapua Island	Photo 2: From mainland looking northwest to bird roosting area in northern portion of island	Photo 3: Tapora Land and Coast Care Group signage
<b>Poutekorua</b>			
	Photo 1: Poutekorua as viewed form a property to the south	Photo 2: Poutekorua as viewed from Medland Road to the east	

Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
Statutory Assessment Report







Site			
<b>Ruahine</b>			
	Photo 1: Ruahine as viewed from the south (Cape Barrier Road)	Photo 2: Ruahine from the foot of the hill looking north	Photo 3: Ruahine from Little Goat Road looking south
<b>Komahunga</b>			
	Photo 1: Western river and alluvial plains (privately owned)	Photo 2: Looking south back along valley catchment for river	Photo 3: Looking east across site




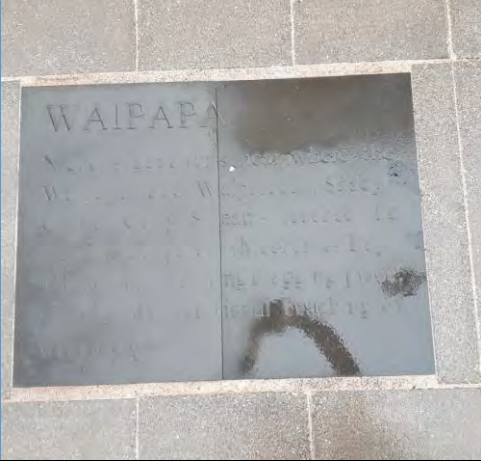



Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
Statutory Assessment Report

Site			
Korotiti			
	<p>Photo 1: Looking north from Awana Road across dual bays (private property in foreground)</p>	<p>Photo 2: Looking east along southern extent of site</p>	<p>Photo 3: Cliffs at southern extent of site.</p>
			
	<p>Photo 4: Earthworks to create a track observed on southern-most property</p>		




Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
Statutory Assessment Report

Site			
<p><b>Te Rae o Kāwharu</b></p>			
	<p>Photo 1: Looing south to Grey Lynn Library from Great North Road</p>	<p>Photo 2: Southern section of nominated site with public pathway</p>	<p>Photo 3: Southern portion of nominated site</p>
<p><b>Waipapa</b></p>			

Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
Statutory Assessment Report

Site			
	<p>Photo 1: Waipapa Stream adjacent to 23 Cheshire Street, Parnell. Flowing north before entering culvert.</p>	<p>Photo 2: From domain looking north across to properties at 71 Gibraltar Crescent (stream flows along low point between properties and railway tracks)</p>	<p>Photo 3: From domain looking east across to properties at 21 Birdwood Crescent (stream flows along low point between properties and railway tracks)</p>
			
	<p>Photo 4: From railway carriage looking east to Waipapa stream adjoining the tracks.</p>	<p>Photo 5: Plaque recognising the Waipapa Stream located within the Carlaw Park Mixed Use Precinct</p>	
<p><b>Kaarearea Paa</b></p>			

Proposed Plan Change 102 to the AUP(OIP) and Plan Modification 15 to HGI Plan: Sites and Places of Significance to Mana Whenua-Tranche 2a  
 Statutory Assessment Report

Site			
	Photo 1: Kaarearea Paa from the south looking north towards operational pit of mine and pā	Photo 2: Area within western extent of nominated area	Photo 3: Looking across Western extent towards operational pit in front of pā
			
	Photo 4: From an access track adjacent to the operational pit looking across eastern extent of nominated site (pā is to the left of picture)	Photo 5: From north of nominated extent looking south across the pā and towards Drury	Photo 6: From north of the nominated site looking south toward pā and across future proposed pit extent

**APPENDIX 7**  
**LOCAL BOARD RESOLUTIONS**



## Appendix 7 - Local Board Resolutions in Response to Submissions

### Waiheke Local Board - 25 September 2024

#### 15 Plan Modification 15 Changes to Māori Heritage Site Provisions

Resolution number WHK/2024/102

MOVED by Chairperson C Handley, seconded by Member B Ranson:

That the Waiheke Local Board:

- a) whakarite / provide local board views on the Council-initiated Plan Modification 15.
- b) kopou / appoint a local board member to speak to the local board views at a Council hearing on Plan Modification 15.
- c) tautapa / delegate authority to the chairperson of the Waiheke Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan modification hearing.
- d) request that views from Ngāti Paoa be confirmed, if feasible, prior to implementation.

**CARRIED**

*Note: Member Walden requested that his dissenting vote be recorded.*

*Note: Cr Lee left the meeting at 2:12pm.*

### Franklin Local Board – 27 August 2024

#### 23 Local board views on Proposed Plan Change 102 - Sites of Significance to Mana Whenua - Tranche 2a

Matthew Gouge, Senior Policy Planner, was online for this item

Resolution number FR/2024/119

MOVED by Chairperson A Fulljames, seconded by Member G Holmes:

**That the Franklin Local Board:**

- a) **whakaae / endorse the Council-initiated Plan Change 102 as a mechanism for recognising Kaarearea Paa (Drury Quarry) as site of cultural significance in the Franklin Local Board area, noting that the landowner, Stevenson Aggregates Limited are supportive of the proposed scheduling**
- b) **whakahē / decline the opportunity to appoint a local board member to speak to the local board views at a Council hearing on Plan Change 102.**

**CARRIED**

## Aotea / Great Barrier Island Local Board – 27 August 2024

### 16 Local board views on Proposed Plan Modification 15 - Sites of Significance to Mana Whenua - Tranche 2a

Chairperson I Fordham declared an interest in this item as a submitter and took no part in the discussion.

Matthew Gouge - Senior Policy Planner – Central & South Planning Unit, Planning and Resource Consents was in attendance to speak to the report.

Resolution number GBI/2024/98

MOVED by Deputy Chairperson C Ollivier, seconded by Member P O'Shea:

**That the Aotea / Great Barrier Local Board:**

- a) **whakarite / provide the following local board views on the Council-initiated Plan Modification 15:**
  - i. **support the council-initiated plan modification 15 to introduce five Māori heritage sites (Hirakimatā, Poutekorua, Ruahine, Komahunga, and Korotiti) to appendix 2f of Auckland Council District Plan – Hauraki Gulf Islands Section (HGI).**
  - ii. **support the proposed amended wording to both that appendix, and Part 7.13 of the HGI.**
  - iii. **note the importance of Ngāti Rehua Ngātiwai ki Aotea Trust being a part of this process and request this continues when scheduling to ensure accuracy of narratives and process.**
  - iv. **note the submissions received and request continued engagement with affected private landowners when scheduling the sites.**
- b) **do not seek to appoint a local board member to speak to the local board views at a Council hearing on Plan Modification 15.**

**CARRIED**

## Papakura Local Board – 28 August 2024

### 16 Local board views on Proposed Plan Change 102 - Sites of Significance to Mana Whenua - Tranche 2a

Resolution number PPK/2024/121

MOVED by Member A Webster, seconded by Deputy Chairperson J Robinson:

**That the Papakura Local Board:**

- a) **whakarite / tautoko / support the Council-initiated Plan Change 102**
- b) **kopou / appoint a Brent Catchpole (Chairperson) to speak to the local board views at a Council hearing on Plan Change 102**
- c) **tautapa / delegate authority to the chairperson of the Papakura Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan change hearing.**

**CARRIED**



## Waitematā Local Board – 20 August 2024

### 17 Local board views on Proposed Plan Change 102 - Sites of Significance to Mana Whenua - Tranche 2a

Matthew Gouge, Senior Policy Planner, was in attendance via online to speak to the item.  
MOVED by Member R Northey, seconded by Member A Bonham:

That the Waitematā Local Board:

- a) recommend that the Te Rae o Kāwharu (The Grey Lynn Library site) be scheduled to the full nominated extent under Schedule 12 of the Auckland Unitary Plan as a site and place of significance to Mana Whenua.
- b) recommend that the Waipapa Awa (Stream) be scheduled, with the exclusion of the portions of the nominated site which are in both private ownership and not currently day lighted, under Schedule 12 of the Auckland Unitary Plan as a site and place of significance to Mana Whenua.

The motion was put in parts.

MOVED by Member R Northey, seconded by Member A Bonham:

That the Waitematā Local Board:

- a) recommend that the Te Rae o Kāwharu (The Grey Lynn Library site) be scheduled to the full nominated extent under Schedule 12 of the Auckland Unitary Plan as a site and place of significance to Mana Whenua.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Member A Bonham	Deputy Chairperson G	
Member R Northey	Moyle	
	Chairperson G Sage	

The chair exercised their casting vote against so the motion was Lost.

The motion was declared LOST.

**LOST**

Resolution number WTM/2024/136

MOVED by Member R Northey, seconded by Member A Bonham:

**That the Waitematā Local Board:**

- a) **recommend that the Waipapa Awa (Stream) be scheduled, with the exclusion of the portions of the nominated site which are in both private ownership and not currently day lighted, under Schedule 12 of the Auckland Unitary Plan as a site and place of significance to Mana Whenua.**

**CARRIED**

**15 Local Board views on Proposed Plan Change 102 - Sites of Significance to Mana Whenua - Tranche 2a**

Resolution number MO/2024/155

MOVED by Chairperson N Bakulich, seconded by Member H Fatu Toleafoa:

**That the Māngere-Ōtāhuhu Local Board:**

- a) **local board views on the Council-initiated Plan Change 102** whakarite / provide
- b) **Chairperson to speak to the local board views at a Council hearing on Plan Change 102** kopou / appoint the
- c) **authority to the chairperson of the Māngere-Ōtāhuhu Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan change hearing** tautapa / delegate
- d) **feedback:** provide the following
  - i) **opportunity to provide feedback and supports transparent processes that honour our local Sites and Places of Significance to Mana Whenua (SSMW). We also, acknowledge the need to carefully consider the proposed additions to the SSMW schedule and their impacts to Mana whenua, on the community and local development** appreciates the
  - ii) **provided for the Te Wai o Ruarangi site:** the following input is
    - A) **the addition of significant sites, such as Te Wai o Ruarangi, to the SSMW schedule, as this recognises and protects local cultural heritage** generally, supports
    - B) **landowners and leaseholders, particularly those on the southern bank of the creek (such as Auckland International Airport Limited and Foodstuffs), supported the cultural recognition of Te Wai o Ruarangi, but requested minor amendments to the mapping, wanting to ensure the scheduled area avoided private property and critical infrastructure, like stormwater facilities** Note some
    - C) **Council take steps to facilitate discussions between mana whenua, stakeholders, and infrastructure planners, focusing on collaborative solutions to address both cultural and community concerns** recommend Auckland
    - D) **adjustments that honour cultural heritage while accommodating practical needs. A mapping review and collaborative workshops could help reach a balanced solution, with guidelines for infrastructure planning near SSMW sites** explore boundary

- iii) acknowledge Te Ahiwaru Waiohua as the nominating iwi authority for Te Wai o Ruarangi and recognise their central role in guiding site-related discussions
- iv) note that council teams are actively engaging with Te Ahiwaru Waiohua to address the relief sought by submitters, while understanding that Te Ahiwaru Waiohua has not yet formalised its position on these matters
- v) acknowledge the unique relationship of Te Ākitai Waiohua to Te Wai o Ruarangi and the Māngere-Ōtāhuhu area, noting their spiritual and cultural connection as Mana whenua, even though they are not the nominating iwi for this site
- vi) recognise that Te Wai o Ruarangi is within Te Ākitai Waiohua's Coastal Statutory Acknowledgement Area, providing formal recognition under Te Tiriti o Waitangi and reinforcing the need for ongoing consultation is critical for this work
- vii) acknowledgement of Ngāti Whātua Ōrākei requesting clearer guidelines on which mana whenua groups should be consulted for SSMW site developments, including Te Wai o Ruarangi, for streamlined engagement
- viii) commit to honouring and supporting this process as it unfolds, ensuring that iwi perspectives, histories, and statutory recognitions are fully considered and incorporated into any future outcomes in alignment with Treaty principles and cultural ties.

**CARRIED**

Rodney Local Board – 21 August 2024

**19 Local board views on Proposed Plan Change 102 - Sites of Significance to Mana Whenua - Tranche 2a**

Matthew Gouge - Senior Policy Planner was in attendance for this item.

Resolution number RD/2024/131

MOVED by Deputy Chairperson L Johnston, seconded by Member G Wishart:

**That the Rodney Local Board:**

- a) support the council-initiated Plan Change 102: Sites and Places of Significance to Mana Whenua Tranche 2a.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Chairperson B Bailey	Member G Upson	
Member M Carmichael		
Member M Dennis		
Member T Holdgate		
Deputy Chairperson L Johnston		
Member C Smith		
Member I Wagstaff		
Member G Wishart		

The motion was declared **CARRIED** by 8 votes to 1.



## **APPENDIX 8**

### **PAHUREHURE CAUSEWAY RETROSPECTIVE CONSENT 12 OCTOBER 1998**





Auckland **Regional** Council

BellSouth Centre  
21 Pitt Street  
Private Bag 92 012  
Auckland  
New Zealand

15 October 1998

**DX** CP 28 008 Pitt St  
**tel** 64 9 379 4420  
**fax** 64 9 366 2155

Daniel Lees  
P O Box 71  
Papakura

File Ref: C512-10-  
12806/21849

*cust. no.*  
*3047*

Dear Sir/Madam

## RESOURCE CONSENT - DECISION ON APPLICATION

### APPLICATION:

**Applicant:** Daniel Edward Lees  
**Application Number:** 12806/21849  
**Details of Application:** Retrospective consent, in accordance with Section 12(1) of the RMA 1991, for the reclamation of 581 m<sup>2</sup> of seabed which was undertaken during the construction of two vehicle causeways in 1968.  
**Site Location:** Between Parerekau Island and Kopuahingahinga Island, Pahurehure Inlet

### DECISION ON APPLICATION:

It has been resolved that the above Resource Consent application be granted. A copy of the report which gives details of the decision made is enclosed.

### RIGHT OF OBJECTION:

The applicant has the right to object to the Council in respect of the decision on an application (with the exception of applications which have been declined by a meeting of the Environmental Management Committee of the Council) if -

- (a) the application was not notified; or
- (b) the application was notified, but any submissions received have subsequently been withdrawn.

Any such objection, under Section 357 of the Resource Management Act, should be made in writing to the Group Manager, Environmental Management, Auckland Regional Council, setting out the reasons for the objection, within 15 working days of receiving this letter. The objection will be considered by the Council, and if it is necessary to hold a meeting to hear the objection you will be contacted regarding the arrangements for this. Where the applicant is dissatisfied with the decision on the objection, an appeal can be made to the Environment Court, under Section 358 of the Resource Management Act.

## **RIGHT OF APPEAL:**

The Council's decision can be appealed under Sections 120 and 121, or Section 358, of the Resource Management Act, as follows:

- The applicant, and any person who made a submission, can appeal the decision to the Environment Court within 15 working days of receiving this letter, or where an objection to the decision is made, within 15 working days of the applicant receiving notice of the Council's decision on the objection.
- An appeal must be lodged with the Registrar of the Environment Court, Department of Justice, Tribunals Division, P O Box 5027, Lambton Quay, Wellington, together with a filing fee of \$55.00 (including GST). A copy of the appeal must also be served on the Auckland Regional Council within the 15 working day period.
- An appeal must be in the format provided by Regulation 10 of the Resource Management (Forms) Regulation 1991 - a copy of this format is available from the Council office.
- All other parties (ie. the applicant and any person who made a submission) must be served with a copy of the notice of appeal within 5 working days of the appeal being lodged with the Environment Court.

If you are in any doubt about the appeal procedures you may wish to contact this office, or consult a lawyer, for further information.

The last date for an objection or appeal is Tuesday 10 November 1998. This has been calculated using 2 working days for postage plus the statutory 15 working day period.

## **COMMENCEMENT OF CONSENT:**

A consent that has been granted will commence in accordance with the provisions of Section 116 of the Resource Management Act. These provisions are summarised below:

### **Objections Against Decision To Grant Consent**

If an objection against the decision is made by the applicant the consent will commence once the objection is resolved, unless a later commencement date is stated in the consent. If an appeal is subsequently made by the applicant or a submitter the consent will commence as described below.

### **Non-Notified Application - Decision Not Appealed:**

If no appeals are made by the applicant the resource consent will commence on the date the decision on the application is notified, unless a later commencement date is stated in the consent.

### **Non-Notified Application - Decision Appealed:**



If an appeal is made by the applicant the resource consent will commence on the date the Environment Court determines the appeal or the appeal is withdrawn, unless a later commencement date is stated in the consent or the Environment Court determines otherwise.

**LAPSING OF CONSENT:**

Unless otherwise stated in the consent, Section 125 of the Resource Management Act provides that, this consent shall lapse two years after the consent commencement date if it is not given effect to within that period. Where the consent is not given effect to within two years of commencement, the consent holder may make an application to the Council for an extension of the consent.

Please note that you will be advised of the Council's decision on the total application costs shortly.

Yours faithfully

John Sanson  
Manager  
**CONSENTS LIAISON**

Per:

encl.

A handwritten signature in black ink, appearing to be 'J. Sanson', written over a horizontal line.

c.c. Papakura District Council

## AUCKLAND REGIONAL COUNCIL

SUBJECT: Coastal permit application by Daniel Edward Lees for retrospective consent for the reclamation of 581m<sup>2</sup> of seabed which was undertaken during the construction of two vehicle causeways in 1968.

FROM: Jo Morriss  
Coastal Resources Officer

FILE: 12806

PERMIT CODE: 21849 Reclamation

TO: Manager,  
Coastal Resources

DATE: 09.10.98

---

(This report is confidential until it has been considered and is not to be construed as Council policy until adopted).

### 1. APPLICATION

#### 1.1 Applicant

Daniel Edward Lees.

#### 1.2 Location

Between Pararekau Island and Kopuahingahinga Island, Pahurehure Inlet.  
NZMS 260 R12 802578.

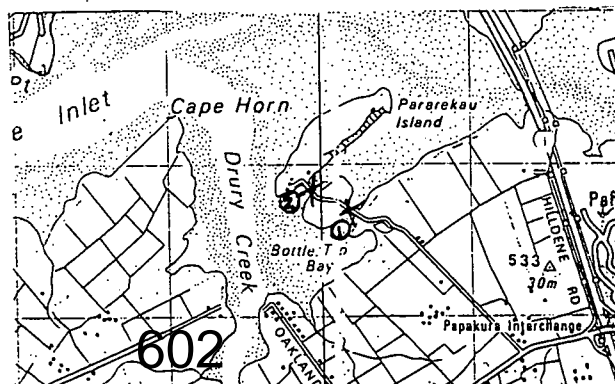
#### 1.3 Proposal

Retrospective consent for the reclamation of 581m<sup>2</sup> of seabed which was undertaken during the construction of two vehicle causeways in 1968.

#### 1.4 Plans

- a) Lots 1 & 2 Being Pt Bed of Manukau Harbour, Rowe McInnes & Read, August 1998.
- b) Plan of Proposed Causeway for D E Lees Esq, Papakura Parish Blk III, Drury District, D S Mackenzie & Co. MD 12915.

#### 1.5 Location map



## 2. STATUTORY CONSIDERATION

The proposal is an exception to the Manukau Harbour Maritime Planning Scheme, therefore consent is required under the Resource Management Act 1991. The coastal marine area at the site of the proposed works is classified as a General Management Area in the Proposed Regional Plan: Coastal Incorporating Decisions on Submissions (August 1998). Under Rule 13.5.4 of the PRP:C(1998) the reclamation is a non-complying activity. Retrospective resource consent is required under Section 12(1) of the RM Act 1991 for the 581m<sup>2</sup> of seabed which was reclaimed, in addition to the area authorised by MAN/PAH/005 for the construction of two causeways, between the mainland and Kopuahingahinga Island and Parerekau Island in 1968.

## 3. NOTIFICATION

In accordance with Section 94(2) of the Resource Management Act (1991) this application was not notified as the adverse effects on the environment of the activity were considered to be minor, and the Auckland Regional Council considers that there are no parties who will be adversely affected by the granting of this consent.

## 4. CONSULTATION

The applicant has not consulted with any persons, other than the Department of Conservation, prior to lodging this consent application. This is considered appropriate given that this application is for the retrospective consent of a several small areas of reclamation which were constructed at the time two vehicle causeways were built to provide access to the Kopuahingahinga and Parerekau Islands. The ARC considers that there are no parties who will be adversely affected by the granting of this consent as the reclamation has been in existence for 30 years.

The applicant has consulted with the Department of Conservation who advised the ARC that retrospective consent was required for the small area of reclamation adjacent to the existing causeways. The Department did not advise the ARC of any concerns with this application. The applicant continues to consult with the Department regarding the vesting of the reclaimed land in the applicant.

## 5. REPORT

### 5.1 Background and description of proposal

In 1968 the applicant obtained the relevant approvals pursuant to Section 178(b) of the Harbours Act 1950 to construct two vehicle causeways to provide access to Parerekau and Kopuahingahinga Islands from the mainland at Karaka (Foreshore licence MAN/PAH/005 and approved plan MD12915). The causeways were required to provide farm access to Parerekau Island to overcome stock and pasture management problems on the Island as stock had previously been shifted to the island across the mud flats at low tide. The construction of the causeways was approved and it was concluded that there would be no undue restrictions to boating activity in the locality as the islands are surrounded by soft muddy sediments and access through the two channels by boat was only practicable at high tide.

The causeways provide the only means of vehicle and pedestrian access to Parerekau and Kopuahingahinga Islands. Parerekau Island is currently farmed and the residence of Mr & Mrs Lees is situated on this island, while Kopuahingahinga Island is closed off to stock and is covered in revegetated bush.

In August 1998 the applicant sought the Department of Conservation's approval in accordance with Section 245 of the RM Act for the existing reclamation. The Department of Conservation was the consent authority in this case as the total area of reclamation exceeded the criteria of 1,000m<sup>2</sup> for Restricted Coastal Activity set out in the Minister of Conservation's Direction dated 11 October 1991. The foreshore licence MAN/PAH/005 approved a total area 2,619m<sup>2</sup> for the two reclamations Causeway 1 (1,370m<sup>2</sup>) and Causeway 2 (1,249m<sup>2</sup>).

The plan of survey (attached as Appendix Two) of the existing causeways indicate that in total 3,200m<sup>2</sup> of seabed was reclaimed for the two causeways, which was some 581m<sup>2</sup> greater than that approved by the Harbour Board and shown on approved plan MD12915. The Department of Conservation was unable to issue the Section 245 approval until retrospective consent had been obtained for this additional area of reclamation.

The additional 581m<sup>2</sup> of reclamation is comprised of several small areas surrounding the causeway where additional fill was placed to support pohutukawa trees planted on the causeway, and to abutments where the vehicle causeways joined the islands.

## 6. EVALUATION

### 6.1 Resource Management Act, NZCPS and RPS

The Resource Management Act 1991 (RM Act) is the principal guiding statutory document governing the use of land, air and water. The purpose of the RM Act (section 5(1)) is to "promote the sustainable management of natural and physical resources." This concept of sustainable management is the cornerstone of the NZCPS, RPS and PRP:C.

The New Zealand Coastal Policy Statement (NZCPS) has been gazetted and the Regional Policy Statement (RPS) is in the final stages before being made operative. The Proposed Regional Plan: Coastal (PRP:C) cannot be inconsistent with the NZCPS and RPS and it is therefore considered that sufficient regard for these documents has been made in the consideration of the PRP:C. Consideration of the PRP:C also therefore achieves the purpose of the RM Act within the coastal marine area.

### 6.2 Coastal plans

#### 6.2.1 Transitional Coastal Plan (Manukau Harbour Maritime Planning Scheme)

Pursuant to Section 370 of the RM Act 1991, the Manukau Harbour Maritime Planning Scheme, which became operative on 25 March 1993, is deemed to be the Transitional Coastal Plan for this area.

The overriding objective of the plan is:

*“to provide for the present use and development of the Manukau Harbour ... while protecting it as a resource for the benefit of future generations.”*

The provisions of the Transitional Coastal Plan are essentially the same as those of the Proposed Regional Plan: Coastal Incorporating Decisions on Submissions (August 1998). Accordingly, the assessment of effects under the PRP:C(1998) addresses the objectives, policies, rules and provisions of the Transitional Coastal Plan.

#### 6.2.2 Proposed Regional Plan: Coastal Incorporating Decisions on Submissions (August 1998)

As required by Section 64(1), the Auckland Regional Council has prepared a regional coastal plan as part of an overall plan encompassing the regional coastal environment (Section 64(2)). The submissions to this plan have been heard and the decisions have been released, however they are subject to appeal until the end of September 1998. However in accordance with Clause 10.3 of the First Schedule, regard should be had to the provisions of the proposed plan from the date it is publicly notified, 5 August 1998. Accordingly this application has been assessed against the provisions of the PRP:C Incorporating Decisions on Submissions (August 1998).

The PRP:C(1998) specifically addresses reclamation of the coastal marine area. Reclamation in a general management area, which does not exceed the RCA criteria, are considered as non-complying activities under Rule 13.5.4 of the PRP:C (1998). The PRP:C(1998) assesses such proposals against a series of criteria, policies and rules. The assessment of the effects of this proposal and the provisions of the PRP:C(1998) have therefore been considered concurrently below.

#### 6.3 Assessment of Effects

The vehicle causeways have been in existence for 30 years. The natural character and landscape values of the coastal marine area identified in Chapters 3 and 4 of PRP:C have not been adversely affected by the small area of unauthorised reclamation as the area has already been modified by the construction of the causeways to provide access to the islands. The additional reclaimed areas support pohutukawa trees planted along the edge of the causeway which mitigate any visual effects. The causeways are only viewed from the direct approaches as the mangroves effectively screen the reclamations from other views.

Chapter 5 of the PRP:C (1998) addresses natural features and ecosystems. The PRP:C identifies areas that due to their ecological, landform or geological values are defined as Coastal Protection Areas. The coastal marine area at Pahurehure Inlet has been classified as a General Management Area in the PRP:C (1998). The works were undertaken 30 years ago and any construction effects have been remedied by natural processes and the reclamation is now part of the existing environment. The causeways were built across shallow channels between the islands which has altered tidal currents and resulted in sediment accumulation in this low energy environment.

The small areas of reclamation which were not authorised as part of the original approvals have not exacerbated any of these effects. The adjacent mudflats have been densely colonised by large mangroves which serve as erosion protection for the causeways by reducing wave energy reaching the shore.

Chapter 7 of the PRP:C (1998) refers to public access. One of the key objectives of the PRP:C(1998) is *"To maintain and enhance public access to, along and within the coastal marine area."* The causeways are the only vehicle and pedestrian accessways for Mr & Mrs Lees to reach their property and residence on Parerekau Island. The effects of the additional area of reclamation on public access has not changed from that originally anticipated for the authorised causeways. When the original approvals were obtained in 1968 it was considered that the causeways would not adversely affect boating traffic as the area between the islands was very shallow and no persons were likely to seek access through the channel. The foreshore in the area is predominantly muddy and persons are unlikely to seek access along the foreshore, however it is possible to cross the causeways if necessary.

In summary, chapter 13 of the PRP:C(1998) specifically addresses reclamations in the coastal marine area. Policy 13.4.1 directs when reclamations are generally considered inappropriate. This proposal is consistent with policy 13.4.1 and the reclamation is appropriate because there is no land based alternative to provide access to the islands, efficient use has been made by constructing only a single land vehicle causeway, the causeways have been planted with native trees and Kopuahingahinga Island has been left to regenerate. The finished causeways are compatible with the existing environment in terms of scale and vegetation cover. In addition Policy 13.4.9 directs that when assessing an application for an unauthorised reclamation consideration should be given to the effects of removing the unlawful reclamation. It is considered that the adverse effects of removing the additional area of reclamation would be greater than retaining them as these areas support pohutukawa trees growing along the verge of the causeways which provide stability and mitigate visual effects of the reclamations.

## 7. CONCLUSION

This application for retrospective consent for several small areas of seabed totalling (581m<sup>2</sup>) which were reclaimed in addition to that area authorised by MAN/PAH/005 during the construction of two vehicle causeways in 1968 will not have a significant effect on the environment.

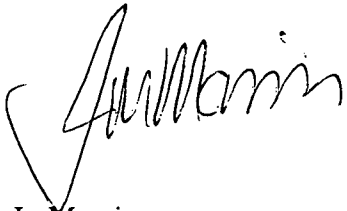
It is considered that the effects of the removing the small reclamations would be greater than retaining the causeways, and if the causeways are maintained in accordance with the conditions of consent then any effect on the natural and physical resources of the coastal marine area adjacent to Parerekau and Kopuahingahinga Islands would not be more than minor. Also the proposal would not be contrary to the objectives and policies of the PRP:C (1998). Having considered all of the effects and the statutory provisions discussed above, it is considered that granting consent to this application will result in the promotion of sustainable management. The duration of consent is not an issue as the reclamation works have already been completed.

8. RECOMMENDATION

Based on the information available, it is recommended that:

- a) The retrospective consent for several small areas of reclamation (totalling 581m<sup>2</sup>) be granted subject to the special conditions appended to this report.

Report prepared by:



Jo Morriss  
Coastal Resources Officer

APPENDIX ONE**AUCKLAND REGIONAL COUNCIL****RESOURCE CONSENT**PERMIT NO. 21849**CONSENT HOLDER:** Daniel Edward Lees.**FILE REFERENCE:** 12806**CONDITIONS OF CONSENT:**

**Purpose of Consent:** Retrospective consent, in accordance with Section 12(1) of the Resource Management Act 1991, for the reclamation of 581m<sup>2</sup> of seabed which was undertaken during the construction of two vehicle causeways in 1968.

**Site Location:** Between Parerekau Island and Kopuahingahinga Island, Pahurehure Inlet.

**Territorial Authority:** Papakura District Council.

**Map Reference:** NZMS 260 R12 802578.

STANDARD CONDITIONS OF CONSENT

1. The servants or agents of the Auckland Regional Council shall be permitted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.

SPECIAL CONDITIONS OF CONSENTGeneral Conditions

2. The Consent Holder shall carry out the activities permitted by this consent generally in accordance with the documentation submitted in support of the application as identified below:
  - (a) Coastal permit application by Daniel Edward Lees, dated 23 September 1998.
  - (b) Plans:
    - i) Lots 1 & 2 Being Pt Bed of Manukau Harbour, Rowe McInnes & Read, August 1998.



3. The consent holder shall ensure that the reclamations are maintained in a good and sound condition.

Advice Notes

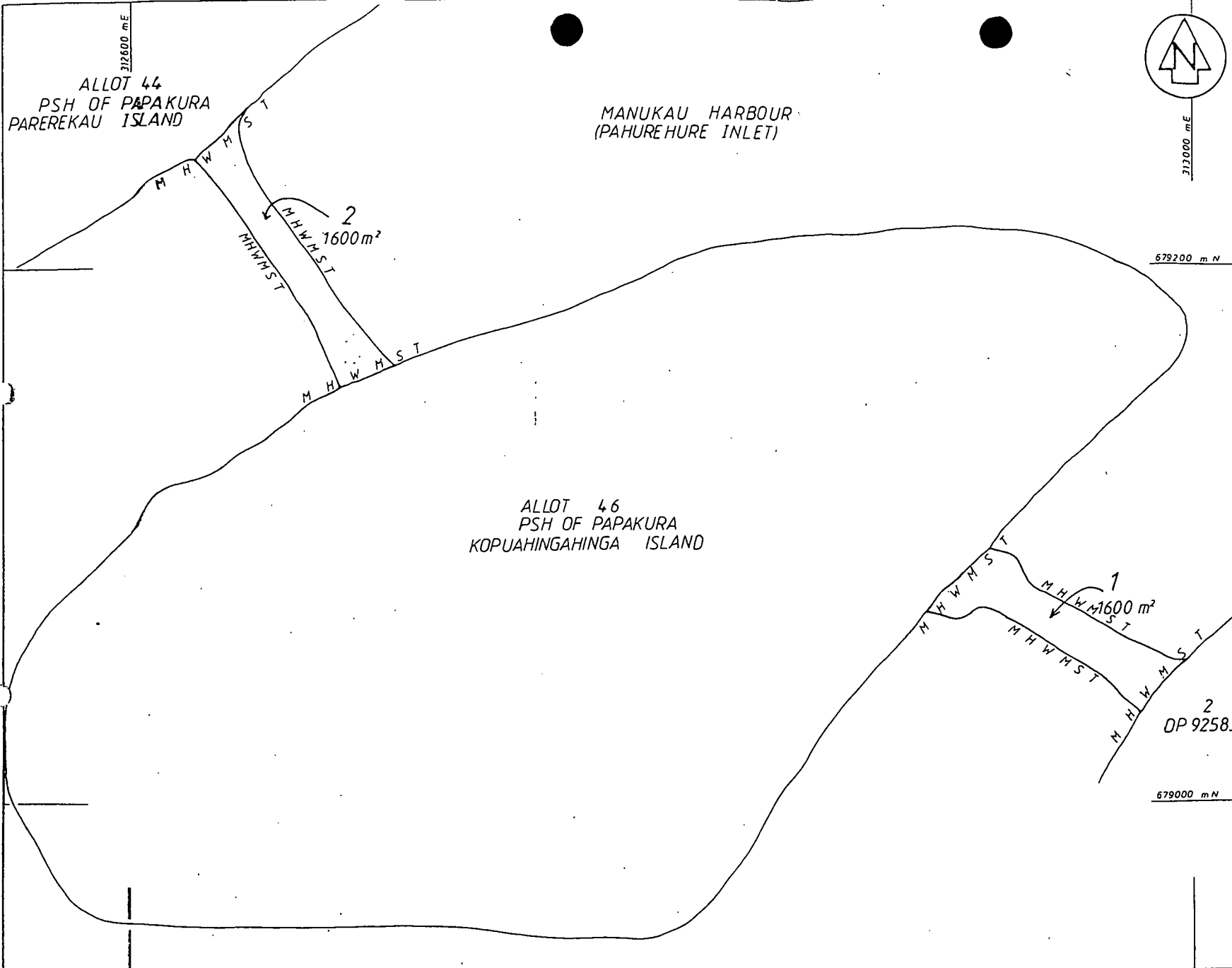
1. The resource consent holder is required to pay to the Auckland Regional Council any administrative charge fixed in accordance with s.36(1) of the Resource Management Act 1991, or any additional charge required pursuant to s.36(3) of the Resource Management Act 1991, payable in respect of this resource consent.
2. The consent holder is advised that should they wish to transfer this permit to any other person they must do so by advising the ARC in writing in accordance with Section 135(1)(a). A fee is payable at the time of transfer to cover the cost of administration.

**This Consent has been granted by the Auckland Regional Council pursuant to the Resource Management Act 1991. The date of commencement of this consent is determined by Section 116 RMA, unless a later date is stated as a condition of this consent. The provision of Section 116 RMA are summarised in the covering letter issued with this consent.**

Hugh Leersnyder  
Manager, Coastal Resources  
Auckland Regional Council



12/10/98



Approvals

APPROVED PURSUANT TO SECTION 245 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE \_\_\_ DAY OF \_\_\_ 1998

AUTHORISED OFFICER

APPENDIX TWO: PLANS

Total Area ..... 3200 m<sup>2</sup> .....

Comprised in ...CT. 9B/1172.(P.T.).....

I, TERENCE GEORGE READ OF PAPA KURA Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1988) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at Papakura this 13 day of August 1998 Signature [Signature]

Field Book ..... p. .... Inverse Book ..... p. ....

Reference Plans .....

Examined ..... Correct .....

Approved as to Survey

..... / ..... Chief Surveyor

Deposited this ..... day of ..... 19 .....

District Land Registrar

File 6815

Received

Instructions

LAND DISTRICT NORTH AUCKLAND

SURVEY BLK. & DIS. III DRURY

NZMS 261 SHT ..... RECORD MAP No AS ABOVE .....

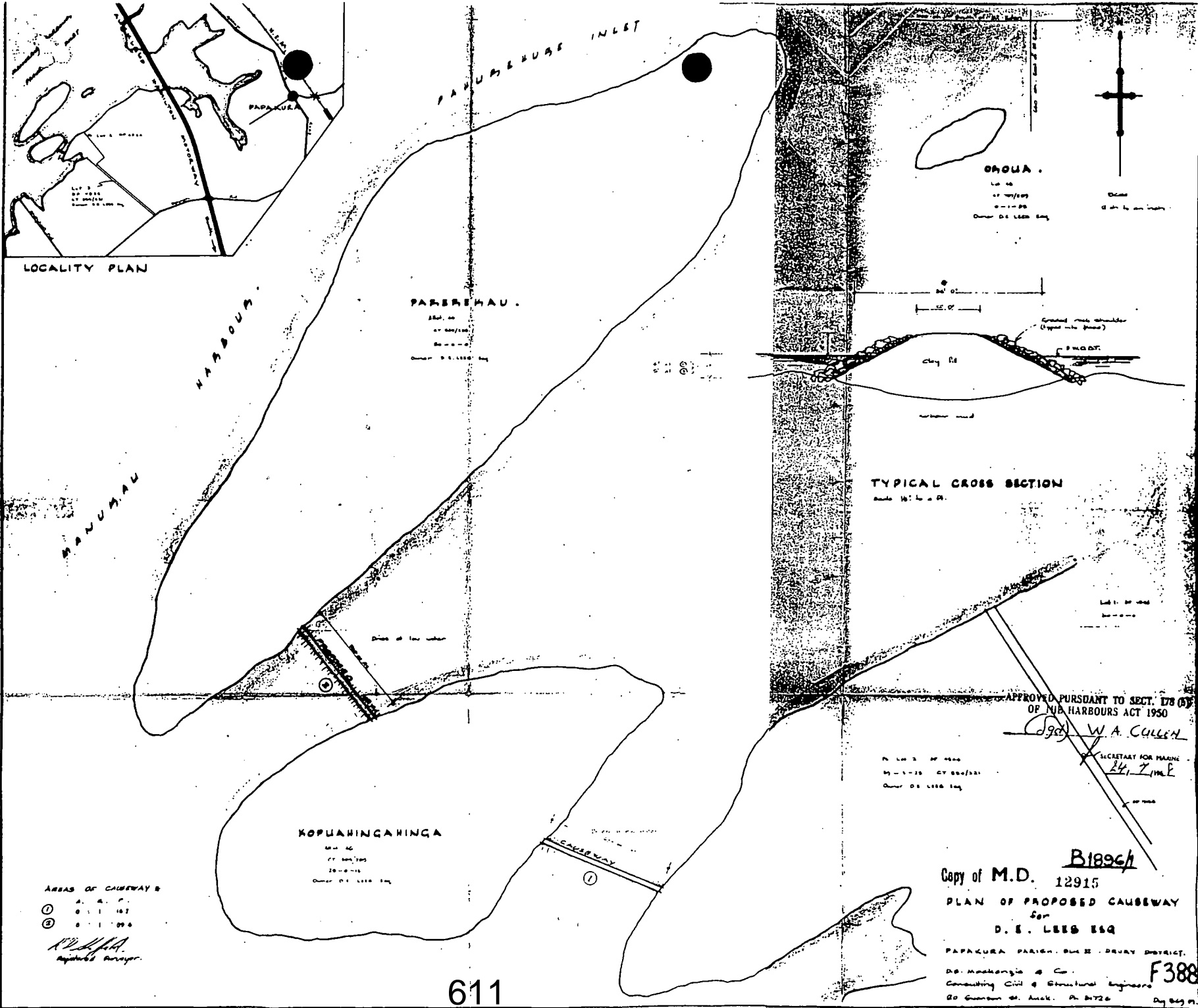
LOTS 1 & 2 BEING P+ BED OF MANUKAU HARBOUR

**610**

TERRITORIAL AUTHORITY PAPA KURA DISTRICT

Surveyed by RDWE McINNES & READ

Scale 1:1000 Date AUGUST 1998



LOCALITY PLAN

PAPAKURA HARBOUR

PAPAREHAU  
 250.00  
 17 00/100  
 18-1-50  
 Owner: D. E. LEEB Esq.

MANUMAU

Line of low water

KOPUAKINGA  
 250.00  
 17 00/100  
 18-1-50  
 Owner: D. E. LEEB Esq.

CAUSEWAY

OHOUA  
 100.00  
 17 00/100  
 18-1-50  
 Owner: D. E. LEEB Esq.

TYPICAL CROSS SECTION  
 Made W. L. & P.

APPROVED PURSUANT TO SECT. 173 (1)  
 OF THE HARBOURS ACT 1950

*W. A. Cullen*  
 SECRETARY FOR MARINE

P. L. 3. 17 1950  
 18-1-50 17 00/100  
 Owner: D. E. LEEB Esq.

AREAS OF CAUSEWAY

- ① 17 00/100
- ② 18-1-50

*R. J. H. A.*  
 Registered Surveyor

Copy of M.D. 12915  
 PLAN OF PROPOSED CAUSEWAY  
 For  
 D. E. LEEB Esq.

PAPAKURA PARISH, QUEENSBURY DISTRICT.  
 Dr. Mackenzie & Co.  
 Consulting Civil & Structural Engineers  
 80 Queen St. Auckland, P.O. Box 2726

F388

DECISION ON APPLICATION FOR RESOURCE CONSENT

APPLICANT: D. E. Lees FILE NO.: 12806

NOTIFIED

NON-NOTIFIED

It is recommended that this application be GRANTED/~~DECLINED~~, as detailed in the attached report and/or consent document, (document reference number crpt/cacg2677).doc

Section Manager

Date:

12/10/98

1. This APPLICATION is:

GRANTED

DECLINED

2. The CONDITIONS recommended in the report and/or the consent document are:

APPROVED

NOT APPROVED

Group Manager  
Environmental Management Department

Date:

21/10/98

LAST DATE FOR NOTICE OF DECISION TO BE SERVED: