Proposed Plan Change A (PC14)

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

SECTION 32 EVALUATION REPORT

Advice note: Please read the ‘Navigation guide’ on the Proposed Plan Change A prior to reading any of the reports and attachments.
22 November 2018Attachment to report CP201821631 (Title ~4 - Section 32 Report - Volcanic Viewshafts and Height Sensitive Areas Excerpt)
4.4.5. Heritage New Zealand Pouhere Taonga Act 2014
1 Introduction

1.1 Scope and purpose of the report

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

PC14 is one of a series of four plan changes to address technical issues across the Auckland Unitary Plan – Operative in part (AUP). These plan changes follow on from Plan Change 4 – Corrections to technical errors and anomalies in the Auckland Unitary Plan (Operative in part) version (PC4). The series of proposed follow-up plan changes are proposed to have a slightly broader scope than PC4 to enable a number of the technical issues that did not meet the criteria for inclusion within PC4 to be addressed. Other plan changes in the series include:

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

PC14 introduces amendments within Chapter D Overlays, Chapter E Auckland-wide, Chapter J Definitions and Chapter M Appendices of the AUP in order to address identified technical issues only and will retain the current policy direction of the plan. In particular the amendments proposed in PC14 are to:

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

The plan change documents for PC14 are set out in Attachments 1-11 and show the proposed amendments to the AUP, and any consequential amendments.

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

- the ‘proposal’ means PC14;
- the ‘objectives’ means the purpose of the proposal/PC14, and
- the ‘provisions’ means the policies, rules or other methods that implement or give effect to the objectives of the proposal.
The AUP contains existing objectives and policies which set the direction for the use of natural and physical resources across Auckland, and for the protection or enhancement of particular overlay values.

Status quo and problem statement

Volcanic Viewshafts – Temporary construction and safety structures

<table>
<thead>
<tr>
<th>Chapter of the AUP</th>
<th>Chapter D Overlays – Natural Heritage</th>
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<tr>
<td>Sub-section of the AUP</td>
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<td>D14.4.1 Activity table [rcp/dp]</td>
</tr>
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<td></td>
<td>D14.6.4 Temporary construction and safety structures</td>
</tr>
</tbody>
</table>
4—Evaluation approaches

Approach

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

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

4.1.0 Structure of the analysis

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

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

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

The broad structure of the report is as follows:

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

4.1.0.0 Overview of proposed amendments

Natural Heritage

Changes to natural heritage provisions are proposed to clarify:

- accessory buildings in natural character area overlays
standards for works around notable trees

Status quo and problem statement

Volcanic Viewshafts – Temporary construction and safety structures

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<td>D14.6.4 Temporary construction and safety structures</td>
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</table>
4.2 Natural heritage

Theme 4.2.1 Outstanding Natural Character and High Natural Character Overlay

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<tr>
<td>Sub-section of the AUP</td>
<td>D11 Outstanding Natural Character and High Natural Character Overlay</td>
</tr>
<tr>
<td>Specific provision/s</td>
<td>D11.4 Activity Table D11.4.1 Activity Table – Activity (A9)</td>
</tr>
</tbody>
</table>

Status quo and problem statement

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

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

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

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

Outline the proposal(s)

Option 1 – Status quo

No change to the current provisions

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

Delete from activity (A9), (A86), standards D11.6.2, E26.4.5.4 “non-intensive forms of” and insert in activity (A9), (A86), standards D11.6.2, E26.4.5.4 defined terms “rural land production” and “that is non-intensive farming”.

Evaluating the proposal against its objectives

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

<table>
<thead>
<tr>
<th>Options</th>
<th>Efficiency and effectiveness</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1 – Status quo</td>
<td>This option is considered the least effective option.</td>
<td>There are minimal costs associated with this option.</td>
<td>Although this option does not have any associated costs which is a</td>
</tr>
</tbody>
</table>
Status quo and problem statement

Volcanic Viewshafts – Temporary construction and safety structures

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<td></td>
<td>D14.6.4 Temporary construction and safety structures</td>
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</table>

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

a) Temporary construction and safety structures

b) Buildings that intrude a view shaft abut are not visible due to the presence of a landform

Status quo and problem statement

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

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

Temporary construction and safety structures must be removed within 30 days or upon completion of the construction works, whichever is the lesser.[emphasis added]
The current wording is unclear when the 30 days commences, and if the equipment is not removed within 30 days of the commencement date; the user triggers activity (A6) or (A11) for buildings not otherwise provided for or that do not comply with D14 standards. The consequence is a non-complying activity status with public notification.

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

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

The risk, of removing whichever is lesser which will allow temporary construction activities and safety equipment to be erected longer than 30 days will could be mitigated through activity (A20) in Table E40.4.1 Activity table in E.40 Temporary activities of the AUP (OP). Activity (A20) sets out that a temporary activity associated with building or construction, for the duration of the project, or up to 24 months, whichever is the lesser is a permitted activity. Activities for a timeframe longer than 24 months is restricted discretionary activity. This is a less restrictive activity, therefore it is proposed that temporary construction and safety structures are non-complying if they have a timeframe greater than 24 months in Table D14.4.1 activity table. The 24 month period is considered acceptable for temporary construction and safety equipment in a viewshaft, provided that the building or structure at the completion of works meets other viewshaft provision requirements.

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

**Outline the proposal(s)**

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

Option 1- Status quo

No change to the current provisions
Option 2 – Amendment to Standard D14.6.4 and Table D14.4.1 activity table

**Proposed amendment to Standard D14.6.4.(1)**

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

(1) Temporary construction and safety structures, associated with the construction of buildings and structures, must be removed within 30 days from the viewshaft and height sensitive area or upon completion of construction works; or within 24 months of being erected, whichever is the lesser time period.

**Proposed amendment to Table D14.4.1 activity table:**

- Delete whichever is the lesser 'Delete activities in activity (A2) and (A9) and insert construction and safety structures that comply with standard D14.6.4'.
- Add a non-complying activity (A2A) Table D14.4.1 activity table: 'Temporary construction and safety structures that do not comply with standard D14.6.4'.
- Add a non-complying activity (A9A) Table D14.4.1 activity table: 'Temporary construction and safety structures that do not comply with standard D14.6.4'.

**Evaluating the proposal against its objectives**

**Table 1.1.4 – Summary of analysis under section 32(2) of the Act**

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

D14.2 Objectives [rcp/dp]
(1) The regionally significant views to and between Auckland’s maunga are protected.

Temporary cost on the views to the maunga, as temporary activities will have effect on the view.

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

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

The proposed amendments to the AUP are located in.

### Chapter 4.2.3 Volcanic Viewshafts – Buildings that intrude a viewshaft but are not visible due to the presence of a landform

<table>
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<td>Specific provision/s</td>
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| D14.4.1 Activity table [rcp/dp] |
| D14.6 Standards |
| D14.6.2 Buildings and structures that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule |
| D14.6.4 Temporary construction and safety structures |

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

22 November 2018Attachment to report CP201821631 (Title ~4 - Section 32 Report - Volcanic Viewshafts and Height Sensitive Areas Excerpt)
DRAFT – (volcanic viewshafts) SUBJECT TO ENDORSEMENT

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

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

A recent enquiry about the volcanic viewshaft rules highlighted the confusion around what activities managed by standard D14.6.2 and activity (A1). Clarity was needed to determine if (A1) affected all properties located under a volcanic viewshaft as mapped on the council’s GIS viewer. If (A1) affected all properties under a viewshaft, which include buildings that do not physically intrude the floor of the viewshaft; this would result in buildings being a permitted activity. The implications of that permitted activity status would mean these buildings that have not intruded into the floor of the viewshaft would need to comply with the standards under D14.6. Standards.

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

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

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

Outline the proposal(s)

The proposal’s to address the problem identified is:

Option 1 - Status quo

No change to the current provisions

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

- Delete the current wording of activity (A1) and replace with reference of compliance with standard D14.6.2.
- Add a new permitted activity in Table D14.4.1 activity table as (A1A) to include fences and walls ‘Fences and walls where their height does not exceed 2.5m that comply with standard D14.6.2’
Consequential amendments to the heading to Table D14.4.1 to include fences and walls where their height does not exceed 2.5m, and correction of minor formatting error to delete ‘)’ which is not required.

Amendment to the heading of D14.6.2 to clarify the standard is for buildings including fences and walls that are not visible due to the presence of landform.

Amendments to D14.6.2.(1) to clarify the standard is for buildings including fences and walls that are not visible due to the presence of landform.

Amendment to D14.6.2.(1) That vegetation is not to be taken into account when confirming compliance that the building is not visible due to the presence of landform.

Evaluating the proposal against its objectives

Table 1.1.5 – Summary of analysis under section 32(2) of the Act

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<tr>
<td>Option 1: Status quo</td>
<td></td>
<td>Economic: Costs on the Council services clarifying to users that this rule only applies to buildings that intrude the floor of the viewshaft.</td>
<td>Economic: Reduction on time by Council to clarify any confusion with the application of the rules. Social: Easier for applicants to understand. Cultural: This approach establishes a more direct application: that if you do not comply with standard D14.6.2, it is a NC activity.</td>
</tr>
<tr>
<td>Option 2: Amendments to D14 to improve clarity (prefered option)</td>
<td>Efficiency: This option is the more efficient option in identifying who the rule is intended for and is more effect in applying the standard. Effectiveness: This option gives greater effect to the objective of the plan change improving the usability and application of the provisions. This option better addresses to the below objective: D14.2 Objectives [rcp/dp] (1) The regionally significant views to and between Auckland’s maunga are protected</td>
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</tbody>
</table>

Conclusion

22 November 2018Attachment to report CP201821631 (Title -4 - Section 32 Report - Volcanic Viewshafts and Height Sensitive Areas Excerpt)
Implementing the proposed amendments to standards D14.6.2 table D14.4.1 Activity table (option 2) which improve clarity and the usability of the AUP (OP) is the most appropriate method to achieve the objective of the plan change because the amendments:

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

The proposed amendments to the AUP are located in.

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<tr>
<td>Specific provision/s</td>
<td>Activity table E26.11.3 Standards E26.11.5 E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities</td>
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4.3 Historic heritage

**Theme 4.3.1 Maintenance of trees**

<table>
<thead>
<tr>
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<th>Sub-section of the AUP</th>
<th>Chapter D17 Historic Heritage Overlay</th>
<th>Specific provision(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Table D17.4.1 Activity table – Activities affecting Category A, A1 and B scheduled historic heritage places</td>
<td>D17.6 Standards</td>
</tr>
</tbody>
</table>

**Status quo and problem statement**

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

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

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

**Outline the proposal(s)**

**Option (1) - Status quo:**

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

**Option (2) - Add new activity and standard:**

The proposed amendment:

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

**Evaluating the proposal against its objectives**

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</table>
Option 1: Status quo

- Does not clarify that trees identified in Schedule 14.1 are subject to the provisions of the Historic Heritage Overlay.
- Could result in the continued removal of trees in the Historic Heritage Overlay that have significant historic heritage value.
- No change to the plan required.

Option 2: Add new activity and standard (preferred option)

- The appropriate maintenance of trees within a historic heritage place is an expected activity that should be clearly provided for.
- The addition of this as permitted to the activity table is a discrete technical change.
- Clearly providing for the maintenance of trees identified within Schedule 14.1, through the addition of a permitted activity and associated standards, addresses a gap identified in the overlay provisions. Option 1 will ensure that this activity that may have effects on the values of historic heritage place is undertaken in an appropriate way and meets the objectives of the overlay.
- D17.3 (1) Encourage and enable maintenance and repair appropriate to scheduled historic heritage places where it is:
  (a) based upon a clear understanding of the heritage value of the place; and
  (b) undertaken in accordance with good practice conservation principles and methods.
- The cost of implementation will reduce with provisions relating directly to maintenance of trees.
- The plan provisions will be clearer and implementation therefore easier.
- Resource consent will not be required for the trimming of trees identified in Schedule 14.1 where the activity meets the permitted standards. As such, the plan will only manage this activity where it may have a potential impact on the values of a historic heritage place.

The plan provisions will be clearer and implementation therefore easier. Resource consent will not be required for the trimming of trees identified in Schedule 14.1 where the activity meets the permitted standards. As such, the plan will only manage this activity where it may have a potential impact on the values of a historic heritage place.

Conclusion

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

Option two is the preferred option. Introducing an activity and related performance standard for the maintenance of trees, as proposed under Option 2, is the most appropriate method to achieve the objective of the plan change because it provides clarity as to the activity status of this activity (i.e., the maintenance of trees) and will allow for the trimming and alteration of...
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D14 Volcanic Viewshafts and Height Sensitive Areas Overlay |
| Specific provision/s | Activity table E26.11.3  
Standards E26.11.5  
E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities  
E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities |
4.4 Natural resources – land and water

Theme 4.4.1 Controlled new bores

<table>
<thead>
<tr>
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<th>Chapter E Auckland-wide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-section of the AUP</td>
<td>E 7 Taking, using damming and diversion of water and drilling</td>
</tr>
<tr>
<td>Specific provision(s)</td>
<td>E7.7.2(4)(e)</td>
</tr>
</tbody>
</table>

Status quo and problem statement

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

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

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

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

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

(1) An application for resource consent for a controlled activity listed in Table E7.4.1 Activity table above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

Outline the proposal(s)

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

Option 2 – Delete controlled activity assessment criterion E7.7.2(4)(e) for ‘new bores for purposes not otherwise specified’. Although removing a matter of control from the plan, this change is not considered to alter the ways the provisions of the AUP meet its objectives. Where special circumstances exist under section 95A(4) of the Act, Council may still require notification or approval for controlled applications. There is nothing to prevent Council from...
### Chapter of the AUP | Chapter E Auckland-wide
---|---
Sub-section of the AUP | E26 Infrastructure
 | D14 Volcanic Viewshafts and Height Sensitive Areas Overlay
Specific provision/s | Activity table E26.11.3 Standards E26.11.5 E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities
Theme 4.4.3 Vegetation alteration or removal

<table>
<thead>
<tr>
<th>Chapter of the AUP</th>
<th>Chapter J Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-section of the AUP</td>
<td>J1 Definitions</td>
</tr>
<tr>
<td>Specific provision(s)</td>
<td>New proposed definition – Vegetation alteration or removal</td>
</tr>
</tbody>
</table>

**Status quo and problem statement**

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

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

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

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

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10 Submissions to PC4 from: Housing New Zealand. ID 25, #200.27; CivilPlan Consultants Ltd. Para 1.3, #186.7 and 186.8; and Vector Limited. Para 2.8 – 3.2, #204.5.
<table>
<thead>
<tr>
<th>Chapter of the AUP</th>
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<tbody>
<tr>
<td>Sub-section of the AUP</td>
<td>E26 Infrastructure</td>
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<tr>
<td></td>
<td>D14 Volcanic Viewshafts and Height Sensitive Areas Overlay</td>
</tr>
<tr>
<td>Specific provision/s</td>
<td>Activity table E26.11.3</td>
</tr>
<tr>
<td></td>
<td>Standards E26.11.5</td>
</tr>
<tr>
<td></td>
<td>E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities</td>
</tr>
<tr>
<td></td>
<td>E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities</td>
</tr>
</tbody>
</table>
Theme 4.4.4 – Technical publications

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

Status quo and problem statement

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

‘Technical Publication 90: Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region’ (TP90) was published in 1999, and has been replaced by Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05). Standards for permitted land disturbance activities in E11.6.2(2), E11.6.2(3), E26.5.5(2)(a) and E26.6.5(2)(a) require that land disturbance is carried out in accordance with best practice, which is generally deemed to be compliance with: “Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region or similar design.”


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

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

The above standards for permitted activities now refer to outdated practice guides which are no longer considered to be best practice.
<table>
<thead>
<tr>
<th>Chapter of the AUP</th>
<th>Chapter E Auckland-wide</th>
</tr>
</thead>
</table>
| Sub-section of the AUP | E26 Infrastructure  
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay |
| Specific provision/s | Activity table E26.11.3  
Standards E26.11.5  
E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities  
E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities |
Theme 4.4.8  Natural resource overlays

<table>
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<tr>
<td>Sub-section of the AUP</td>
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<td></td>
<td>D2 Quality-sensitive Aquifer Management Areas Overlay</td>
</tr>
<tr>
<td></td>
<td>D3 High-use Stream Management Areas Overlay</td>
</tr>
<tr>
<td>Specific provisions</td>
<td>D2.1, D3.1, D1.1</td>
</tr>
</tbody>
</table>

Status quo and problem statement

The background for the Quality-sensitive Aquifer Management Areas Overlay at Chapter D2.1 states that the rules for this overlay are located in section E7 Taking, using, damming and diversion of water and drilling.

Objective E7.2(1) and policy E7.3(1) of Chapter E7 refer to the objectives and policies in chapters E1, E2, D3 and D8 of the Plan. They do not include a reference to the objectives and policies of overlay D2 Quality-sensitive Aquifer Management Areas Overlay.

Rules specific to the Quality-sensitive Aquifer Management Areas Overlay chapter are found within Chapter E32 Biosolids.

The background to Chapter D3 High-use Stream Management Areas Overlay contains a correct reference to rules found in Chapter E7 of the AUP, however there are also specific rules relating to this chapter within Chapter E32 Biosolids.

The background for chapter D1 High-use Aquifer Management Areas Overlay does not include any cross reference to rules in other chapters, but there are rules within Chapter E7 Taking, using, damming and diversion of water and drilling, and within Chapter E32 Biosolids.

At the time of notification, all three of these overlay chapters included a general reference to the natural resources rules in the Auckland-wide plan chapters, which later became reference to specific chapters in the recommendations version of the Plan. It is considered that this was a cross referencing error which occurred through the renumbering and restructuring of the plan.

Outline the proposal(s)

Option 1  Status quo

Make no change to the AUP.

Option 2  Amend cross references

Amend D2.1 to replace the cross reference to Chapter E7 of the AUP, with a cross reference to Chapter E38.

Amend D3.1 to add a cross reference to Chapter E7.
### Chapter of the AUP | Chapter E Auckland-wide
---|---
### Sub-section of the AUP | E26 Infrastructure  
 | D14 Volcanic Viewshafts and Height Sensitive Areas Overlay
### Specific provision/s |
- Activity table E26.11.3  
- Standards E26.11.5  
- E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities  
- E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities
4.5 Natural resources – air quality

Theme 4.5.1 Thermal metal spraying

<table>
<thead>
<tr>
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<th>Chapter E Auckland-wide</th>
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</thead>
<tbody>
<tr>
<td>Sub-section of the AUP</td>
<td>E14 Air Quality</td>
</tr>
<tr>
<td>Specific provision/s</td>
<td>Table E14.4.1</td>
</tr>
</tbody>
</table>

Status quo and problem statement

There are permitted activity standards for thermal metal spraying but no permitted activity in Table E14.4.1 to link them to.

The permitted activity rule for thermal metal spraying was removed in the IHP Recommendation version (22 July 2016) of the plan without mention or explanation for its removal. Also, there had been no submissions on this rule. Therefore, its removal was likely to be an error and the activity should be reinstated.

Chapter H.4.1.1 Chemical and metallurgical processes (AUP Notification Version) had:

Thermal metal spraying of any metal or metal alloy where discharges to air are through particulate control equipment [P in all zones; Standards in E14.6.1.3]

It is recommended to reinstate a permitted activity for thermal metal spraying of any metal or metal alloy, because it is clear that the rule was unintentionally removed from the IHP decisions version. Permitted Activity Standards are provided in E14.6.1.3 for this activity, leading to a question of the plan’s integrity without a clear link to an associated Permitted Activity Rule.

Low to medium scale and significance given that the activity was removed without mention or explanation, however the more general ‘melting’ rule has generic wording that is able to be applied to the activity of thermal metal spraying.

Medium risk of not acting given the permitted activity was removed from the IHP recommendation with no explanation and no submissions, and given the permitted activity controls have been retained, suggests that this is an error which needs to be corrected. Low risk of uncertain information.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change

Do not reinstate the permitted activity for thermal metal spraying in Table E14.4.1

Option 2 – Reinstate a permitted activity for thermal metal spraying:

(A38A) Thermal metal spraying of any metal or metal alloy where discharges to air are through particulate control equipment [P in all zones; Standards in E14.6.1.3]
<table>
<thead>
<tr>
<th>Chapter of the AUP</th>
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</tr>
</thead>
</table>
| Sub-section of the AUP | E26 Infrastructure  
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| Specific provision/s | Activity table E26.11.3  
                        | Standards E26.11.5  
                        | E26.11.7.1(1)(d) matters of discretion for restricted discretionary activities  
                        | E26.11.7.2(1)(a) assessment criteria for restricted discretionary activities |
4.6 Infrastructure

Theme 4.6.1 Dipole antennas

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<tbody>
<tr>
<td>Sub-section of the AUP</td>
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<tr>
<td>Specific provision/s</td>
<td>Table E26.2.3.1 (A36)</td>
</tr>
</tbody>
</table>

Status quo and problem statement

Table E26.2.3.1 (A36) provides the activity status for omni directional antennas of certain sizes. An omni directional antenna is one that transmits in all directions. They take two forms:

- a ‘whip’ antenna which has the shape of an older style car aerial, as in the picture to the right;
- a ‘dipole’ antenna, which is also made of a long skinny tube but generally has two parallel parts joined by a curved tube, as in the picture to the right.

(A36) provides for ‘whip’ antennas but not for ‘dipole’ antennas. Dipole antennas are commonly used in Auckland but were not discussed in Unitary Plan evidence and consequently the IHP did not provide for them.

The visual effects of a dipole antenna are similar to a whip antenna, albeit slightly greater. They are tubelike but dipole antennas have two vertical elements as well as a horizontal span.

Whip antennas are subject to an existing height limit of 650mm from the height at the point of attachment to a building.

The visual effects of small dipole antennas are relatively small and could be provided for as permitted activities in the plan.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo — no change

Option 2 – Amend Table E26.2.3.1(A36) so that it provides for small dipole antennas as permitted activities.
Chapter of the AUP | Chapter E Auckland-wide
---|---
Sub-section of the AUP | E26 Infrastructure
| D14 Volcanic Viewshafts and Height Sensitive Areas Overlay
Specific provision/s | Activity table E26.11.3
| Standards E26.11.5
| E26.11.7.1(1)(d) matters of discretion for restricted
discretionary activities
| E26.11.7.2(1)(a) assessment criteria for restricted
discretionary activities

**Status quo and problem statement**

**Status quo and problem statement**

Upgrades to utility structures in regional volcanic viewshafts and in the height sensitive area that fall outside the limits of minor upgrading are non-complying activities with compulsory public notification.

New structures that do not comply with standards, or are not specifically mentioned in the activity table, are also subject to this consent path.

For example, all of the following examples will require a non-complying activity consent with compulsory public notification:

- a new roadside cabinet for electricity or telecommunication purposes that is bigger than 0.9m in height or 0.5m²;
- a traffic light that for operational reasons is required to be more than 5.3m in height;
- older telephone or power poles that need to be replaced. The replacement poles are generally wider than older poles, and often need to be slightly higher for clearance reasons. These changes often infringe the ‘minor upgrading’ standards; and
- when the size of existing roadside cabinets need to be increased due to an increase in demand for electricity or telecommunication services.

In the case of the replacement telephone pole, if that pole is deemed unsafe electricity regulations require it to be replaced within 3 months of being ‘red flagged’. It is impossible to obtain consent to replace the structure within three months if the replacement pole consent has to be publically notified.

In contrast, Chapter D14 enables other buildings (eg dwellings) as restricted discretionary or permitted activities if they are less than 9m in regional volcanic viewshafts or the height sensitive area. It is incongruous that many utility structures are a lower height than this but have a comparatively difficult and expensive consent path.

Council’s closing provisions contained within its evidence to the IHP enabled network utilities to have a consent path similar to the provisions in D14. The closing provisions addressed buildings and network utilities as one set of provisions. The Panel then split up the provisions so that network utilities are addressed in E26. The Panel did not identify that the
infrastructure provisions should be amended from council’s closing statement. It appears that in transferring the provisions the Panel made an oversight in regards to the activity status and consent path for these network utilities.

In addition:

- D14 has an exclusion for structures that are within the volcanic viewshafts but are not visible from the origin point due to the presence of landform. E26.11 has no such exclusion; and
- There is an incorrect reference to ‘E26.5.1’ in E26.11.4(2). There is no such provision as ‘E26.5.1’ and it is intended to refer to the non-complying activities in E26.11.4(1).

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend the provisions so that some network utilities have a restricted discretionary activity consent path, that is similar to the D14 consent path for buildings in regional volcanic viewshafts and height sensitive areas.

This approach would make:

- the upgrading of existing network utilities that do not comply with standards; and
- new network utilities that do not comply with standards and are less than 9m in height, or that are not specifically listed in the table and are less than 9m in height; restricted discretionary activities rather than non-complying activities. This would also remove the compulsory public notification requirement.

Option 3 – Amend the provisions so that some network utilities have a discretionary activity consent path rather than the current non-complying activity and compulsory public notification that applies to many utilities in regional volcanic viewshafts and height sensitive areas.

This approach would make:

- the upgrading of existing network utilities that do not comply with standards; and
- new network utilities that do not comply with standards and are less than 9m in height, or that are not specifically listed in the table and are less than 9m in height; discretionary activities rather than non-complying activities. This removes the compulsory public notification requirement.

The following changes to the provisions are proposed:
Add new rules (A154A and A155A) so that the upgrading of existing network utilities that do not comply with standards are discretionary activities rather than non-complying activities. This removes the compulsory public notification requirement;

Amend rule (A164) and add new rule (A164A) so that new network utilities that do not comply with some standards, or that are not specifically listed in the table, are discretionary activities provided the height is less than 9m. This removes the non-complying activity status with compulsory public notification;

Add new rules (A158A and A160A) to differentiate antennas, aerials, and road lighting from the ‘catch-all’ rule in (A164). It is proposed that (A164) should only apply to structures not exceeding 9m. Antennas and road lighting will often be higher than 9m – in fact standard 7(a) allows road lighting up to 25m. As these structures are anticipated to be more than 9m there is little point in making them a non-complying activity if they do not comply with (A164); and

Amend the restricted discretionary activity matters of discretion and assessment criteria to make them consistent with D14 (E26.11.7.1(1)(d) and E26.11.7.2(1)(a)). This is consistent with the policy approach which seeks to enable the functional and operational requirements of network utilities, and to allow development within regional volcanic viewshafts and height sensitive areas up to defined height limits.

In terms of scope, this will amend the provisions to achieve vertical and horizontal alignment across the AUP where there are current gaps or a misalignment of provisions.

In addition, the changes propose to:

Introduce a standard similar to standard D14.6.2, so that consent is not required when a network utility in a volcanic viewshaft is not visible from the point of origin due to the presence of landform (E26.11.5.1(1A)); and

Amend (A152) to correspond with this new standard; and

Amend the incorrect reference to ‘E26.5(1)’ in E26.11.4(2).

Evaluating the proposal against its objectives

Table 6.6.8 – Summary of analysis under section 32(2) of the Act

<table>
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<th>Efficiency and effectiveness</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1: Status quo - no change</td>
<td>Not effective as discourages ongoing upgrading and maintenance required for network utilities in these areas. Also discourages the provision of new network utilities that may be required as electricity, telecommunications and water demand change. Not efficient as the consent path is</td>
<td>Costly and unnecessary consent path remains in these areas for new network utilities that are less than 9m in height. A costly and unnecessary consent path also remains for those existing network utilities that need upgrading but</td>
<td>No plan change costs. Existing approach will continue, resource consents can be applied for and all effects can be considered.</td>
</tr>
<tr>
<td>Options</td>
<td>Efficiency and effectiveness</td>
<td>Costs</td>
<td>Benefits</td>
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<td>unnecessarily restrictive for structures that are required for network utility networks to function efficiently.</td>
<td>infringe the ‘minor upgrading’ standards. Utility companies will be less inclined to maintain and upgrade existing utilities and install new utilities as demand and/or engineering requires, due to resource consent compliance costs. May lead to infrastructure that is inadequate or unsafe. Clash between different regulatory requirements continues (regarding the requirement to replace electricity poles within 3 months of being ‘red flagged’).</td>
<td>New network utility structures and proposed changes to existing structures that do not comply with minor upgrading standards, are enabled to a similar height (9 m) to which normal buildings are enabled in Chapter D14. Improves horizontal alignment with related D14 provisions. Costly and inconsistent consent path amended. The approach is consistent with council’s case team evidence to the IHP. Utility companies more likely to invest in infrastructure in volcanic viewshafts and height sensitive areas. The increased costs associated with the current consent process.</td>
</tr>
<tr>
<td>Option 2: Amend the provisions so that some network utilities have a restricted discretionary activity consent path, that is similar to the D14 consent path for buildings in regional volcanic viewshafts and height sensitive areas</td>
<td>Effective as provides for a reasonable scale of development, whilst protecting views of maunga. However some effects may not be able to be considered under the restricted discretionary criteria and for some activities the activity status is less restrictive than in ‘normal’ areas. Efficient as enables a streamlined consent path and reduced cost for upgrading of existing utilities and new network utility structures that are less than 9m in height. It is likely that there will be less public participation regarding the location and form of network utility upgrading and new structures in regional volcanic viewshafts and height sensitive areas – however public notification will be arguably unnecessary in many cases. In some instances, a restricted discretionary consent path will be less restrictive than a similar consent path in ‘normal’ areas. For example, in a volcanic viewshaft, new above ground telecommunication and electricity lines less than 9m in height would be a</td>
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</table>
### Options

<table>
<thead>
<tr>
<th>Options</th>
<th>Efficiency and effectiveness</th>
<th>Costs</th>
<th>Benefits</th>
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<td>restricted discretionary activity, rather than a discretionary activity in some 'normal' locations (Table E26.2.3.1 (A24), (A25), (A41)). Without cross references to appropriate assessment criteria that applies to 'normal' areas, the restricted discretionary assessment criteria would arguably not cover all potential effects of the utility structures (eg E26.2.7.1(1) Matters of discretion (d) noise and vibration (e)odour, (f) shadow flicker).</td>
<td>will not be passed on to consumers. The change is low risk. Activities that are not permitted will be restricted discretionary (or non-complying as they are now). The effects on the surrounding environment are still subject to the notification standards in the RMA and will be assessed against appropriate restricted discretionary activity criteria. This includes the policies in D14 which specifically seek to avoid new buildings that exceed two storeys in the regional volcanic viewshafts and height sensitive areas.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Effective as provides for a reasonable scale of development, whilst protecting views of maunga. Efficient as enables a streamlined consent path and reduced cost for upgrading of existing utilities and new network utility structures that are less than 9m in height. Achieves the following objectives: E26.2.1(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled. E26.2.1(5) The resilience of infrastructure is improved and continuity of service is enabled.</td>
<td>It is likely that there will be less public participation regarding the location and form of network utility upgrading and new structures in regional volcanic viewshafts and height sensitive areas – however public notification will be arguably unnecessary in many cases. The proposed discretionary activity status is a more restrictive activity status than exists in D14, which enables buildings up to 9m and fences up to 2.5m as restricted discretionary activities. For many new utilities, a New network utility structures and proposed changes to existing structures that do not comply with minor upgrading standards, are enabled to a similar height (9 m) to which normal buildings are enabled in Chapter D14. Improves horizontal alignment with related D14 provisions. Costly and inconsistent consent path amended. Utility companies more likely to invest in infrastructure in volcanic viewshafts and height sensitive areas. The increased costs associated with the current consent process will not be passed on to consumers. The change is low risk. Activities that are not</td>
<td></td>
</tr>
</tbody>
</table>
Options | Efficiency and effectiveness | Costs | Benefits |
---|---|---|---|
D14.2(1) the regionally significant views to and between Auckland’s maunga are protected. Achieves the following policies:
D14.3(4) Avoid new buildings or structures that intrude into volcanic viewshafts scheduled in Schedule 9 Volcanic Viewshafts Schedule, except:…
(b) to allow development up to a two storey height to intrude into a volcanic viewshaft, where any adverse effect of development is avoided or mitigated; or…
(d) to allow the provision of infrastructure where there are particular functional or operational needs that necessitate a structure that penetrates the floor of a volcanic viewshaft, there is no reasonably practicable alternative and adverse effects of development are avoided or mitigated.
D14.3(5) Avoid new buildings or structures that exceed two storeys in height in a height sensitive area, except where they would have no adverse effect on the visual integrity of any volcanic maunga to which that height sensitive area relates, as seen from any public place.
discretionary activity will be a more restrictive activity status than exists in normal areas, which are often restricted discretionary activities. However this is considered appropriate in volcanic viewshafts and height sensitive areas which are ‘higher value areas’. permitted will be a discretionary activity (or non-complying as they are now). The effects on the surrounding environment are still subject to the notification standards in the RMA and will be assessed against appropriate objectives and policies and all effects will be considered. This includes the policies in D14 which specifically seek to avoid new buildings that exceed two storeys in the regional volcanic viewshafts and height sensitive areas.
The proposed discretionary activity status is consistent with those existing activities that do not comply with upgrading standards in ‘normal’ areas and are discretionary activities (eg E26.2.5.3(1)(k) and masts and attached antennas Table E26.2.3.1 (A34)), or are new activities and are discretionary activities (eg above ground electricity and telecommunication lines Table E26.2.3.1 (A24), (A25), (A41)).
Simple approach that provides for a consistent discretionary activity status for a range of different utilities that are not permitted or non-complying.

Conclusion
Option 3 is preferred. The less restrictive consent regime enables utility providers to serve the community at a lower cost, is more consistent with the approach taken to buildings and structures in D14 and will still protect views of maunga.
The proposed amendment can be found in of this report.

<table>
<thead>
<tr>
<th>Chapter of the AUP</th>
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<tbody>
<tr>
<td>Sub-section of the AUP</td>
<td>E26 Infrastructure</td>
</tr>
<tr>
<td>Specific provision/s</td>
<td>E26.11.3.1 Activity table (A162)  E26.11.5.1(7)(b)</td>
</tr>
</tbody>
</table>

**Status quo and problem statement**

The Unitary Plan limits traffic signals to 5.3m height in the Auckland War Memorial Museum Viewshaft overlay, Local Public Views overlay, and the Ridgeline overlay (E26.12.5.1(9)(b)).

In the matching provision in the volcanic viewshafts overlays and the height sensitive area overlay, the following structures are limited to a height of 5.3m (E26.11.5.1(7)(b)):

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

Unlike the Auckland War Memorial Museum Viewshaft overlay and the other overlays, there is no specific mention of traffic signals in this list. It could come under ‘traffic safety and operational signals’ but this is not as clear as it could be.

Adding a specific reference to E26.11.5.1(7)(b) and E26.11.3.1 Activity table (A162) to include ‘traffic signals’ would make it clear that these structures are permitted activities up to 5.3m in the volcanic viewshafts overlays and the height sensitive area overlay.

**Outline the proposal(s)**

The proposals to address the problem identified above are:

**Option 1** – Status quo – no change.

**Option 2** – Add references to ‘traffic signals’ in E26.11 (the volcanic viewshafts and height sensitive area section) to make it clear that these structures are permitted activities up to 5.3m

**Evaluating the proposal against its objectives**

22 November 2018Attachment to report CP201821631 (Title –4 - Section 32 Report - Volcanic Viewshafts and Height Sensitive Areas Excerpt)
### Table 1.1.1 – Summary of analysis under section 32(2) of the Act

<table>
<thead>
<tr>
<th>Options</th>
<th>Efficiency and effectiveness</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1: Status quo – no change</td>
<td>Potential to be less effective if it is disputed that the provision applies to traffic signals. Less efficient as potential resource consents are required and plan not as clear as it could be.</td>
<td>Potentially unnecessary resource consents for traffic signals. Costs may discourage traffic signal installation and hinder a safe and efficient transport system.</td>
<td>May encourage more structures in visually sensitive areas.</td>
</tr>
<tr>
<td>Option 2: Add references to ‘traffic signals’ in E26.11 (the volcanic viewshafts overlays and the height sensitive area section) to make it clear that these structures are permitted activities up to 5.3m (preferred option)</td>
<td>Effective as provides for a safe and efficient transport system, whilst protecting values in these sensitive overlays. Efficient as enables traffic signals up to 5.3m as required, without a resource consent process. Achieves the following objectives: E26.2.1(3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development. D14.3(4) Avoid new buildings or structures that intrude into volcanic viewshafts scheduled in Schedule 9 Volcanic Viewshafts Schedule, except:… (d) to allow the provision of infrastructure where there are particular functional or operational needs that necessitate a structure that penetrates the floor of a volcanic viewshaft, there is no reasonably practicable alternative and adverse effects of development are avoided or mitigated. E27.2(2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.</td>
<td>May encourage more structures in visually sensitive areas – but the change is just making the current provisions clearer.</td>
<td>Makes it clear that traffic signals are permitted up to 5.3m in the volcanic viewshafts and height sensitive areas overlay. Enables traffic signals to be constructed where necessary for a safe and efficient transport system. Potential resource consent costs avoided.</td>
</tr>
</tbody>
</table>
Conclusion

Option 2 is preferred. It makes it clear that traffic signals up to 5.3m in volcanic viewshafts and height sensitive areas are enabled.

The proposed amendment can be found in of this report.

Activity table and height sensitive areas

<table>
<thead>
<tr>
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<tr>
<td>Specific provision/s</td>
<td>E26.11.3.1 Activity table</td>
</tr>
</tbody>
</table>

Status quo and problem statement

E26.11.3.1 Activity table sets the activity status for network utilities in volcanic viewshafts and height sensitive areas. The third line of the activity table states that the table applies to volcanic viewshafts. It does not explicitly say that the table also applies to height sensitive areas, despite height sensitive areas clearly being a subject of the table.

Due to this omission, it has been argued that the table should not apply to height sensitive areas, despite the activity table’s clear intention.

This has created uncertainty during consent processes.

Outline the proposal(s)

The proposals to address the problem identified above are:

Option 1 – Status quo – no change.

Option 2 – Amend the third line of Activity table E26.11.3.1 to make it clear that the table applies to height sensitive areas as well as volcanic viewshafts.

Evaluating the proposal against its objectives

Table 1.1.2 – Summary of analysis under section 32(2) of the Act

<table>
<thead>
<tr>
<th>Options</th>
<th>Efficiency and effectiveness</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1: Status quo – no change</td>
<td>Not effective or efficient as the activity table’s scope remains unclear.</td>
<td>Plan provisions remain slightly unclear.</td>
<td>No plan change costs</td>
</tr>
<tr>
<td>Option 2: Amend the third line of Activity table E26.11.3.1 to make</td>
<td>Effective as reinforces activity table’s clear intention.</td>
<td>Plan change costs.</td>
<td>Increases plan clarity. Decreases potential costs of confusion during...</td>
</tr>
</tbody>
</table>
Conclusion

Option 2 is preferred. It makes it clear that Activity table E26.11.3.1 applies to height sensitive areas, as well as volcanic viewshafts.

The proposed amendment can be found in of this report.

Theme 4.6.18 Infrastructure regional and district rules

<table>
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<td>E26 Infrastructure</td>
</tr>
<tr>
<td>Specific provisions</td>
<td>E26.2.3 Activity table</td>
</tr>
</tbody>
</table>

Status quo and problem statement

The first paragraph of E26.2.3.1 Activity table states that the table ‘specifies the activity status of land use and development activities in all zones and roads pursuant to sections 9(2) and 9(3) of the RMA.

The reference to s9(2) means that Table E26.2.3.1 contains regional rules, as well as the district rules established by the reference to s9(3). Other tables in E26 that have both regional and district plan rules specifically identify in the table which rules have regional functions. Table E26.2.3.1 doesn’t do this.

In addition, it is not apparent that there are any regional rules in Table E26.2.3.1. Nor do the standards that apply to the table appear to have any regional elements to them.

This could technically require regional consents for applications when such consents are not anticipated.

Outline the proposal(s)

The proposals to address the problem identified above are: