

## **D10. Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay**

This overlay has been identified as a qualifying matter within the following areas in accordance with Schedule 3C of the RMA:

- the walkable catchments of Maungawhau Station; Kingsland Station; and Morningside Station;
- the walkable catchments of existing and planned rapid transit stops; and walkable catchments around the edges of the City Centre and Metropolitan Centre zones; and
- Within and adjacent to Town Centre, Local Centre and Neighbourhood Centre zones.

### **D10.1. Background**

These provisions give effect to Policy 15(a) of the New Zealand Coastal Policy Statement 2010, and the Regional Policy Statement objectives and policies in [B4.2](#) Outstanding natural features and landscapes.

The objectives and policies in this chapter apply to all activities undertaken in areas identified in the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, both above and below mean high water springs.

The factors in Policy [B4.2.2\(4\)](#) have been used to determine the features that have outstanding natural feature values. Areas with outstanding natural feature values are shown on the Plan maps and identified in [Schedule 6: Outstanding Natural Features Overlay Schedule](#).

The factors in Policy [B4.2.2\(1\)](#) have been used to determine the areas with outstanding natural landscape value. Areas with outstanding natural landscape values are shown on the Plan maps and identified in [Schedule 7 Outstanding Natural Landscapes Overlay Schedule](#).

The rules that apply to use and development in areas scheduled as outstanding natural landscapes are contained in [D11 Outstanding Natural Character and High Natural Character Overlay](#).

### **D10.2. Objectives [rcp/dp]**

- (1) Auckland's outstanding natural features and outstanding natural landscapes are protected from inappropriate subdivision, use, and development.
- (2) The ancestral relationships of Mana Whenua with outstanding natural features and outstanding natural landscapes are recognised and provided for.
- (3) Where practicable the restoration and enhancement of outstanding natural features and outstanding natural landscapes, including in the Waitākere Ranges Heritage Area and the Hauraki Gulf /Te Moana-nui o Toi/Tikapa Moana, is promoted.

- (4) Existing rural production activities are recognised as part of landscape values including in outstanding natural features and outstanding natural landscapes.

**D10.3. Policies [rcp/dp]**

- (1) Protect the physical and visual integrity of outstanding natural landscapes by:
- (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to the values of the outstanding natural landscape;
  - (b) maintaining the visual coherence and integrity of the outstanding natural landscape;
  - (c) maintaining natural landforms, natural processes and vegetation areas and patterns;
  - (d) maintaining the visual or physical qualities that make the landscape iconic or rare; and
  - (e) maintaining high levels of naturalness in outstanding natural landscapes that are also identified as outstanding natural character or high natural character areas.
- (2) Protect the physical and visual integrity of outstanding natural landscapes while taking into account the following matters:
- (a) the extent of anthropogenic changes to the natural elements, patterns, processes or characteristics and qualities;
  - (b) the presence or absence of structures, buildings or infrastructure;
  - (c) the temporary or permanent nature of any adverse effects;
  - (d) the physical and visual integrity and the natural processes of the location;
  - (e) the physical, visual and experiential values that contribute significantly to the natural landscape's values;
  - (f) the location, scale and design of any proposed development; and
  - (g) the functional or operational need of any proposed infrastructure to be located in the outstanding natural landscape area.
- (3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:
- (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values;

- (b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and
  - (c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature.
- (4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters:
- (a) the value of the outstanding natural feature in its wider historic heritage, cultural, landscape, natural character and amenity context;
  - (b) the educational, scientific, amenity, social or economic value of the outstanding natural feature;
  - (c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua;
  - (d) the extent of anthropogenic changes to the natural characteristics and qualities of the outstanding natural feature;
  - (e) the presence or absence of structures, buildings or infrastructure;
  - (f) the temporary or permanent nature of any adverse effects;
  - (g) the physical and visual integrity and the natural processes of the location;
  - (h) the physical, visual and experiential values that contribute significantly to the outstanding natural feature's values;
  - (i) the location, scale and design of any proposed subdivision, use or development; and
  - (j) the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.
- (5) Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.
- (6) Provide for appropriate rural production activities and related production structures as part of working rural and coastal landscapes in outstanding natural landscape and outstanding natural feature areas.
- (7) Encourage the restoration and enhancement of outstanding natural landscapes and outstanding natural features where practical, and where this is consistent with the values of the feature or area.

#### D10.4. Activity Table

Table D10.4.2 Activity table specifies the activity status for use and development in areas identified as outstanding natural features on land above mean high water springs pursuant to section 9(3) of the Resource Management Act 1991.

The rules that apply to use and development in outstanding natural features and outstanding natural landscape areas below mean high water springs are contained in Chapter F Coastal.

The rules that apply to use and development in outstanding natural landscape areas are contained in [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#).

The rules that apply to land disturbance activities in outstanding natural features and outstanding natural landscape areas are contained in [E12 Land disturbance - District](#).

The rules that apply to vegetation management in outstanding natural features and outstanding natural landscape areas are contained in [E15 Vegetation management and biodiversity](#).

The rules that apply to network utilities in outstanding natural features and outstanding natural landscape areas are contained in [E26 Infrastructure](#).

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

If any activity listed in rules (including standards) D10.4.2 to D10.6 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 the Outstanding Natural Features Overlay (“ONF”).

Where there is a rule in the plan that relates to an ONF 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 an ONF, the most restrictive rule will prevail.

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

**Table D10.4.1 Outstanding Natural Feature Code for activity tables applying to outstanding natural features**

Feature code	Feature Type	Brief Description
A1	Large landforms in working rural environments	Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact and which are currently used in working rural environments.
A	Large landforms	Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact.
V (V1 and V2)	Large volcanic landforms	V1: The publicly owned and mainly unmodified portions of the scoria cones, explosion craters and tuff rings of the Auckland and

		South Auckland volcanic fields, including all areas zoned as open space. V2: The privately owned and partially modified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields.
B	Smaller more fragile landforms	Small landforms or other features that could be damaged or destroyed by relatively small-scale land disturbance or constructions.
C	Dynamic landforms and features	Landforms or features that rely on the continuation of natural physical processes beyond the feature for their continued existence such as shell spit, sand dune, and spring.
D	Exposures of geological material	Natural or man-made exposures that are sufficiently large and robust that small-scale land disturbance or rock sampling will have no significant impact, such as coastal cliffs.
E	Fragile exposures of geological material	Small, natural or man-made exposures or high value portions of exposures that could be damaged or destroyed by small-scale, land disturbance, sampling or construction.
F (F1 and F2)	Caves	Caves, such as lava and sea caves and their entrances, may, depending upon their depth underground, be susceptible to damage from significant land disturbance or constructions above them, or from changes in their catchments. Caves are divided into interior areas within 5 metres of the entrance F1, and exteriors F2.

**Table D10.4.2 Activity table**

Activity		Activity Status									
		A1	A	V1	V2	B	C	D	E	F1	F2
<b>Development</b>											
(A1)	Buildings and structures	P	RD	RD	RD	NC	NC	NC	NC	NC	RD
<b>Use</b>											
<b>Rural</b>											
(A2)	Farming not otherwise provided for in this table	P	P	P	P	P	P	P	P	P	P
(A3)	Grazing of sheep and goats	P	P	P	P	RD	RD	P	RD	NC	P
(A4)	Grazing of other stock	P	RD	NC	P						
(A5)	Fences (post and wire)	P	P	RD	RD	RD	RD	RD	RD	NC	NC
(A6)	Fences (except post and wire)	RD	RD	RD	RD	RD	RD	RD	RD	NC	NC
(A7)	Existing forestry	P	P	P	P	RD	RD	RD	RD	NC	RD
(A8)	New forestry	P	RD	NC	RD						
(A9)	Quarries – farm or forestry	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr

### **D10.5. Notification**

- (1) Any application for resource consent for an activity listed in Table D10.4.2 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### **D10.6. Standards**

There are no standards in this section.

### **D10.7. Assessment – controlled activities**

There are no controlled activities in this section.

### **D10.8. Assessment – Restricted discretionary activities**

#### **D10.8.1. Matters of discretion**

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

- (1) The nature, form and extent of proposed works.
- (2) Effects on the landscape values of the feature.
- (3) The degree of geological modification.
- (4) The need for, or purpose of, the proposed use or development
- (5) Alternative methods and locations.
- (6) Protection or enhancement of the feature.
- (7) Effects on Mana Whenua values.

#### **D10.8.2. Assessment criteria**

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

- (1) The extent to which 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:
  - (a) whether the use or development will result in increased erosion, of the feature;
  - (b) 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;
  - (c) whether the use or development will result in ground disturbance or earthworks that will affect the values for which the feature is scheduled;  
and

- (d) whether the use or development will interfere with natural processes associated with the feature.
- (2) The extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature.
- (3) 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.
- (4) 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.
- (5) The extent to which the proposed use or development has a specific connection or relationship to the scheduled feature.
- (6) Whether there are alternative methods and locations available to undertake the use or development that will not affect a scheduled feature.
- (7) Whether any site/s resulting from a subdivision can be developed without adversely affecting the values for which the feature is scheduled.
- (8) 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.
- (9) The extent to which the proposed use or development will adversely affect Mana Whenua values.
- (10) The extent to which, having had regard to the objectives and policies in [E20 Māori Land](#), the proposed use and development provides for Mana Whenua, matauranga and tikanga values.

**D10.9. Special information requirements**

- (1) Any application for resource consent must be accompanied by a site plan showing the location of the Outstanding Natural Feature Overlay and the location of the proposed activity.

## D12. Waitākere Ranges Heritage Area Overlay

### D12.1. Background

The Waitākere Ranges Heritage Area Overlay gives effect to the purpose and objectives of the Waitākere Ranges Heritage Area Act 2008, and to section [B4.4](#) of the regional policy statement. The overlay applies to the area identified in Schedule 1 of the Waitākere Ranges Heritage Area Act 2008 and is shown on the planning maps.

The Waitākere Ranges Heritage Area Act 2008 recognises the national, regional, and local significance of the heritage area and promotes the protection and enhancement of its heritage features for present and future generations. The heritage features described in section 7 of the Waitākere Ranges Heritage Area Act 2008 include a range of ecological, landscape, historical, cultural, rural character and natural character values as well as the area's distinctive local communities.

Qualifying matter as per Sch 3C, cls 8(1)(a) of the RMA

This overlay has been identified as a qualifying matter in accordance with clause 8(1)(a) of Schedule 3C of the Resource Management Act 1991 in the walkable catchment area surrounding the Swanson RTN Railway Station. The walkable catchment area is subject to Policy 3(c) of the National Policy Statement – Urban Development (NPSUD) which requires areas within a walkable catchment of a RTN Railway Station be further intensified to increase the future development capacity of Auckland City.

All other areas of the Waitākere Ranges Heritage Area overlay are subject to the provisions contained within this overlay chapter.

Sites located outside the Rural Urban Boundary (RUB) within the Waitākere Foothills are zoned Rural – Waitākere Foothills Zone and those in the Waitākere Ranges are zoned Rural – Waitākere Ranges Zone. Residential sites in the coastal villages are zoned Residential – Rural and Coastal Settlement Zone. Sites used for business purposes are zoned Business – Neighbourhood Centre Zone. Within the RUB Residential sites in Titirangi – Laingholm are zoned Residential – Large Lot Zone, and residential properties within the edges of the Waitākere Ranges Heritage Area are zoned Residential – Single House zone, Residential Mixed Housing Suburban zone, or Special Purpose - School zone, and those in the coastal villages are zoned Residential – Rural and Coastal Settlement Zone. Where sites are used for business purposes, these are zoned Business – Local Centre Zone, and Business – Neighbourhood Centre Zone.

The Te Henga, Waimanu and Bethells precincts relate to a number of large sites where unique cultural, historic and ecological values have been identified. The subdivision rules for these areas are located within the precinct provisions. The objectives and policies of the Waitākere Ranges Heritage Area Overlay also apply to these precincts.

The objectives, policies and rules of this overlay apply to subdivision, use and development in the Waitākere Ranges Heritage Area Overlay. The areas and sites identified in the Subdivision Scheduled Areas/Sites prescribe additional subdivision standards when subdividing in the specified areas/sites. The objectives, policies and standards in [E38 Subdivision – Urban](#) and [E39 Subdivision – Rural](#) also apply to subdivision in these areas unless otherwise specified.

### D12.1.1. Subdivision Scheduled Areas/Sites

The following provides an overview for the area/sites which are subdivision scheduled areas/sites in the Waitākere Ranges Heritage Area Overlay. These areas/sites are subject to additional subdivision standards.

#### D12.1.1.1. Ōrātia (Foothills)

Ōrātia (Foothills) is characterised by low-density settlement with few urban-scale activities. Buildings in Ōrātia still reflect the area's rural history and are subservient to the natural and rural landscapes. There is a clear distinction between the character of urban Auckland and rural Ōrātia which is viewed as a 'gateway' or edge to the Waitākere Ranges.

The area's settlement pattern is in transition through the implementation of the former Ōrātia Structure Plan, which enabled the establishment of small rural holdings throughout the settlement area.

Ōrātia is significant to Mana Whenua, notably Te Kawerau a Maki who have a long history of occupation and use of the land.

The area is identified in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills). Its zone is the Rural – Waitākere Foothills Zone. A limited number of properties within the RUB are zoned Residential – Single House Zone.

#### D12.1.1.2. Swanson South (Foothills)

Swanson South (Foothills) comprises that part of the former Swanson Structure Plan area that falls within the heritage area. It is characterised by low-density settlement and rural and natural landscape character. The Swanson South area is valued for its vineyards and pastoral landscape elements.

The area is identified in Figure D12.10.2 Overlay Subdivision Plan 2 - Swanson (Foothills). Its is predominantly zoned is the Rural – Waitākere Foothills Zone with an area inside the RUB zoned Residential - Large Lot zone (7-11 Christian Road).

#### D12.1.1.3. Rural Bush Living (Ranges)

The Rural Bush Living (Ranges) area includes those parts of the Rural – Waitākere Ranges Zone where natural features dominate, but settlement has substantially fragmented the bush. A partly residential but nonetheless 'non-urban' character predominates as a result.

The area is identified in Figures D12.10.7 – D12.10.14 Overlay Subdivision Plans 7a – 7g – Rural Bush Living (Ranges). Its zone is the Rural – Waitākere Ranges Zone.

#### D12.1.1.4. Ōrātia (Ranges)

The Ōrātia (Ranges) area is located in the Upper Ōrātia catchment and is generally characterised by bush-clad landscapes which contain buildings that do not dominate the extensive bush area. It contains areas of sparse population with some more intensive settlement and has a feeling of peaceful quietness despite proximity to the city. The capacity for subdivision and development in the area is

Qualifying matter as per Sch 3C, cls 8(1)(a) of the RMA

limited, and restricted to areas outside the Significant Ecological Area Overlay and the Outstanding Natural Landscape Overlay. Beyond that level, subdivision is generally prohibited.

The area is identified in Figure D12.10.15 Overlay Subdivision Plan 8 – Ōrātia (Ranges). Its zone is the Rural – Waitākere Ranges Zone.

#### **D12.1.1.5. Titirangi – Laingholm (North, South and West)**

Titirangi – Laingholm North is located north of a line running along the ridge at Scenic Drive/Titirangi Road/Rangiwai Road and Godley Road. The land drains north and is mostly oriented towards the urban parts of the city. The density of subdivision enabled in this area recognises the proximity of the area to the urban environment.

Titirangi – Laingholm South drains towards the Manukau Harbour and is located further from urban areas. It contains many large sites and areas of intact vegetation. The residential density is less in this area and subdivision is limited to avoid fragmentation of intact vegetation.

Titirangi – Laingholm West covers a narrow strip of land bounded by the Waitākere Ranges Regional Park to the west, and Victory Road and Kauri Point Road to the east. The area generally forms a buffer between the regional park and the urban parts of Titirangi – Laingholm.

The area is identified in Figure D12.10.16 Overlay Subdivision Plan 9 – Titirangi – Laingholm North, Figure D12.10.17 Overlay Subdivision Plan 10 – Titirangi – Laingholm South, Figure D12.10.18 Overlay Subdivision Plan 11 – Titirangi – Laingholm West. ~~Its zone is Residential – Large Lot Zone. The area includes Residential – Large Lot Zone, Residential – Single House Zone, Residential – Low Density Residential Zone, Residential – Mixed Housing Urban Zone and Special Purpose – School Zone.~~

Titirangi Village is not subject to this subdivision schedule. The village and its supporting Open Space zoned areas are subject to the objectives, policies and standards of their underlying zones – Business – Local Centre Zone and Open Space – Community Zone unless otherwise stated.

### **D12.2. Objectives**

- (1) The heritage area and its features described in section 7 of the Waitākere Ranges Heritage Area Act 2008 are protected, restored and enhanced.
- (2) A range of activities are enabled in order for people to work, live and recreate within the heritage area.
- (3) The limited capacity of the heritage area to provide for growth is recognised.
- (4) Subdivision in the heritage area is of an appropriate scale and intensity and complements the character and landscape of the heritage area.

- (5) The quality and diversity of landscapes in the heritage area identified as having local, regional or national significance are maintained.
- (6) Subdivision, use and development in the heritage area is subservient to the natural and rural landscape and character.
- (7) Risks and uncertainties associated with subdivision, use and development that could threaten serious or irreversible damage to a heritage feature of the heritage area are recognised and considered.
- (8) The water supply catchments and their related supply functions are protected.
- (9) Infrastructure and related activities are enabled, provided that the heritage features of the area are protected.

*Waitākere Foothills*

- (10) The Waitākere Foothills retain a rural character with low-density settlement and few urban-scale activities.
- (11) The Waitākere Foothills provide a rural buffer between urban Auckland and the forested landscape of the Waitākere Ranges and the coasts.

*Ōrātia (Foothills)*

- (12) Subdivision and development retains and enhances local rural character and amenity values.
- (13) Subdivision and development is designed to maintain and enhance rural character and natural landscape qualities, including watercourses and significant native vegetation and fauna habitats.

*Swanson South (Foothills)*

- (14) Swanson South's rural character, with low-density settlement and few urban-scale activities, is protected.
- (15) The ecological and landscape values of the area are protected from inappropriate subdivision and development.
- (16) The effects of subdivision and associated development are managed to retain a buffer between the bush-clad and urban parts of the city.

*Rural Bush Living (Ranges)*

- (17) The forested character and natural landscape qualities of the surrounding environment, including prominent ridgelines, watercourses, native vegetation and fauna habitats are maintained and enhanced.

*Ōrātia (Ranges)*

- (18) The rural character and natural landscape qualities of the Ōrātia area, including watercourses and native vegetation and fauna habitats are maintained and enhanced.

*Titirangi – Laingholm (North, South and West)*

- (19) The unique settlement pattern and landscape qualities of the residential areas of Titirangi – Laingholm are maintained and enhanced.

- (20) The forested character and natural qualities of the surrounding landscape which includes a low-density residential setting, prominent ridgelines, coastal areas and native vegetation and fauna habitats are maintained and enhanced.

**D12.3. Policies**

- (1) Limit subdivision and development within the heritage area to protect its heritage features.
- (2) Manage the scale, design, and location of subdivision so that it is consistent with section 8 of the Waitākere Ranges Heritage Area Act 2008.
- (3) Protect the different natural landforms and landscape within the heritage area.
- (4) Protect the distinctive natural and rural character of the heritage area.
- (5) Protect the quietness and darkness of the Waitākere Ranges and the coastal part of the area.
- (6) Recognise that people live in distinct communities by enabling appropriate residential, business and community activities.
- (7) Protect the Waitākere Ranges Regional Park for the benefit, use and enjoyment of people and communities and maintain the quietness and wilderness of the regional park.
- (8) Manage subdivision, use and development within the area to ensure all of the following:
- (a) areas identified in the Outstanding Natural Character and High Natural Character Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, and the Significant Ecological Areas Overlay and are protected, restored or enhanced;
  - (b) heritage features are not adversely affected;
  - (c) rural landscape and character is retained; and
  - (d) degraded landscapes are restored and enhanced.
- (9) Manage built development so that it is integrated and is subservient to the natural and rural landscape and the heritage features of the area.

- (10) Adopt a precautionary approach when assessing subdivision, use and development that could threaten serious or irreversible damage to a heritage feature.

*Waitākere Foothills*

- (11) Maintain a clear contrast between the urban parts of the city and the Waitākere Ranges foothills through the design and location of subdivision, use and development which maintains and enhances rural character and amenity values.
- (12) Provide for limited subdivision and development that:
- (a) protects and enhances streams, lakes, watercourses, and wetlands and their margins;
  - (b) restores low-quality areas of vegetation or carries out revegetation of bare areas along waterway margins; and
  - (c) minimises vegetation clearance by locating buildings and development in areas of lower ecological value.
- (13) Require subdivision design to:
- (a) incorporate on-site native vegetation planting;
  - (b) retain or link significant vegetation and fauna habitat areas; and
  - (c) avoid adversely affecting the visual, historical, cultural, or spiritual significance of heritage features.
- (14) Provide for legal and physical protection of native vegetation to ensure these areas are protected for perpetuity, including, where necessary requiring fencing to achieve permanent stock exclusion.

*Ōrātia (Foothills)*

- (15) Provide for limited subdivision and development that:
- (a) protects where possible significant and outstanding native vegetation and fauna habitat;
  - (b) minimises adverse effects arising from placement of structures, driveways, and other infrastructure, on the overall resilience, biodiversity and integrity of ecosystems;
  - (c) retains, enhances and maintains native vegetation and fauna habitat and stream margins; and
  - (d) retains and enhances rural landscapes through the management of existing vegetation and replanting of exotic and native vegetation where appropriate.

*Swanson South (Foothills)*

- (16) Provide for limited subdivision and development that:
- (a) protects and enhances streams, watercourses, and wetlands;

- (b) avoids where possible the need to clear native vegetation and restores areas of vegetation or re-vegetates areas of land along watercourses;
- (c) avoids, remedies or mitigates adverse effects on rural character and amenity values;
- (d) retains or links native vegetation and fauna habitat areas; and
- (e) avoids where possible development on natural landscape elements and heritage features.

*Titirangi – Laingholm (North, South and West)*

(17) Provide for limited subdivision and development that:

- (a) avoids where practicable, or otherwise minimises the need for clearance of native vegetation and maintains the dominance of the natural environment;
- (b) includes planting of native vegetation to improve the natural environment;
- (c) protects native vegetation through legal protection mechanisms and fences;
- (d) ensures buildings and structures will not be visually prominent, particularly on ridgelines, or through the removal of native vegetation;
- (e) enables practical vehicle access to a road which maintains safety but does not modify the site to an extent that adversely affects the character of the surrounding landscape; and
- (f) is consistent with the existing pattern of residential density in the area.

*Ōrātia (Ranges) and Rural Bush Living (Ranges)*

(18) Provide for limited subdivision and development that:

- (a) protects significant and outstanding native vegetation and fauna habitat, and where possible avoids clearance of, or damage to, this resource;
- (b) minimises adverse effects arising from the placement of structures on the overall resilience, biodiversity and integrity of ecosystems; and
- (c) recognises the natural values of native vegetation and fauna habitat areas and the linkages between these areas.

#### **D12.4. Activity table**

Table D12.4.1 specifies the activity status of land use and subdivision activities in the Waitākere Ranges Heritage Area Overlay pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

Table D12.4.2 specifies the activity status of subdivision of sites in the subdivision scheduled areas/sites in the Waitākere Ranges Heritage Area Overlay pursuant to section 11 of the Resource Management Act 1991.

The standards for subdivision in [E38 Subdivision – Urban](#) or [E39 Subdivision – Rural](#) apply unless otherwise specified in the following Activity Tables D12.4.1 and D12.4.2

**Table D12.4.1 Activity Table – Land use and subdivision activities within the Waitākere Ranges Heritage Area Overlay**

Activity		Activity status
<b>Use</b>		
(A1)	Filming that complies with Standard D12.6.1	P
(A2)	Minor dwelling within the Residential – Rural and Coastal Settlement Zone or Residential – Large Lot Zone that complies with Standard D12.6.2	RD
(A3)	Minor dwelling within the Residential – Rural and Coastal Settlement Zone or Residential – Large Lot Zone that does not comply with Standard D12.6.2	D
(A3A)	<u>Minor dwelling within the Residential – Single House Zone</u>	<u>NC</u>
(A4)	Conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings in the Residential – Rural and Coastal Settlement Zone	NC
<b>Subdivision</b>		
(A5)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A6)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A6A)	<u>Further subdivision of 112 Simpson Road, Henderson Valley (PT ALLOT 277 SO 17864 WAIPAREIRA)</u>	<u>D</u>

Table D12.4.2 specifies the activity status of subdivision of sites in the subdivision scheduled areas/sites in the Waitākere Ranges Heritage Area Overlay pursuant to section 11 of the Resource Management Act 1991.

The standards for subdivision in [E38 Subdivision – Urban](#) or [E39 Subdivision – Rural](#) apply unless otherwise specified in Table D12.4.2.

**Table D12.4.2 Activity table - Subdivision of sites in the subdivision scheduled areas/sites**

Activity		Activity status
<b>Subdivision of sites within scheduled areas</b>		
(A7)	Subdivision in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills) that complies with Standard D12.6.3.1	RD
(A8)	Subdivision in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills) that does not comply with Standard D12.6.3.1	D

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(A9)	Subdivision in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson (Foothills) that complies with Standard D12.6.3.2	RD
(A9A)	Subdivision in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson (Foothills) that does not comply with Standard D12.6.3.2(2)-(10)	NC
(A10)	Subdivision of sites without a lot allocation as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson (Foothills) creating a minimum site size less than 4ha in site area	Pr
(A11)	Subdivision in Figures 12.10.7 – D12.10.14 Overlay Subdivision Plans 7a – 7g – Rural Bush Living (Ranges) that comply with Standard D12.6.3.3	D
(A12)	Subdivision in Figures 12.10.7 – D12.10.14 Overlay Subdivision Plans 7a – 7g – Rural Bush Living (Ranges) that does not comply with Standard D12.6.3.3	Pr
(A13)	Subdivision in Figure D12.10.15 Overlay Subdivision Plan 8 – Oratia (Ranges) that complies with Standard D12.6.3.7	NC
(A13 A)	Subdivision in Figure D12.10.15 Overlay Subdivision Plan 8 – Oratia (Ranges) that does not comply with Standard D12.6.3.7	Pr
(A14)	Subdivision in Figure D12.10.16 Overlay Subdivision Plan 9 – Titirangi – Laingholm (North) that complies with Standard D12.6.3.4	D
(A15)	Subdivision in Figure D12.10.16 Overlay Subdivision Plan 9 – Titirangi – Laingholm (North) that does not comply with Standard D12.6.3.4	NC
(A16)	Subdivision in Figure D12.10.17 Overlay Subdivision Plan 10 – Titirangi – Laingholm (South) that complies with Standard D12.6.3.5	D
(A17)	Subdivision in Figure D12.10.17 Overlay Subdivision Plan 10 – Titirangi – Laingholm (South) that does not comply with Standard D12.6.3.5	NC
(A18)	Subdivision in Figure D12.10.18 Overlay Subdivision Plan 11 – Titirangi – Laingholm (West) complying with Standard D12.6.3.6	D
(A19)	Subdivision in Figure D12.10.18 Overlay Subdivision Plan 11 – Titirangi – Laingholm (West) that does not comply with Standard D12.6.3.6	Pr
<b>Subdivision of scheduled sites</b>		
(A20)	Subdivision of the following sites that comply with Standard D12.6.4.1: <ul style="list-style-type: none"> <li>• 24 Christian Road, Swanson (Lot 5 DP 158819)</li> <li>• 37 O’ Neills Road, Swanson (Lot 1 DP 179784)</li> </ul>	C
(A21)	Subdivision of the following sites that do not comply with Standard D12.6.4.1: <ul style="list-style-type: none"> <li>• 24 Christian Road, Swanson (Lot 5 DP 158819)</li> <li>• 37 O’ Neills Road, Swanson (Lot 1 DP 179784)</li> </ul>	NC

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(A22)	Subdivision of the following sites that comply with Standard D12.6.4.2: <ul style="list-style-type: none"> <li>• 12-14 Gum Road, Henderson Valley (Lots 1 and 2 DP 49129)</li> <li>• 233 Forrest Hill Road, Waiatarua (Lot 5 DP 59154)</li> </ul>	RD
(A23)	Subdivision of the following sites that do not comply with Standard D12.6.4.2: <ul style="list-style-type: none"> <li>• 12-14 Gum Road, Henderson Valley (Lots 1 and 2 DP 49129)</li> <li>• 233 Forrest Hill Road, Waiatarua (Lot 5 DP 59154)</li> </ul>	NC
(A24)	Subdivision of the following sites that comply with Standard D12.6.4.3: <ul style="list-style-type: none"> <li>• 47-51 Holdens Road, Henderson (Lot 14 DP 86225)</li> <li>• 15 Holdens Road, Henderson (Lot 1 DP 63568)</li> </ul>	RD
(A25)	Subdivision of the following sites that do not comply with Standard D12.6.4.3(2)–(10): <ul style="list-style-type: none"> <li>• 47-51 Holdens Road, Henderson (Lot 14 DP 86225)</li> <li>• 15 Holdens Road, Henderson (Lot 1 DP 63568)</li> </ul>	D
(A26)	Subdivision of the following sites which creates more than a total of five lots and does not comply with Standard D12.6.4.2(1): <ul style="list-style-type: none"> <li>• 47-51 Holdens Road, Henderson (Lot 14 DP 86225)</li> <li>• 15 Holdens Road, Henderson (Lot 1 DP 63568)</li> </ul>	NC
(A27)	Subdivision of the following site that complies with Standard D12.6.4.4: <ul style="list-style-type: none"> <li>• 43 O'Neills Road (Lot 2 DP 78994)</li> </ul>	D
(A28)	Subdivision of the following site that does not comply with Standard D12.6.4.4: <ul style="list-style-type: none"> <li>• 43 O'Neills Road (Lot 2 DP 78994)</li> </ul>	NC
(A29)	Subdivision of the following site that complies with Standard D12.6.4.5: <ul style="list-style-type: none"> <li>• 39 Awhiorangi Promenade (Lot 4 DP 137580)</li> </ul>	RD
(A30)	Subdivision of the following site that does not comply with Standard D12.6.4.5: <ul style="list-style-type: none"> <li>• 39 Awhiorangi Promenade (Lot 4 DP 137580)</li> </ul>	NC
(A31)	Subdivision of the following site that complies with Standard D12.6.4.6: <ul style="list-style-type: none"> <li>• 144 Candia Road, Henderson Valley (Part Allot 275 PSH OF Waipareira)</li> </ul>	RD
(A32)	Subdivision of the following that does not comply with Standard D12.6.4.6: <ul style="list-style-type: none"> <li>• 144 Candia Road, Henderson Valley (Part Allot 275 PSH OF Waipareira)</li> </ul>	NC
(A33)	Subdivision of the following site that complies with Standard D12.6.4.7: <ul style="list-style-type: none"> <li>• 32 Christian Road, Swanson (Lot 1 DP 53766)</li> </ul>	RD

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(A34)	Subdivision of the following site that does not comply with Standard D12.6.4.7: <ul style="list-style-type: none"> <li>• 32 Christian Road, Swanson (Lot 1 DP 53766)</li> </ul>	NC
(A35)	Subdivision of the following site that complies with Standard D12.6.4.8: <ul style="list-style-type: none"> <li>• 42 Christian Road, Swanson (Lot 1 DP 80978)</li> </ul>	RD
(A36)	Subdivision of the following site that does not comply with Standard D12.6.4.8: <ul style="list-style-type: none"> <li>• 42 Christian Road, Swanson (Lot 1 DP 80978)</li> </ul>	NC
(A37)	Subdivision of the following site that complies with Standard D12.6.4.9: <ul style="list-style-type: none"> <li>• 46 Christian Road, Swanson (Lot 1 DP 425696)</li> </ul>	RD
(A38)	Subdivision of the following site that does comply with Standard D12.6.4.9: <ul style="list-style-type: none"> <li>• 46 Christian Road, Swanson (Lot 1 DP 425696)</li> </ul>	NC
(A39)	Subdivision of the following site that complies with Standard D12.6.4.10: <ul style="list-style-type: none"> <li>• 56 Christian Road, Swanson (Lot 2 DP 161541)</li> </ul>	RD
(A40)	Subdivision of the following site that does not comply with Standard D12.6.4.10: <ul style="list-style-type: none"> <li>• 56 Christian Road, Swanson (Lot 2 DP 161541)</li> </ul>	NC
(A41)	Subdivision of the following site that complies with Standard D12.6.4.11: <ul style="list-style-type: none"> <li>• 33-35 Coulter Road, Henderson Valley (Allot 232 PSH of Waipareira)</li> </ul>	RD
(A42)	Subdivision of the following site that does not comply with Standard D12.6.4.11: <ul style="list-style-type: none"> <li>• 33-35 Coulter Road, Henderson Valley (Allot 232 PSH of Waipareira)</li> </ul>	NC
(A43)	Subdivision of the following site that complies with Standard D12.6.4.12: <ul style="list-style-type: none"> <li>• 40 Coulter Road, Henderson Valley (Lot 1 DP 61729)</li> </ul>	RD
(A44)	Subdivision of the following site that does not comply with Standard D12.6.4.12: <ul style="list-style-type: none"> <li>• 40 Coulter Road, Henderson Valley (Lot 1 DP 61729)</li> </ul>	NC
(A45)	Subdivision of the following site that complies with Standard D12.6.4.13: <ul style="list-style-type: none"> <li>• 70 Coulter Road, Henderson Valley</li> </ul>	RD
(A46)	Subdivision of the following site that does not comply with Standard D12.6.4.13: <ul style="list-style-type: none"> <li>• 70 Coulter Road, Henderson Valley</li> </ul>	NC
(A47)	Subdivision of the following site that does not comply with Standard D12.6.4.14: <ul style="list-style-type: none"> <li>• 78 Coulter Road, Henderson Valley (Lot 1 DP 485454)</li> </ul>	RD

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(A48)	Subdivision of the following site that does not comply with Standard D12.6.4.14: <ul style="list-style-type: none"> <li>• 78 Coulter Road, Henderson Valley (Lot 1 DP 485454)</li> </ul>	NC
(A49)	Subdivision of the following site that complies with Standard D12.6.4.15: <ul style="list-style-type: none"> <li>• 163 Simpson Road, Henderson Valley (Lot 2 DP 426324)</li> </ul>	RD
(A50)	Subdivision of the following site that does not comply with Standard D12.6.4.15: <ul style="list-style-type: none"> <li>• 163 Simpson Road, Henderson Valley (Lot 2 DP 426324)</li> </ul>	NC
(A51)	Subdivision of the following site that complies with Standard D12.6.4.16: <ul style="list-style-type: none"> <li>• 780 Swanson Road, Swanson (Lot 1 DP 196223)</li> </ul>	RD
(A52)	Subdivision of the following site that does not comply with Standard D12.6.4.16: <ul style="list-style-type: none"> <li>• 780 Swanson Road, Swanson (Lot 1 DP 196223)</li> </ul>	NC
(A53)	Subdivision of the following site that complies with Standard D12.6.4.17: <ul style="list-style-type: none"> <li>• 790 and 792 Swanson Road, Swanson (Lot 3 DP 185681 and Lot 2 DP 185681)</li> </ul>	RD
(A54)	Subdivision of the following site that does not comply with Standard D12.6.4.17: <ul style="list-style-type: none"> <li>• 790 and 792 Swanson Road, Swanson (Lot 3 DP 185681 and Lot 2 DP 185681)</li> </ul>	NC
(A55)	Subdivision of the following site that complies with Standard D12.6.4.18: <ul style="list-style-type: none"> <li>• 40 Tram Valley Road, Swanson (Lot 6 DP 60454).</li> </ul>	RD
(A56)	Subdivision of the following site that does not comply with Standard D12.6.4.18: <ul style="list-style-type: none"> <li>• 40 Tram Valley Road, Swanson (Lot 6 DP 60454).</li> </ul>	NC
(A57)	Subdivision within the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road that complies with Standard D12.6.4.19	D
(A58)	Subdivision within the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road that does not comply with Standard D12.6.4.19	NC
(A59)	Subdivision of sites listed in Table D12.4.2 activities (A27) – (A58) creating sites exceeding the lot allocation as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Foothills (Swanson)	Pr
(A60)	Subdivision of the following site that complies with Standard D12.6.4.20: <ul style="list-style-type: none"> <li>• 205A Godley Road, Titirangi (Part Lot 3 DP 30902)</li> </ul>	D
(A61)	Subdivision of the following site that does not comply with Standard D12.6.4.20: <ul style="list-style-type: none"> <li>• 205A Godley Road, Titirangi (Part Lot 3 DP 30902)</li> </ul>	NC

(A62)	Subdivision of the following site that complies with Standard D12.6.4.21: <ul style="list-style-type: none"> <li>• 333 Laingholm Drive, Laingholm (parcels contained in certificate of Title 91D/282)</li> </ul>	D
(A63)	Subdivision of the following site that does not comply with Standard D12.6.4.21: <ul style="list-style-type: none"> <li>• 333 Laingholm Drive, Laingholm (parcels contained in certificate of Title 91D/282)</li> </ul>	NC
(A64)	Subdivision of the following site that complies with Standard D12.6.4.22: <ul style="list-style-type: none"> <li>• 175A Laingholm Drive, Laingholm (Certificate of Title 37B/232)</li> </ul>	D
(A65)	Subdivision of the following site that does not comply with Standard D12.6.4.22: <ul style="list-style-type: none"> <li>• 175A Laingholm Drive, Laingholm (Certificate of Title 37B/232)</li> </ul>	NC
(A66)	Subdivision of the following site in accordance with Figure 12.10.19 Overlay Subdivision Plan 12 and that complies with Standard D12.6.4.23: <ul style="list-style-type: none"> <li>• 7-11 Christian Road, Henderson Valley (Part Allot 124 PSH OF Waipareira)</li> </ul>	D
(A67)	Subdivision of the following site not in accordance with Figure 12.10.19 Overlay Subdivision Plan 12 or that does not comply with Standard D12.6.4.23: <ul style="list-style-type: none"> <li>• 7-11 Christian Road, Henderson Valley (Part Allot 124 PSH OF Waipareira)</li> </ul>	NC

Qualifying matter as per Sch 3C, cls 8(1)(a) of the RMA

### D12.5. Notification

- (1) Any application for resource consent for an activity listed in Table D12.4.1 or Table D12.4.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### D12.6. Standards

All activities in Table D12.4.1 and Table D12.4.2 must comply with the following standards.

#### D12.6.1. Filming

- (1) The activity must not involve any filming activity longer than six months from start to finish, irrespective of whether the activity is carried out in different years.
- (2) The activity must not involve vehicle movements exceeding 200 per day.

- (3) The site used for filming activity must be restored to its original state on completion of filming activities.
- (4) Associated car parking must be off-road except for any filming activity undertaken pursuant to an approval granted under the Auckland Council Trading and Events in Public Places Bylaw 2015.

#### **D12.6.2. Minor dwelling**

Purpose:

- To provide accommodation that is limited in size and secondary to the principal dwelling on a site;
- to ensure that sufficient outdoor living space is provided for the minor dwelling; and
- to ensure there is no more than one minor dwelling on each site.

- (1) The minor dwelling must be located on a site with a minimum net site area of 1,500m<sup>2</sup>.
- (2) A minor dwelling must have an outdoor living space that is:
  - (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling;
  - (b) at least 1.8m in depth; and
  - (c) directly accessible from the minor dwelling.
- (3) There must be no more than one minor dwelling per site.

#### **D12.6.3. Subdivision in subdivision scheduled areas**

The subdivision standards in [E38 Subdivision – Urban](#) and [E39 Subdivision – Rural](#) apply unless otherwise specified below.

##### **D12.6.3.1. Subdivision within Figure D12.10.1 Overlay Subdivision Plan 1 - Ōrātia (Foothills)**

- (1) Subdivision must comply with the following:
  - (a) creates sites that generally coincide with the location of proposed site boundaries as identified in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills); or
  - (b) subdivision must be in accordance with or less than the lot densities identified for each existing site as identified in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills).
- (2) The required planting as identified in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills) as enhancement areas must be established and be protected by way of covenant, encumbrance or consent notice.

**D12.6.3.2. Subdivision within Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills)**

- (1) The number of sites created on each existing site must not exceed the total lot allocation for the site as identified in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) All stock must be permanently removed from the Indicative Enhancement Area and the Ecological Areas identified in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills), and these areas must be adequately fenced to prevent stock entering these areas.
- (3) Any new fences to be established on proposed sites must not be located within any Indicative Enhancement Area identified in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills) unless the fence is required to limit stock accessing the Indicative Enhancement Area.
- (4) Weeds must be removed from any Indicative Enhancement Area and Ecological Areas identified in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (5) The Indicative Enhancement Area and Ecological Areas identified on Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills) must be kept substantially weed-free for a period of 10 years.
- (6) A management plan including vegetation planting for the Indicative Enhancement Area must be provided as part of any subdivision consent application. The vegetation planting must be provided at a ratio of 0.125m<sup>2</sup> per 1m<sup>2</sup> of the site (excluding any existing Ecological Area) as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (7) If the sum of the Indicative Enhancement Area is less than the area required to be planted in Standard D12.6.3.2(6), the difference must be made up by planting on any area outside the Ecological Area as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (8) Any planting which dies prior to effective canopy closure being established must be replaced.
- (9) Where a second dwelling is located greater than 15m from a dwelling on the same site, either the second dwelling is to be placed on a separate proposed site to the existing dwelling or it must be removed from the site.
- (10) Subdivision of sites involving an indicative Public Walkway Linkage identified in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills) must provide a public walkway and it is to be protected by registering a right of way as an easement in gross on the title in favour of the Auckland Council.

**D12.6.3.3. Subdivision within Figure 12.10.7 – Figure 12.10.14 Overlay  
Subdivision Plans 7a – 7g – Rural Bush Living (Ranges)**

(1) Subdivision must meet one of the following:

- (a) creating sites with minimum net site area of 2,000m<sup>2</sup> where:
  - (i) the average site area exceeds 4,000m<sup>2</sup> measured over the net site area of the site as it existed on 14 October 1995;
  - (ii) each proposed site contains a building platform outside the Significant Ecological Areas Overlay; and
  - (iii) each proposed site will be provided with a connection to a reticulated wastewater disposal system.
- (b) creating sites with minimum net site area of 8,000m<sup>2</sup> where:
  - (i) a building platform is situated within the Significant Ecological Areas Overlay;
  - (ii) no more than one new site is created for each site existing on 14 October 1995; and
  - (iii) each proposed site will be provided with a connection to a reticulated wastewater disposal system.
- (c) creating sites with minimum net site area of 4ha.

**D12.6.3.4. Subdivision within Figure D12.10.16 Overlay Subdivision Plan 9 –  
Titirangi – Laingholm (North)**

(1) Subdivision must meet one of the following:

- (a) creating sites with building platforms and driveways located wholly outside the Significant Ecological Areas Overlay and complying with all of the following:
  - (i) the average net site area of all proposed sites must exceed 2000m<sup>2</sup>. This is calculated from the existing site area at 30 September 2013; where 50 per cent or more of the existing site area is outside the Significant Ecological Areas Overlay, an area at least equivalent to the total area covered by the proposed building platform and driveway, (including car parking, access and manoeuvring areas) must be permanently planted on the existing site with native vegetation; and
  - (ii) areas identified in the Significant Ecological Areas Overlay required to be planted in Standard D12.6.3.4(1)(a)(i) within a proposed site are to be permanently protected by an appropriate legal mechanism to be registered on the title. The protected area excludes any vegetation consented for removal; or

- (b) creating sites with building platform and driveways partially or wholly inside the Significant Ecological Areas Overlay complying with all of the following:
- (i) the minimum net site area for the proposed site containing the existing dwelling must be 2000m<sup>2</sup> provided the existing site has a minimum net site area of 6000m<sup>2</sup> and there is no more than one additional site created which is less than 4000m<sup>2</sup> in net site area;
  - (ii) the average net site area of all proposed sites must exceed 3000m<sup>2</sup>. This is calculated from the existing site area;
  - (iii) no more than 500m<sup>2</sup> of native vegetation may be removed to provide for any proposed dwelling, and driveway, (including car parking, access and manoeuvring areas) within each proposed site;
  - (iv) all remaining native vegetation must be permanently protected by appropriate legal mechanism registered on the title. This excludes any vegetation consented for removal;
  - (v) any driveway exceeding 10m in length must not exceed an average slope of 1 in 5; and
  - (vi) no new road may be created.

**D12.6.3.5. Subdivision within Figure D12.10.17 Overlay Subdivision Plan 10 – Titirangi – Laingholm (South)**

- (1) Subdivision must meet one of the following:
- (a) subdivision providing for building platforms and driveways wholly outside the Significant Ecological Areas Overlay complying with all of the following:
    - (i) the average net site area of all proposed sites must exceed 4000m<sup>2</sup>. This is calculated from the existing site area;
    - (ii) where a proposed site is partially located within the Significant Ecological Areas Overlay, a minimum of 1000m<sup>2</sup> of the net site area must be located outside the Significant Ecological Areas Overlay;
    - (iii) where 50 per cent or more of the existing site area is outside the Significant Ecological Areas Overlay, an area at least equivalent to the total area covered by the proposed building platform and driveway, (including car parking, access and manoeuvring areas) must be permanently planted on the existing site with native vegetation; and
    - (iv) areas identified in the Significant Ecological Areas Overlay required to be planted in Standard D12.6.3.5(1)(a)(iii) within a

proposed site are to be permanently protected by an appropriate legal mechanism to be registered on the title. The protected area excludes any vegetation consented for removal.

- (b) subdivision providing for proposed building platforms and driveways partially or wholly within the Significant Ecological Areas Overlay complying with all of the following:
  - (i) the minimum net site area of a proposed site containing an existing dwelling must be 4000m<sup>2</sup> provided the existing site has a minimum net site area of 1.4ha and there is no more than one additional site created that is less than 1ha net site area;
  - (ii) the average net site area of all proposed sites must exceed 1ha. This is calculated from the existing site area;
  - (iii) no more than 500m<sup>2</sup> of native vegetation may be removed to provide for any proposed dwelling, and driveway, (including car parking, access and manoeuvring areas) within a proposed site;
  - (iv) all remaining native vegetation on-site must be permanently protected by appropriate legal mechanism registered on the title. This excludes any vegetation consented for removal;
  - (v) any driveway exceeding 10m in length must not exceed an average slope of 1 in 5; and
  - (vi) no new road may be created.

**D12.6.3.6. Subdivision within Figure 12.10.18 Overlay Subdivision Plan 11 – Titirangi – Laingholm (West)**

- (1) Subdivision must meet one of the following
  - (a) creating sites with minimum net site area of 2,000m<sup>2</sup> and complying with all of the following:
    - (i) the average net site area must exceed 4000m<sup>2</sup> when calculated over the net site area of the site as it existed on 14 October 1995; and
    - (ii) each proposed site contains a building platform located wholly outside the Significant Ecological Areas Overlay; or
  - (b) creating sites with minimum net site area of 8,000m<sup>2</sup> and complying with all of the following:
    - (i) any part of a building platform is situated within the Significant Ecological Areas Overlay;
    - (ii) no more than one new site is created per site existing on 14 October 1995; and
    - (iii) each proposed site is provided with a connection to a reticulated water system; or

(c) subdivision creating sites with a minimum net site area of 4ha.

**D12.6.3.7 Subdivision within Figure 12.10.15 – Figure 12.10.15 Overlay  
Subdivision Plan 8 – Oratia (Ranges)**

(1) Subdivision must comply with the following

(a) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay and Outstanding Natural Landscapes Overlay

**D12.6.4. Subdivision in scheduled subdivision sites**

The subdivision standards in [E38 Subdivision – Urban](#) or in [E39 Subdivision – Rural](#) apply unless otherwise provided for in the following standards.

**D12.6.4.1. Subdivision at 24 Christian Road and 37 O’Neills Road, Swanson**

- (1) The minimum net site area for each proposed site is 7,000m<sup>2</sup>.
- (2) The average site area must be greater than 1ha.

**D12.6.4.2. Subdivision at 12 – 14 Gum Road, Henderson Valley (Lots 1 and 2 DP 49129) and 233 Forrest Hill Road, Waitarua (Lot 5 DP 59154)**

- (1) The total land area includes the land parcels legally described as lots 1 and 2 DP 49129 and lot 5 DP 59154.
- (2) The minimum net site area is 2ha.
- (3) The average net site area exceeds 4ha across the total land area.
- (4) The total number of sites over the total land area is limited to 24.
- (5) An ecological assessment and a landscape assessment identifying areas of ecological and landscaping opportunity and enhancement must be provided. This must include any areas where buildings are not to be constructed.
- (6) A planting plan taking into account the site’s ecological and landscape assessments identified in Standard D12.6.4.2(5) must be provided. This must include weed management, and any planting for stormwater mitigation, visual amenity, and privacy.
- (7) A public walking trail must be provided to connect Forest Hill Road and Gum Road at the time of the first subdivision of Lots 1 and 2 DP 49129 and Lot 5 DP 59154.

**D12.6.4.3. Subdivision at 47-51 Holdens Road, Henderson (Lot 14 DP 86225) and 15 Holdens Road, Henderson (Lot 1 DP 63568)**

- (1) No more than three additional sites (i.e. five sites in total) may be created on the site. This excludes any lot for the purpose of access that may be created.

- (2) The area within 47-51 Holdens Road, Henderson legally described as Lot 14 DP 86225 may be subdivided into two sites along the boundary of the Residential – Single House Zone and the Rural – Waitākere Foothills Zone provided that the proposed site subject to the Rural – Waitākere Foothills Zone has a net site area exceeding 1ha and cannot be subdivided further. A consent notice must be registered on the title to give effect to this requirement.
- (3) The minimum net site area is 1ha, excluding any joint access lots.
- (4) The subdivision must not create any new road.
- (5) Any driveway exceeding 10m in length must not exceed an average slope of 1 in 5.
- (6) No new buildings may be located within 25m of the Holdens Road frontage along the southern boundary of 15 Holdens Road, Henderson legally described as Lot 1 DP 63658.
- (7) Access from Holdens Road to any new site created by the subdivision of 15 Holdens Road, Henderson legally described as Lot 1 DP 63658 will provide a maximum of one additional driveway.
- (8) A landscaping strip no less than 5m in depth must be provided along the Holdens Road boundary (not including the eastern boundary of 15 Holdens Road, Henderson legally described as Lot 1 DP 63658 and vehicle access provided for in D12.6.3.4(7)). The strip must consist of densely planted vegetation including species that reach a height of no less than 3m, and may incorporate the existing shelter belt. The planting must be established prior to the issue of a certificate under section 224(c) of the Resource Management Act 1991.
- (9) The landscaping strip must be maintained at a minimum height of 3m and be protected by way of a covenant, encumbrance or consent notice on the title.
- (10) A consent notice will be registered against the titles to all parts of the land, excluding the area within 47-51 Holdens Road, Henderson legally described as lot 14 DP 86225 on completion of subdivision on the site, to record the following:
  - (a) the density of subdivision provided for in Standard D12.6.4.3(1) has been utilised in full; and
  - (b) there will be no further subdivision of the land previously comprised of Lot 14 DP 86225 and Lot 1 DP 63568.

**D12.6.4.4. Subdivision at 43 O’Neills Road (Lot 2 DP 78994)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) A fenced, 20m wide planted strip incorporating the public walkway linkage as shown in Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills) along the northern boundary of the site must be provided and protected by a registered right of way as an easement in gross.

**D12.6.4.5. Subdivision at 39 Awhiorangi Promenade (Lot 4 DP 137580)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure that any existing pine trees (*Pinus* sp) and wattle trees (*Acacia* sp) are removed from the site in accordance with an approved management plan prior to the issue of a certificate under section 224 of the Resource Management Act 1991.
- (3) Subdivision must ensure there are no further residential buildings, other than replacements, constructed on the site containing the existing second dwelling.

**D12.6.4.6. Subdivision at 144 Candia Road, Henderson Valley (Part Allot 275 PSH OF Waipareira)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure no less than 1ha of the southwest corner of the site is planted and fenced.
- (3) Subdivision must ensure that no further residential buildings may be erected within the Ridgeline Protection Overlay. This must be protected in perpetuity by way of an encumbrance, covenant or consent notice to be registered on the title.

**D12.6.4.7. Subdivision at 32 Christian Road, Swanson (Lot 1 DP 53766)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must include a fenced, 20m wide planted strip incorporating a public walkway linkage as shown in Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills) along the northern boundary of the

site, which must be protected by a registered right-of-way as an easement in gross registered on the title.

- (3) Subdivision must ensure any proposed site has vehicle access from the existing driveway.

**D12.6.4.8. Subdivision at 42 Christian Road, Swanson (Lot 1 DP 80978)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure any proposed site has vehicle access from the existing driveway.
- (3) Subdivision must ensure vehicle access to any new dwelling is from O’Neills Road and is protected by a registered right of way or other appropriate legal mechanism registered on the title.
- (4) Subdivision must ensure any new dwelling is located within the permitted building area identified in Figure D12.10.3 Overlay Subdivision Plan 3 – Permitted Building Area for 42 Christian Road, Swanson.

**D12.6.4.9. Subdivision at 46 Christian Road, Swanson (Lot 1 DP 425696)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure any proposed dwelling is located in the southeast corner of the site and gains vehicle access from O’Neills Road only.
- (3) Subdivision must provide for the complete removal of any monkey-apple trees (*Acmena smithii*), conifers (*Pinus* sp) and wattles (*Acacia* sp).

**D12.6.4.10. Subdivision at 56 Christian Road, Swanson (Lot 2 DP 161541)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure that the existing dwelling and studio are on separate lots.

**D12.6.4.11. Subdivision at 33-35 Coulter Road, Henderson Valley (Allot 232 PSH of Waipareira)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).

- (2) Subdivision must ensure any new dwelling is located within the permitted building area shown in Figure D12.10.4 Overlay Subdivision Plan 4 – Permitted Building Area - 33 – 35 Coulter Road, Henderson Valley.

**D12.6.4.12. Subdivision at 40 Coulter Road, Henderson Valley (Lot 1 DP 61729)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure vehicle access to any proposed dwelling is from the existing driveway.
- (3) Subdivision must provide for the complete removal of any monkey-apple (*Acmena* sp) trees from the site.

**D12.6.4.13. Subdivision at 70 Coulter Road, Henderson Valley**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure that any proposed dwelling is set back from the Coulter Road boundary and located outside the Ridgeline Protection Overlay.
- (3) Subdivision must provide for the complete removal, or demolition of the existing minor dwelling.

**D12.6.4.14. Subdivision at 78 Coulter Road, Henderson Valley (lot 1 DP 485484)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure that there is no net increase in building coverage on the site.
- (3) Subdivision must ensure that no further dwelling is established on any proposed site that contains the existing dwelling and that this is provided for by way of covenant, encumbrance or consent notice registered on the title.
- (4) Subdivision must ensure that the location of any replacement dwelling(s) is restricted to the area adjacent to Coulter Road above the 90m contour line.
- (5) No further dwellings may be constructed on the site or the resulting two lots after subdivision.

**D12.6.4.15. Subdivision at 163 Simpson Road, Henderson Valley (Lot 2 DP 426324)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure that no further dwellings are located within the Ridgeline Protection Overlay on the site.
- (3) The existing minor dwelling must be located on the same site as the existing dwelling.
- (4) Access to the proposed site must be from the existing vehicle crossing at Simpson Road in the north eastern part of the site.

**D12.6.4.16. Subdivision at 780 Swanson Road, Henderson Valley (Lot 1 DP 196223)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure 12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must comply with all of the following:
  - (a) any new dwelling is located within the permitted building area as shown in Figure D12.10.5 Overlay Subdivision Plan 5 – Permitted Building Area – 780 Swanson Road, Swanson;
  - (b) no building exceeds 6m in height;
  - (c) prohibits the establishment of any second dwelling (including any minor dwelling) on any proposed site and this must be guaranteed in perpetuity by way of an encumbrance, covenant or consent notice registered on the title;
  - (d) any proposed lot has vehicle access from the existing driveways;
  - (e) landscaping strips are provided and/or retained along the boundary of any proposed lot which adjoins either Swanson Road or Christian Road (with the exception of existing driveway entrances);
  - (f) planting within the landscaping strips must be maintained at a minimum height of 3m; and
  - (g) existing planting adjacent to the stream is fenced.
- (3) The requirements in D12.6.4.16(2)(b) – (g) must be guaranteed in perpetuity by way of an encumbrance, covenant or consent notice registered on the title.

- (4) An ecological assessment and a landscape assessment identifying areas of ecological and landscaping opportunity and enhancement must be provided.

**D12.6.4.17. Subdivision at 790 and 792 Swanson Road, Swanson (Lot 3 DP 185681 and Lot 2 DP 185681)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) 790 and 792 Swanson Road must be amalgamated prior to subdivision.

**D12.6.4.18. Subdivision at 40 Tram Valley Road, Swanson (Lot 6 DP 60454)**

- (1) Subdivision must comply with the Standard D12.6.3.2 for subdivision within Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (2) Subdivision must ensure that any new dwelling is located within the permitted building area as shown in Figure D12.10.6 Overlay Subdivision Plan 6 – Permitted Building Area – 40 Tram Valley Road, Swanson.

**D12.6.4.19. Subdivision of any site within the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road**

- (1) *[deleted]*
- (2) The average net site area must exceed 1.6ha. This is calculated from the existing site area.
- (3) The minimum net site area is 4000m<sup>2</sup>.
- (4) The subdivision must not create new roads.
- (5) any driveway exceeding 10m in length must not exceed an average slope of 1 in 5.

**D12.6.4.20. Subdivision at 205A Godley Road, Titirangi (Part Lot 3 DP 30902)**

- (1) Subdivision must not create more than a total of four sites. This includes any balance lot but excludes any reserve or access lot.
- (2) Any proposed building platform and driveways must be located wholly outside the Significant Ecological Areas Overlay.

**D12.6.4.21. Subdivision at 333 Laingholm Drive, Laingholm (Certificate of Title 91D/282)**

- (1) Subdivision must not create a total of more than 22 lots on the site.

- (2) No more than 500m<sup>2</sup> of native vegetation within a proposed site may be removed to provide for any proposed dwelling, and driveway, (including car parking, access and manoeuvring areas).
- (3) All remaining native vegetation on-site must be permanently protected by an appropriate legal mechanism registered on the title. This excludes any vegetation consented for removal.
- (4) any driveway exceeding 10m in length must not exceed an average slope of 1 in 5.
- (5) No new road is to be created.

**D12.6.4.22. Subdivision at 175A Laingholm Drive (Certificate of Title 37B/232)**

- (1) Subdivision must not create a total of more than three lots on the site.
- (2) The clearance of native vegetation required for any proposed dwelling and driveway (including car parking, access and manoeuvring areas) must not exceed 300m<sup>2</sup> for every lot created excluding that area for the existing driveway.
- (3) Any areas within the Significant Ecological Areas Overlay on the site must be permanently protected by legal mechanism registered on the title. This excludes any vegetation consented for removal.

**D12.6.4.23. Subdivision at 7-11 Christian Road, Henderson Valley (Part Allot 124 PSH OF Waipareira)**

- (1) Subdivision must be undertaken in accordance with Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley.
- (2) Sites identified in the Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley as subject to 600m<sup>2</sup> minimum lot size must have a net site area of not less than 600m<sup>2</sup>.
- (3) Sites identified in Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley as subject to 1200m<sup>2</sup> minimum lot size must have a net site area of not less than 1200m<sup>2</sup>.
- (4) Sites identified in the Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley as subject to 2000m<sup>2</sup> minimum lot size must have a net site area of not less than 2000m<sup>2</sup>.
- (5) The subdivision must ensure that the maximum height limit for dwellings and buildings to be constructed on sites with a net site area of between 1200m<sup>2</sup> and 2000m<sup>2</sup> must not be greater than 6m high. A consent notice shall be registered against the titles of all such sites to ensure ongoing compliance with this rule.

Qualifying matter as per Sch 3C, cls 8(1)(a) of the RMA

Qualifying matter as per Sch 3C, cls 8(1)(a) of the RMA

- (6) Subdivision to provide a through road between Christian and Tram Valley Roads as identified in Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley.
- (7) Vehicle access from the new sites must be through the new internal roads as identified in Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley.
- (8) The drainage and green network identified in Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley must be provided. The width of this network must be 20m.
- (9) The area identified for a 10m wide planted covenant in the Figure D12.10.19 Overlay Subdivision Plan 12 – 7-11 Christian Road, Henderson Valley must be provided and permanently protected by legal mechanism registered on the title.
- (10) The 'no build' area identified in Figure D12.10.19 Overlay Subdivision Plan 12– 7-11 Christian Road, Henderson Valley must be permanently protected by legal mechanism registered on the title.

## **D12.7. Assessment – controlled activities**

### **D12.7.1. Matters of control**

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

- (1) subdivision at 24 Christian Road, Swanson (Lot 5 DP 158819) and 37 O'Neills Road, Swanson (Lot 1 DP 179784):
  - (a) the design, size and location of sites and site boundaries;
  - (b) the design, location, construction and alignment of driveways and roads;
  - (c) provision for landscape treatment and enhancement planting;
  - (d) protection of natural features and enhancement planting; and
  - (e) the location, design and construction of infrastructure.

### **D12.7.2. Assessment criteria**

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

- (1) subdivision at 24 Christian Road, Swanson (Lot 5 DP 158819) and 37 O'Neills Road, Swanson (Lot 1 DP 179784):
  - (a) the extent to which the design, scale and layout of the subdivision is compatible with the character and amenity of the Rural – Waitākere Foothills Zone;

- (b) the extent to which the subdivision individually or cumulatively adversely affects the rural character and amenity values of the Rural – Waitākere Foothills Zone;
- (c) the extent to which the design, location, construction and alignment of driveways and roads will create no more than minor adverse effects on the environment;
- (d) whether the subdivision provides adequate measures including enhancement planting to retain and enhance landscape of the area;
- (e) whether the subdivision avoids, remedies and mitigates adverse effects on natural features; and
- (f) whether sufficient infrastructure is provided and its location, design and construction does not adversely affect the rural character and amenity values of the area.

#### **D12.8. Assessment – restricted discretionary activities**

##### **D12.8.1. Matters of discretion**

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

- (1) minor dwelling:
  - (a) rural character and amenity values;
  - (b) the scale and intensity of buildings and activities;
  - (c) retention and maintenance of vegetation;
  - (d) landscape treatment of sites; and
  - (e) parking, access and traffic movement.
- (2) subdivision within the area identified in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills):
  - (a) the design, size and location of sites and site boundaries;
  - (b) the design, location, construction and alignment of driveways and roads;
  - (c) the design and scale of and the location of building platforms;
  - (d) provision for landscape treatment and enhancement planting;
  - (e) provision for works intended to protect and enhance vegetation;
  - (f) driveway construction between road carriageways and individual sites;
  - (g) the adequacy of any management plan for the maintenance and enhancement of Ecological Area and Indicative Enhancement Area within the site as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills);

- (h) the extent of any Ecological Area and Indicative Enhancement Area within the site as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills);
  - (i) the location of fence lines;
  - (j) the mitigation of adverse effects on landscape and amenity values that may arise as a result of the future dwellings;
  - (k) the location and formation of indicative public walkway linkages shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills); and
  - (l) the possible removal or relocation of any existing second dwellings or other accessory buildings.
- (3) subdivision within the area identified in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills):
- (a) the matters in D12.8.1(2)(a) – (f); and
  - (b) the adverse effects resulting from increases in proposed lot numbers.
- (4) subdivision at 12-14 Gum Road, Henderson Valley (Lots 1 and 2 DP 49129) and 233 Forrest Hill Road, Waitatarua (Lot 5 DP 59154):
- (a) the matters in D12.8.1(2)(a) – (f);
  - (b) the protection and enhancement of vegetation, drainage works and other infrastructure works;
  - (c) re-vegetation and/or protection of any ecological linkage opportunity areas from the establishment of any new buildings or groups of buildings;
  - (d) the mitigation of potential adverse effects on landscape, amenity values and rural character; and
  - (e) provision for a public walkway through the site using a walking trail or trails.
- (5) subdivision at 47-51 Holdens Road, Henderson (Lot 14 DP 86225) and 15 Holdens Road, Henderson (Lot 1 DP 63568) and the areas bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road:
- (a) the matters in D12.8.1(2)(a) – (f);
  - (b) the effects of subdivision on rural character;
  - (c) the extent of any proposed planting; and
  - (d) the effects of subdivision on heritage features of the heritage area.
- (6) subdivision at 39 Awhiorangi Promenade (Lot 4 DP 137580):
- (a) the matters in D12.8.1(2)(a) – (f); and
  - (b) the adequacy of any management plan provided for the complete removal of any existing pine (*Pinus* sp) and wattle trees (*Acacia* sp) from the site.

- (7) subdivision at 144 Candia Road (Part Allot 275 PSH of Waipareira):
- (a) the matters in D12.8.1(2)(a) – (f);
  - (b) the species to be planted in the area required to be planted; and
  - (c) the extent of the area to be fenced and maintained weed free until canopy closure.
- (8) subdivision at 32 Christian Road, Swanson (Lot 1 DP 53766):
- (a) the matters in D12.8.1(2)(a) – (f); and
  - (b) the adequacy of the planted strip along the northern boundary of the site.
- (9) subdivision at 46 Christian Road, Swanson (Lot 1 DP 425696):
- (a) the matters in D12.8.1(2)(a) – (f); and
  - (b) the location of any proposed dwelling platform and adverse effects on visual or aural amenity values.
- (10) subdivision at 33-35 Coulter Road, Henderson Valley (Allot 232 PSH of Waipareira)
- (a) the matters in D12.8.1(2)(a) – (f); and
  - (b) location of any proposed dwelling relative to the road boundary, the eastern edge of the Ridgeline Protection Overlay identified onsite, the area within the Ridgeline Protection Overlay identified onsite, the area west of the indicative enhancement area, as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (11) subdivision at 40 Coulter Road, Henderson Valley (Lot 1 DP 61729):
- (a) the matters in D12.8.1(2)(a) – (f); and
  - (b) the vehicle access to any existing or proposed site.
- (12) subdivision at 70 Coulter Road, Henderson Valley:
- (a) the matters in D12.8.1(2)(a) – (g);
  - (b) the location of any proposed dwelling platform in the south-western part of the site relative to the Coulter Road boundary and the Ridgeline Protection Overlay on the site; and
  - (c) any adverse effects on the visual and aural amenity of the neighbours at 66 Coulter Road.
- (13) subdivision at 78 Coulter Road, Henderson Valley (lot 1 DP 485484):
- (a) the matters in D12.8.1(2)(a) – (f); and
  - (b) the extent of any increase in the existing building coverage on the site resulting from any subdivision.

(14) subdivision at 163 Simpson Road, Henderson Valley (Lot 2 DP 426324):

- (a) the matters in D12.8.1(2)(a) – (f);
- (b) the location of any further dwelling platforms relative to the Ridgeline Protection Overlay identified on the site; and
- (c) the location and nature of vehicle access to any proposed site relative to the Indicative Enhancement Area shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).

(15) subdivision at 780 Swanson Road, Henderson Valley (Lot 1 DP 196223):

- (a) the matters in D12.8.1(2)(a) – (f);
- (b) the potential effects of any proposed dwelling platform and its adverse visual or landscape effects on the surrounding neighbourhood; and
- (c) the screening of any proposed dwelling platform from Swanson Road and Tram Valley Road.

(16) subdivision at 40 Tram Valley Road, Swanson (Lot 6 DP 60454):

- (a) the matters in D12.8.1(2)(a) – (f); and
- (b) the location of proposed dwelling platforms(s) relative to the cleared areas south of the existing minor dwelling.

#### **D12.8.2. Assessment criteria**

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

(1) minor dwelling:

- (a) the extent to which the scale and intensity of buildings and activities adversely affect rural character and amenity values;
- (b) the extent to which the proposed minor dwelling avoids, remedies or mitigates any adverse effects on the landscape;
- (c) whether the proposal will retain and maintain vegetation; and
- (d) whether landscape treatment of sites is provided.

(2) subdivision within the area identified in Figure D12.10.1 Overlay Subdivision Plan 1 – Ōrātia (Foothills):

- (a) assessment criteria in D12.8.2(3)(a)-(f); and
- (b) the extent to which the subdivision avoids, remedies or mitigates any adverse effects (including any cumulative adverse effects) generated by any change in lot boundaries on or by an increase in the number of proposed lots in relation to all of the following:
  - (i) landscape character;
  - (ii) amenity values;

- (iii) natural features;
  - (iv) protection and/or enhancement of vegetation generally as shown on Figure D12.10.1 Overlay Subdivision Plan 1 - Ōrātia (Foothills).
  - (v) access;
  - (vi) native vegetation and ecological corridors;
  - (vii) streams and the quality of water containing on the site;
  - (viii) the ability of each proposed site, and the entire Ōrātia Foothills catchment affected by any increase in the number of proposed sites, to treat and dispose of stormwater;
  - (ix) the ability of each proposed site to treat and dispose of wastewater; and
  - (x) heritage sites, buildings and trees.
- (3) Subdivision within the Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills):
- (a) whether the proposed lot is of a useable shape;
  - (b) the extent to which the proposed subdivision identifies a stable building platform and stable vehicle access within each proposed lot;
  - (c) whether the proposed subdivision will or will likely be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source;
  - (d) the extent to which the subsequent use of the proposed lot likely to be made will not accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, falling debris, subsidence, slippage or inundation from any source;
  - (e) the extent to which the subdivision contributes to the achievement of the planned character and amenity values of the local area.
  - (f) the extent to which the subdivision provides measures that remedy or mitigate adverse effects on the landscape;
  - (g) whether the proposed subdivision provides for works intended to protect and enhance vegetation;
  - (h) the extent to which the subdivision requires driveway construction and how it avoids, remedies and mitigates adverse effects on the heritage features;
  - (i) the extent to which the proposed subdivision avoids, remedies or mitigates any adverse effects on the landscape arising from existing or future multiple clusters of buildings, and associated accessways;

- (j) whether the proposed subdivision avoids the potential for further development of existing building areas within visually sensitive landscapes;
- (k) whether the proposed subdivision retains the rural character of the environment, taking into account any cumulative effects arising in association with existing buildings on the site and on surrounding sites;
- (l) whether the proposed subdivision retains the characteristic open spaciousness of the rural environment, rural amenity values and the amenity of neighbours;
- (m) whether the proposed subdivision locates any new building platforms in a more appropriate location than any existing building or whether the proposed subdivision will remove any existing poorly placed buildings from inappropriate locations e.g. sensitive ridgelines;
- (n) whether the proposed subdivision provides for public access to and alongside streams, lakes and wetlands and for any public walkway linkages shown in Figure D12.10.2 Overlay Subdivision Plan 2 - Swanson South (Foothills).
- (o) whether the proposed subdivision includes a management plan that adequately addresses the following:
  - (i) areas of vegetation to be removed;
  - (ii) the number, location, grade, size and species of plants to be planted;
  - (iii) weed control measures;
  - (iv) replacement of any planting which dies prior to effective canopy closure; and
  - (v) the management of natural regeneration.
- (p) whether where any proposed subdivision creates fewer lots than the allocation shown in Figure D12.10.2 Overlay Subdivision Plan 2 - Swanson South (Foothills), the proposed subdivision scheme plan ensures an appropriate design layout is provided which:
  - (i) anticipates future subdivision up to the full allocation shown in Figure D12.10.2 Overlay Subdivision Plan 2 Swanson South (Foothills);
  - (ii) provides for the future location of building platforms;
  - (iii) establishes the size of any proposed lot(s) appropriate to the landscape character of the area;
  - (iv) limits the extent of impervious surface(s) through the use of shared driveways;

- (v) provides for the protection of any Significant Ecological Areas and the establishment of any required planting in any Indicative Enhancement Area(s) over the whole site as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson (Foothills);
  - (vi) provides for the management of stormwater runoff over the whole site; and
  - (vii) provides for any indicative walkway linkages shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson (Foothills).
- (4) subdivision at 12-14 Gum Road, Henderson Valley (Lots 1 and 2 DP 49129) and 233 Forrest Hill Road, Waiaatarua (Lot 5 DP 59154):
- (a) the assessment criteria in D12.8.2(3)(a)-(f);
  - (b) whether the proposed subdivision provides for the protection and enhancement of vegetation, drainage works and other infrastructure works;
  - (c) the extent to which the proposed subdivision implements infrastructure, including roads and driveways that have a rural scale and character;
  - (d) the extent to which the proposed subdivision retains and/or enhances rural character through the pattern of the proposed subdivision and location of buildings platforms;
  - (e) the extent to which the proposed buildings are located in a manner that maintains spacious rural views and rural landscape of the area;
  - (f) the extent to which the subdivision provides for a public walkway using a walking trail or trails between Forrest Hill Road and Gum Road;
  - (g) whether an ecological assessment and a landscape assessment identifying areas of ecological and landscaping opportunity and enhancement is provided including any areas where buildings are not to be constructed; and
  - (h) whether a planting plan taking into account the site's ecological and landscape assessments identified in D12.6.4.2(5) is provided. This must include weed management, and any planting for stormwater mitigation, visual amenity, and privacy.
- (5) subdivision at 47-51 Holdens Road, Henderson (Lot 14 DP 86225) and 15 Holdens Road, Henderson (Lot 1 DP 63568) and the areas bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road:
- (a) the assessment criteria in D12.8.2(3)(a)-(f);
  - (b) the extent to which the proposed subdivision locates any proposed building(s) away from Holdens Road so the rural character of the area is protected;

- (c) the extent to which the proposed subdivision avoids blurring the boundary between the metropolitan area and the rural landscape;
  - (d) the extent to which the proposed subdivision retains the rural character of the environment, taking into account any cumulative effects arising in association with existing buildings on the site;
  - (e) whether the proposed plantings screen proposed building(s) from Holdens Road; and
  - (f) whether the proposal protects, restores and enhances heritage features, streams, wetlands and indigenous vegetation within the site.
- (6) subdivision at 37 Awhiorangi Promenade (Lot 2 DP 462556):
- (a) the assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which any approved management plan provides for the complete removal of any existing pine (*Pinus* sp) and wattle trees (*Acacia* sp) from the site.
- (7) subdivision at 144 Candia Road (Part Allot 275 PSH of Waipareira):
- (a) the assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which the required area to be planted is planted with species appropriate to the landscape and ecology of the area, fenced and maintained weed free until canopy closure.
- (8) subdivision at 32 Christian Road, Swanson (Lot 1 DP 53766):
- (a) the assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which the required 20m-wide planted strip is established along the northern boundary of the site, and will create a buffer between the site and the adjoining land to the north.
- (9) subdivision at 46 Christian Road, Swanson (Lot 1 DP 425696):
- (c) the assessment criteria in D12.8.2(3)(a)-(f); and
  - (d) the extent to which the location of any proposed dwelling avoids any adverse effects on the visual or aural amenity values of any adjacent or surrounding sites.
- (10) subdivision at 33 – 35 Coulter Road, Henderson Valley (Allot 232 PSH of Waipareira):
- (a) the assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which the location of any proposed dwelling avoids the visible face above Coulter Road between the road boundary and the eastern edge of the Ridgeline Protection Overlay identified onsite, the area within Ridgeline Protection Overlay identified onsite, and the area

west of the indicative enhancement area, as shown in Figure D12.10.2 Overlay Subdivision Plan 2 – Swanson South (Foothills).

- (11) subdivision at 40 Coulter Road, Henderson Valley (Lot 1 DP 61729):
  - (a) the assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which vehicle access to any existing or proposed site uses the existing driveway.
- (12) subdivision at 70 Coulter Road, Henderson Valley:
  - (a) assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which any proposed dwelling in the south-western part of the site is sufficiently set back from the Coulter Road boundary to be clear of the Ridgeline Protection Overlay onsite and avoids adverse effects on the visual and aural amenity of the neighbours at 66 Coulter Road.
- (13) subdivision at 78 Coulter Road, Henderson Valley (lot 1 DP 485484):
  - (a) assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which there is no net increase in the existing building coverage on the site resulting from any subdivision.
- (14) subdivision at 163 Simpson Road, Henderson Valley (Lot 2 DP 426324):
  - (a) assessment criteria in D12.8.2(3)(a)-(f);
  - (b) the extent to which further residential building within the Ridgeline Protection Overlay onsite is avoided and protected by way of covenant, encumbrance or consent notice; and
  - (c) the extent to which vehicle access to any proposed site avoids any Indicative Enhancement Area shown in Overlay Subdivision Plan 2 – Swanson South (Foothills).
- (15) subdivision at 780 Swanson Road, Henderson Valley (Lot 1 DP 196223):
  - (a) assessment criteria in D12.8.2(3)(a)-(f);
  - (b) the extent to which any proposed dwelling avoids any adverse visual or landscape effects on the surrounding neighbourhood; and
  - (c) the extent to which any proposed dwelling is screened from Swanson Road and Tram Valley Road.
- (16) subdivision at 40 Tram Valley Road, Swanson (Lot 6 DP 60454):
  - (a) assessment criteria in D12.8.2(3)(a)-(f); and
  - (b) the extent to which any proposed dwelling(s) within any proposed site(s) are located within the cleared areas south of the existing minor dwelling.

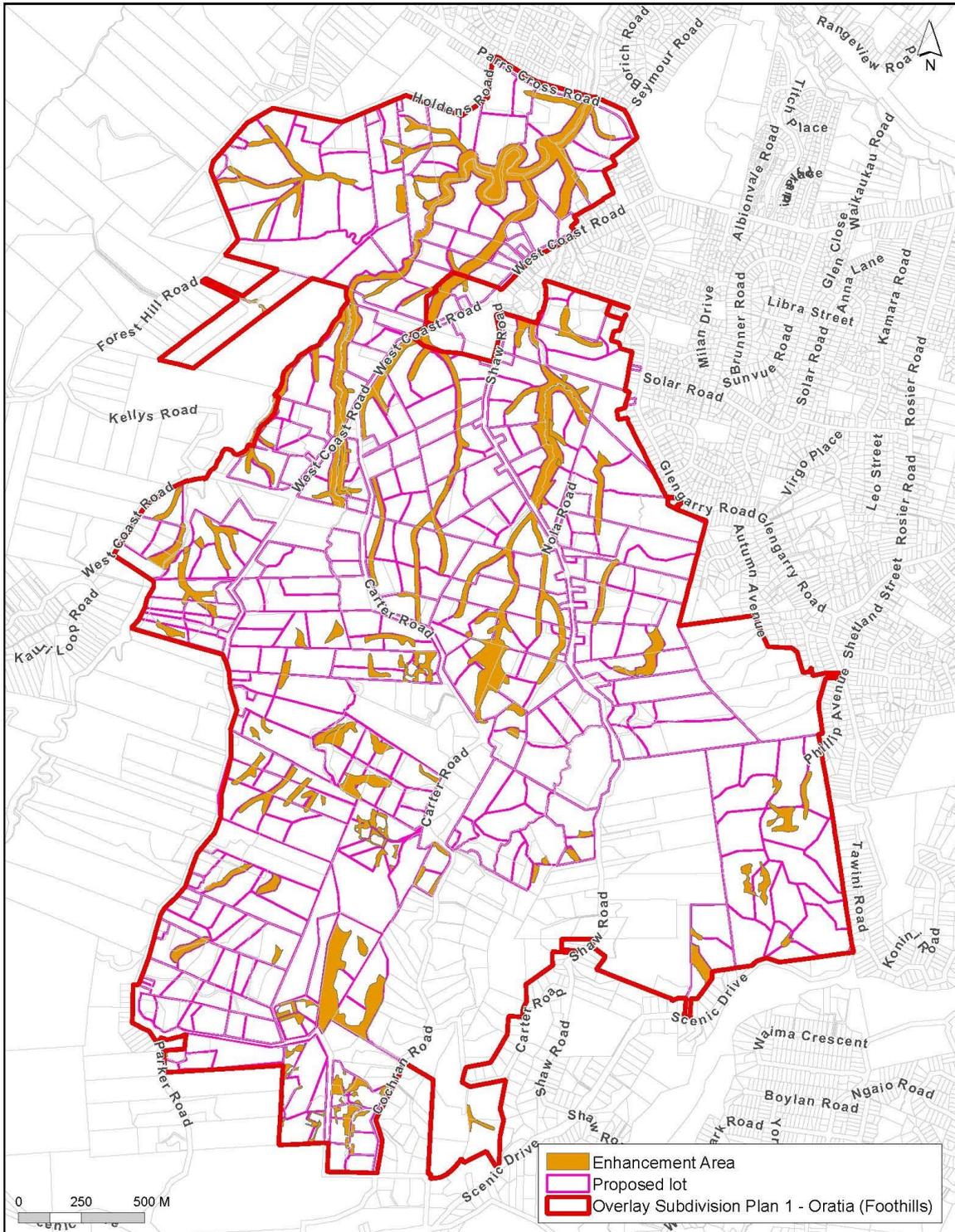
### **D12.9. Special information requirements**

~~There are no special information requirements in this overlay.~~

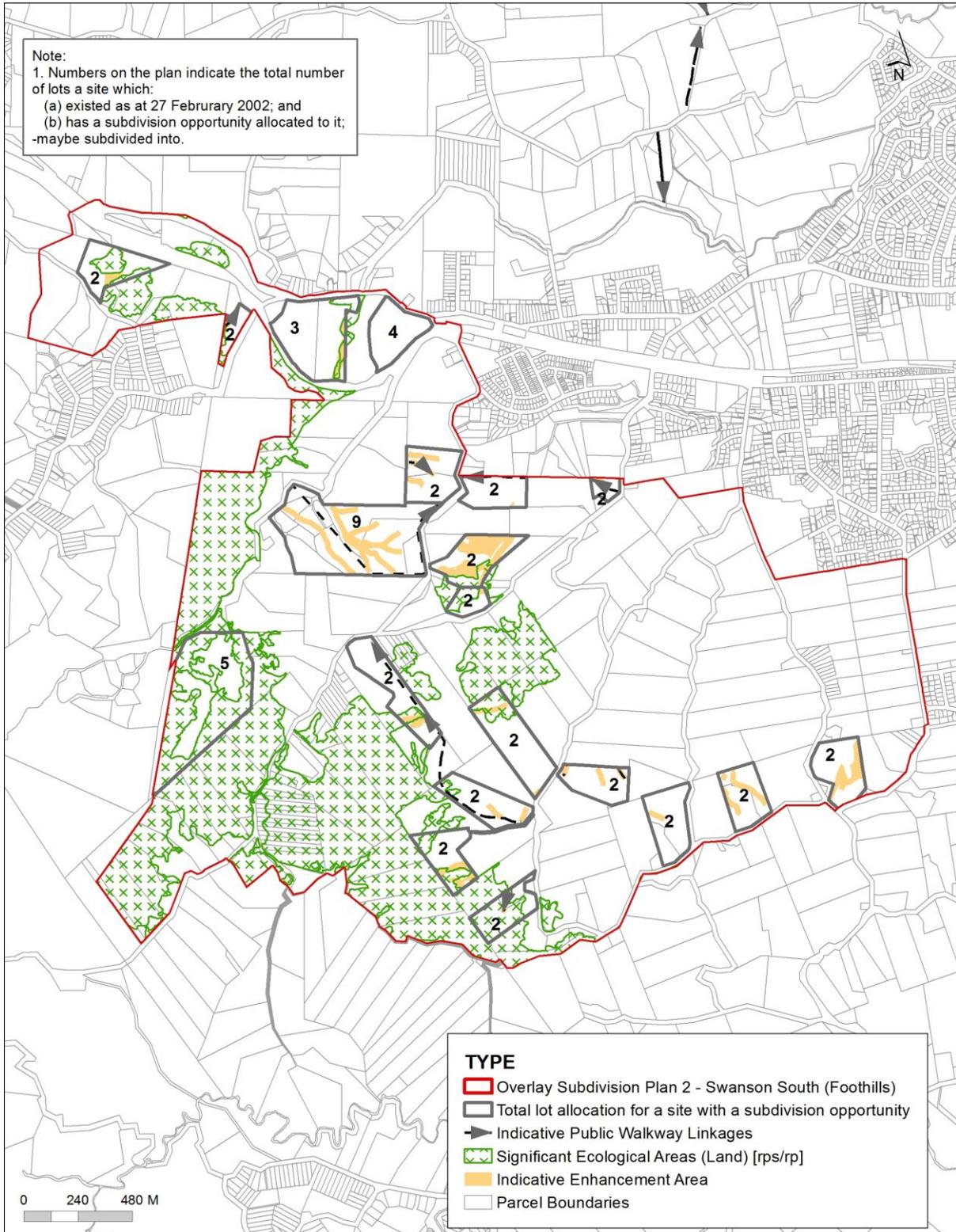
An ecological assessment and landscape assessment prepared by a suitably qualified specialist may be required as part of a subdivision application, commensurate with the scale and likely effects of the proposed development.

D12.10. Overlay subdivision plans

Figure D12.10.1 Overlay Subdivision Plan 1 - Ōrātia (Foothills)



**Figure D12.10.2: Overlay Subdivision Plan 2 - Swanson South (Foothills)**



**Figure D12.10.3: Overlay Subdivision Plan 3 – Permitted Building Area for 42 Christian Road, Swanson**



**Figure D12.10.4 Overlay Subdivision Plan 4 – Permitted Building Area for 33-35 Coulter Road, Henderson Valley**



**Figure D12.10.5 Overlay Subdivision Plan 5 – Permitted Building Area for 780 Swanson Road, Swanson**



**Figure D12.10.6 Overlay Subdivision Plan 6 – Permitted Building Area for 40 Tram Valley Road, Swanson**

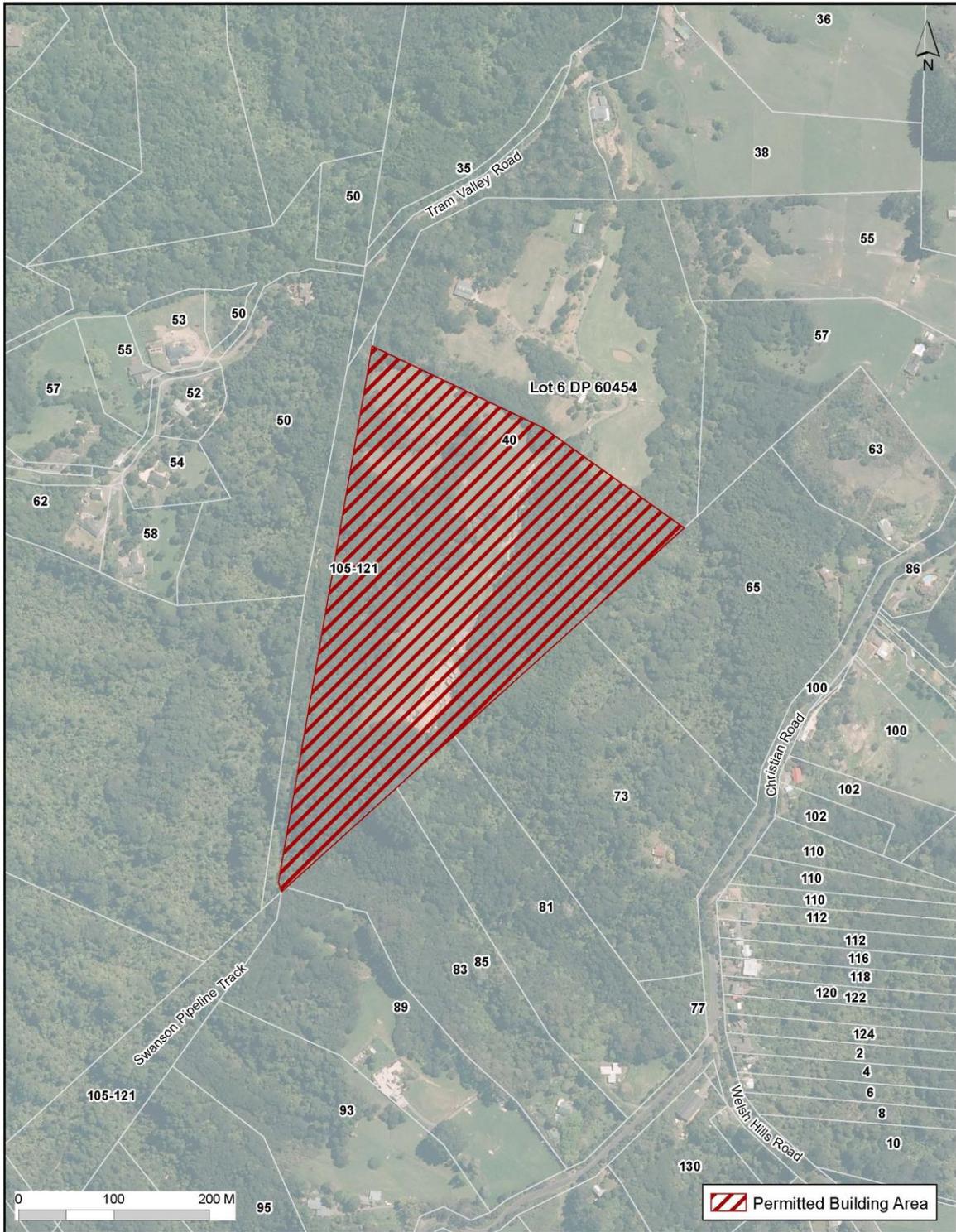
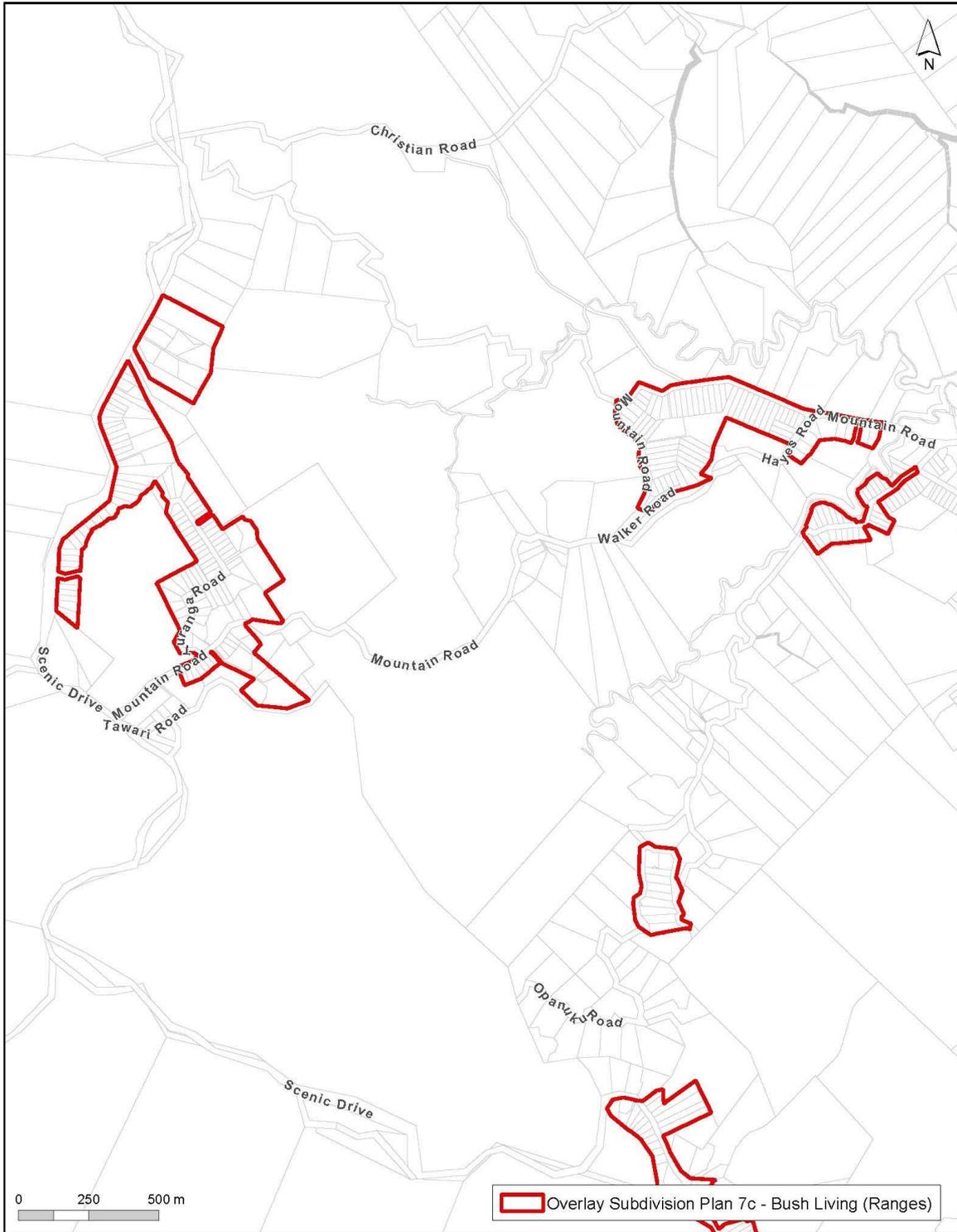


Figure D12.10.7 Overlay Subdivision Plan 7a – Bush Living (Ranges)





Figure D12.10.9 Overlay Subdivision Plan 7c – Bush Living (Ranges)



**Figure D12.10.10**

*[deleted]*

Figure D12.10.11 Overlay Subdivision Plan 7d – Bush Living (Ranges)

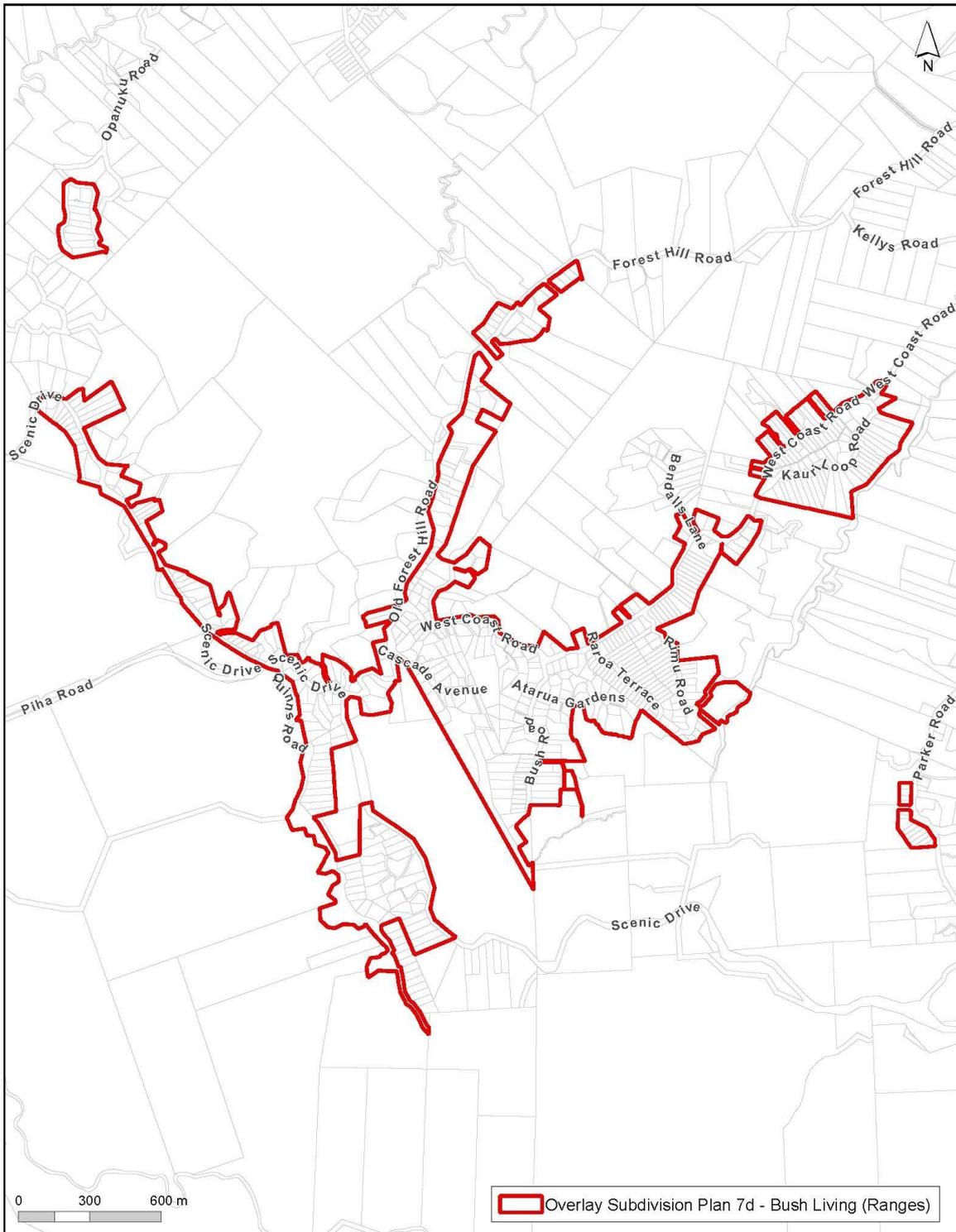
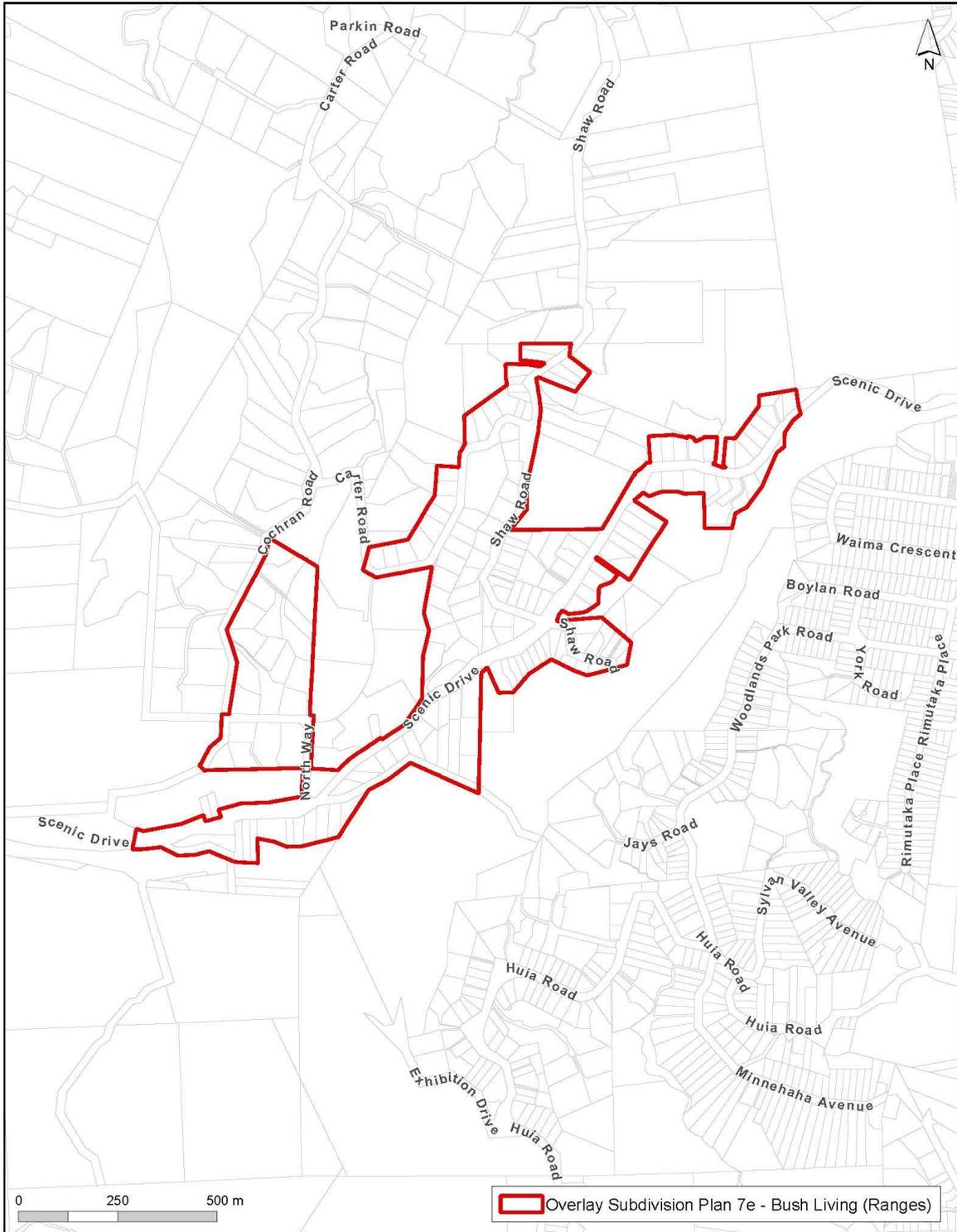


Figure D12.10.12 Overlay Subdivision Plan 7e – Bush Living (Ranges)



**Figure D12.10.13 Overlay Subdivision Plan 7f – Bush Living (Ranges)**





Figure D12.10.15 Overlay Subdivision Plan 8 - Ōrātia (Ranges)

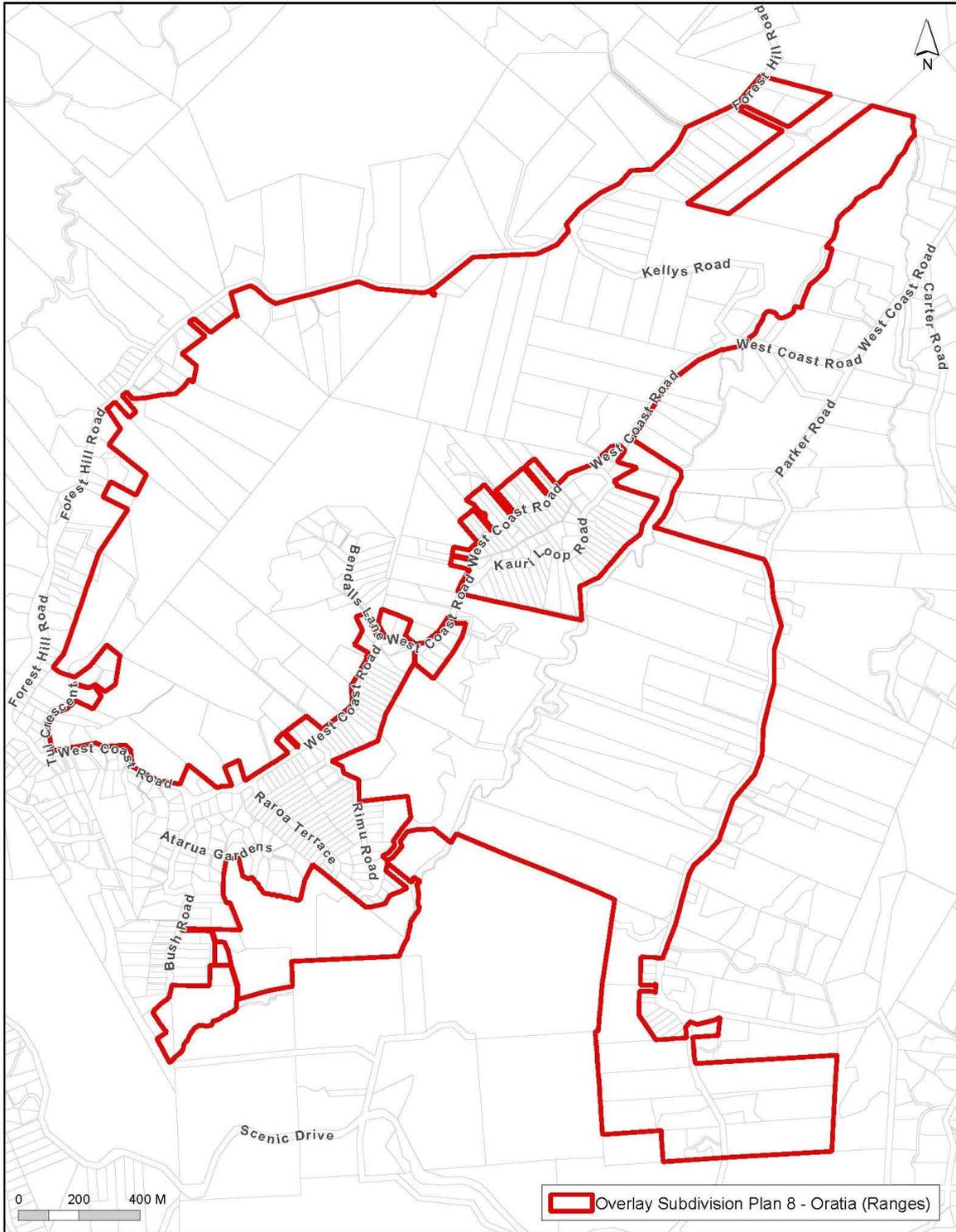


Figure D12.10.16 Overlay Subdivision Plan 9 – Titirangi – Laingholm (North)

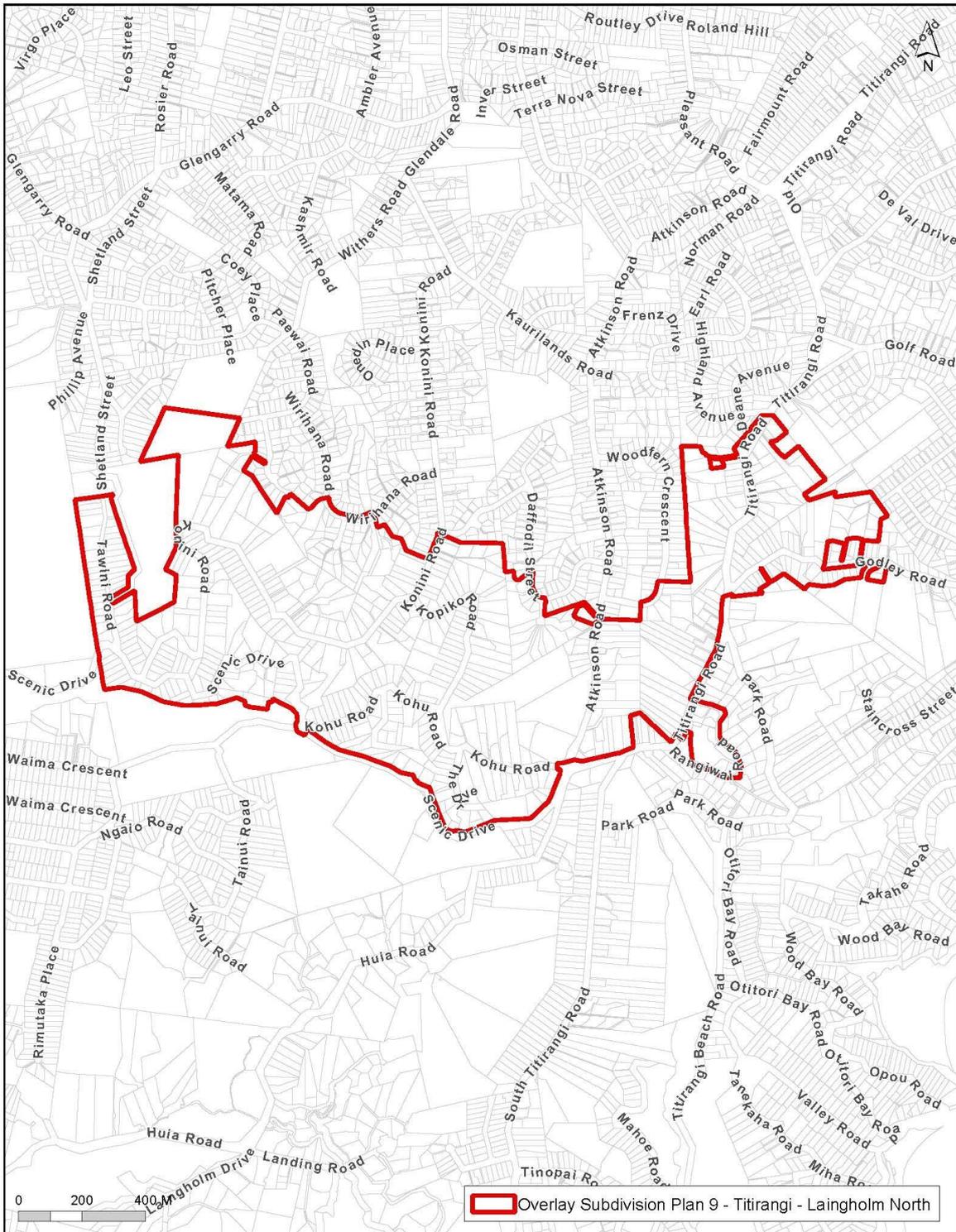
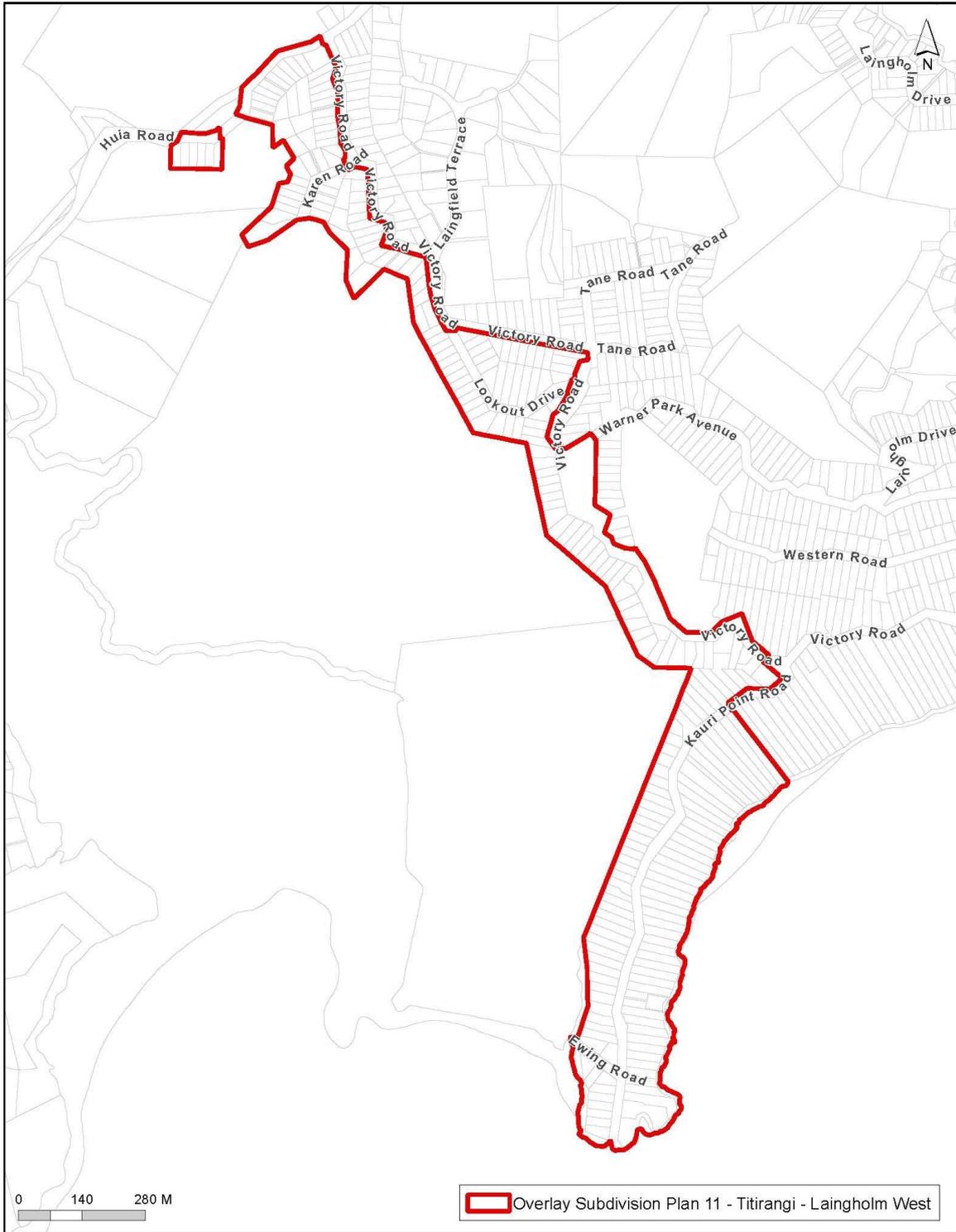


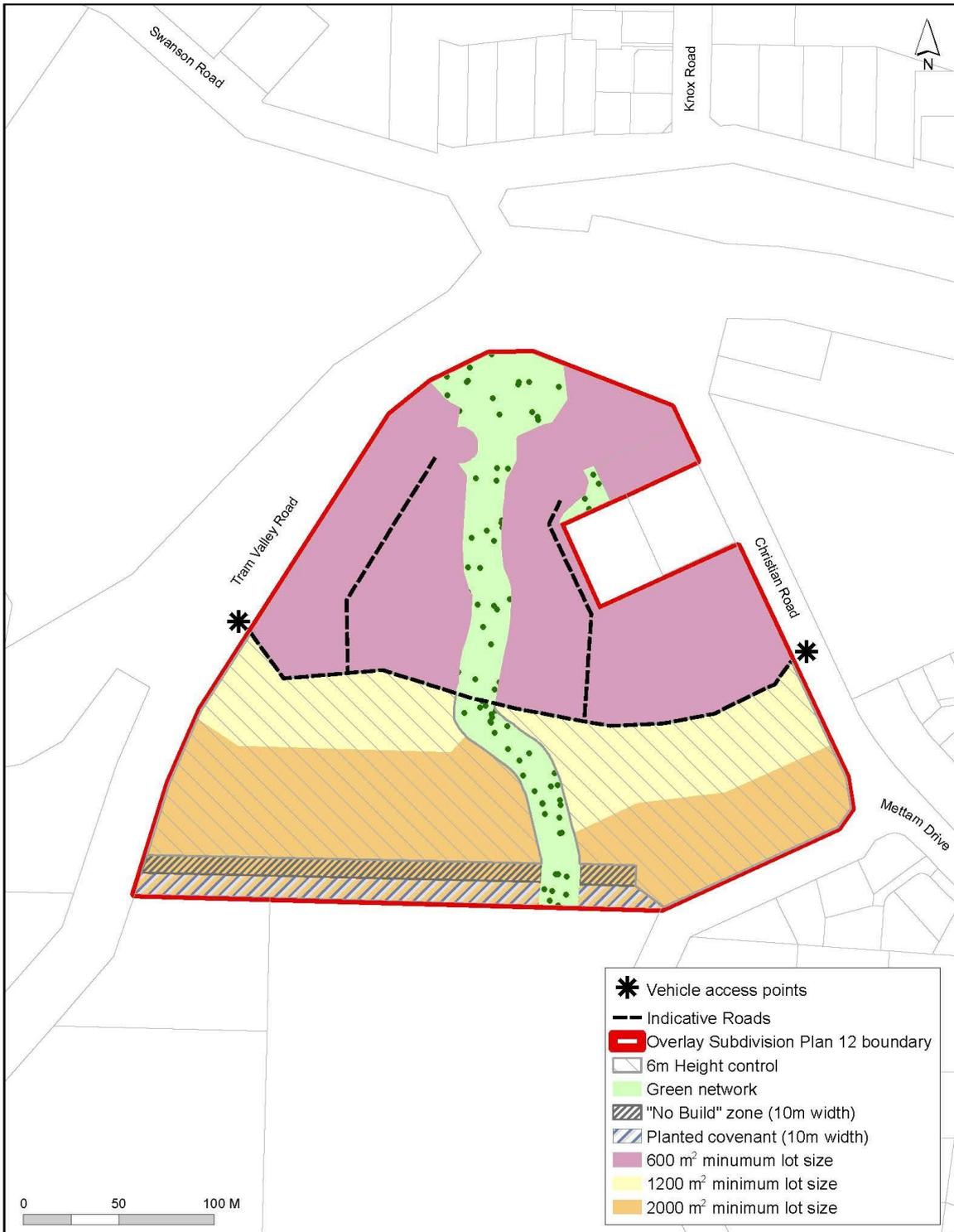


Figure D12.10.18 Overlay Subdivision Plan 11 – Titirangi – Laingholm (West)



Qualifying matter as per Sch 3C, cls 8(1)(a) of the RMA

Figure D12.10.19 Overlay Subdivision Plan 12 – 7 – 11 Christian Road, Henderson Valley



## **D13. Notable Trees Overlay**

### **D13.1. Background**

The purpose of the Notable Trees Overlay is to protect notable trees and notable groups of trees from danger or destruction resulting from development.

Individual trees and groups of trees that have been scheduled as notable trees are considered to be among the most significant trees in Auckland. These trees have been specifically identified to ensure that the benefits they provide are retained for future generations.

The Notable Trees Overlay is a qualifying matter in accordance with clause 8 of Schedule 3C of the RMA with respect to the greater height or density enabled by clause 4 of Schedule 3C.

It is a qualifying matter for those notable trees that have historic heritage values under section 6 of the RMA and a qualifying matter for all notable trees due to their amenity values under section 7 of the RMA.

The provisions of this overlay may mean the height or density of development enabled in the underlying zone will not be able to be achieved on some sites.

The legal description of sites on which a notable tree or group of trees in Schedule 10 Notable Trees Schedule are located will be updated automatically (without a plan change under Schedule 1 of the RMA) where a subdivision occurs and where any part of a subdivided lot contains any part of the Notable Trees Overlay, including any lots which qualify as an urban environment allotment under s76(4C) of the Act.

Similarly, where there is evidence that a tree or group of trees has been physically removed as a result of consent processes or emergency works, the notable tree or group of trees will be automatically removed from Schedule 10 Notable Trees Schedule without a plan change under Schedule 1 of the RMA.

If a new tree or group of trees is proposed to be included in Schedule 10 Notable Trees Schedule, a plan change under Schedule 1 of the RMA will be required.

### **D13.2. Objective**

- (1) Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development.

### **D13.3. Policies**

- (1) Provide education and advice to encourage the protection of notable trees and notable groups of trees in rural and urban areas.
- (2) Require notable trees and notable groups of trees to be retained and protected from inappropriate subdivision, use and development, by considering:
  - (a) the specific attributes of the tree or trees including the values for which the tree or trees have been identified as notable;

- (b) the likelihood of significant adverse effects to people and property from the tree or trees;
- (c) the degree to which the subdivision, use or development can accommodate the protection of the tree or groups of trees;
- (d) the extent to which any trimming, alteration or removal of a tree is necessary to accommodate efficient operation of the road network, network utilities or permitted development on the site;
- (e) alternative methods that could result in retaining the tree or trees on the site, road or reserve;
- (f) whether minor infringements of the standards that apply to the underlying zone would encourage the retention and enhancement of the tree or trees on the site;
- (g) whether the values that would be lost if the tree or trees are removed can be adequately mitigated;
- (h) whether the proposal is consistent with best arboricultural practice;
- (i) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material; and
- (j) the provision of a tree management or landscape plan.

#### **D13.4. Activity table**

Table D13.4.1 Activity table specifies the activity status for land use activities related to tree management in the Notable Trees Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation are located in Section [E26 Infrastructure](#).

Reference to 'trees' includes trees, groups of trees and the protected root zone.

The legal description associated with a notable tree or group of trees in Schedule 10 Notable Trees Schedule (including on lots which qualify as an urban allotment under s76(4C) of the RMA) will be corrected and updated to refer to the new legal description of a lot where the following has occurred:

- a) the lots contain any part of the Notable Trees Overlay; and
- b) a subdivision of the site has occurred; and
- c) any part of a subdivided lot contains any part of the Notable Trees Overlay.

The Notable Trees Schedule rules cease to have effect and Schedule 10 Notable Trees Schedule and the maps will be corrected and updated accordingly where:

- a) a tree or group of trees has been physically removed as a result of consent processes; or
- b) a tree or group of trees has been physically removed as a result of emergency works; and the following has occurred:
- c) the council has sighted the resource consent or other approval authorising the physical removal of the tree or group of trees; and
- d) the council has given written notice to the owners of the property from which the overlay will be removed.

In circumstances where a new tree or group of trees is proposed to be included in Schedule 10 Notable Trees Schedule, a plan change under Schedule 1 of the RMA will be required.

**Table D13.4.1 Activity Table**

Activity		Activity status
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal undertaken by a qualified arborist	P
(A3)	Dead wood removal not undertaken by a qualified arborist	C
(A4)	Emergency tree works	P
(A5)	Tree trimming or alteration	P
(A6)	Tree trimming or alteration that does not comply with Standard D13.6.1	RD
(A7)	Tree removal	D
(A8)	Works within the protected root zone to enable trenchless methods at a depth greater than 1m below ground level	P
(A9)	Work within the protected root zone not otherwise provided for	RD

**D13.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table D13.4.1 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 D13.4.1 Activity table and which is not listed in D13.5(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\(4\)](#).

**D13.6. Standards**

All permitted, controlled and restricted discretionary activities in Table D13.4.1 must comply with the following standards.

**D13.6.1. Tree trimming or alteration**

- (1) The maximum branch diameter must not exceed 50mm at severance.
- (2) No more than 10 per cent of live growth of the tree may be removed in any one calendar year.
- (3) The works must meet best arboricultural practice.
- (4) All trimming or alteration must retain the natural shape, form and branch habit of the tree.

**D13.6.2. 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 used 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.

**D13.7. Assessment – controlled activities**

**D13.7.1. Matters of control**

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

- (1) for deadwood removal not undertaken by a qualified arborist:
  - (a) the extent of the alteration of the tree; and
  - (b) the method to be employed.

**D13.7.2. 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) 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.

### **D13.8. Assessment – restricted discretionary activities**

#### **D13.8.1. Matters of discretion**

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

- (1) all restricted discretionary activities:
  - (a) consideration of alternatives available to avoid trimming or alteration of the tree;
  - (b) any effect on the values of the tree or trees for which they were scheduled;
  - (c) any tree works plan, reserve management plan, or landscape plan relevant to the tree or groups of trees;
  - (d) any loss or reduction of amenity values provided by the tree or trees;
  - (e) consistency with best arboricultural practice;
  - (f) methods to control plant pathogens;
  - (g) any mitigation proposed;
  - (h) the risk of damage to people or property;
  - (i) the functional and operational needs of infrastructure;
  - (j) the benefits derived from the infrastructure;
  - (k) for tree trimming or alteration not meeting Standard D13.6.1:
    - (i) the methods proposed to reduce any adverse effects; and
    - (ii) the extent of the alteration of the tree or trees.
  - (l) for work within the protected root zone not meeting Standard D13.6.2:
    - (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.

#### **D13.8.2. Assessment criteria**

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

- (1) all restricted discretionary activities:
  - (a) the extent to which alternative methods that could result in avoiding alteration of the tree or trees have been considered;
  - (b) the specific values of the tree or trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards;
  - (c) 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;
  - (d) 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;
  - (e) the loss of any amenity values that the tree or trees provided;
  - (f) 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;
  - (g) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;
  - (h) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
  - (i) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;
  - (j) the provision of a tree works plan, to address:
    - (i) the effects on the tree or trees;
    - (ii) the proposed methods to be used;
    - (iii) the extent to which the proposed works are consistent with best arboricultural practice;
    - (iv) for tree alteration, the methods proposed to reduce any adverse effects and the extent of the alteration of the tree or trees; and
    - (v) for works within the protected root zone, the methods proposed to reduce any adverse effects on the tree or trees, including the depth of the works, and the extent of area of the protected root zone or zones that is affected.
  - (k) the need for the direction and supervision of a qualified arborist while the works are being carried out;
  - (l) the functional and operational requirements of infrastructure; and

(m) the benefits derived from infrastructure.

**D13.9. Special information requirements**

There are no special information requirements for the Notable Tree Overlay.

## **D14. Maunga Viewshafts and Height and Building Sensitive Areas Overlay**

### **D14.1. Overlay description**

The purpose of the Maunga Viewshafts and Height and Building Sensitive Areas Overlay is to appropriately protect significant views of Auckland's maunga cones through the use of viewshafts and height and building sensitive areas. The maunga viewshafts and height and building sensitive areas are identified on the planning maps.

This overlay contributes to Auckland's unique identity by protecting the natural and cultural heritage values of significant maunga cones.

This overlay incorporates three elements:

- (1) Regionally significant maunga viewshafts which protect regionally significant views to the Auckland maunga. Buildings that intrude into a regionally significant maunga viewshaft require restricted discretionary activity consent up to 9m in height, beyond which they are a non-complying activity.
- (2) Locally significant maunga viewshafts manage development to maintain locally significant views to the Auckland maunga. Buildings that intrude into a locally significant maunga viewshaft are a permitted activity up to 9m in height, beyond which they are a restricted discretionary activity.
- (3) Height and building sensitive areas are areas of land located on the slopes and surrounds of the maunga cones. These areas are mapped and are identified as a layer on the planning maps and are marked with the following symbol: ▼.

Height and building sensitive areas enable reasonable development in areas where the floor of the viewshaft is less than 9m (the maximum height in Residential – Single House Zone and Residential – Mixed Housing Suburban Zone). They also ensure that development is of a scale and/or location that does not dominate the local landscape or reduce the visual significance or amenity values of the maunga feature. Buildings are a permitted activity up to a defined maximum height beyond which they are a non-complying activity. An additional height control applies at the boundary of a maunga feature.

### **D14.2. Objectives [rcp/dp]**

- (1) The regionally significant views to and between Auckland's maunga are protected.
- (2) The locally significant views to Auckland's maunga are managed to maintain and enhance the visual character, cultural significance, identity and form of the maunga in the views.
- (3) The height and building sensitive areas are managed to protect the visual character, cultural significance, identity, physical integrity and form of the maunga.

### D14.3. Policies [rcp/dp]

- (1) Protect the unique visual character, cultural significance, identity, physical integrity and form of regionally significant maunga, together with local views to them, by:
  - (a) locating height and building sensitive areas around the base of the maunga; and
  - (b) imposing height and built form limits which prevent future encroachment into views of the maunga that would erode the visibility to their profile and open space values, and cultural values, while allowing a reasonable scale of development;:
  - (c) minimising earthworks and retaining walls;
  - (d) within residential zones, limiting building coverage and landscaped area and ensuring separation of buildings to maintain and enhance visual permeability to the slopes of the maunga; and
  - (e) respecting the maunga as sacred places to mana whenua.
- (2) Manage subdivision, use and development to ensure that the overall contribution of the regionally significant maunga scheduled as outstanding natural features to the landscape of Auckland is maintained and where practicable enhanced, including by protecting physical and visual connections to and views between the maunga.
- (3) Protect the historic, archaeological and cultural integrity of regionally significant maunga features and their surrounds by avoiding activities that detract from these values and the mana of the maunga.
- (4) Avoid new buildings or structures that intrude into maunga viewshafts scheduled in [Schedule 9 Maunga Viewshafts Schedule](#), except:
  - (a) where they would have no adverse effect on the visual integrity of the maunga as seen from the identified viewing point or line; or
  - (b) to allow development up to a two-storey height to intrude into a maunga viewshaft, where any adverse effect of development is avoided or mitigated; or
  - (c) to allow development located within an identified height and building sensitive area up to defined appropriate height limits; 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 maunga viewshaft, there is no reasonably practicable alternative and adverse effects of development are avoided or mitigated.

(5) Avoid new buildings or structures that exceed two storeys in height in a height and building sensitive area, except where they would have no adverse effect on the visual integrity of any maunga to which that height and building sensitive area relates, as seen from any public place.

(6) Require urban intensification to be consistent with the protection of maunga features and viewshafts.

**D14.4. Activity table [rcp/dp]**

Table D14.4.1 specifies the activity status of land use and development activities in the Maunga Viewshafts and Height and Building Sensitive Areas Overlay pursuant to sections 9(3) and 12 of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation in the Maunga Viewshafts and Height and Building Sensitive Areas Overlay are located in Section E26 Infrastructure.

**Table D14.4.1 Activity table**

Note: Where a site is subject to both a Maunga Viewshaft and a Height and Building Sensitive Area, and where the height as limited by the Maunga Viewshaft is lower than the permitted height in the Height and Building Sensitive Area, Rule D14.4.1 (A7) applies and Rule D14.4.1 (A3) does not apply.

Activity		Activity status	
<b>Buildings (where they intrude into a scheduled maunga viewshaft), excluding network utilities, electricity generation facilities, broadcasting facilities and road networks</b>			
		<b>Regionally Significant Maunga Viewshaft</b>	<b>Locally Significant Maunga Viewshaft</b>
(A1)	Buildings that do not intrude into a viewshaft scheduled in <a href="#">Schedule 9 Maunga Viewshafts Schedule</a>	P	P
(A2)	Temporary activities	P	P
(A3)	Buildings, except for fences and walls, up to 9m in height	RD	P
(A4)	Fences and walls, where their height does not exceed 2.5m	RD	P
(A5)	Towers associated with fire stations operated by Fire and Emergency New Zealand that are no higher than the height allowed as a permitted activity in the zone.	RD	P
(A6)	Buildings not otherwise provided for or that do not comply with the standards under <a href="#">D14.6.1</a> , <a href="#">D14.6.3</a> , <a href="#">D14.6.4</a>	NC	RD

<b>Buildings in a height and building sensitive area, excluding network utilities, electricity generation facilities, broadcasting facilities and road networks</b>		
(A7)	Buildings up to 9m in height except as specified in Standard D14.6.3.	P
(A7A)	<u>Buildings that do not comply with standard D14.6.5 Building coverage*</u>	<u>RD</u>
(A7B)	<u>Buildings that do not comply with standard D14.6.6 Landscaped area*</u>	<u>RD</u>
(A7C)	<u>Buildings not complying with underlying zone Yards standards*</u>	<u>RD</u>
(A7D)	<u>Buildings that do not comply with standard D14.6.7 Earthworks*</u>	<u>RD</u>
(A8)	Buildings up to 13m in height in the areas identified in Figure D14.10.1	P
(A9)	Temporary activities	P
(A10)	Towers associated with fire stations operated by Fire and Emergency New Zealand that are no higher than the height allowed as a permitted activity in the zone	RD
(A11)	Buildings not otherwise provided for or that do not comply with the standards	NC

\* These standards do not apply in the Bucklands Beach Height and Building Sensitive Area

#### **D14.5. Notification**

- (1) Any application for resource consent for any of the following non-complying activities must be publicly notified:
  - (a) D14.4.1(A6) Buildings not otherwise provided for or that do not comply with the standards (non-complying only); and
  - (b) D14.4.1(A11) Buildings not otherwise provided for or that do not comply with the standards.
- (2) Any application for resource consent for an activity listed in Table D14.4.1 Activity table and which is not listed in D14.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

## **D14.6. Standards**

All activities listed as permitted and restricted discretionary in Table D14.4.1 must comply with the following standards.

### **D14.6.1. Height**

- (1) In applying these standards, height must be measured using the rolling height method except if using standards D14.6.3(1)(a)(i), D14.6.3(1)(a)(iii) and D14.6.3(1)(c) where maximum height is restricted by another method.
- (2) Flagpoles, masts, lighting poles, chimneys and water overflow pipes must not exceed 300mm in any horizontal cross-sectional dimension and must be located at least 10m from any other flagpole, mast, lighting pole, chimney or water overflow pipe.
- (3) Except for guy wires and chain link or other open or transparent fences, the list of exclusions in the plan's definition of height do not apply.

### **D14.6.2. Buildings and structures that do not intrude into a viewshaft scheduled in Schedule 9 Maunga Viewshafts Schedule**

- (1) Compliance must be confirmed by a report from a registered surveyor that the building does not intrude into the scheduled viewshaft (from the identified viewpoint or line) because of the presence of landform. The presence of existing vegetation is not to be taken into account when confirming compliance and the report shall include identification of the landform used to confirm compliance.

### **D14.6.3. Buildings on sites that have a contiguous boundary with a site with a maunga feature mapped as an outstanding natural feature**

- (1) Buildings on sites that have a contiguous boundary with a site with a maunga feature mapped as an outstanding natural feature must not exceed a height of:
  - (a) the height and building sensitive area maximum of 9m except where the lesser height of the following applies;
    - (i) the average height above NZVD2016 of the highest points of the nearest two buildings (not including accessory buildings) on adjoining sites where those sites also have contiguous boundary with the maunga feature; or
    - (ii) *[deleted]*
    - (iii) where D14.6.3(1)(a)(i) cannot be applied, the average height above NZVD2016 of the site boundary which is contiguous with the maunga feature. Average height will be calculated using the average of measurements of height above NZVD2016, taken along the contiguous boundary at 1m intervals.
  - (b) 7.3m for buildings on 14A Pickens Crescent Mt Albert (Lot 1 DP 394305; CT 377258); or

- (c) RL (in terms of NZVD2016) 103.08 for buildings on 47A Mount St John Avenue Epsom (Lot 1 DP 359371; CT 241868).

**D14.6.4. Temporary construction and safety structures ~~(other than in Business – City Centre Zone and Business – Metropolitan Centre Zone)~~**

- (1) ~~[Deleted] Temporary construction and safety structures must be removed within 30 days or upon completion of the construction works, whichever is the lesser.~~
- (2) Temporary construction and safety structures must be removed within 24 months or upon completion of the construction works, whichever is the lesser.
- (3) Temporary construction and safety structures that are in place for greater than 30 days must:
- (a) Not display any sign except signs required for health, safety or operational requirements;
  - (b) Only display lighting that is limited to that necessary to comply with safety or civil aviation requirements; and
  - (c) Be non-reflective and have a matte finish.

**D14.6.4A ~~[Deleted] Temporary construction and safety structures (Business – City Centre Zone and Business – Metropolitan Centre Zone Only)~~**

- ~~(1) Temporary construction and safety structures must be removed within 24 months or upon completion of the construction works, whichever is the lesser.~~
- ~~(2) Temporary construction and safety structures that are in place for greater than 30 days must:~~
- ~~(a) Not display any sign except signs required for health, safety or operational requirements;~~
  - ~~(b) Only display lighting that is limited to that necessary to comply with safety or civil aviation requirements; and~~
  - ~~(c) Be non-reflective and have a matte finish.~~

**The following Standards D14.6.5 – D14.6.8 apply only to buildings in Residential Zones within the Height and Building Sensitive Areas Overlay.**

**D14.6.5. Building coverage**

Purpose: To protect the visual character, cultural significance, identity, physical integrity and form of the maunga when viewed from public places by maintaining the relationship of built form to open space and landscape context.

- (1) Within Height and Building Sensitive Areas the maximum building coverage is 35 per cent of the net site area.

**D14.6.6. Landscaped area**

Purpose: To protect the visual character, cultural significance, identity, physical integrity and form of the maunga when viewed from public places by maintaining the relationship of built form to open space and landscape context.

(1) Within Height and Building Sensitive Areas the minimum landscaped area must be at least 40 per cent of the net site area.

**D14.6.7. Earthworks**

Purpose: To protect the visual character, cultural significance, identity, physical integrity and form of the maunga

(1) Within Height and Building Sensitive Areas Land Disturbance shall comply with E12.4.2 (A32) and (A33)

**D14.7. Assessment – controlled activities**

**D14.7.1. Matters of control**

There are no controlled activities in this overlay.

**D14.8. Assessment – restricted discretionary activities**

**D14.8.1. Matters of discretion**

The Council will restrict its discretion to 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 maunga from the identified viewing point or line;
  - (b) location, nature, form and extent of proposed works;
  - (c) mana whenua values associated with the maunga; and
  - (d) the functional or operational need for the proposal and any alternatives considered to fulfil that need without the intrusion into the viewshaft or exceeding the maximum height limit of a height and building sensitive area.

(2) Buildings in Residential Zones not complying with standards D14.6.5 Building coverage; D14.6.6 Landscaped area; D14.6.7 Earthworks or underlying zone Yard standards:

- (a) Cultural values associated with the maunga;
- (b) The unique visual character, identity, physical integrity and form of the maunga.

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

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

- (1) all restricted discretionary activities:
  - (a) having regard to the viewshaft or height and building sensitive area statement in Appendix 20 Maunga Viewshafts and Height and Building Sensitive Areas – Values Assessments, whether the nature, form and extent of the building adversely affects the visual integrity of the maunga;
  - (b) whether the proposed building has a functional or operational requirement to be in the location proposed and the proposed height of the building is consistent with that requirement;
  - (c) whether there are practicable alternatives available that will not intrude into, or will minimise the intrusion into the viewshaft or exceedance of the maximum height of a height and building sensitive area;
  - (d) whether the proposed building will impact on Mana Whenua values associated with the maunga; and
  - (e) the relevant objectives and policies in [B4.3](#), D14.2 and D14.3

(2) Buildings in Residential Zones not complying with standards D14.6.5 Building coverage; D14.6.6 Landscaped area; D14.6.7 Earthworks or underlying zone Yards standards:

- (a) Policy D14.3 (1)
- (b) Policy D14.3 (2)
- (c) Policy D14.3 (3)
- (d) Policy D14.3 (6)

### **D14.9. Special information requirements**

There are no special information requirements in this overlay.

**D14.10. Figures**

**Figure D14.10.1 Devonport Height and Building Sensitive Area height**



## **D16. Local Public Views Overlay**

### **D16.1. Overlay description**

In addition to the distinctive volcanic landscape and regionally significant outstanding natural landscapes and outstanding natural features, Auckland's wider landscape and maritime setting provides a sense of identity at the local level. Individual viewing points, and their locally significant viewshafts from public places, contribute to the unique character of many of Auckland's neighbourhoods and coastal areas. Although many significant local views are naturally self-preserved by topography or proximity to the coast and require no specific protective restrictions, some are in prominent public locations but could be obstructed by buildings occurring in the foreground. These viewing points and the views from them have been scheduled in the Local Public Views Overlay to ensure the benefits they provide are retained for future generations.

The Local Public Views Overlay is a qualifying matter in accordance with Schedule 3C cls.8(1)(b) of the Resource Management Act where it pertains to policy 3 areas.

### **D16.2. Objective [rcp/dp]**

- (1) Locally significant public views are managed to maintain and enhance the visual integrity of the views.

### **D16.3. Policies [rcp/dp]**

- (1) Identify and evaluate significant local public viewshafts using the following criteria:
  - (a) the extent to which the public viewshaft contributes to the aesthetic value or visual legibility of the wider natural landscape;
  - (b) the community association with, or public appreciation of, the values of the viewshaft;
  - (c) the visual coherence, unity or integrity of the viewshaft and its view;  
and
  - (d) the potential value of the viewshaft for public education, including known historic associations in relation to the site where the viewshaft originates.
- (2) Manage development on sites within the viewshafts to avoid adverse physical and visual effects on the viewshaft including adverse cumulative effects on the viewshaft.
- (3) Require public access to be maintained to the viewing point where the viewshaft originates.

**D16.4. Activity table**

Table D16.4.1 specifies the activity status of development activities in the Local Public Views Overlay pursuant to sections 9(3) and 12 of the Resource Management Act 1991.

- The rules that apply network utilities and electricity generation in the Local Public Views Overlay are located in [E26 Infrastructure](#).
- The floor of the viewshaft is determined in accordance with the survey co-ordinates contained in [Schedule 11 Local Public View Schedule](#).

**Table D16.4.1 Activity table [rcp/dp]**

Activity		Activity status
<b>Development (where it intrudes into a scheduled local public viewshaft)</b>		
(A1)	Temporary construction and safety structures	P
(A2)	Buildings and structures that intrude into a scheduled local public viewshaft	RD

Qualifying matter as per Sch 3C, cls 8(1)(b) of the RMA

**D16.5. Notification**

- (1) Any application for resource consent for an activity listed in Table D16.4.1 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\(4\)](#).

**D16.6. Standards**

There are no standards in this overlay.

**D16.7. Assessment – controlled activities**

There are no controlled activities in this overlay.

**D16.8. Assessment – Restricted discretionary activities**

**D16.8.1. Matters of discretion**

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

- (1) buildings and structures that intrude into a scheduled local public viewshaft:
  - (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 need or operational need for the proposal and any alternatives considered to fulfil that need without the intrusion into the view; and
  - (d) the relevant objectives and policies in D16.

**D16.8.2. Assessment criteria**

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

- (1) buildings and structures that intrude into a scheduled local public viewshaft:
  - (a) whether the nature, form and extent of the building adversely affects the visual integrity of the viewshaft and its view;
  - (b) whether the proposed building has a functional or operational requirement to be in the location proposed and the proposed height of the building is consistent with that requirement; and
  - (c) whether there are practicable alternatives available that will not intrude into, or will minimise the intrusion into the local public viewshaft.

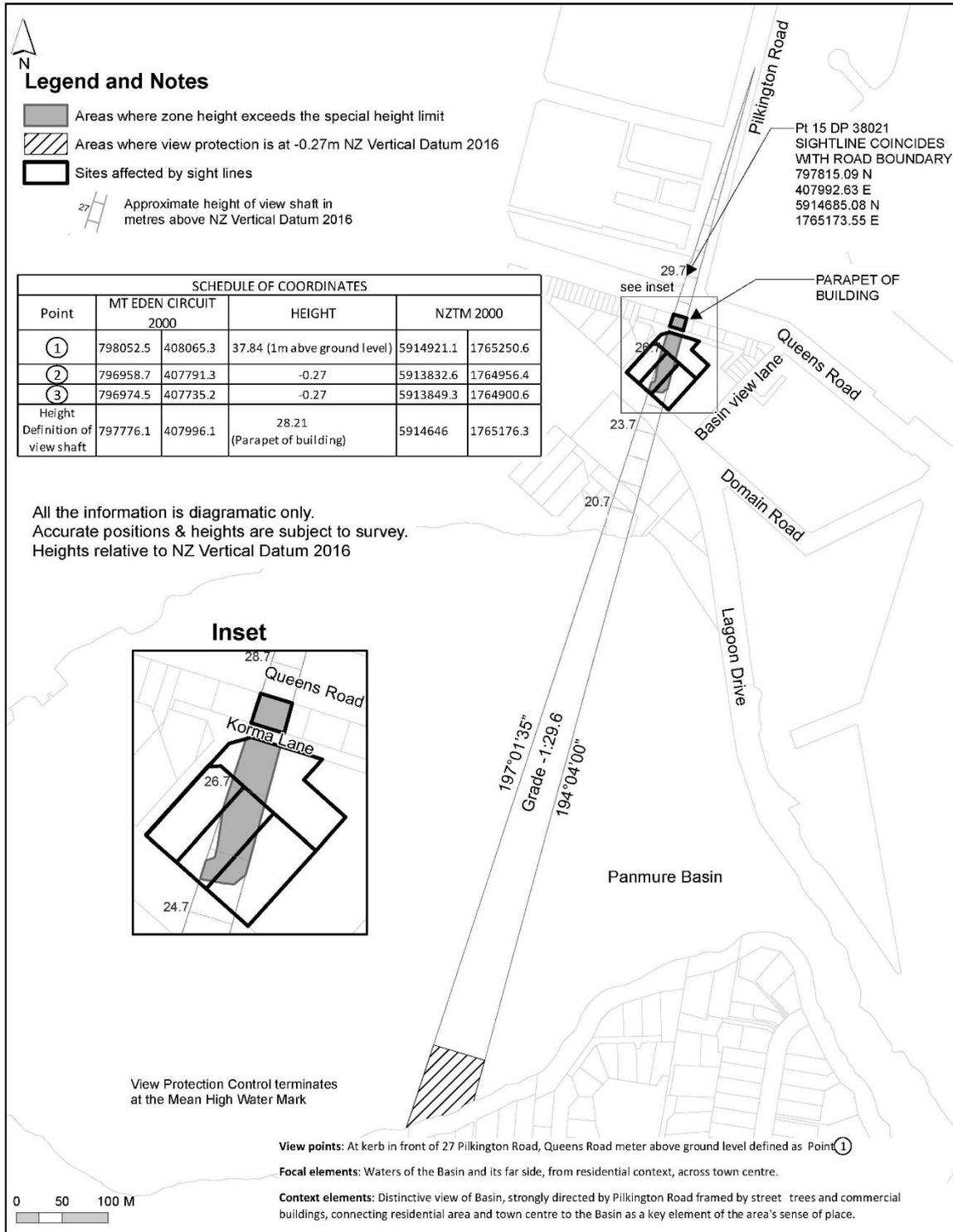
**D16.9. Special information requirements**

There are no special information requirements in this overlay.

**D16.10. Local Public Views**

**D16.10.1. Pilkington Road, Panmure Basin**

Qualifying matter as per Sch 3C, cls 8(1)(b) of the RMA



**D16.10.2. Queens Road, Panmure Basin**

Qualifying matter as per Sch 3C, cls 8(1)(b) of the RMA

