

E12. Land disturbance – District

E12.1. Background

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

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

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

E12.2. Objectives

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

E12.3. Policies

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

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

E12.4. Activity tables

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table E12.4.1 Activity table – all zones and roads

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

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(A4)	Greater than 500m ² up to 1000m ²	RD	P	P	P	RD	P	P
(A5)	Greater than 1000m ² up to 2500m ²	RD	P	RD	RD	RD	P	P
(A6)	Greater than 2500m ²	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A7)	Up to 250m ³	P	P	P	P	P	P	P
(A8)	Greater than 250m ³ up to 1000m ³	RD	P	P	P	RD	P	P
(A9)	Greater than 1000m ³ up to 2500m ³	RD	P	RD	RD	RD	P	P
(A10)	Greater than 2500m ³	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A11)	Earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor	NA	C	NA	NA	NA	NA	NA

Lava caves, fossils and sub-fossils								
(A12)	Land disturbance that disturbs known lava caves more than 1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD
Farming								
(A13)	Ancillary farming earthworks	P	P	P	P	P	P	P
Forestry								
(A14)	Ancillary forestry earthworks	P	P	P	P	P	P	P
Hauraki Gulf islands								
(A15)	Hauraki Gulf islands	Refer to the Auckland Council District Plan (Hauraki Gulf Islands Section) for district activity status and E11 Land Disturbance – Regional for the relevant regional activity status						

Note 1

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

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

- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);
- [D17 Historic Heritage Overlay](#);
- [D18 Special Character Areas – Residential and Business Overlay](#); and
- [D21 Sites and Places of Significance to Mana Whenua Overlay](#).

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

Activity		Activity status					
		Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	Whenua Overlay	Sites and Places of Significance to Mana Whenua Overlay
(A16)	Earthworks for maintenance and repair	P	P	P	P		
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	RD		
(A18)	Earthworks for interments in a burial ground,	P	P	P	P		

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

	apply as listed in Schedule 14.1						
Forestry							
(A26)	Ancillary forestry earthworks for maintenance RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	P		
Temporary activities							
(A27)	Earthworks associated with the installation of the temporary activity RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	RD		
Land disturbance not otherwise listed in this table ³							
(A28)	Up to 5m² RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	D		

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(A29)	Greater than 5m ² up to 50m ²	RD	P	RD	D		
(A30)	Greater than 50m ²	RD	RD	RD	D		
(A31)	Up to 5m ³ RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	D		
(A32)	Greater than 5m ³ up to 250m ³	RD	P	RD	D	D	
(A33)	Greater than 250m ³	RD	RD	RD	D	D	D
(A33A)	Up to 50m ³						P
(A33B)	Greater than 50m ³ up to 250m ³						RD

Note 2

[deleted]

Note 3

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

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

Table E12.4.3 Activity table – Outstanding Natural Features Overlay

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

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

E12.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E12.4.1 Activity table all zones and roads above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E12.4.1 Activity table all zones and roads Table E12.4.2 Activity table overlays (except Outstanding Natural Features Overlay) and Table E12.4.3 Activity table Outstanding Natural Features Overlay and which is not listed in E12.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E12.6. Standards

E12.6.1. Accidental discovery rule

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

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

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

Cease works and secure the area

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

Inform relevant authorities and parties

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

Wait for and enable inspection of the site

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

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

Recommendation of work

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

E12.6.2. General standards

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

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

- (a) operation, maintenance and repair (including network utilities);
 - (b) less than 5m² or 5m³; for general earthworks;
 - (c) less than 10m² or 5m³ for the installation of new network utilities;
 - (d) installation of fences and walking tracks; or
 - (e) burial of marine mammals.
- (2) Land disturbance must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (3) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (4) Access to public footpaths, berms, private properties, network utilities, or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (5) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (6) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (7) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
- (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that
 - (c) vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards E12.6.2(7)(a) and E12.6.2(7)(b) above.
- (8) Land disturbance around Transpower NZ Ltd electricity transmission lines towers must:
- (a) be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; and
 - (b) be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure.
- (9) Land disturbance within 12m of a Transpower NZ Ltd electricity transmission line pole or tower must not:
- (a) create an unstable batter that will affect a transmission support structure; or

(b) result in a reduction in the ground to conductor clearance distances as required by New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001.

(10) Only cleanfill material may be imported and utilised as part of the land disturbance.

(11) Earthworks (including filling) within ~~a 100-year~~ the 1 per cent annual exceedance probability (AEP) flood plain and/or flood prone areas:

(a) must not raise ground levels more than 300mm, to a total fill volume up to 10m³ which must not be exceeded through multiple filling operations; and

(b) must not result in any adverse changes in flood hazard beyond the site.

Note1

This standard does not limit excavation and replacement of fill to form building platforms, where those works do not raise ground levels.

(12) Earthworks (including filling) within overland flow paths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.

(13) Temporary land disturbance and stockpiling of soil and other materials in flood hazard areas ~~within the one per cent annual exceedance probability (AEP) flood plain and/or overland flow path~~ for up to a maximum of 28 days in any calendar year may occur as part of construction or maintenance activities.

(14) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities on a site or places of Significance to Mana Whenua must be limited to the area and depth of earth previously disturbed or modified.

(15) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Historic Heritage Overlay must not extend more than 300 mm below the surface where additional rules for archaeological sites or features apply as listed in [Schedule 14 Historic Heritage Schedule, Statements and Maps](#).

(16) Earthworks associated with a temporary activity on a site or place of significance to Mana Whenua shall be limited to the area of earthwork previously disturbed or modified.

(17) Earthworks/land disturbance for the planting of any tree within the Historic Heritage Overlay must not be undertaken where additional rules for archaeological sites or features apply as listed in [Schedule 14 Historic Heritage Schedule, Statements and Maps](#), other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree.

- (18) Earthworks proposed within medium and high landslide susceptibility assessment areas must be undertaken in general accordance with:
- (a) geotechnical reports, prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) and approved or certified by Council when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazard rules;
 - (b) a landslide hazard risk assessment report prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology and approved or certified by Council when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazards rules; and
 - (c) any conditions of a building consent, resource consent, or consent notice registered on the land title(s) associated with the proposal and relating to landslide risk and geotechnical assessment matters.

E12.6.3. Standards for ancillary farming earthworks

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

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

- (a) create an unstable batter that will affect a transmission support structure; or
- (b) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

E12.6.4. Standards for ancillary forestry earthworks

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

- (1) Other than for ancillary forestry earthworks on sand soils, the Council must be notified at least 48 hours prior to the earthworks starting.
- (2) The ancillary forestry earthworks must not take place on land within a coastal fore-dune.
- (3) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (4) Ancillary forestry earthworks for maintenance shall be limited to the area and depth of earth previously disturbed or modified on a site or place identified in the Site or Place of Significance to Mana Whenua Overlay.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (6) Works must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
- (7) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- (8) Access to public footpaths, berms, private properties, network utilities or public reserves must not be obstructed unless that is necessary to undertake the works or prevent harm to the public.
- (9) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
- (10) Burial of marine mammals must be undertaken by the Department of Conservation or the agents of the Department of Conservation.
- (11) Land disturbance around Transpower NZ Ltd electricity transmission line poles must:
 - (a) be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; and
 - (b) be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that

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

E12.7. Assessment – controlled activities

E12.7.1. Matters of control

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

- (1) all controlled activities:
 - (a) compliance with the standards;
 - (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;
 - (c) effects on the stability and safety of surrounding land, buildings and structures;
 - (d) effects on overland flow paths and flooding;
 - (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
 - (f) staging of works and progressive stabilisation;
 - (g) timing and duration of works;
 - (h) term of consent; and
 - (i) potential effects on significant ecological and indigenous biodiversity values.
- (2) additional matter of control for earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:

- (a) effect on the relationship of Mana Whenua and their culture and traditions with wāhi tapu in the precinct, especially wāhi whenua and wāhi pito.

E12.7.2. Assessment criteria

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

- (1) all controlled activities:

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

- (2) additional assessment criteria for earthworks that exceeds 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:

- (a) conditions may be imposed on consents to avoid, remedy or mitigate any adverse effects of works to support Mana Whenua, including:
 - (i) a requirement to notify the Council and Mana Whenua before any earthworks start;
 - (ii) supervision of works by a Council-appointed archaeologist and Mana Whenua representatives; and
 - (iii) control how earthworks are managed, such as hand digging rather than mechanical digging.

E12.8. Assessment – restricted discretionary activities

E12.8.1. Matters of discretion

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

(1) all restricted discretionary activities:

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

(2) additional matters of discretion for land disturbance within overlay areas:

- (a) within the Outstanding Natural Character, High Natural Character Overlay or Outstanding Natural Landscapes Overlay:
 - (i) the objectives and policies in [D10](#) as they relate to Outstanding Natural Landscapes and [D11](#) as they relate to Outstanding Natural Character and High Natural Character;
 - (ii) setback from mean high water springs;
 - (iii) cumulative effects;
 - (iv) landscape, visual and amenity effects;
 - (v) mitigation of effects;

- (vi) modification to landform;
 - (vii) vegetation clearance; and
 - (viii) Mana Whenua values.
- (b) within the Historic Heritage Overlay:
- (i) effects on historic heritage.
- (c) within the Sites and Places of Significance to Mana Whenua Overlay:
- (i) potential effects on the water quality of taiāpure or mahinga maataitai, wāhi tapu, taonga and other scheduled sites in the Sites and Places of Significance to Mana Whenua; and
 - (ii) potential effects on the values and associations of Mana Whenua with the site or place including effects on the context of the Maori cultural landscape.
- (d) within the Outstanding Natural Features Overlay:
- (i) the objectives and policies in [D10](#);
 - (ii) nature, form and extent of proposed works;
 - (iii) effects on landscape values;
 - (iv) the degree of existing geological modification;
 - (v) protection or enhancement of the feature; and
 - (vi) Mana Whenua values.
- (e) within the Special Character Area – Residential: Isthmus C – Three Kings:
- (i) the objectives and policies in Chapter D18 as they relate to Special Character Areas – Residential areas;
 - (ii) nature and extent of any disturbance to the biophysical components in Isthmus C – Three Kings (i.e. landform, tuff ring or vegetation) that contribute to the identified special character values;
 - (iii) degree of existing modification to the landform and vegetation;
 - (iv) landscape, visual and amenity effects;
 - (v) mana whenua values, in particular mātauranga, tikanga, spiritual values for those landforms and vegetation that contribute to the identified special character values; and
 - (vi) cumulative effects in the identified special character values.
- (3) Additional matters of discretion for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
- (a) effects on known lava caves, fossils and sub-fossils.

E12.8.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether applicable standards are complied with;
 - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;
 - (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;
 - (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;
 - (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;
 - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;
 - (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;
 - (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;
 - (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;
 - (j) whether the land disturbance and final ground levels will adversely affect existing utility services;
 - (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;
 - (l) for land disturbance near Transpower New Zealand Limited transmission towers:
 - (i) the outcome of any consultation with Transpower New Zealand Limited; and
 - (ii) the risk to the structural integrity of transmission lines.

(m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

(2) additional assessment criteria for land disturbance within overlay areas:

(a) within the Outstanding Natural Character and High Natural Character Overlay or the Outstanding Natural Landscapes Overlay:

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

- protected trees;
- cliff faces/cliff tops; and
- identified landscape features

(ii) the extent to which the proposal will adversely affect amenity and identified natural character values, and whether the proposed mitigation measures can ensure there will be no more than minor effects on:

- amenity values or views, both from land and sea;
- landscape and natural character values; and
- people's experience and values associated with an area, including the predominance of nature and wilderness values.

(iii) the extent to which there are adverse visual and or ecological effects from any land disturbance, associated with creating farm tracks, driveways or other servicing requirements;

(iv) the extent to which the activity impacts on Mana Whenua values;

(v) the extent to which the functional need for farm tracks, driveways or other servicing requirements to be in the location proposed; and

(vi) the objectives and policies in [D10 Outstanding Natural Landscapes Overlay](#) and [D11 Outstanding Natural Character and High Natural Character Overlay](#).

(b) within the Historic Heritage Overlay;

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

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

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

- avoiding the physical destruction in whole or in part of the site or place of significance to Mana Whenua;
- avoiding significant adverse effects on the values and associations of Mana Whenua with the site or place;

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

(d) within the Outstanding Natural Features Overlay:

- (ii) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;
- (iii) whether the activity will interfere with natural processes e.g. hydrology or adverse effects on nature and form of sand dunes;
- (iv) whether the proposed works or activity cause adverse visual effects or adversely affect landscape values;
- (v) the degree to which the feature or features have already been modified so that further modification will not cause significant additional loss of geological value;
- (vi) the extent to which the proposed works will protect the feature from further damage, such as erosion protection, or remediate it from previous damage. This excludes potential damage from the activity for which consent is sought;
- (vii) whether the proposed land disturbance is for an activity which has a functional or operational need to be in the location proposed; and
- (viii) the objectives and policies in [D10 Outstanding Natural Features Overlay](#)

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

- (i) Policies D18.3(1) to (7) in Chapter D18 Special Character Areas Overlay Residential areas;
- (ii) the impact of the proposal on the special character values as identified in the special character statement;
- (iii) the extent to which land disturbance, its design, location and execution will:
 - adversely impact on the physical integrity of those volcanic landforms identified as contributing to the identified special character values;

- maintain or enhance the visual integrity of the landscape values identified in the special character statement, including the effects of the proposal on the volcanic landform and vegetation;
 - maintain or enhance the relationship of built form to the natural landscape context identified as contributing to the stated special character values; and
 - avoid, remedy, or mitigate any adverse effects on mana whenua values, in particular mātauranga, tikanga and spiritual values, where they are relevant to the identified special character values.
- (iv) the degree to which the biophysical components of Isthmus C – Three Kings, including volcanic landscapes and vegetation have already been modified, and the extent to which further modification would adversely impact on the special character values of the area.
- (3) additional assessment criteria for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
- (a) the extent to which adverse effects on the features can be avoided or mitigated having regard to:
- (i) the provision of a satisfactory record of the location, extent and any notable aspects of the feature;
 - (ii) the documentation, recovery and preservation of materials of scientific or educational importance; and
 - (iii) whether access can be maintained to significant lava caves once the works are completed.

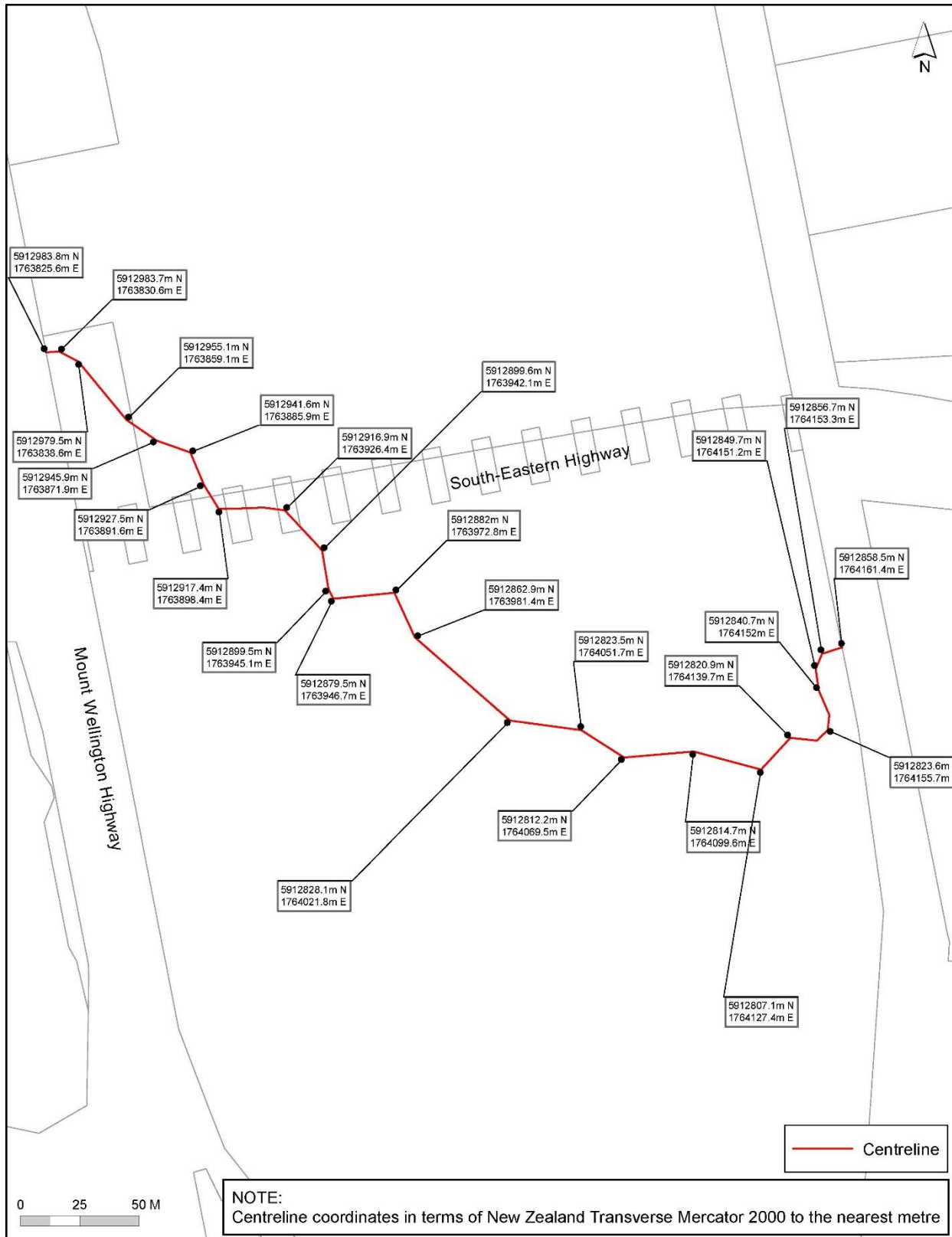
E12.9. Special information requirements

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

- (1) Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for earthworks within medium and high landslide susceptibility assessment areas.

E12.10. Figures

Figure E12.10.1 Limited earthworks corridor



E15. Vegetation management and biodiversity

E15.1. Background

Vegetation contributes to a range of ecosystem services such as erosion and sediment control, reducing stormwater flows, protecting or enhancing water quality, amenity and natural character values, and mitigating natural hazards. Vegetation is a vital part of terrestrial and coastal ecosystems and helps maintain indigenous biodiversity.

The objectives and policies in this chapter apply to the management of terrestrial and coastal vegetation and biodiversity values outside of scheduled significant ecological areas. The management of indigenous vegetation and biodiversity in the coastal marine area outside of identified significant ecological areas is also subject to the objectives and policies of Chapter F Coastal where more specific vegetation management provisions may apply, for example mangrove management.

The objectives and policies that apply to scheduled significant ecological areas for both terrestrial and coastal marine areas are contained in [D9 Significant Ecological Areas Overlay](#).

The rules that apply to the management of vegetation and biodiversity for areas both outside of and within scheduled significant ecological areas – terrestrial are contained in this chapter.

The rules that apply to vegetation management and biodiversity in the coastal marine area, including for areas identified as Significant Ecological Areas – Marine are contained in Chapter F Coastal.

E15.2. Objectives [rcp/rp/dp]

- (1) Ecosystem services and indigenous biological diversity values, particularly in sensitive environments, and areas of contiguous indigenous vegetation cover, are maintained or enhanced while providing for appropriate subdivision, use and development.
- (2) Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring.

E15.3. Policies [rcp/rp/dp]

- (1) Protect areas of contiguous indigenous vegetation cover and vegetation in sensitive environments including the coastal environment, riparian margins, wetlands, and areas prone to natural hazards.
- (2) Manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services, including soil conservation, water quality and quantity management, and the mitigation of natural hazards.

- (3) Encourage the offsetting of any significant residual adverse effects on indigenous vegetation and biodiversity values that cannot be avoided, remedied or mitigated, through protection, restoration and enhancement measures, having regard to Policy E15.3(4) below and Appendix 8 Biodiversity offsetting.
- (4) Protect, restore, and enhance biodiversity when undertaking new use and development through any of the following:
 - (a) using transferable rural site subdivision to protect areas that meet one or more of the factors referred to in [B7.2.2\(1\)](#) and in [Schedule 3 Significant Ecological Areas -Terrestrial Schedule](#) or shown on the Kawau Island Rural Subdivision SEA Control.
 - (b) requiring legal protection, ecological restoration and active management techniques in areas set aside for the purposes of mitigating or offsetting adverse effects on indigenous biodiversity; or
 - (c) linking biodiversity outcomes to other aspects of the development such as the provision of infrastructure and open space.
- (5) Enable activities which enhance the ecological integrity and functioning of areas of vegetation, including for biosecurity, safety and pest management and to control kauri dieback.
- (6) Enable vegetation management to provide for the operation and routine maintenance needs of activities.
- (7) Manage any adverse effects from the use, maintenance, upgrading and development of infrastructure in accordance with the policies in E15.3, recognising that it is not always practicable to locate or design infrastructure to avoid areas with indigenous biodiversity values.
- (8) Recognise and provide for the management and control of kauri dieback as a means of maintaining indigenous biodiversity.
- (9) Avoid activities in the coastal environment where they will result in any of the following:
 - (a) non-transitory or more than minor adverse effects on:
 - (i) threatened or at risk indigenous species (including Maui's Dolphin and Bryde's Whale);
 - (ii) the habitats of indigenous species that are at the limit of their natural range or which are naturally rare;
 - (iii) threatened or rare indigenous ecosystems and vegetation types, including naturally rare ecosystems and vegetation types;

- (iv) areas containing nationally significant examples of indigenous ecosystems or indigenous community types; or
 - (v) areas set aside for full or partial protection of indigenous biodiversity under other legislation, including the West Coast North Island Marine Mammal Sanctuary.
 - (b) any regular or sustained disturbance of migratory bird roosting, nesting and feeding areas that is likely to noticeably reduce the level of use of an area for these purposes;
 - (c) the deposition of material at levels which would adversely affect the natural ecological functioning of the area; or
 - (d) fragmentation of the values of the area to the extent that its physical integrity is lost.
- (10) Avoid (while giving effect to Policy E15(9) above) activities in the coastal environment which result in significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities, on:
- (a) areas of predominantly indigenous vegetation;
 - (b) habitats that are important during the vulnerable life stages of indigenous species;
 - (c) indigenous ecosystems and habitats that are found only in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - (d) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes including fish spawning, pupping and nursery areas;
 - (e) habitats, including areas and routes, important to migratory species;
 - (f) ecological corridors, and areas important for linking or maintaining biological values; or
 - (g) water quality such that the natural ecological functioning of the area is adversely affected.

E15.4. Activity table

Table E15.4.1 Activity table specifies the activity status of vegetation management activities in all zones, other than:

- vegetation removal in the coastal marine area where the rules in Chapter F Coastal apply;

- vegetation removal in the beds of lakes, rivers, streams and wetlands where the rules in [E3 Lakes, rivers, streams and wetlands](#) apply;
- use and development for infrastructure where the rules in [E26 Infrastructure](#) apply; and
- the Hauraki Gulf Islands that are subject to the Auckland Council District Plan – Hauraki Gulf Islands section where the rules of that district plan apply.

Table E15.4.1 Activity table specifies the activity status of vegetation management pursuant to section 9(2) for all land not held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.1 Activity table also specifies the activity status of vegetation management pursuant to section 9(3) for land held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.2 Activity table specifies the activity status of vegetation management pursuant to section 9(2) for SEA – T and section 9(3) for ONF, HNC, ONC, ONL for all land not held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

Table E15.4.2 Activity table also specifies the activity status of vegetation management pursuant to section 9(3) for land held or managed under the Conservation Act 1987 or any other act specified in Schedule 1 of that Act (other than land held for administrative purposes) of the Resource Management Act 1991.

For the purposes of these rules, all distances from water bodies must be measured in a horizontal plane from the edge of the bed of the river or stream, permanent or intermittent, or lake water body.

The rules in Tables E15.4.1 and E15.4.2 implement the policies in [D9.3](#) and E15.3. The plan does not include rules (either regional or district) that require areas of vegetation (whether identified as a Significant Ecological Area- Terrestrial or otherwise) to be fenced in order to implement the policies in [D9.3](#) and E15.3. Fencing requirements may arise though in the following circumstances:

- (a) Fencing being required to avoid, remedy, or mitigate or proposed to offset an effect on the environment related to a particular proposal, including as a condition of resource consent or a condition of subdivision consent;
- (b) The operation of rules regarding livestock access in the coastal marine area (Table F2.19.4 Activity Table (A38), (A39) and (A40)); or
- (c) The operation of rules regarding livestock access to a lake, river or stream, or wetland ([Table E3.4.1 Activity Table \(A51\) and \(A52\)](#)).

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

If any activity listed in rules (including standards) E15.4.1 to E15.6.7 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

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

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

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

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

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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

If an activity provided for in rules E15.4.1 to E15.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

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

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

Table E15.4.1 Activity table - Auckland-wide vegetation and biodiversity management rules

Activity		Activity status
Use		
All zones outside the RUB and all riparian and coastal areas (as described below)		
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal	P

(A3)	Vegetation pruning, alteration or removal for customary use	P
(A4)	Emergency tree works	P
(A5)	Forestry and farming activities as existing at 30 September 2013	P
(A6)	Pest plant removal	P
(A7)	Conservation planting	P
(A8)	Vegetation alteration or removal for routine maintenance within 3m of existing buildings	P
(A9)	Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences, shelterbelts and other lawfully established activities	P
All zones outside the RUB		
(A10)	Vegetation alteration or removal, including cumulative removal on a site over a 10-year period, of greater than 250m ² of indigenous vegetation that: (a) is contiguous vegetation on a site or sites existing on 30 September 2013; and (b) is outside the rural urban boundary	RD
Riparian areas (as described below)		
(A11)	Vegetation alteration or removal within a Wetland Management Areas Overlay	D
(A12)	Vegetation alteration or removal of any vegetation within a Natural Stream Management Areas Overlay	RD
(A13)	Vegetation alteration or removal within 50m of the shore of a lake within a Natural Lake Management Areas Overlay	RD
(A14)	Vegetation alteration or removal within 30m of the shore of a lake within an Urban Lake Management Areas Overlay	RD
(A15)	Vegetation alteration or removal within 20m of rural lakes	RD
(A16)	Vegetation alteration or removal within 20m of rural streams, other than those in Rural – Rural Production Zone and Rural – Mixed Rural Zone	RD
(A17)	Vegetation alteration or removal within 10m of rural streams in the Rural – Rural Production Zone and Rural – Mixed Rural Zone	RD
(A18)	Vegetation alteration or removal within 20m of a natural wetland, in the bed of a river or stream (permanent or intermittent), or lake	RD
(A19)	Vegetation alteration or removal within 10m of urban streams	RD
Coastal areas (as described below)		
(A20)	Vegetation alteration or removal of greater than 25m ² of contiguous vegetation, or tree alteration or tree removal	RD

	of any indigenous tree over 3m in height, within 50m of mean high water springs in the Rural –Rural Production Zone, Rural –Mixed Rural Zone, Rural –Rural Coastal Zone, Rural –Rural Conservation Zone, Rural – Waitakere Ranges Zone and Rural – Countryside Living Zone or Future Urban Zone	
(A21)	Vegetation alteration or removal of greater than 25m ² of contiguous vegetation or tree alteration or tree removal of any indigenous tree over 3m in height within 20m of mean high water springs in all zones other than in a Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Waitakere Ranges Zone and Rural –Countryside Living Zone or Future Urban Zone	RD
(A22)	Vegetation alteration or removal of greater than 25m ² of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height, that is within: (a) a horizontal distance of 20m from the top of any cliff with; (b) a slope angle steeper than 1 in 3 (18 degrees); and (c) within 150m of mean high water springs	RD
All other zones and areas not covered above		
(A22A)	Vegetation alteration or removal	P
All areas		
(A23)	Permitted activities in Table E15.4.1 that do not comply with one or more of the standards in E15.6	RD

Table E15.4.2 Vegetation and biodiversity management in overlays [other than in the coastal marine area]

Activity		SEA -T [rp]	ONF										HNC	ONC	ONL
			A1	A	V1	V2	B	C	D	E	F1	F2			
	General														
(A24)	Permitted, controlled and restricted discretionary activities in Table E15.4.2 that do not comply with one or more of the standards in E15.6	D	D	D	D	D	D	D	D	D	D	D	D	D	D
	Use														
(A25)	Vegetation alteration or removal of up	NA	P	P	P	P	P	P	P	P	NA	NA	NA	NA	NA

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	to and including 25m ² of any contiguous indigenous vegetation														
(A26)	Vegetation alteration or removal of greater than 25m ² of any contiguous indigenous vegetation	NA	RD	RD	RD	RD	RD	RD	RD	RD	NA	NA	NA	NA	NA
(A27)	Vegetation alteration or removal of up to 50m ² of any contiguous indigenous vegetation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P
(A28)	Vegetation alteration or removal of greater than 50m ² of any contiguous indigenous vegetation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	RD	RD	RD
(A29)	Vegetation alteration or removal within a SEA for a building platform and access way for one dwelling per site	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
(A30)	Vegetation alteration or removal within a SEA on Māori land or treaty settlement land for: (a) one marae per site; (b) up to 30 dwellings per site;	C	RD	RD	RD	RD	RD	RD	RD	RD	NA	NA	RD	RD	RD

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	(c) activities associated with a marae and with papakāinga														
(A31)	Biosecurity tree works	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A32)	Deadwood removal	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A33)	Emergency tree works	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A34)	Vegetation alteration or removal for customary use	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A35)	Forestry and farming activities as existing at 30 September 2013	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A36)	Pest plant removal	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A37)	Conservation planting	P	P	P	P	P	P	P	P	P	P	NA	P	P	P
(A38)	Vegetation alteration or removal for routine maintenance within 3m of existing dwelling	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A39)	Vegetation alteration or removal for routine maintenance within 3m of existing buildings greater than 100m ² gross floor area	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A40)	Vegetation alteration or removal for routine maintenance	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P

	within 1m of other existing buildings														
(A41)	Tree trimming	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
(A42)	Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences and other lawfully established activities	P	P	P	P	P	P	P	P	P	NA	NA	P	P	P
(A43)	Any vegetation alteration or removal not otherwise provided for	D	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
(A44)	Any vegetation alteration or removal within a Quarry Zone	RD	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

E15.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E15.4.1 or Table E15.4.2 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent listed in Table E15.4.1 or Table E15.4.2, other than for a controlled activity, will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E15.6. Standards

All activities listed as a permitted, controlled or restricted discretionary activity in Table E15.4.1 or Table E15.4.2 must comply with the following standards.

E15.6.A1. General standards

The following standards apply to all permitted, controlled or restricted discretionary activities.

- (1) All kauri material (including sawdust and woodchips) must be retained within 3 times the radius of the canopy drip line of the tree or disposed of to an approved landfill facility.

E15.6.1. [deleted]

E15.6.2. Vegetation alteration or removal for customary use

- (1) No greater than 20m² of vegetation is removed within a significant ecological area per site.
- (2) No greater than 50m² of vegetation is removed from areas not identified as significant ecological areas per calendar year.

E15.6.3. Conservation planting

- (1) Conservation planting in significant ecological areas must only be for ecological restoration purposes.
- (2) Conservation planting within the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay must be limited to planting of indigenous species for ecological restoration or landscape restoration purposes.

E15.6.4. Vegetation alteration or removal for routine operation, maintenance and repair of existing tracks, lawns, gardens, fences, shelterbelts and other lawfully established activities in riparian areas, coastal areas, all zones outside the RUB and in overlays identified in Table E15.4.2 [other than the significant ecological areas in the coastal marine area – SEA-M]

- (1) Vegetation alteration or removal must be undertaken within 1m either side of existing tracks or fences.
- (2) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth.
- (3) Vegetation alteration or removal must not result in greater than 25m² of vegetation removal from within a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay per site.
- (4) Vegetation alteration or removal must not result in greater than 50m² of vegetation removal from areas not identified as significant ecological areas per calendar year.

(5) *[deleted]*

E15.6.5. Vegetation alteration or removal within a significant ecological area for a building platform and access way for a dwelling per site

- (1) The total area of vegetation alteration or removal must not be greater than 300m².

E15.6.6. Vegetation alteration or removal of any indigenous contiguous vegetation up to 50m² in an Outstanding Natural Character Overlay, High Natural Character Overlay or Outstanding Natural Landscapes Overlay, or up to 25m² in an Outstanding Natural Features Overlay

- (1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth.

E15.6.7. Vegetation alteration or removal within a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay, on Māori land or Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga

- (1) The total area of vegetation alteration or removal per site is not greater than:
- (a) 1500m² for a marae; and
 - (b) 300m² per dwelling.

E15.6.8 Vegetation alteration or removal undertaken within the ~~100-year ARI~~ 1 per cent annual exceedance probability (AEP) floodplain

- (1) Vegetation alteration or removal must ensure that erosion control measures associated with vegetation removal and replanting, such as mulch or bark, are not able to be swept off-site in a flood event.

E15.6.8A Vegetation alteration or removal proposed within medium and high landslide susceptibility assessment areas

- (1) Vegetation alteration or removal proposed within medium and high landslide susceptibility assessment areas must be undertaken in general accordance with:
- (a) geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) and approved or certified by Council when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazards rules;
 - (b) a landslide hazard risk assessment report prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology and approved or certified by Council

when associated with a resource consent or compliant proposal in relation to applicable Auckland-wide natural hazards rules;

- (c) any conditions of a building consent, resource consent or consent notice registered on the land title(s) associated with the proposal and relating to landslide risk and geotechnical assessment matters.

E15.6.9 Tree trimming within Significant Ecological Areas

- (1) The maximum branch diameter must not exceed 50mm.
- (2) No more than 10 per cent of live growth of the tree is removed in any one calendar year.
- (3) Trimming must meet accepted modern arboricultural practice.
- (4) The trimming must retain the natural shape, form and branch habit of the tree.

E15.7. Assessment – controlled activities

E15.7.1. Matters of control

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

- (1) vegetation alteration or removal within a significant ecological area for a building platform and access way for one dwelling per site:
 - (a) the location of the building platform and accessway;
 - (b) the ability to locate a building platform and/or accessway outside the significant ecological area but on the site;
 - (c) the area of vegetation to be cleared; and
 - (d) the measures to remedy or mitigate adverse effects of vegetation clearance and associated earthworks.
- (2) vegetation alteration or removal within a significant ecological area on Māori land or Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga:
 - (a) the location of activities;
 - (b) the provision for Mana Whenua, mātauranga and tikanga values;
 - (c) the area of vegetation to be cleared;
 - (d) the ability to locate activities outside the SEA but on the site; and
 - (e) the measures to remedy or mitigate adverse effects of vegetation clearance and associated earthworks.

E15.7.2. Assessment criteria

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

- (1) vegetation alteration or removal within a significant ecological area for a building platform and access way for one dwelling per site:
 - (a) whether there are practicable alternative locations for the development on the site outside of the vegetated area or significant ecological area; and
 - (b) whether vegetation clearance can be carried out in a way that avoids high quality vegetation, particularly if it has conservation significance, and clears lower quality vegetation.
- (2) vegetation pruning, alteration or removal within an significant ecological area on Māori land and Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga:
 - (a) whether there are practicable alternative locations for the development on the site outside the significant ecological area;
 - (b) whether vegetation clearance can be carried out in a way that avoids high quality vegetation, particularly if it has conservation significance, and clears lower quality vegetation; and
 - (c) whether the location of development is appropriate to provide for Mana Whenua, mātauranga and tikanga values.

E15.8. Assessment – Restricted discretionary activities

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

E15.8.1. Matters of discretion

- (1) all restricted discretionary activities:
 - (a) ecological values:
 - (i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems; and
 - (ii) the extent to which it is appropriate to require measures to contain and control plant pathogens and diseases including Kauri die back.
 - (b) hazard mitigation:
 - (i) the role of the vegetation in avoiding or mitigating natural hazards and the extent to which the vegetation alteration or removal will increase any hazard risk; and
 - (ii) the effects the vegetation alteration or removal will have on mitigating bush fire risk.

(c) sediment, water quality and hydrology:

- (i) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment.

(d) landscape, natural features and natural character values:

- (i) the effects the vegetation alteration or removal will have on landscape, natural features and natural character.

(e) amenity values:

- (i) the effects the vegetation alteration or removal will have on the amenity values of any adjacent open space including the coast, parks, reserves and walkways.

(f) use:

- (i) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;
- (ii) the extent to which the vegetation alteration or removal is necessary taking into account the need for, or purpose of, the proposed building or structure;
- (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes; and
- (iv) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure, including the road network.

(g) methods and location:

- (i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.

(h) mitigation measures:

- (i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.

(i) bonds and covenants:

- (i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.

(j) Mana Whenua values:

- (i) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay, Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay.
- (2) additional criteria for vegetation alteration or removal within an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay on Māori land or Treaty Settlement land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga:
 - (a) location, mitigation and Mana Whenua values;
 - (b) whether the location of the development is appropriate to provide for Mana Whenua, mātauranga and tikanga values;
 - (c) whether there are practicable alternative locations for the development on the site outside of an overlay;
 - (d) the extent to which vegetation alteration and clearance is minimised through the location of development within an overlay;
 - (e) the extent to which vegetation alteration or clearance can be carried out in a way that reduces its impact on the values of an overlay; and
 - (f) whether adverse effects can be remedied or mitigated, including through revegetation, restoration of other areas of vegetation and ongoing maintenance of vegetated areas.

(3) Any vegetation alteration or removal within a Special Purpose Quarry Zone

In addition to the matters in (1) above, the council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity table:

- (a) scale, location, quality, significance, visibility of indigenous vegetation and habitats
- (b) significant adverse effects on existing streams, wetlands, riparian margins and habitat
- (c) buffer areas between Mineral Extraction Activities and remaining areas of significant ecological areas
- (d) duration and staging of Mineral Extraction Activities
- (e) proposals for the avoidance, remediation or mitigation of significant adverse effects, or the offsetting of residual adverse effects in the local area, including positive environmental benefits such as actions (including planting) undertaken in advance of vegetation removal
- (f) benefits derived from extracting the resource.

E15.8.2. Assessment criteria

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

(1) all restricted discretionary activities:

(a) ecological values:

- (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;
- (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and
- (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in Chapter [B7.2 Indigenous biodiversity](#), [B4. Natural heritage](#), [Chapter E15 Vegetation Management and biodiversity](#), [E18 Natural character of the coastal environment](#) and [E19 Natural features and natural landscapes in the coastal environment](#).

(b) hazard mitigation:

- (i) the extent to which the vegetation serves to avoid or mitigate natural hazards and the amount of vegetation to be retained or enhanced;
- (ii) the extent to which the vegetation alteration or removal will increase natural hazard risks; and
- (iii) whether the vegetation alteration or removal is necessary to mitigate an identified bushfire risk.

(c) sediment, water quality and hydrology:

- (i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.

(d) landscape, natural features and natural character values:

- (i) the extent to which vegetation alteration or removal will have adverse effects on the values identified for scheduled outstanding natural landscape, outstanding natural features, outstanding natural character and high natural character areas; and
- (ii) the extent to which vegetation alteration or removal adversely affects landscape, natural features and natural character values particularly on adjacent public space including the coast, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(e) amenity values:

- (i) the extent to which the vegetation alteration or removal will have adverse effects on the amenity values of any adjacent open space including the coast, parks, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.

(f) Use:

- (i) whether the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;
- (ii) the extent to which the vegetation alteration removal is necessary taking into account the need for, or purpose of, the proposed building or structure;
- (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes;
- (iv) whether the vegetation alteration or removal will improve the reliance and security of the network utility, or road network;
- (v) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
- (vi) the extent of the benefits derived from infrastructure and the road network.

(g) methods and location:

- (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
- (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.

(h) mitigation measures:

- (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.

(i) bonds and covenants:

- (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.

(j) Mana Whenua values:

- (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in [E20 Māori Land](#) whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.
- (2) additional criteria for vegetation alteration or removal within an Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay or the Outstanding Natural Landscapes Overlay on Māori land or Treaty Settlement Land for one marae per site and up to 30 dwellings and activities associated with a marae or papakāinga
 - (a) Location, mitigation and Mana Whenua values:
 - (i) whether there are practicable alternative locations for the development on the site outside of an overlay;
 - (ii) the extent to which vegetation alteration or clearance can be carried out in a way that reduces its impact on the values of an overlay; and
 - (iii) whether the location of development is appropriate to provide for Mana Whenua, mātauranga and tikanga values.
- (3) Vegetation alteration or removal within a significant ecological area within a Special Purpose Quarry Zone:
 - (a) the extent to which the proposed measures, including staging and rehabilitation (and to the extent described in Policy D9.3.(8A) for Brookby and Drury Quarries, which are shown in Figure E15.10.1 Brookby Quarry extent and Figure E15.10.2 Drury Quarry extent respectively) will minimise or mitigate significant adverse effects, offset residual adverse effects or provide for positive environmental benefits through one or more of:
 - (i) actions undertaken in advance of vegetation removal;
 - (ii) the enhancement or protection of existing areas of indigenous vegetation;
 - (iii) the ratio, quality and type of new indigenous planting in relation to the established vegetation to be removed;
 - (iv) the translocation of any indigenous plant and animal species;
 - (v) establishing ecological linkages with existing vegetation and/or habitats;
 - (vi) ongoing programmes of weed and pest control; and
 - (vii) fencing and stock removal.
 - (b) whether or the extent to which the proposed offset measures implement the 'no net loss principle' and the timeframe over which it will be achieved.

- (c) the extent to which the vegetation proposed to be removed forms part of an ecological corridor, or is adjacent to a watercourse and acts as a filter for sediment and water runoff, or protect threatened plants or animal species and whether the activity will significantly adversely affect these values
- (d) whether the scale or location of the activity will significantly affect water quality or quantity and the habitat value of waterways or wetlands
- (e) the extent to which the activity is necessary to enable continued efficient operation of the mineral extraction site.

E15.9. Special information requirements

~~There are no special information requirements.~~

- (1) Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for vegetation alteration or removal within medium and high landslide susceptibility assessment areas
- (2) A landslide hazard risk assessment prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology must accompany a resource consent application for vegetation alteration or removal within medium and high landslide susceptibility assessment areas.

E15.10. Figures

Figure E15.10.1. Brookby Quarry extent

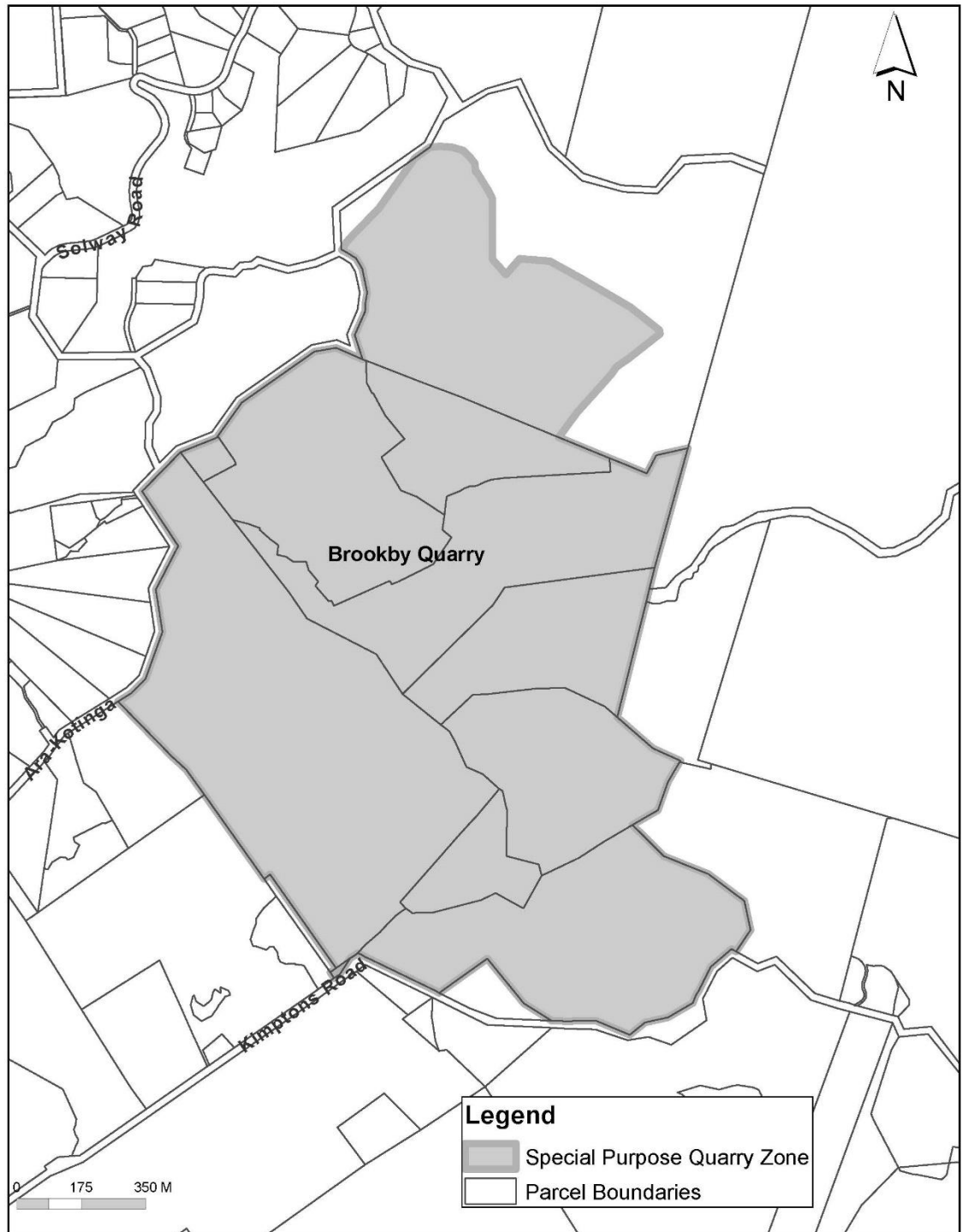


Figure E15.10.2. Drury Quarry extent

