

## A1. Introduction

***Kotahi te kōhao o te ngira e kuhuna ai te miro mā, te miro pango, te miro whero. Ā muri, kia mau ki te whakapono, kia mau ki ngā ture, kia mau ki te aroha.***

There is but one eye of the needle through which must pass the white thread, the black thread, and the red thread. Hold fast to faith, hold fast to the laws, hold fast to the love.

Kīngi Pōtatau Te Wherowhero

### A1.1. Purposes of the Auckland Unitary Plan

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

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

The functions of the Auckland Council (the Council) for the purpose of giving effect to the Resource Management Act 1991 as a regional council and as a territorial authority are set out in sections 30 and 31 of the Resource Management Act 1991.

The statutory purposes of the Auckland Unitary Plan (the Plan) are:

- (1) for the part which is the regional policy statement: to achieve the purpose of the Resource Management Act 1991 by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region;
- (2) for the parts which are the regional coastal plan: to assist the Council, in conjunction with the Minister of Conservation, to achieve the purpose of the Resource Management Act 1991 in relation to the coastal marine area of the region; and
- (3) for the parts which are the regional plan and the district plan: to assist the Council to carry out any of its functions as a regional council and as a territorial authority in order to achieve the purpose of the Resource Management Act 1991.

The Plan therefore has three key roles:

- (1) it describes how the people and communities of the Auckland region will manage Auckland's natural and physical resources while enabling growth and development and protecting the things people and communities value;
- (2) it provides the regulatory framework to help make Auckland a quality place to live, attractive to people and businesses and a place where environmental standards are respected and upheld; and
- (3) it is a principal statutory planning document for Auckland. Other relevant planning documents include the Auckland Plan, the Auckland Long-Term Plan and the Auckland Regional Land Transport Plan.

### **A1.2. Replacement of operative plans**

The Plan replaces all of the following resource management documents:

- Auckland Regional Policy Statement;
- Auckland Regional Plan: Air, Land and Water;
- Auckland Regional Plan: Dairy Farm Discharges;
- Auckland Regional Plan: Coastal;
- Auckland Regional Plan: Sediment Control;
- Auckland Council District Plan - Operative Auckland City - Central Area Section 2005;
- Auckland Council District Plan - Operative Auckland City - Isthmus Section 1999;
- Auckland Council District Plan - Operative Franklin Section 2000;
- Auckland Council District Plan - Operative Manukau Section 2002;
- Auckland Council District Plan - Operative North Shore Section 2002;
- Auckland Council District Plan - Operative Papakura Section 1999;
- Auckland Council District Plan - Operative Rodney Section 2011;
- Auckland Council District Plan - Operative Waitakere Section 2003; and
- Waikato Regional Policy Statement and Waikato Regional Plan to the extent that they have applied to parts of the Auckland Region since boundary amendments on 11 March 2010.

The Plan does not replace the Auckland Council District Plan – Operative Hauraki Gulf Islands Section 2013. This section of the Auckland Council District Plan applies to subdivision, land use and development in the Hauraki Gulf islands until a plan change is made to incorporate the Hauraki Gulf Islands Section of the Auckland Council District Plan into the Plan. However, the Hauraki Gulf islands are subject to the Plan regional policy statement, the regional coastal plan and the regional plan.

### **A1.3. Structure of the Auckland Unitary Plan**

The Plan combines the regional policy statement, regional coastal plan, regional plans and district plans into one combined plan. The Plan has a hierarchical policy framework with the regional policy statement at the top, then with regional and district plan provisions giving effect to the regional policy statement.

The text of the Plan is structured into 14 chapters:

Chapter A	Introduction
Chapter B	Regional policy statement
Chapter C	General rules
Chapter D	Overlays
Chapter E	Auckland-wide
Chapter F	Coastal
Chapter G	Rural urban boundary
Chapter H	Zones
Chapter I	Precincts
Chapter J	Definitions
Chapter K	Designations
Chapter L	Schedules
Chapter M	Appendices
Chapter N	Glossary of Māori terms

Each chapter generally provides the objectives and policies and, in the case of the regional and district plans, the rules for a particular resource management matter or issue or a location or other information to support the use of the Plan.

The Plan maps (the planning maps) show overlays, zones, precincts and designations affecting land, water and airspace. They also show zone and Auckland-wide standards that have a spatial component to them such as the Height Variation Control or the Subdivision Variation Control. Additional maps for specific matters are also included within the text of the Plan.

### **A1.4. Identifying the different functions of provisions within the Auckland Unitary Plan**

The Plan is a combined plan under section 80 of the Resource Management Act 1991. The Council is responsible for the observance of each provision of the Plan.

The Council is required to identify the provisions in the Plan that are the:

- regional policy statement
- regional coastal plan [**rcp**]
- regional plan [**rp**]

- district plan [dp].

It does this by a number of methods.

**A1.4.1. Identification of regional policy statement objectives and policies**

The regional policy statement objectives and policies are separate from other objectives and policies in the plan. All regional policy statement objectives and policies are found in Chapter B. They are not identified in any other particular way.

**A1.4.2. Identification of objectives and policies in the regional coastal plan, regional plan and district plan**

The objectives and policies for the regional coastal plan, regional plan and district plan in the Plan are identified using the tag [rcp] or [rp] or [dp] or any relevant combination of these. The tag is located at the end of the objective or policy title, or the objective or policy, to identify the relevant functional level of the objective or policy. Where the objectives and policies are district plan provisions only, there is no tag.

An example of a tag located at the end of the objective or policy title is as follows:

**X1.2 Objectives [rcp/rp/dp]**

**X1.3 Policies [rcp/rp/dp]**

Or, an example of a tag located at the end of the objective or policy is as follows:

- (1) Consider hard protection works to protect development only where existing natural features will not provide protection from the natural hazard and enhancement of natural defences is not practicable. **[rcp/dp]**

Or, an example of a district plan objective or policy with no tag is a follows:

**X2.2 Objective**

- (1) Development is in keeping with the neighbourhood’s existing or planned suburban built character of predominantly one to two storeys buildings.

**A1.4.3. Identification of rules, standards, matters of control or discretion and assessment criteria in the regional coastal plan, regional plan and district plan**

The rules for the various plans are identified by the sentence located above the activity table according to the section or sections of the Resource Management Act 1991 which are the basis for the activity or part of the activity table. For example:

Resource Management Act 1991 section	Resource management purpose	Identification of relevant plan
Section 9(2)	Regional land use	Regional plan rules
Section 9(3)	District land use	District plan rules
Section 11	Subdivision	District plan or regional coastal plan rules
Section 12(1)	Coastal works: <ul style="list-style-type: none"> <li>• reclaim or drain foreshore</li> </ul>	Regional coastal plan rules

	<ul style="list-style-type: none"> <li>• or seabed;</li> <li>• erect, reconstruct, place, alter, extend, remove or demolish a structure;</li> <li>• disturb foreshore or seabed;</li> <li>• deposit in, on or under foreshore or seabed;</li> <li>• destroy damage or disturb foreshore of seabed; or introduce a plant</li> </ul>	
Section 12(2)	Coastal occupation	Regional coastal plan rules
Section 12(3)	Coastal activity	Regional coastal plan rules
Section 13	Activities in, on, under or over the beds of lakes and rivers	Regional plan rules
Section 14	Take, use, dam or divert water, heat or energy	Regional plan rules or regional coastal plan rules
Section 15	Discharge of contaminants or water into water; or discharges of contaminants into air, or onto or into land or water	Regional plan rules or regional coastal plan rules

In some instances the rules have a dual resource management function and resource consent may be required for an activity under any one, or a combination of a number of sections of the Resource Management Act 1991 and therefore under one or more of the regional coastal plan, regional plan and/or district plan.

The standards, matters for control or discretion and any assessment criteria follow the same identified section of the Resource Management Act 1991 and resource management plan as the rule in the activity table to which they relate.

**A1.4.4. Identification of the Introduction, General rules, Definitions, and Glossary of Māori terms in the Plan**

The following chapters apply to the whole Plan:

- Chapter A Introduction
- Chapter J Definitions
- Chapter N Glossary of Māori terms

and are to be treated as regional policy statement, regional coastal plan, regional plan and district plan provisions in their entirety.

Chapter C General rules do not apply to the regional policy statement but do apply to the regional coastal plan, regional plan and district plan in their entirety.

**A1.4.5. Identification of the Designations in the Plan**

The provisions in Chapter K Designations and the related maps are district plan provisions.

#### **A1.4.6. Identification of the Schedules in the Plan**

The provisions in Chapter L Schedules and the related maps are regional coastal plan or regional plan or district plan provisions depending on the type and location of activity being undertaken. The exceptions to this are Schedule 3 Significant Ecological Areas – Terrestrial Schedule and Schedule 4 Significant Ecological Areas – Marine Schedule which are regional policy statement, regional coastal plan, regional plan and district plan provisions.

#### **A1.4.7. Identification of Appendices in the Plan**

The provisions of Chapter M Appendices, with one exception, are regional coastal plan or regional plan or district plan provisions. The one exception to this is Appendix 1 Structure plan guidelines which is a regional policy statement appendix.

### **A1.5. Content of the regional coastal plan**

The Plan is a combined plan which includes the Auckland regional coastal plan.

Any provision of the Plan which applies to activities or natural or physical resources in the coastal marine area is a provision of the Auckland regional coastal plan.

### **A1.6. Plan provisions**

The Plan uses six main types of plan provisions:

#### **A1.6.1. General rules**

There are a number of general rules which apply throughout the Plan except in the regional policy statement and where otherwise specified. These include rules applicable to the consent process and notification of applications, how applications involving multiple activities and different types of plan provisions will be assessed, and how infringements of standards for activities will be assessed.

#### **A1.6.2. Overlays**

Overlays manage the protection, maintenance or enhancement of particular values associated with an area or resource. Overlays can apply across zones and precincts and overlay boundaries do not follow zone or precinct boundaries. Overlays also manage specific planning issues such as addressing reverse sensitivity effects between different land uses.

Overlays generally apply more restrictive rules than the Auckland-wide, zone or precinct provisions that apply to a site, but in some cases they can be more enabling. Overlay rules apply to all activities on the part of the site to which the overlay applies unless the overlay rule expressly states otherwise.

Overlay rules are identified in the activity tables where they are located in sections of the Plan dealing with Auckland-wide rules, for example Land disturbance – Regional or the Coastal – General Coastal Marine Zone.

Overlay provisions are located in Chapter D of the Plan and overlays are identified on the planning maps.

### **A1.6.3. Auckland-wide provisions**

Auckland-wide provisions apply to the use and development of natural and physical resources across Auckland regardless of the zone in which they occur.

Auckland-wide provisions are located in Chapter E of the Plan and cover natural resources, Mana Whenua, the built environment, infrastructure, environmental risk, subdivision and temporary activity matters. Auckland-wide provisions generally apply more restrictive rules than the zone or precinct provisions that apply to a site, but in some cases they can be more enabling.

Auckland-wide rules which have a spatial component such as the Subdivision Variation Control or the Stormwater Management Area Control – Flow 1 and Flow 2 are identified on the planning maps.

### **A1.6.4. Zones**

Zones manage the way in which areas of land and the coastal marine area are to be used, developed or protected. The spatial application of zones generally identifies where similar uses and activities are anticipated. All land and all of the coastal marine area within the Auckland region is zoned, except for roads.

Zone provisions are located in Chapters F and H of the Plan. Zones are identified on the planning maps. In addition, zone rules which have a spatial component such as the Height Variation Control are identified on the planning maps.

### **A1.6.5. Precincts**

Precincts enable local differences to be recognised by providing detailed place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions and can be more restrictive or more enabling. In certain limited circumstances the rules in a precinct vary the controls of an overlay, either by being more restrictive or more enabling. However, the general approach is that overlays take precedence over a precinct.

Precinct provisions are located in Chapter I and grouped according to their location as Auckland-wide, central, north, west and south. Precinct areas are identified on the planning maps.

### **A1.6.6. Standards**

Activities provided for as permitted, controlled or restricted discretionary activities are normally subject to standards. Standards set limits on the extent to which an activity is permitted or may be assessed as a controlled or restricted discretionary activity. Exceedance of a standard normally results in the activity being considered as a more restrictive class of activity.

Standards are located following the activity tables in the overlay, zone, Auckland-wide and precinct provisions.

## **A1.7. Activity status**

The Resource Management Act 1991 provides for activities to be classed as set out below. The classification of an activity is usually referred to as its activity status. The class or status of an activity determines the nature and extent of matters that must be

considered for consenting. The class or status of an activity does not determine whether an application for consent will be notified or not.

Where more than one activity status may apply to a proposal, General rule C1.6 applies to determine the overall activity status.

There is a hierarchy of the classes in terms of both the basis for assessment and the nature of conditions that may be imposed on any grant of consent. The hierarchy runs from the most enabling permitted status to the most restrictive prohibited status. The Plan has been prepared on the basis of this classification and consenting hierarchy. The following statements are provided to assist users of the Plan to understand how this hierarchy has been applied.

#### **A1.7.1. Permitted activity**

No resource consent is required for a permitted activity and the activity is allowed as of right. The activity may be subject to permitted activity standards which must be objectively certain and not subject to a discretionary assessment. Exceedance of a permitted activity standard normally results in the activity being considered as a restricted discretionary activity.

Activities are classed as permitted where the character, intensity and scale of their effects are expected to be in keeping with the quality of the existing environment or the relevant objectives and policies of the relevant zone or precinct.

#### **A1.7.2. Controlled activity**

Resource consent is required for a controlled activity but the Council must grant consent and only has power to impose conditions on the consent in relation to those matters over which control is reserved by the Plan or a national environmental standard. The activity may be subject to controlled activity standards. Exceedance of a controlled activity standard normally results in the activity being considered as a restricted discretionary activity.

Activities are classed as controlled where the activity is in keeping with the existing environment and the likely effects are well understood and able to be avoided, remedied or mitigated by conditions.

#### **A1.7.3. Restricted discretionary activity**

Resource consent is required for a restricted discretionary activity. Consent may be either granted or refused, but only for reasons which are relevant to the matters stated in the Plan or a national environmental standard over which the discretion can be exercised. The activity may be subject to restricted discretionary activity standards. If consent is granted, then any conditions of consent may only be in relation to the matters stated in the Plan or a national environmental standard.

Activities are classed as restricted discretionary where they are generally anticipated in the existing environment and the range of potential adverse effects is able to be identified in the Plan, so that the restriction on the Council's discretion is appropriate.



#### **A1.7.4. Discretionary activity**

Resource consent is required for a discretionary activity and may be granted or refused for any relevant resource management reason. An application for resource consent for a discretionary activity will be fully assessed in terms of the relevant provisions of the Plan, including all relevant objectives and policies, and the Resource Management Act 1991, including in particular Part 2.

Activities are classed as discretionary where they are not generally anticipated to occur in a particular environment, location or zone or where the character, intensity and scale of their environmental effects are so variable that it is not possible to prescribe standards to control them in advance. A full assessment is required to determine whether the activity, subject to any conditions, would be appropriate in terms of the provisions of the Plan, the effects of the activity on the environment and the suitability of the proposed location.

As well, any activity that is not specifically classed in a rule is deemed to be a discretionary activity under General rule C1.7(1).

#### **A1.7.5. Non-complying activity**

Resource consent is required for a non-complying activity. As threshold matters, the proposal must be assessed to determine whether its adverse effects on the environment will be no more than minor or whether it will not be contrary to the objectives and policies of the Plan. If the proposal is found not to breach one or other of those thresholds, then its merits may be considered on a broadly discretionary basis and consent may be granted (with or without conditions) or refused. If it is found to breach both thresholds, then consent must be refused.

Activities are classed as non-complying where greater scrutiny is required for some reason. This may include:

- where they are not anticipated to occur; or
- where they are likely to have significant adverse effects on the existing environment; or
- where the existing environment is regarded as delicate or vulnerable; or
- otherwise where they are considered less likely to be appropriate.

#### **A1.7.6. Prohibited activity**

An activity which is classed as prohibited cannot be the subject of an application for resource consent. Any proposal for a prohibited activity must first be the subject of a plan change to change the activity status (either generally or in respect of a particular proposal) to one of the other classes of activity.

Activities are classed as prohibited where they are expected to cause significant adverse effects on the environment which cannot be avoided, remedied or mitigated by conditions of consent or otherwise where it may be appropriate to adopt a precautionary approach.

**A1.7.7. Not applicable**

Where an activity table states that an activity is ‘not applicable’ or ‘NA’ this means that the activity is not relevant in that particular part of the activity table.

Where an activity table for a precinct leaves the status for a particular activity blank, then the activity status in the relevant overlay, zone or Auckland-wide provision applies.

**A1.7.8. Abbreviation of activity classes**

The Plan uses the following abbreviations to identify the class of activity:

<b>Activity class abbreviation</b>	<b>Activity class abbreviation meaning</b>
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Pr	Prohibited activity