

PART 3 - REGIONAL AND DISTRICT RULES»

## PART 3 - REGIONAL AND DISTRICT RULES

### Chapter G: General provisions

#### 1 Administration

##### 1.1 General duty to comply

Compliance with the Unitary Plan and the RMA does not remove the need to comply with all other relevant acts, regulations, bylaws and rules. It is the applicant's responsibility to identify and understand all requirements they are required to comply with all applicable requirements.

Where compliance is required under any other legislation, including a bylaw, it is the responsibility of the applicant to comply with that legislation.

Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent.

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation.

##### 1.2 Activities

The type, form and scale of different activities are managed by rules in the Unitary Plan. All rules within the Unitary Plan have the force and effect of a statutory regulation. One of the council's functions is to implement rules, and matters to which rules may pertain, are outlined in s. 30 and s. 31 of the RMA. They include the following:

- to manage the effects of land use and development
- to encourage the efficient use and development of natural and physical resources
- to maintain and enhance the quality of the environment
- to ensure appropriate development on land subject to natural hazards
- to prevent and mitigate adverse effects associated with hazardous substances
- to control the subdivision of land
- to control the emission of noise and to mitigate the effects of noise
- to maintain and enhance amenity values.

The RMA classifies activities into the following types:

- permitted activities
- controlled activities
- restricted discretionary activities
- discretionary activities
- non-complying activities

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- prohibited activities.

The Unitary Plan uses all these activity classifications. They are found in the activity tables using the following abbreviations:

P - permitted activity

C - controlled activity

RD - restricted discretionary activity

D - discretionary activity

NC - non-complying activity

Pr - prohibited activity

NA - not applicable

### **Permitted activities**

Resource consent is not required for a permitted activity if it complies with all the relevant rules in the Unitary Plan. The Unitary Plan uses this approach to provide for activities that may be carried out as of right, provided certain controls are met. If an activity does not comply with one or more of the relevant controls it is not a permitted activity. In those instances the activity will fall into one of the activity categories below and will require resource consent.

### **Certificates of Compliance**

An application can be made to the council to obtain a certificate of compliance for a permitted activity. The certificate confirms that the development fully complies with the Unitary Plan. Section 139 of the RMA outlines the role of consent authorities and environmental protection agencies in issuing certificates of compliance.

### **Existing uses and activities**

The RMA permits certain existing land uses and other activities that were lawfully established to continue, despite contravening a rule in the Unitary Plan, if the requirements of s. 10, 10A, 10B or 20A of the RMA are met. An application can be made to the council to obtain a certificate confirming that an activity has existing use rights under those sections of RMA.

It is the responsibility of the person claiming existing use rights to demonstrate they comply with those sections.

### **Controlled activities**

Resource consent is required for a controlled activity and consent must be granted. The Unitary Plan provides for controlled activities where the adverse effects of an activity can be managed through consent conditions. Conditions can be imposed but only for those matters over which control has been reserved.

### **Restricted discretionary activities**

Resource consent is required for a restricted discretionary activity. The council may approve or decline a proposal for a restricted discretionary activity. The Unitary Plan or any relevant National Environmental Standard specifies the matters over which council has restricted its discretion. The council's consideration of the proposal, and the ability to refuse the application and impose conditions, is restricted to these matters.

The Unitary Plan uses this approach where it is possible to limit discretion to specific effects associated with an activity or development that need to be assessed.

### **Discretionary activities**

Resource consent is required for a discretionary activity. The council may approve or decline a proposal for a discretionary activity. In assessing the proposed activity, the council can consider all relevant objectives and policies within the Unitary Plan, all potential environmental effects, and any matters outlined in s. 104 of the RMA without limitation in decision-making.

### **Non-complying activities**

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Resource consent is required for a non-complying activity. The council may grant or refuse the application. There are extra tests under the RMA that the council must consider when assessing a non-complying activity.

Proposals for non-complying activities must meet one of two following tests as set out in s. 104D of the RMA:

- the adverse effects of the proposed development are minor, or
- the proposed development is not contrary to the objectives and policies of the Unitary Plan.

If the proposal meets either of the two tests, the Council is entitled to assess the application under s. 104 and may grant or decline the resource consent application. If neither test is met the council must decline the resource consent application.

### Prohibited activities

Certain activities are expressly prohibited in the Unitary Plan. Applications cannot be made for a prohibited activity and the council cannot grant resource consent for a prohibited activity. Prohibited activities are clearly identified throughout the Unitary Plan.

### 1.3 Designations

A designation is a provision in the Unitary Plan that gives effect to a notice of requirement for a public work or project by a requiring authority. Requiring authorities include a minister of the Crown, local authority or approved network operator. A public work or project could include a school, police station, road, park, transmissions lines or an infrastructure system.

[Designations](#) in the Unitary Plan include existing designations rolled over from previous district plans into the Unitary Plan either 'without modification' or 'with modification' and any new notices of requirement for a designation lodged with the council.

A designation can:

1. enable the use of land for a public work or infrastructure
2. restrict land, water, subsoil, or airspace where this is necessary for the safe or efficient functioning or operation of a public work or infrastructure
3. require written approval of the requiring authority responsible for the designation before a third party can undertake an activity within the designation.

Further guidance on designations, requiring authorities and the designations they are responsible for can be found in the [designation](#) section of the Unitary Plan.

### 1.4 Applying for resource consent

#### Requirement for resource consent

Resource consent is required for any use of land that contravenes a rule in the Unitary Plan unless:

- resource consent has already been granted under s. 9 (1) (a) of the RMA
- the use has existing use rights under ss. 10-10B or s. 20A of the RMA
- the use is provided for by s. 4 (3) of the RMA. This subsection applies to the work and activity of the crown within areas of land held or managed under the Conservation Act 1987
- the use is a public work or project or work undertaken by a requiring authority under a designation.

Resource consent is also required for:

- activities within the CMA listed in s. 12 of the RMA

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- activities within the beds of lakes and rivers listed in s. 13 of the RMA
- taking, using, damming or diverting any water or using any heat or energy from any water (s. 14 of the RMA)
- discharging contaminants to air, land or water (s. 15 of the RMA)

unless expressly allowed by a rule in the Unitary Plan or enabled by ss. 12-15C of the RMA.

### Types of resource consent

The Unitary Plan, as a combined document containing the Regional Policy Statement, Regional Coastal Plan and Regional/ District Plan, provides for five types of resource consents:

- land use consent
- subdivision consent
- coastal permits
- water permits
- discharge permits.

Under s. 87 of the RMA, the term resource consent means any of the following:

Table 1:

Type of consent	Relevant section of the RMA	Details
Land use consent	s. 9	For general land use, restrictions and the requirement of consent
	s. 13	For use of lakes and river beds, restrictions and the requirement of consent
Subdivision consent	s. 11	For the subdivision of land, including cross-leases and unit titles
Coastal permit	s. 12, 14, 15, 15A, 15B	Consent to contravene a restriction in relation to the CMA – building, reclamation, depositing of any substance, disturbing the foreshore or seabed, introducing plants, occupation of the CMCA, removal of natural material  Consent to take, use, dam or divert coastal or geothermal water  Consent to discharge contaminants or water into water in the CMA
Water permit	s. 14	Consent to take, use, divert or dam water
Discharge consent	s. 15	Consent to discharge contaminants into the environment

### Making a resource consent application

Applicants should confirm with the council whether resource consent is required for a proposed activity and if so, what specific consents are needed.

The council will require all resource consents required for a proposal to be applied for together, including all of those listed in the table above. If the applicant does not apply for all resource consents the council may defer

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the application under s. 91 of the RMA.

Where the proposal involves several activities with different types of consent classification that are inextricably linked, the council will generally bundle all activities and apply the most restrictive activity status.

Applications for resource consent, including assessments of environmental effects, must be made in a prescribed manner. This is outlined in s. 88 of the RMA and the Fourth Schedule of the RMA. The council and the public use this information to understand the proposal and its potential effects. The sections below outline the general information requirements to be provided with all applications, along with specific information requirements for certain types of consent applications. The council can reject an application if it does not contain sufficient information.

A number of steps occur before a decision on a resource consent application is made, including:

- pre-application meetings with the council
- checking the adequacy of the information supplied with an application for consent
- reviewing the assessments of effects on the environment
- deciding whether the application should be notified or not
- if required, arranging notification, receiving submissions, and arranging pre-hearing meetings and hearings.

The RMA sets time limits for the various steps and a clear structure for each step once the resource consent application is lodged.

### **Lodgement of applications**

Section 88 of the RMA gives the council five working days to check an application for completeness and the adequacy of information, and to determine whether to accept or reject the application. If the application is rejected, then the application is returned to the applicant with a written explanation of the information required when re-lodging the application.

### **Consultation**

Section 36 of the RMA does not require an applicant to consult any party about a resource consent application. However, the Fourth Schedule of the RMA requires an assessment of environmental effects to identify any persons who are affected by the proposal and detail any consultation undertaken and any response or views of any persons consulted.

Applicants are encouraged to consult with the following parties prior to lodging a resource consent application:

1. Mana Whenua where the proposal involves an activity that is on, adjacent to or likely to impact on Mana Whenua values.
2. Auckland Transport where the proposal involves an activity that affects or is likely to affect the use and operation of the transport network for which Auckland Transport is a road controlling authority.

### **Further information**

The council, under s. 92 of the RMA, may request an applicant to provide further information should it feel this is needed to better understand the nature of the activity and the effect it may have on the environment.

The council may also commission a report at the agreement and expense of the applicant before a decision is made on the application where:

- the activity may have a significant adverse environmental effect
- the applicant is notified before the council commissions the report

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- the applicant does not refuse under s. 92B(1) of the RMA.

A request for further information may result in the application being put on hold and the processing timeframe stopped until the information is received and assessed as being adequate.

### **Applications across sites with multiple zones**

Where a site has two or more zones applying to it, each part of the development must comply with the rules applying to the zone in which that particular part of the development is located. Where a development control refers to a percentage of the site, the control will be limited to that part of the site to which the zone applies.

### **Land use controls**

Land use controls are a type of rule. The Unitary Plan sets land use controls to manage the effects of land use and other activities on the environment.

### **Development controls**

Development controls are a type of rule. The Unitary Plan sets development controls to manage the effects of buildings and development on the environment.

### **Rule infringements**

The land use and development controls are generally appropriate for most developments. However, not every control will be appropriate for every site and every proposal. In some circumstances, the characteristics of a site may make strict compliance with the development or land use controls inappropriate or unnecessary.

Infringements to development or land use controls are considered as a part of a resource consent application. This approach means that the particular circumstances of the site and the proposal can be assessed on their merits. Where the activity requires resource consent a combined application for the activity and the infringement must be made.

### **Assessment criteria**

The Unitary Plan must specify the matters over which the council will reserve its control and restrict its discretion when assessing resource consent applications for controlled and restricted discretionary activities respectively. The Unitary Plan contains assessment criteria that aid the interpretation of the matters of control/discretion.

Every development proposal is a response to a unique mix of requirements and circumstances. Sometimes, they are in competition. While each development should demonstrably satisfy all applicable criteria, the unique conditions of each location may mean some criteria are more important than others. Priority should be given to satisfying those criteria that are most critical to the overall intentions of the listed criteria in an optimal way in each unique location.

However, the assessment criteria are not an exhaustive list and the council may consider any relevant policy or criteria within the Unitary Plan if it is within the scope of the matter of control/discretion for the particular activity.

### **Notification**

A notification decision is required on all resource consent applications, unless the Unitary Plan specifies otherwise. The process and requirements for notification are contained in s. 95A-95G of the RMA.

### **Decision-making on resource consent applications**

Decisions on resource consent applications will have regard to the following:

- the actual and potential effects of the activity on the environment
- the relevant provisions within the Unitary Plan and other national standards or regulations
- any other matter deemed relevant or reasonably necessary to determine the application.

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The full obligations of the council, in considering an application for resource consent, are contained in s. 104 of the RMA.

### Conditions

In granting resource consent, the council may impose conditions, restrictions and prohibitions, including but not limited to:

- service or work to remedy or mitigate adverse effects likely to arise from the activity, such as riparian management, natural resource management, protection or restoration of natural environments
- bonds or covenants, or both, to ensure performance or compliance with imposed conditions
- financial contributions in the form of money or works to mitigate any adverse effects
- conditions requiring the consent holder to carry out certain monitoring regarding the effects of their activities
- amalgamation of titles
- the review of consent conditions under s. 128
- duration of the resource consent
- The activity's hours of operation.

Further information on the council's scope to impose conditions on a resource consent is contained in s. 108 of the RMA.

### Changes to conditions or cancellation

Once resource consent is granted, an application may be made to the council to change or cancel any condition imposed on an activity as part of the consent under s. 127 of the RMA.

### Hearings, objections and appeals

Hearings may be held when submissions have been received on a resource consent application, plan change, review of the Unitary Plan or notice of requirement. During a hearing the proposal and submissions are presented and considered and a decision is made on the proposal. Sections 39-42A, 100-103A, 169 and the first schedule of the RMA outline the hearing process and the council's obligations relating to that process.

An appeal may be made to the Environment Court against the whole or any part of a council decision on a resource consent application. Sections 120 and 121 of the RMA outline the process for appeals.

### Lapsing of a resource consent

If no lapse date is specified in the resource consent it will lapse after five years, unless the resource consent authorises aquaculture activities to be undertaken in the CMA, in which case the resource consent will lapse after three years. The resource consent will not lapse after these timeframes if:

- the resource consent has been given effect to, or
- a longer lapse period is specified in the resource consent, or
- an application is made to the council to extend the period after which the consent lapses, and the consent authority grants the extension.

Section 125 of the RMA sets out when a resource consent lapses and the process for obtaining extensions.

## 1.5 Fees and charges

Section 36 of the RMA enables councils to charge applicants for receiving, processing and granting (including

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declining) consents. The council may also charge consent holders for administering, monitoring and supervising consents.

The council's general policy is that applicants pay the costs of processing all consent applications. This is provided for under the RMA. Applicants will pay a deposit when an application is submitted. Once a decision has been made, the final account will be completed. Where required additional invoices will be raised through the process. If the costs are less than the deposit, the applicant will be given a refund.

The total amount will vary depending on many factors including the accuracy and amount of information provided, the number of different experts required to assess the application and whether or not the application is notified.

The actual and reasonable costs include the cost of the council's staff time plus the actual cost of any disbursements. Staff time is calculated according to a schedule of hourly rates.

For a schedule of fees and charges associated with resource consent application, contact the council. Resource consent applications for activities listed in the [Notable Tree](#) overlay, Auckland-wide or Overlay - [Vegetation Management](#) rules (including SEAs), Auckland-wide [Trees in Streets and Public Open Space](#) rules and for the maintenance and modification of heritage buildings will not be charged an application fee unless the activity is associated with proposed new development.

### 1.6 Enforcement

The council is required to monitor compliance with the policies and provisions of the Unitary Plan and compliance with resource consent conditions. Monitoring, compliance and enforcement officers are engaged for this purpose.

### 1.7 Infringement notices

Generally, non-compliance with the RMA is considered an infringement. If a person has committed an infringement, they may either:

- face proceedings under the Summary Proceedings Act 1957
- be served with an infringement notice.

An infringement notice will be given to a person if an enforcement officer observes an infringement, or has reasonable cause to believe an offence is being or has been committed. Infringement notices follow a prescribed form outlined in s. 343C of the RMA. An infringement notice may be accompanied by an infringement fee.

### 1.8 Abatement notices

An abatement notice may be served on any person who:

- contravenes, or is likely to contravene the RMA, any regulations, a rule in the Unitary Plan or a resource consent.
- undertakes an activity that is, or is likely to be noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

Details on the scope of an abatement notice are contained in s. 322 of the RMA. Abatement notices are standardised in form and content, which is prescribed in s. 324 of the RMA.

### 1.9 Enforcement orders

Any person at any time, provided they meet the requirements of s.316 of the RMA, may apply to the Environment Court for an enforcement order. An enforcement order, if granted by the Environment Court, may



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require:

- a person to cease or prevent commencement of an activity
- someone to do something
- a person to pay money or reimburse any other person for any actual and reasonable costs and expenses
- a change to or a cancellation of a resource consent.

Details on the scope of matters to which an enforcement order may apply are outlined in s. 314 of the RMA.

### 1.10 Legal effect of Unitary Plan rules

Under Section 86B of the RMA a rule in a proposed plan has legal effect only when a decision on submissions relating to a rule has been made and publicly notified by the council. The exception to this is where the rule, either:

1. protects or relates to water, air or soil (for soil conservation); or
2. protects areas of significant indigenous vegetation; or
3. protects areas of significant habitats of indigenous fauna; or
4. protects historic heritage; or
5. provides for or relates to aquaculture activities.

The rules in the activity tables that have immediate legal effect from 30 September 2013 are identified by shading of the relevant text within the activity table as below. The associated controls, assessment criteria, information requirements, definitions and appendices applicable to those rules also have immediate legal effect.

Example legal effect table

Activity	Activity Status
XXXXXXXXXXXXXXXXX XXXXXXXXXXXXX XXXXXXXXXXXXXXXXX	X
XXXXXXXXXXXXXXXXX XXXXXXXXXXXXX XXXXXXXXXXXXXXXXX	XX

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## 2 General rules and special information requirements

This section outlines the general rules applying to resource consent applications, including the activity status of rule infringements, notification and information requirements.

### 2.1 Determining activity status

1. General rule
  - a. The most restrictive activity status determines the overall activity status of the proposal.
2. Determining activity status where same matter is controlled by more than one rule
  - a. To determine the activity status of a proposal:
    - i. the user must firstly review the activity status of the activity and its associated controls within the zone and any precinct, or Auckland-wide provisions applying to the site. The activity status within a precinct takes precedence over the same activity within a zone or an Auckland-wide provision, whether more restrictive or enabling.
    - ii. taking the activity status resulting from clause i above, the user must then review any overlays that apply to the site. If an overlay rule applies to the same matter then the most restrictive activity status will apply.

Note: to identify whether a rule is classified as an Auckland -wide, zone, overlay or precinct rule, the user must refer to the beginning of chapters [H](#), [I](#), [J](#), [K](#) of the Unitary Plan.

### 2.2 Activities not provided for

1. Any activity that is not specifically listed in the Unitary Plan as a permitted, controlled, restricted discretionary, discretionary or prohibited activity is a non-complying activity.

### 2.3 Rule infringements for permitted, controlled and restricted discretionary activities

1. All activities must comply with the land use and development controls applying to the activity.
2. A permitted, controlled or restricted discretionary activity that does not comply with one or more land use or development controls is a restricted discretionary activity unless otherwise stated in the Unitary Plan.
3. For rule infringements that are a restricted discretionary activity, the council will restrict its discretion to the following matters, in addition to any specific matters listed in the rules:
  - a. Site/development characteristics
  - b. The purpose of the control.
4. When assessing a restricted discretionary land use or development control infringement, the council may consider the following criteria as they relate to the matters of discretion above.
  - a. Whether the site has any unusual features or particular characteristics that make compliance with the development control unnecessary, such as:
    - i. unusual size, shape, topography, substratum, soil type, vegetation or natural hazard susceptibility
    - ii. adverse topography or the unusual use or particular location of buildings on neighbouring sites.
    - iii. Whether the land use or development control infringement achieves the purpose of the control, demonstrating that a better outcome is achieved than a complying proposal and that the proposal makes a positive contribution to the site and neighbourhood by improving liveability, amenity or visual appearance.
  - b. While not exhaustive, for applicable developments the [ADM](#) may offer guidance on these matters.

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## 2.4 Notification

1. Controlled and restricted discretionary activities will be considered without public or limited notification, or the need to obtain written approval from affected parties, unless otherwise specified in the Unitary Plan or special circumstances exist in accordance with s. 95A (4) of the RMA that make notification desirable.
2. To avoid doubt, discretionary and non-complying activities are subject to the normal tests for notification under the relevant sections of the RMA, unless otherwise specified in the Unitary Plan.

## 2.5 Accidental discovery protocols

### Historic heritage

1. In the event of an accidental discovery of archaeological material, the site owner or the site manager must take the following steps:
  - a. Work must cease immediately at that place.
  - b. The contractor must shut down all machinery, secure the area and advise the site manager.
  - c. The site manager must notify the council's heritage manager and the New Zealand Historic Places Trust Regional archaeologist. If necessary, a resource consent must be obtained.
  - d. If the site is of Māori origin the site manager must notify the appropriate iwi groups to determine what further actions are appropriate to safeguard the site or its contents.
  - e. If skeletal remains are uncovered the site manager shall advise the police.
  - f. Works affecting the archaeological site must not resume until the New Zealand Historic Places Trust gives approval for work to continue.

### Mana Whenua cultural heritage

2. If, at any time during site works, potential koiwi, archaeology or artefacts of Māori origin are discovered, then all site works, including earth moving machinery must stop and the following accidental discovery protocol must be followed:
  - a. The site owner or the site manager must immediately advise the council, and the kaitiaki and kaumatua of the relevant Mana Whenua and New Zealand Historic Places Trust.
  - b. The site owner or the site manager must secure the site until approval to proceed with work has been granted by the council in consultation with Mana Whenua.
  - c. Further work at the site must be suspended, should Mana Whenua wish to carry out their procedures and tikanga for the site and the nature of the discovery.
  - d. The site owner or the site manager must immediately arrange a site inspection by Mana Whenua and their advisors and the New Zealand Historic Places.
  - e. The site owner or the site manager must ensure that representatives are available to guide those parties through the site.
  - f. The site inspection will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.
  - g. Mana Whenua will determine the tikanga for appropriate preservation, management and handling of the koiwi, archaeology or artefacts of Māori origin that are uncovered, which may include removal of the koiwi, archaeology or artefacts of Māori origin from the site by Mana Whenua or preservation within the site.
  - h. Preservation of the koiwi, archaeology or artefacts of Māori origin that are uncovered may require amendments to the site works to avoid adverse effects on sites of significance to Mana Whenua and Maori values.

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- i. Work at the site must not recommence until approval has been granted by the council in consultation with Mana Whenua and the New Zealand Historic Places Trust.
3. Where koiwi, archaeology or artefacts of Māori origin are uncovered during site works, the council will work with Mana Whenua to record the following information that will contribute to Mana Whenua knowledge of their cultural heritage:
  - a. site location
  - b. details of content
  - c. carbon dating.
4. A development that does not comply with the above accidental discovery protocol is a discretionary activity.

### Contaminated land

5. Where contaminated land or landfill material is encountered during the course of works and disturbance of that contaminated land or landfill material is not expressly allowed as a permitted activity in the Unitary Plan, land use consent or designation, the site owner or site manager must take the following steps:
  - a. the works must cease and immediate measures must be implemented to protect the health and safety of people and the environment
  - b. inform the council immediately
  - c. the works must not recommence until the Unitary Plan requirements are met or relevant resource consents are obtained, or in the case of a designation, the potential adverse environmental effect is mitigated or avoided.

## 2.6 Framework plans

### Introduction

A framework plan is a voluntary resource consent that enables land owners to demonstrate and achieve the integrated development and/or subdivision of land within brownfield and greenfield development areas.

Framework plans are enabled within a precinct. The precinct contains specific:

- objectives and policies that articulate the development outcomes for the area and encourage the use of framework plans
- rules that give effect to those outcomes
- assessment matters that need to be addressed within a framework plan
- information requirements for framework plans in addition to those specified in the general provisions.

If approved by the council, the framework plan authorises land uses such as the location and physical extent of roads/open spaces and allowable building envelopes within a precinct or sub-precinct. Enabling this spatial planning to occur through a resource consent is flexible and allows for the site to be planned and integrated into the surrounding environment based on the latest information available. In some cases, the Unitary Plan incentivises land owners to prepare a framework plan, for instance by providing additional development potential if a framework plan is prepared.

As an activity a framework plan must comply with the underlying zone and Auckland-wide provisions unless otherwise stated in the precinct. The framework plan must also comply with all relevant rules in the precinct and any applicable overlays.

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Subsequent development/subdivision, as the case may be, must comply with an approved framework plan, and subsequent resource consent applications for development and/or for subdivision must comply with the most recently approved framework plan, or an application to amend or replace the framework plan must be made and approved at that time.

A framework plan does not address strategic planning matters such as zoning changes and significant increases in development potential and does not replace the need to undertake structure planning where appropriate and as required by the Regional Policy Statement.

It is expected that framework plans will be amended from time to time over the life of the framework plan. Where this occurs the framework plan will be assessed against the relevant provisions of the Unitary Plan and not against previously approved framework plans. The land owner has the ability to apply for resource consent to amend or replace the framework plan if circumstances change.

As framework plans are voluntary, a land owner may apply for resource consent for development or subdivision prior to the approval of a framework plan, however a more onerous activity status will apply to allow the full consideration of potential effects and notification subject to the standard RMA tests.

The Unitary Plan encourages the preparation of joint framework plans for larger redevelopment areas. Where this opportunity is not taken up by landowners, the Unitary Plan requires the framework plan for individual sites or multiple sites held in single ownership to demonstrate how the development integrates with neighbouring sites and achieves the objectives of the precinct.

### **Where Framework Plans are applied**

1. It is important that framework plans are only used where necessary to achieve the integrated and efficient redevelopment of sites. For this reason, the Unitary Plan applies framework plans where both of the following criteria are met:
  - a. large greenfield or brownfield landholdings proposed to be urbanised or intensified that either have no established urban pattern or that have an urban pattern that is proposed or required to fundamentally change that have undergone a structure planning process
  - b. contiguous landholdings that are held predominantly in single ownership.

### **Activity status and notification**

2. The following rules apply to framework plans unless otherwise specified in the precinct:
  - a. A framework plan, amendments to an approved framework plan and a replacement framework plan within a precinct is a restricted discretionary activity where it complies with all of the applicable controls.
  - b. Subsequent resource consent applications for subdivision, land use and development within a precinct must comply with the most recently approved framework plan for the application area.
  - c. Any subsequent resource consent applications within a precinct that do not comply with the most recently approved framework plan applying to the application area will be assessed as a non-complying activity, or alternatively must be accompanied by an application for approval of either an amended or a replacement framework plan.
  - d. An application for a framework plan must apply only to land that the applicant is the owner of, unless otherwise specified in the precinct.
  - e. A restricted discretionary activity application for a framework plan will be assessed without the need for public notification unless special circumstances exist. Limited notification may be undertaken, including notice being given to any parties specified in the precinct rules.
  - f. A concurrent application for a development control infringement will be assessed together with a

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framework plan.

### Land use and subdivision control infringements

3. Framework plans must comply with all relevant land use and subdivision controls. Unless otherwise specified, any land use or subdivision control infringement will be considered as part of the application for a framework plan.

### Development control infringements

4. Framework plans must comply with the precinct development controls. Unless otherwise specified, any development control infringement will be considered as part of the application for the framework plan.
5. The development control infringement will not alter the restricted discretionary status of the framework plan unless otherwise stated in the precinct rules.

### Matters of discretion

6. The council will restrict its discretion to the matters below for the activities listed below, unless otherwise stated in the precinct rules.
  - a. Framework plans, amendments to an approved framework plan or a replacement framework plan
    - i. the location, physical extent and design of streets and pedestrian connections
    - ii. the location, physical extent and design of open space
    - iii. the location and capacity of infrastructure servicing
    - iv. integration of development with neighbouring areas
    - v. staging of development and the associated resource consent lapse period.
7. Land use, development or subdivision that complies with an approved framework plan
  - a. When considering a restricted discretionary resource consent application for land use, development or subdivision that complies with an approved framework plan, the council will restrict its discretion to the matters set out for the activity in the underlying zone, precinct or Auckland-wide rules.

### Assessment criteria

8. The council will consider the relevant assessment criteria below for the restricted discretionary activities listed unless otherwise specified in the precinct.
  - a. Framework plans, amendments to an approved framework plan or a replacement framework plan
    - i. The location, physical extent and design of streets and pedestrian connections
      - Streets and pedestrian connections should be provided in the location identified in the precinct plan to achieve a legible street network. Where no location is identified, an integrated and efficient street and pedestrian network should be provided, including connections to existing and future streets and networks.
    - ii. The location, physical extent and design of open space
      - Public open spaces should be provided in the location(s) identified in the precinct plan to meet the needs of the local community. Where no location is identified, open space should be provided to and located to serve the future needs of the local community.
    - iii. The location and capacity of infrastructure servicing
      - Adequate infrastructure should be provided to service the proposed development including stormwater, wastewater, water supply, electricity and telecommunications.
      - Stormwater management methods that use low impact stormwater design principles and improved water quality systems are encouraged.
    - iv. Integration of development with neighbouring areas
      - Where the framework plan is for a particular site or sub-precinct within a wider precinct,

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the framework plan should demonstrate how the development achieves the overall objectives of the precinct, including the integration of streets, pedestrian connections, open spaces and other infrastructure that will serve the development.

- v. Staging of development and the associated resource consent lapse period
  - The framework plan should provide details of how the development will be staged. The council may impose conditions enabling a lapse period longer than five years, having regard to s. 79 of the RMA and the need for unimplemented resource consents to generally reflect the planning strategy contained in the Unitary Plan.
- b. Land use, development or subdivision that complies with an approved framework plan
  - i. When considering a restricted discretionary resource consent application for land use, development or subdivision that complies with an approved framework plan, the council will consider the relevant assessment criteria set out for the activity in the underlying zone, precinct or Auckland-wide rules.

### 2.7 Information requirements for resource consent applications

1. All resource consent application under s. 88 (2) must be in the prescribed form and manner and include an assessment of environmental effects accordance with Schedule 4 of the RMA.

#### 2.7.1 General information requirements

##### Information requirements for all resource consent applications

1. The following information must be provided, to the council as part of any application for resource consent:
  - a. a certificate of title no more than six months old and details of any matters affecting title to the site, including copies of documents relating to any encumbrances, covenants, easements, leases, licences to occupy or building line restrictions imposed on the land.
  - b. a statement specifying any other resource consents the applicant may require in regards to any aspect of the proposed activity, and whether the applicant has applied for such consents.
  - c. a description of the site to which the proposed activity relates.

##### Information requirements for resource consent and subdivision consent applications adjacent to scheduled historic heritage places

2. The following information must be provided, to the council as part of any application for the following:
  - a. a heritage impact assessment for any discretionary or non complying resource consent or subdivision consent application on land or affecting water adjacent to a scheduled historic heritage place
  - b. a cultural impact assessment for any restricted discretionary, discretionary or non-complying resource consent application on land or affecting water adjacent to a scheduled historic heritage place where it is archaeology of Maori origin.

##### Information requirements for resource consent applications for development

3. All applications for development must be accompanied by the following plans/drawings. Plans require a north point. Plans/drawings require a scale of 1:100 or 1:200 where appropriate.

##### Existing site plan

4. Drawings showing the existing situation on the site, including, where relevant:
  - a. location of the site(s) that are the subject of the application including the certificate of title boundaries, position of road boundaries and road names, legal description, street number, site area and dimensions
  - b. position of adjoining sites including legal description and street number

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- c. existing site contours, spot levels and 1m contours including relationship with surrounding properties and the road
- d. existing boundary treatments including fences and retaining walls (location, material and heights)
- e. existing vegetation on the site
- f. location of any Unitary Plan overlays relative to the site
- g. footprint of all existing buildings on the site(s) and any outdoor living space
- h. footprint of existing buildings on adjoining sites and any outdoor living space and position of habitable room windows that have an outlook to the site
- i. any designations applying to all or part of the site.
- j. if the site contains or adjoins a watercourse or body of tidal water, identify MHWS and/or the width of the bed of the watercourse and the extent of any riparian margin or local purpose (esplanade) reserve
- k. location of any known sites or areas of significance to Mana Whenua that are on council records, in the Unitary Plan or on the NZHPT records, or that are made known to the applicant during any consultation process which may have been undertaken
- l. location and extent of any archaeological sites or historic heritage place
- m. any areas of the site that are subject to hazard, including land instability and coastal inundation
- n. location of any floodplains, overland flowpaths or flood-sensitive areas
- o. location of any areas of contaminated soil
- p. position of existing services including overhead lines, gas, power, telephone, watermains, sewers, drainage systems (wastewater, stormwater, on-site devices and drains, invert and manhole lid levels), nearest fire hydrant
- q. road carriageway, footpath, berm widths, existing vehicle crossings, pedestrian access and access roads
- r. location of street features and furniture including power poles, bus shelters, street trees, street lights, signs, on-street parking.

### Proposed site plan

- 5. Drawings showing the proposed activity including, where relevant:
  - a. position and dimensions of all proposed boundaries including net site area
  - b. position of adjoining sites
  - c. identification of relevant Unitary Plan requirements
  - d. position and area (m<sup>2</sup>) of outdoor living space
  - e. footprint of proposed buildings, incorporated with footprint of any part of existing buildings being retained
  - f. footprint of existing buildings on adjoining sites
  - g. floor plans of proposed buildings including internal layout, GFA, number of floors and their use. For studio or one bedroom dwellings the area of each room must be shown on the plans.
  - h. roof plan including roof top plant and equipment
  - i. total building coverage and position and size (m<sup>2</sup>) of impervious area



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- j. extent of any earthworks, showing proposed contours, area and volume of earthworks, cut to fill depths, location of stockpiles, identification and location of sediment and erosion control measures, spot levels and relationship to adjoining sites/road, any proposed staging of works, retaining wall locations, heights and materials
- k. proposed boundary treatments including fences and retaining walls (location, material and heights)
- l. any tree or vegetation alteration (area removed and/or altered, identification of species, height, girth and extent of root zone)
- m. proposed landscaping and/or planting, including area (m<sup>2</sup>), location and species (grade and spacing)
- n. position of new (or relocated) services overlaid (including depth) over existing services
- o. position of proposed vehicle crossing and driveway including vertical clearance (where applicable), long-section of driveway to road, gradients, the existing kerb line including any indented parking bay
- p. location of pedestrian access into and through the site
- q. proposed parking spaces and their nature (short-term, visitor, leased, etc), access/manoeuvring and loading spaces
- r. location and design of waste storage areas
- s. location of any areas proposed to be protected, vested or covenanted.

### Proposed elevations

- 6. Elevations of all building faces including those to be retained, altered and proposed, finished floor levels and external appearance/materials.
- 7. Relationship of buildings to the natural ground level, existing or finished ground levels or mean street level (whichever is applicable) and Certificate of Title boundaries.
- 8. Identification of relevant Unitary Plan requirements including building height, height in relation to boundary and volcanic view shafts.
- 9. Area (m<sup>2</sup>) and position of proposed signage.

### Subdivision and development

- 10. Proposed subdivision on a subdivision consent plan, including the land in the title(s) being subdivided, any relevant adjoining boundaries with bearings shown, including a north point.
- 11. Position of all new boundaries, including restrictive covenant boundaries for cross-lease amendments, and unit, accessory unit and common property boundaries for unit title applications.
- 12. Site area and net site area of all new allotments, except for a subdivision by grant of cross-lease or company lease or by the deposit of a unit title.
- 13. Location and areas of new reserves to be created, including esplanade reserve(s), esplanade or access strips, and any proposed improvements, such as paths, play areas and landscaping.
- 14. Location and areas of any land below MHWS of the sea, or of any part of the bed of a river or lake, which is required under s. 237A of the RMA and shown on the survey plan as land to be vested in the Crown.
- 15. Location of any existing or proposed easements, encumbrances or other legal mechanisms.

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16. Details of any consent notices or covenants.
17. Location and areas of land to be set aside as new road.
18. Existing and proposed contours to show general topography of the site in terms of mean high sea level.
19. Details of how each new site will be serviced for stormwater and wastewater disposal and how water, electricity and telecommunication will be provided.
20. Proposed legal width, grade and location of any private way, including a driveway to a proposed building site, and any new road.
21. The applicant must state whether the subdivision is to be staged and if so, over what period of time and the sites which will be subject to staging.
22. Requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
23. Location and details of any easements on a schedule, including those to be extinguished, covenant areas and any other restrictions, such as overlays.
24. Where an existing residential building is within 1m of a site or proposed site boundary, the distance to that boundary.
25. Where an existing commercial and industrial building is within 3m of a site or proposed site boundary, the distance to that boundary.

### Specialist reports

26. The council may require applications to include the submission of technical or other reports prepared by suitably qualified specialists considered necessary to address matters relating to, or arising from the proposal, including:
  - a. geotechnical/soil mechanic
  - b. coastal erosion
  - c. contamination/soil assessment
  - d. landscape assessments
  - e. arborist
  - f. infrastructure servicing/utility
  - g. stormwater flow analysis and design calculations
  - h. effluent disposal/soakage field tests and design calculations
  - i. ecological assessments
  - j. heritage/archaeological value assessments
  - k. transport assessments
  - l. fire.

### 2.7.2 Design statements

In addition to the plans and drawings required above, a design statement is required for most new development and subdivision within the Residential, Business, City Centre, Public Open Space, Rural, Coastal and some Special Purpose zones. The special information requirements clause within these zones sets out which activities require a design statement and to what level of detail information is required.

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A design statement is a document prepared to understand the site's context, identify existing elements of the site and interrelationships between different factors which affect the site. It presents the design process undertaken in preparing a development proposal. It uses images and words to describe the rationale and design decisions made in relation to a development proposal and how it has responded to the opportunities and constraints of a site and its surrounding context.

The [ADM](#) provides more detail on the purpose, components and recommended presentation format of design statements.

Design statements form part of council's assessment of resource consent applications. They should form a discrete package of information within the assessment of environmental effects that accompanies the resource consent application for these activities. They do not supersede any other information requirements associated with the proposal.

The special information clause of the relevant zone identifies what information is required for a design statement. Not all information is required for all activities.

### 2.7.2.1 Context analysis

The context analysis is an analysis of built and environmental elements relevant to the development of a site. A site analysis and opportunities and constraints analysis is needed for all activities that require a design statement. A neighbourhood analysis is needed for specific larger scale or complex activities that have the potential to affect the wider neighbourhood. Refer to the special information requirements clause of the relevant zone for guidance.

#### Site analysis

The site analysis comprises two elements, the existing site plan (a standard requirement of all resource consent applications) and streetscape character (for front sites only). The purpose of the site analysis is to analyse and record the characteristics of the site, its relationship to adjoining sites and the street, and general movement to and through the site for all users.

#### Existing site plan

Purpose: to record the site's natural and built features in the context of adjacent sites.

1. The required information is the general information requirements for an existing site plan listed in clause 2.7.1 above, where relevant, with the addition of the following:
  - a. important views to, through and from the site (e.g. to bodies of water, volcanic cones, historic heritage places, other landscape features and prominent buildings)
  - b. predominant winds, areas prone to high winds, shadowing from buildings, trees or structures on adjoining sites.

#### Streetscape character

Purpose: to identify the positive aspects of the streetscape character of the immediate area the proposal should respond to.

2. The following information is required for front sites only. The analysis should include a minimum of the three adjoining properties either side of the site and across the street. Plans, sections, elevations and/or annotated photographs are an acceptable method of presenting this analysis. The required information, where relevant, is as follows:
  - a. building setback from street boundary
  - b. building height, scale, massing and roof form

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- c. predominant building types, architectural character, appearance and heritage
- d. architectural features and articulation of street facade, including organisational principles of proportions, rhythms, solid to void ratios, and location of doors and windows
- e. materials, finishes and colour
- f. existing vegetation
- g. type and height of fencing
- h. signage
- i. the planned future form and character of the neighbourhood as defined by the relevant zone or precinct objectives and policies.

### Neighbourhood analysis

A neighbourhood analysis is only required for developments of a scale that may affect the wider neighbourhood. It is a larger picture of the area and may consider the natural and cultural environment, movement, neighbourhood character, use and activity, and urban structure. It provides an understanding of the predominant development patterns and form of the neighbourhood, the overarching cultural and environmental values of the area and how people move it.

The special information requirements clause of the relevant zone lists those activities that require a neighbourhood analysis and the elements for which information must be provided. Multiple elements may be shown on one drawing sheet.

### Natural and cultural environment

Purpose: to identify, at a neighbourhood scale, the natural and cultural context of the site.

3. The required information is a plan showing within a 400m radius of the site, the following, where relevant:
  - a. predominant landscape and landform character including ridge lines
  - b. topography using 10m (maximum) contour intervals
  - c. location of public open space and green spaces including biodiversity corridors
  - d. watercourses and coastlines (including riparian margins and coastal inundation areas), floodplains and overland flowpaths
  - e. places of cultural importance, including churches, marae, and sites of significance to Mana Whenua
  - f. significant historic heritage places
  - g. significant views to, through and from the site (including to places/items of heritage value) and identified viewshafts (e.g. volcanic, Auckland War Memorial Museum).

### Movement

Purpose: to identify walking, cycling, public transport and vehicular networks around the site. Required only when a new public or publicly accessible street may be required due to the scale of development.

4. The required information is a plan showing within a 400m radius of the site, the following, where relevant:
  - a. walking and cycling networks and their accessibility for people of all ages and abilities
  - b. key destinations, including public open space, schools and shops

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- c. bus stops within 400m walking distance and rail services within 800m walking distance, including routes and frequencies
- d. bus lanes and high occupancy vehicle lanes
- e. location of on-street parking and other public parking facilities
- f. street type (arterial road etc).

### Neighbourhood character

Purpose: to identify the predominant built character of the wider neighbourhood.

- 5. The required information is as follows and applies to both front and rear sites.
  - a. those matters specified in (a)-(f) of Streetscape character in clause 2.7.2.1 above, presented at a broader level of detail, within a 400m radius of the site.
- 6. In addition to the above, where the site has a centres zoning, the following information, for a minimum radius of 400m from the site, is required, where relevant:
  - a. cross sections or photographs showing street enclosure (the height of building facades on either side of the street relative to street width)
  - b. the location of existing active building frontages, and those which have the potential to develop into active frontages, having regard to the provisions of the Unitary Plan
  - c. location of public open spaces
  - d. significant landmarks
  - e. significant gateways.

### Use and activity

Purpose: to record land uses and activities that may inform the location and arrangement of uses and activities within the subject site giving consideration to how different uses will work together and connection into the wider neighbourhood.

- 7. The required information is a plan showing within a 400m radius of the site, the following, where relevant:
  - a. the general location and arrangement of land uses. This may include residential, retail, centres, industry, public open space, and community facilities such as schools, hospitals, recreation centres and libraries.

### Urban structure

Purpose: to identify the existing neighbourhood structure of sites, streets and street block configuration. This is required where new public or publicly accessible streets may be created due to the scale or type of development proposed.

- 8. The required information is plans showing within a 400m radius of the site, the following, where relevant:
  - a. subdivision pattern (cadastral boundaries), showing street and lot boundaries
  - b. street block size
  - c. street types. This should be shown through typical cross sections or annotated photographs of streets in the area and include the width and arrangement of footpaths, berms, street trees, on-street parking and street carriageway.

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### Opportunities and constraints analysis

Purpose: to present a summary of the key built and environmental elements identified in the site and neighbourhood analyses that the project should respond to. The opportunities and constraints analysis should guide the design response.

9. The required information is an annotated drawing showing, where relevant:
  - a. the site and adjacent sites, streets and public open spaces
  - b. key opportunities and constraints relevant to development of the site.
10. The applicant should also consider how any of the following matters influence the site's opportunities and constraints:
  - a. any specialist reports provided with the application (heritage assessment, integrated transport assessment etc)
  - b. guidance provided in pre-application discussions with council officers
  - c. guidance provided by the Auckland Urban Design Panel or any other design review panel recognised by the council.

### 2.7.2.2 Design response

The design response shows how the proposed design has been informed by and responds to the context analysis. It has eight components, including a concept design and additional information requirements tailored to the size and complexity of the activity, as specified within the special information requirements clause of the relevant zone.

#### Concept design

Purpose: to record general design principles, form and layout that respond to the opportunities and constraints identified in the context analysis. It shows the general design concept.

1. The required information is, where relevant, the following, and is expected to be at an indicative level only. Sketch plans, with supporting written explanation, are acceptable.
  - a. a written summary of key design principles, including an explanation of how the concept design responds to the site's identified opportunities and constraints and how design decisions have been made when there are competing interests.
  - b. how the proposed design provides for equal physical access in accordance with the principles of universal design (including identification and slope of any accessible paths between buildings and carparks; slope of any accessway from the street to the front door of a building, slope of any pedestrian or vehicle accessways; and the overall dimensions of rooms, doorways, corridors and stairs) consistent with the corresponding rules in the zones.
  - c. building footprint and setbacks from boundaries and buildings on adjoining sites
  - d. building height, scale, massing and roof form
  - e. location of outdoor living space and landscaping
  - f. location of pedestrian and vehicle access, parking and loading
  - g. location of public fronts and private backs, where residential use is proposed
  - h. site orientation and size, where the site is being subdivided
  - i. indicative façade articulation, internal room layout, materials, finishes and colours
  - j. general location and scale of earthworks (cut and fill)

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- k. location and type of any new street and size of any new street block, where these are proposed.

### Proposed site plan

Purpose: to show the proposed layout of development in the context of the site and adjoining properties and any public open space (including the street).

2. The required information is the general information requirements for a proposed site plan listed in clause 2.7.1 above, where relevant, with the exception of (k), (l) and (m), which form part of the landscape plan requirements below.

### Proposed elevations

Purpose: to show the height, scale, massing, proportions and architectural features of the building.

3. The required information is the general information requirements for proposed elevations listed in clause 2.7.1 above, with the addition of the following:
  - a. for any development fronting a public street, an elevation or photomontage showing the street facing façade of the proposed building and existing buildings on either side of the proposed site.

### Sunlight access

Purpose: to demonstrate how sunlight access is to be maintained/provided to private outdoor living courts or public open spaces within the site and on adjoining properties.

4. The required information is shadow diagrams showing, where relevant:
  - a. sunlight access and shadowing to the project site, adjacent sites, streets and public open space from proposed buildings and structures on the project site and existing buildings and structures on adjacent sites at 9am, midday, 3pm and 6pm on the summer solstice, winter solstice and the equinox.

### Landscape

Purpose: to show how the proposed development has been designed to respond to surrounding landscape and landform and how landscape treatment has been used to enhance the function and amenity of spaces.

5. The required information is drawings showing the following, where relevant:
  - a. location and design of public open space, communal open space and private outdoor living space, public and private streets, parking areas and pedestrian linkages
  - b. proposed planting, including species, grade, spacing, density and numbers
  - c. existing vegetation that is to be removed or retained including protected trees
  - d. water management systems drainage and any low-impact design devices
  - e. location of impervious areas
  - f. design of any hard landscaping
  - g. location, extent, height and design of all proposed boundary treatments
  - h. location of watercourses, coastlines and riparian margins
  - i. extent of any earthworks, showing existing and proposed contours, relationship to adjoining sites and the street, retaining wall locations, heights and materials.

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### **Streets, accessways and lanes**

Purpose: to show how the proposed development will create or maintain a movement framework which supports a permeable and connected network of streets and public spaces.

6. Where new public or private streets which are publicly accessible are proposed, the required information is drawings showing the following:
  - a. connections between new and existing streets
  - b. street type (arterial road etc)
  - c. proposed design of carriageways, berms, footpaths, materials, parking, street trees, service locations, underground services and vehicle crossing locations and designs
  - d. street lighting types, sizes and locations.

### **Urban structure**

Purpose: to show how the spatial characteristics of sites, blocks and streets support good place making and legibility, and enable positive relationships between private development and public spaces.

7. For new subdivisions, the required information is drawings and supporting written explanation showing:
  - a. street block and site widths, depths, layout and orientation
  - b. building footprints, where these are known.
  - c. the location of proposed active building frontages, where business uses are proposed
8. For development on sites with centres zoning, the following is also required:
  - a. location of proposed public open space
  - b. landmark locations and gateways
  - c. views analysis.

### **Public open space**

Purpose: to show the function and design of new publicly accessible open space and how it will fit within the wider neighbourhood and its open space hierarchy.

9. Where new public open space, development of existing public space, or publicly accessible open space is proposed, the required information is drawings and supporting written explanation showing:
  - a. its place within the public open space hierarchy of the wider area
  - b. proposed landscape design, including existing and proposed planting, buildings and structures, walkways and ecological networks
  - c. existing and proposed topography/landform
  - d. proposed community and recreational facilities, such as playgrounds
  - e. uses of adjacent sites, building footprints, heights, elevation of building façades fronting the open space boundary and boundary treatments
  - f. relationship with existing or proposed streets
  - g. interface with any watercourses and/or coastlines
  - h. provision for and integration of water sensitive design features such as stormwater ponds and swales



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- i. how spaces have been orientated in relation to climatic conditions, such as sun and prevailing wind
- j. location, design and slope of pedestrian access and movement within and around the open space
- k. location, design and slope of vehicle access/car parking if applicable.

### 2.7.3 Framework plans

1. An application for a framework plan must be accompanied by the relevant information listed in the general information requirements as well as plans and supporting information showing the following, where relevant:
  - a. the overall context of the application area relative to existing buildings, public open space and any approved buildings and approved framework plans
  - b. where changes to site contours are intended, the relationship of those site contours to existing and proposed streets, lanes, any adjacent coastal environment, and, where information is available, public open space
  - c. the location, width and function of proposed streets, cycle routes and pedestrian routes
  - d. the location, dimension and function of public open spaces
  - e. the location of stormwater, wastewater and water supply infrastructure
  - f. the location and dimensions of vehicle access and car parking areas
  - g. the location of building platforms
  - h. profile of any proposed buildings and height as viewed from all existing and proposed street frontages, existing and proposed public open spaces, and any adjacent coastal margin. This should include two dimensional and three dimensional building block elevations and building cross sections
  - i. the distribution of various densities/site sizes throughout the application area
  - j. the landscaping concept for the application area
  - k. the location of any heritage or natural features
  - l. details of how the development on the application site will be staged.
2. Where a joint framework plan is not prepared the application will need to show how the development integrates with other sites within the precinct and land surrounding the precinct including details of any development proposals on adjoining sites, including any other approved framework plan for the precinct and/or sub-precinct how the development provides or facilitates adequate transport connections across the precinct and/or sub-precinct, including connections to the surrounding road network.

### 2.7.4 Cultural impact assessment

#### When an assessment is required

1. A cultural impact assessment will be required for all applications requiring a resource consent under:
  - a. the Sites and Places of Significance to Mana Whenua overlay
  - b. the Sites and Places of Value to Mana Whenua overlay.
2. A cultural impact assessment will be required for all applications requiring a resource consent within:
  - a. areas subject to customary marine title and protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011

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- b. areas or resources subject to customary uses or cultural activities as identified within a reserve management plan or cultural activities management plan that is held by the council
  - c. a place of significance to Maori identified in the schedule of significant historic heritage places
  - d. sites, places, areas or resources of significance identified in final Deeds of Settlement and Treaty Settlement legislation including:
    - i. land returned or identified for the purposes of cultural redress or commercial redress
    - ii. areas subject to statutory acknowledgement and other statutory instruments for cultural redress
  - e. Māori land that is administered under Te Ture Whenua Māori Act 1993 or land held by a Māori Land Trust or Incorporation constituted under Te Ture Whenua Māori Act 1993.
3. A cultural impact assessment will be required for a structure plan.
4. A cultural impact assessment will be required for the following resource consent applications where the proposal may have adverse effects on Mana Whenua values:
- a. discharges to water or the CMA
  - b. discharges to air
  - c. discharge to land
  - d. diversion, taking or using of surface water, ground water, coastal water or geothermal resources
  - e. damming of water and associated damming structures
  - f. drilling to construct a bore
  - g. structures affecting river beds and the CMA
  - h. disturbance to river beds and the CMA
  - i. reclamations
  - j. mineral extraction
  - k. removal of mangroves
  - l. construction of significant infrastructure
  - m. establishment of new landfills, the expansion or closure of existing landfills, clean fills, recycling plants, waste treatment or hazardous waste infrastructure and bio waste infrastructure and deposition of bio-solids
  - n. removal of outstanding specimens of native vegetation
  - o. Land disturbance or vegetation clearance in the following overlays:
    - i. Outstanding Natural Features overlay
    - ii. Outstanding Natural Landscapes overlay
    - iii. Outstanding and High Natural Character and Coastal Areas overlay
    - iv. Significant Ecological Areas overlay
  - p. Applications that require integration of mātauranga and tikanga
  - q. Land disturbance and subdivision within archaeological sites of Māori origin where the locations have been confirmed and are shown on the council's cultural heritage inventory.

### Information requirements

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4. A cultural impact assessment must:
  - a. identify the nature of the actual or potential effects of the proposal on Mana Whenua values, and
  - b. appropriately address the actual or potential effects of the proposal on Mana Whenua values.
5. A cultural impact assessment should be prepared by an iwi authority or a person or entity nominated by the iwi authority with confirmation of this nomination provided in writing by the relevant iwi authority representative (or representatives where there is more than one potentially affected iwi or hapū).
6. A cultural impact assessment is not required if the representative of the iwi authority from the relevant Mana Whenua group (or groups where there is more than one potentially affected iwi or hapū) confirm in writing that a cultural impact assessment is not necessary.
7. Where a cultural impact assessment is required the following information should be included (in such detail as corresponds with the scale and significance of the effects that the activity may have on Mana Whenua values):
  - a. a description of the proposed activity
  - b. recognition of the Mana Whenua within the area subject to the application and a description of their relationship with the area and cultural landscape
  - c. a statement of the Mana Whenua values associated with any particular resources, sites or places affected by the activity. These values may be identified through:
    - i. reference documents
    - ii. engagement with Mana Whenua
    - iii. recommendations provided by Mana Whenua or a person nominated by Mana Whenua
    - iv. hapu or iwi planning documents
    - v. cultural values assessments prepared by Mana Whenua
    - vi. Treaty Settlement documents and related legislation
    - vii. Māori Land Court records
    - viii. v historical publications
    - ix. any other relevant information
  - d. a description of how the application:
    - i. the effects of the activity on Mana Whenua values and how the application avoids, remedies or mitigates any adverse effects on Mana Whenua values
    - ii. recognises and provides for the relationship of Mana Whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga
    - iii. has particular regard to kaitiakitanga
    - iv. takes into account the principles of the Treaty of Waitangi
  - e. a description of the consultative processes used in preparing the report
  - f. iwi/hapū recommendations
  - g. an archaeological assessment if the site has archaeological value.

### Information management protocols

8. Where sensitive information is included in a cultural impact assessment, this information should be cross-referenced and contained within an appendix to the report. Protocols should be included within the appendix for how the information can be used for the purposes of s. 42 of the RMA in terms of

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notification, hearings and in response to official information requests.

9. Where information within a cultural impact assessment has been identified by Mana Whenua as sensitive information, the protocols for the use of the information contained within the report must be followed.

### Request for additional information

10. Where Mana Whenua values may be adversely affected and a cultural impact assessment has not been provided, the council may:
  - a. take into account the failure to provide a cultural impact assessment in considering whether to accept the application under s. 88 of the RMA
  - b. request the applicant to provide, or commission a cultural impact assessment as part of any further information in accordance with s. 92 of the RMA
  - c. take into account the failure to provide a cultural impact assessment in considering whether or not to notify the application.

### Treaty Settlement notice requirements

11. A copy of resource consent applications for activities within, adjacent to, or impacting on statutory acknowledgement areas will be provided to post-settlement governance entities as directed by relevant Treaty Settlement legislation.
12. A current list of final Deeds of Settlement, Treaty Settlement legislation and statutory acknowledgements within Auckland is included in Appendix 4.2. The requirements of the legislation must be considered in all resource management processes.

### Māori land notice requirements

13. In accordance with s. 353 of the RMA, Part 10 of Te Ture Whenua Māori Act 1993 applies to the service of notices under this Act on owners of Māori land.

### 2.7.5 Natural hazards

1. An application for any activity must be accompanied by a report by a suitably qualified engineer which:
  - a. demonstrates how the proposed activity will avoid the natural hazard event and/or any mitigation measures
  - b. assesses any remaining consequences of the natural hazard event on the proposed activity and should be assessed based on the vulnerability of the intended activity.

### 2.7.6 Mineral extraction activities

#### Mineral extraction - quarries

1. A site plan indicating:
  - a. existing topography, contours, drainage, natural watercourses, vegetation cover and any other significant landform or features
  - b. site layout, general design and location of buildings
  - c. areas for extraction (including pits and faces), storage (including overburden), stockpiling, processing and distribution
  - d. predicted final contours and drainage
  - e. boundary screening where necessary.
2. A description of current and future operations, including:
  - a. vegetation removal and site preparation, including stripping and stockpiling or disposal of soil and overburden

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- b. blasting (in particular frequency)
  - c. mineral extraction, processing, storage and distribution
  - d. estimated volume of minerals to be extracted
  - e. estimated timeframe and staging of mineral extraction
  - f. the proposed rehabilitation programme
  - g. the proposed methodology for certifying imported cleanfill
  - h. the method of site access, vehicle circulation and on-site parking
  - i. a description of methods to:
    - j. manage the effects of dust, noise, glare and vibration on the amenity of residents in the vicinity of the mineral extraction site
  - k. manage the effects associated with vehicle movements
  - l. protect and maintain:
    - i. areas of ecological importance
    - ii. outstanding landform features
    - iii. archaeological sites
    - iv. geologically significant site
    - v. outside of the proposed extraction sites.
  - m. monitoring and reporting proposed in relation to the above measures.
3. Any amendments to the Quarry Management Plan must be provided to the council and may trigger the need for a new resource consent or variation to existing consent conditions.

### **Mineral extraction activities – land disturbance**

4. Without repeating the matters outlined in above applications for resource consents for land disturbance activities associated with mineral extraction activities must have a quarry management plan including:
- a. erosion and sediment control plan, including calculations to confirm compliance with best practice for quarrying and associated activities including overburden removal for the following 12 months
  - b. overburden removal and disposal operations planned for the following 12 months
  - c. areas of expected quarry operations for the following 12 months
  - d. Identifying areas where land disturbance activities are not proposed
  - e. maintenance and enhancement of riparian vegetation
  - f. results of the previous 12 months of sampling inclusive of summarised rainfall records and assessment of results
  - g. assessment of effectiveness of erosion and sediment control measures and any sediment related effects on the receiving environment
  - h. any discharge standards, compliance measures and responses to non-compliance.

### **2.7.7 Cleanfills, managed fills and landfills**

1. Where a clean fill is proposed the following additional information must be provided:
  - a. a plan of the property showing the area to be filled

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- b. the approximate quantity of material to be deposited, the type of material, the timing and progress of the operation, operating times and completion date
- c. an investigation into the stability of the underlying land and its ability to remain stable under increased loadings in all conditions
- d. proposals to ensure the prevention of mass movement of the filled material itself, including details on such things as benching and method of compaction
- e. a final landscape plan showing proposals for rehabilitating the surface of the fill to prevent surface erosion such as sheet fill and gully erosion and including details on top-soiling, grassing, and planting
- f. details of traffic generation, size of trucks, vehicle trips per day, position of access points, likely routes to be taken to the cleanfill and possible effects on public roads, location of adjacent dwellings
- g. proposals to deal with noise, dust, smoke and other detractions from the amenities of the area
- h. proposals to ensure security of the site to prevent public dumping
- i. how gullies would be drained to prevent excessive saturation of the fill
- j. proposals for control of silt discharged from bare earth/exposed areas during operations. Proposals may include installation of a silt pond, which will require specification of the pond's dimensions
- k. comment on the quality of material to be deposited. If leachate was discharged from the fill, how it would be contained, treated and discharged
- l. details of the erosion and sediment control monitoring programme
- m. details of the flocculation management plan
- n. details of how material that is not cleanfill will be rejected, or quarantined and removed
- o. community communication strategy
- p. process for recording and responding to complaints
- q. contact details for the site manager
- r. a traffic management plan to manage:
  - i. movement of trucks into and out of the site, including transport routes along adjacent routes, and how hazards to other road users will be avoided
  - ii. vehicles within the site, including parking of trucks, contractors' vehicles and machinery.

### 2.7.8 Historic heritage

#### Heritage impact assessment

1. An application for resource consent or subdivision consent for a scheduled historic heritage place must be accompanied by a heritage impact assessment which must include all the following:
  - a. identification and description of the scheduled historic heritage place affected by the proposal, including the extent and nature of its setting
  - b. a description of the significance of the scheduled historic heritage place, including the extent to which the features, uses, and setting contributes to the significance of the place
  - c. a description of the proposal, including:
    - i. details of the location, scale, design, materials and finish of the proposed works

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- ii. the extent of any proposed modifications to the place, including any:
    - archaeological investigations
    - repair
    - redecoration
    - additions or alterations
    - excavations or land disturbance
    - removal of fabric
    - removal or demolition of structures or features
    - modifications to, or new, vehicular access, circulation or car parking areas, and/or
  - iii. changes to hard and soft landscaping
  - iv. details of the methods and techniques that will be used to undertake the proposed works
  - v. the proposed use of the place, including the proposed use of any development enabled by the proposal
  - vi. in the case of a proposed subdivision, destruction, demolition or substantial demolition, details of the proposed development that will be enabled by the proposal
  - vii. an outline of the consultation that has been undertaken (if any) with the New Zealand Historic Places Trust, Mana Whenua, and other interested parties
- d. an assessment of the positive and adverse effects of the proposal on the significance of the place.
2. Where an application for resource consent or subdivision consent involves significant work or alteration to a scheduled historic heritage place, it must be accompanied by a heritage policy document.
  3. Any application for resource consent on land or affecting water that is adjacent to a scheduled historic heritage place must include a heritage impact assessment.
  4. Any application for subdivision consent on land or affecting water that is adjacent to a scheduled historic heritage place shall include a heritage impact assessment.

### Heritage policy document

5. Where an application for resource consent or subdivision consent involves significant work or alteration to a scheduled historic heritage place, it must be accompanied by a heritage policy document.
6. Heritage policy documents set out a strategic approach to managing the conservation, potential development and other asset management requirements and needs of a historic heritage place, and also provide information about the significance of a place. There are two types of heritage policy documents provided for in the Unitary Plan:
  - a. conservation plan
  - b. conservation policy.
7. By providing for two types of heritage policy documents, the council acknowledges that the complexity of a heritage policy document should be commensurate to the overall significance of a historic heritage place. An explanation of the contents of the types of heritage policy documents and the circumstances in which the different types of heritage policy documents will be appropriate or required are set out in [clause 5](#) of the Historic Heritage overlay rules.
8. Guidance on the contents and approval of heritage policy documents is provided in [clause 5](#) of the Historic Heritage overlay rules.

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9. A heritage policy document may be submitted for approval at any time, including as part of a resource consent, notice of requirement for a designation or heritage order, or plan change process.

### 2.7.9 Integrated transport assessment

#### 2.7.9.1 When an assessment is required

1. Applicants must provide an integrated transport assessment with:
  - a. Any of the following proposals where one or more of the thresholds outlined in Table 2: Thresholds for an integrated transport assessment are met or exceeded:
    - i. a plan change
    - ii. a notice of requirement
    - iii. a structure plan
    - iv. a resource consent application for land use or subdivision not specifically provided for as a controlled, restricted discretionary or discretionary activity in the zone applying to the site
    - v. a framework plan
  - b. a resource consent for any other high traffic generating use where a provision in the plan specifically requires an integrated transport assessment.

Table 2: Thresholds for an integrated transport assessment

Land use	Threshold
Residential	120 dwellings
Retail	1000m <sup>2</sup> GFA
Office	5000m <sup>2</sup> GFA
Industrial activities	10,000m <sup>2</sup> GFA
Warehousing and storage	10,000m <sup>2</sup> GFA
Education facilities	100 students
General trip generation rate	100 vehicles in the peak hour

2. The purpose of an integrated transport assessment is to assess the potential effects a proposal could have on the transport network and any mitigation measures needed to ensure that any adverse effects are avoided, remedied or mitigated. It should be prepared by a transport planner, transport engineer or other suitably qualified professional.
3. An integrated transport assessment should be prepared in accordance with any integrated transport assessment guidelines adopted by Auckland Transport and must meet the information requirements set out below.

#### 2.7.9.2 Information requirements

An integrated transport assessment will include the following information:

##### Executive summary

1. A brief standalone synopsis of the development and recommendations.

##### Introduction

Plan changes / structure plans

2. Brief description of proposed land use zoning patterns and intensity and key transport features (e.g. road network) issues or constraints.



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### Site-specific proposals

3. Brief description of proposed land use activity and intensity and relevant transport considerations e.g. on-site parking and access arrangements.

### Existing conditions

4. Provide a description of the context for the development in terms of the existing location, land use characteristics (including consented developments but not yet built in the vicinity of the proposal) and transport features (e.g. walking, cycling and public transport connections and routes, road hierarchy, traffic volumes, freight movements, accident record). Where relevant this information should be supplemented with the use of maps and photographs.

### Proposal Plan changes / structure plans

5. Full description of proposed zoning, activities and intensities permitted and the maximum development potential of the area. Outline the proposed transport network / street layout and discuss the proposed road hierarchy (supported by typical cross-sections), anticipated provision for walking, cycling and public transport and the approach to provide for and manage parking.

### Site specific proposals

6. Focus on type and intensity of activity proposed and key operating requirements (e.g. hours of operation). Address specific transport matters to facilitate operation of the activity such as parking, loading and trip end facilities. Identify how the proposal will integrate with any existing buildings or other activities on the site.

### Integration with future transport network

7. Provide a brief statement discussing how the proposal relates to wider planning strategies (e.g. Auckland Plan, Regional Policy Statement) and transport studies (e.g. corridor management plans). The focus is to highlight how the proposal will integrate with the existing and future network (e.g. to identify relevant network upgrades and operational requirements) as part of a wider single system. The implications of the proposal on all transport providers will need to be addressed (i.e. Auckland Transport, NZTA and KiwiRail). This includes the need to demonstrate how the timing or staging of the proposal is compatible with the transport plans for the area and to indicate where relevant transport projects have been identified as part of current funding programmes.

### Predict trip generation and expected mode share

8. Outline the expected origins and destinations of users of the development and use this information to establish the mode shares that could be reasonably expected given the existing and future land use and transport conditions. Other considerations in establishing the mode share include land use and operational characteristics, accessibility to public transport, walking and cycling accessibility and accessibility by private vehicle. Assumptions can be supported through the appropriate use of relevant source material (e.g. trip generation data bases, travel surveys and person density derived from development parameters). The predicted mode share should be used to inform the level of parking that is provided as part of the development.

### Assessment of effects

9. Identify the potential and actual effects of the development on the surrounding transport network based on the preceding trip generation and mode share analysis. Both positive and negative effects should be documented and where relevant discuss any interim staging or temporary (e.g. construction related) effects. Traffic modelling may be required to support the assessment of effects. The extent and scope

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of modelling required will depend on the size and significance of the development and its location and may also be informed through discussions with Auckland Transport or other affected transport providers such as NZTA.

### Mitigation of adverse effects / improvements to influence travel choice

10. Discuss and describe the mitigation measures required to address any impacts on the transport network. These measures may be contained within the site or include improvements required to the immediate or wider surrounding area. The mitigation measures may involve physical improvements to infrastructure or facilities (e.g. walking, cycling connections, intersection upgrades) or demand management measures (e.g. amending the use or intensity of the development and implementing a travel plan). The mitigation measures proposed should be consistent with and support current transport network strategies and plans.

### Consultation summary and implementation plan

11. The integrated transport assessment must outline the required transport infrastructure upgrades, and who will be responsible for providing the measures. Improvements or changes to the transport network that are required but beyond the 'area of influence' of the development must be discussed and endorsed by the relevant transport agency (Auckland Transport, NZTA or KiwiRail). Any discussions or agreements relating to the provision of transport upgrades should be documented and included as part of the Integrated Transport Assessment. It is expected that the staging requirements associated with any infrastructure upgrades or demand management measures proposed will be in place prior to the development occurring.

### Conclusion

12. A brief summary highlighting the key aspects, findings and recommendations for the above areas of discussion.