

Appendix 3 - Rule Assessment

Maungawhau restoration planting

Auckland Unitary Plan rule assessment¹

Chapter	Rule	Complies?	Resource consent required?
Chapter D Overlays			
Natural resources	D2 Quality-sensitive Aquifer Management Areas Overlay		
	Rule D2.1	Western Springs Volcanic Aquifer applies to the area of works. Rules are outlined in E7. No rules triggered. Consider objectives and policies as part of the assessment of the application.	
	D9 Significant Ecological Areas Overlay		
	Rule D9.1.3	SEA_T_6202 Rule D9.1.3 refers to E15 for overlay Rules relating to vegetation management and biodiversity in SEA - Terrestrial see below (E15 Vegetation management). Consider objectives and policies as part of the assessment of the application.	
Natural heritage	D10 Outstanding Natural Features Overlay and Natural Landscapes Overlay		
	D10.4.2 Activity table	N/A	
	D11 Outstanding Natural Character and High Natural Character Overlay		
	D11.4.2 Activity table	N/A	
	D12 Waitakere Ranges Heritage Area overlay		
	D12.4.1 Activity table	N/A	
	D13 Notable Tree Overlay		
	D13.4.1 Activity table	The notable trees (ID 189) on this site; Pururi Grove, Moreton Bay	

¹Operative in part, 15 November 2016

		Fig, Plane Tree and Pururi trees are located next to Clive Road and are not affected.	
	D14 Volcanic Viewshafts and Height Sensitive Areas Overlay		
	D14.4.1 Activity table	N/A	
	D15 Ridgeline Protection Overlay		
	D15.4.1 Activity table	N/A	
	D16 Local Public Views Overlay		
	D16.4.1 Activity table	N/A	
Built heritage and Character	D17 Historic Heritage Overlay		
	D17.4.1 Activity table(s)	(A8) Pest plant removal, biosecurity measures, trees works is a permitted activity. Works comply with D17.6.4.	(A9) Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, are a restricted discretionary activity except where provided for as a permitted, controlled or restricted discretionary activity in another rule ² . This applies to removal of weed plants and planting of native plants.
	D17.4.2 Activity table		(A23) Conservation planting is a discretionary activity. (A26) Removal of trees greater than 3m in height or greater than 300mm in girth is a discretionary activity in the historic heritage where the scheduling includes additional archaeological rules. This includes weed species where additional archaeological controls apply.
	D18 Special Character Areas Overlay – Residential and Business		
	D18 Activity table(s)	N/A	
	D19 Auckland War Memorial Viewshaft Overlay		
	D19.4.1 Activity table	N/A	
	D20 Dilworth Terrace Houses Viewshaft Overlay		
	D20.4.1 Activity table	N/A	
	Mana Whenua	D21 Sites and Places of Significance to Mana Whenua Overlay	
D21.4.1 Activity table		N/A	
Built environment	D22 Identified Growth Corridor Overlay		
	D22.4.1 Activity table	N/A	

² The entire site is included in the Historic Heritage Overlay extent of place ID 1577, Mount Eden /Maungawhau Volcanic cone pa site terrace/s, pit/s and midden. A*, and includes additional rules for archaeological sites or features and is identified as a place of Maori interest or significance. Of relevance is that D17.1. Background Category states that A* is an interim category until a comprehensive re-evaluation of these places is undertaken and their category status is addressed through a plan change process. Maungawhau is identified as Category A* in Schedule 14.1. This means that Council has yet to identify the primary features within the HH extent of place. In the absence of this information consent is sought for the tree removal work (on the basis that the trees are part of the fabric or features). However, Council may consider that this is not required.

Infrastructure	D23 Airport Approach Surface Control		
	D23.4.1 Activity table	N/A	
	D24 Airport Noise Overlay		
	D24.4.1 Activity table	N/A	
	D25 City Centre Port Noise Overlay		
	D25.4.1 Activity table	N/A	
	D26 National Grid Overlay		
	D26.4.1 Activity table	N/A	
	D27 Quarry Buffer Corridor Overlay		
	D76.4.1 Activity table	N/A	
Chapter E Auckland-wide rules			
Natural resources	E1 Water quality and integrated management		
	E1.4.1 Activity table	Macroinvertebrate Community Index applies (exotic). No rules triggered. Consider objectives and policies as part of the assessment of the application.	
	E2 Water quantity, allocation and use		
	E2.4.1 Activity table	N/A	
	E3 Lakes, rivers, streams and wetlands		
	E3.4.1 Activity table	N/A	
	E4 Other discharges and contaminants		
	E4.4.1 Activity table	N/A	
	E5 On-site and small scale wastewater treatment and disposal		
	E5.4.1 Activity table	N/A	
	E6 Wastewater network management		
	E6.4.1 Activity table	N/A	
	E7 Taking, use, damming and diversion of water and drilling		
	E7.4.1 Activity table	N/A	
	E8 Stormwater – Discharge and diversion		
	E8.4.1 Activity table	N/A	
	E9 Stormwater quality – High contaminant generating		
	E9.4.1 Activity table	N/A – no carparks are proposed	
	E10 Stormwater management areas Flow and Flow 2		
	E10.4.1 Activity table	N/A – site not a Flow area	
	E11 Land disturbance – Regional		

E11.4.1 Activity table	N/A	
E12 Land disturbance – District	N/A	
E12.4.1 Activity table	(A1) Earthworks for the installation, operation, maintenance and repair for planting is a permitted activity.	
E12.4.2 Activity table (overlays)	(A16) Earthworks for maintenance and repair for planting is a permitted activity in the listed overlays.	
E12.4.3 Activity table (ONF)		(A40) Earthworks greater than 2m ³ and up to 10m ³ is a restricted discretionary activity within an Outstanding Natural Feature Category V1 (large volcanic landform).
E13 Cleanfills, managed fills and landfills		
E13.4.1 Activity table	N/A	
E14 Air quality		
E14.4.1 Activity table	N/A	
E15 Vegetation management and biodiversity		
E15.4.1 Activity table	(A6) Pest plant removal is a permitted activity.	
E15.4.2 Activity table overlays	(A36) Pest plant removal in the SEA and ONF is permitted. (A37) Conservation planting is a permitted activity in the SEA and ONF.	
E16 Trees in open space zones		
E16.4.1 Activity table	(A4) Pest plant removal or any tree less than 4m in height and less than 400mm in girth is permitted.	(A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth in the Open Space Zone is a restricted discretionary activity. Note: this only applies to removal of weed species such as privet and bamboo.
E17 Trees in roads		
E17.4.1 Activity table	N/A	
E18 Natural character of the coastal environment		

	E18.4.1 Activity table	N/A	
	E19 Natural features and natural landscapes in the coastal environment		
	E19.4.1 Activity table	N/A	
Mana Whenua	N/A		
Built environment	E22 Artworks		
	E22.4.1 Activity table	N/A	
	E23 Signs		
	E23.4.1 Activity table(s)	N/A	
	E24 Lighting		
	E24.4.1 Activity table	N/A	
	E24 Noise and vibration		
	E25.6.18 Standard	Complies/N/A.	
Infrastructure	E26 Infrastructure		
	E26.4.1 Activity table	N/A	
	E27 Transport		
	E27.4.1 Activity table	Complies/N/A	
	E28 Mineral extraction from land		
	E28.4.1 Activity table	N/A	
	E29 Emergency management areas – Hazardous facilities and infrastructure		
	E29.4.1 Activity table	N/A	
Environmental risk	E30 Contaminated land		
	E30.4.1 Activity table	N/A	
	E31 Hazardous substances		
	E31.4.1 Activity table	N/A	
	E32 Biosolids		
	E32.4.1 Activity table	N/A	
	E33 Industrial trade activities		
	E33.4.1 Activity table	N/A	
	E34 Agrichemicals and vertebrate toxic agents		
	E34.4.1 Activity table	N/A	
	E35 Rural production discharges		
	E35.4.1 Activity table	N/A	
	E36 Natural hazards and flooding		
	E36.4.1 Activity table	N/A	
	E37 Genetically modified organisms		
	E37.4.1 Activity table	N/A	
Subdivision	N/A		
Temporary activities	N/A		

Chapter F Coastal			
	N/A		
Chapter G Rural Urban Boundary			
	N/A		
Chapter H Zones			
H7 Open Space	H7.9.1 Activity table		
		(A48) Weed management works fall within the definition of 'parks maintenance' which is a permitted activity. Planting in open space zones is addressed above.	
	H7.11 Standards		
	H7.11.1 Building height	No buildings are proposed.	
	H7.11.2 Height in relation to boundary	No buildings are proposed.	
	H7.11.3 Yards	No buildings are proposed.	
	H7.11.4 Screening	N/A	
	H7.11.5 Gross Floor Area Threshold	No buildings are proposed.	
	H7.11.6 Maximum site coverage	No buildings are proposed.	
	H7.11.7 Maximum impervious area	There is no change to the impervious area.	
	H7.11.8 Non-security flooding, fitting support and tower up to 18m high	N/A	
		H7.11.99 Maimai	N/A
Chapter I Precincts			
N/A			

District Plan

No rules under the Auckland District Plan: Auckland City Isthmus Section are triggered by this proposal.

Other

- No legacy regional plan rules apply.
- There is no evidence that the land is contaminated and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) apply.
- The works are located within an area of recorded archaeology. An authority to modify under the NZHPT is required and has been lodged.