

Appendix 8

Auckland Unitary Plan – Operative in Part: Relevant objectives, policies and assessment criteria

Regional Policy Statement (Chapter B)

B4 Te tiaki taonga tuku iho - Natural heritage

B4.2.1. Objectives

- (1) Outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.
- (2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for.
- (3) The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced.

B4.2.2. Policies

Identify, evaluate and protect outstanding natural features

- (6) Protect the physical and visual integrity of Auckland's outstanding natural features from inappropriate subdivision, use and development.
- (7) Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds.

Management of outstanding natural landscapes and outstanding natural features

- (8) Manage outstanding natural landscapes and outstanding natural features in an integrated manner to protect and, where practicable and appropriate, enhance their values.

B5 Ngā rawa hanganga tuku iho me te āhua - Built heritage and character

B5.2.1. Objectives

- (1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.
- (2) Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.

B5.2.2 Policies

Protection of scheduled significant historic heritage places

- (6) Avoid significant adverse effects on the primary features of significant historic heritage places which have outstanding significance well beyond their immediate environs including:
 - (a) the total or substantial demolition or destruction of any of the primary features of such places;
 - (b) the relocation or removal of any of the primary features of such places away from their original site and context.
- (7) Avoid where practicable significant adverse effects on significant historic heritage places. Where significant adverse effects cannot be avoided, they should be remedied or mitigated so that they no longer constitute a significant adverse effect.

B6 Mana Whenua

B6.2 Recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation

B6.2.1. Objectives

- (1) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga.
- (2) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes.
- (3) The relationship of Mana Whenua with Treaty Settlement Land is provided for, recognising all of the following:
 - (a) Treaty settlements provide redress for the grievances arising from the breaches of the principles of Te Tiriti o Waitangi by the Crown;
 - (b) the historical circumstances associated with the loss of land by Mana Whenua and resulting inability to provide for Mana Whenua well-being;
 - (c) the importance of cultural redress lands and interests to Mana Whenua identity, integrity, and rangatiratanga; and
 - (d) the limited extent of commercial redress land available to provide for the economic well-being of Mana Whenua.
- (4) The development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements recognising that:
 - (a) cultural redress is intended to meet the cultural interests of Mana Whenua; and
 - (b) commercial redress is intended to contribute to the social and economic development of Mana Whenua.

B6.2.2. Policies

- (1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:
 - (a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;
 - (b) builds and maintains partnerships and relationships with iwi authorities;
 - (c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;
 - (d) recognises the role of kaumātua and pūkenga;
 - (e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;
 - (f) acknowledges historical circumstances and impacts on resource needs;
 - (g) recognises and provides for mātauranga and tikanga; and
 - (h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.
- (2) Recognise and provide for all of the following matters in resource management processes, where a proposal affects land or resources subject to Treaty settlement legislation:
 - (a) the historical association of the claimant group with the area, and any historical, cultural or spiritual values associated with the site or area;
 - (b) any relevant memorandum of understanding between the Council and the claimant group;
 - (c) any joint management and co-governance arrangements established under Treaty settlement legislation; and
 - (d) any other specific requirements of Treaty settlement legislation.
- (3) Where Mana Whenua propose an activity on Treaty Settlement Land, the benefits for the wider community and environment provided by any property-specific protection mechanism, such as a covenant, shall be taken into account when considering the effects of the proposal.
- (4) Enable the subdivision, use and development of land acquired as commercial redress for social and economic development.
- (5) Enable Mana Whenua to access, manage, use and develop cultural redress lands and interests for cultural activities and accessory activities.

B6.3 Recognising Mana Whenua values

B6.3.1 Objectives

- (1) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.
- (2) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.
- (3) The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for.

B6.3.2 Policies

- (1) Enable Mana Whenua to identify their values associated with all of the following:
 - (a) ancestral lands, water, air, sites, wāhi tapu, and other taonga;
 - (b) freshwater, including rivers, streams, aquifers, lakes, wetlands, and associated values;
 - (c) biodiversity;
 - (d) historic heritage places and areas; and
 - (e) air, geothermal and coastal resources.
- (2) Integrate Mana Whenua values, mātauranga and tikanga:
 - (a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:
 - (i) ancestral lands, water, sites, wāhi tapu and other taonga;
 - (ii) biodiversity; and
 - (iii) historic heritage places and areas.
 - (b) in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health;
 - (c) in the development of innovative solutions to remedy the long-term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water; and
 - (d) in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.
- (3) Ensure that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values.

- (4) Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that do all of the following:
 - (a) recognise the holistic nature of the Mana Whenua world view;
 - (b) recognise any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011; and
 - (c) restore or enhance the mauri of freshwater and coastal ecosystems.
- (6) Require resource management decisions to have particular regard to potential impacts on all of the following:
 - (a) the holistic nature of the Mana Whenua world view;
 - (b) the exercise of kaitiakitanga;
 - (c) mauri, particularly in relation to freshwater and coastal resources;
 - (d) customary activities, including mahinga kai;
 - (e) sites and areas with significant spiritual or cultural heritage value to Mana Whenua; and
 - (f) any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011.

B6.5 Protection of Mana Whenua cultural heritage

B6.5.1 Objectives

- (1) The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.
- (2) The relationship of Mana Whenua with their cultural heritage is provided for.
- (3) The association of Mana Whenua cultural, spiritual and historical values with local history and whakapapa is recognised, protected and enhanced.
- (4) The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.
- (5) Mana Whenua cultural heritage and related sensitive information and resource management approaches are recognised and provided for in resource management processes.

B6.5.2 Policies

- (1) Protect Mana Whenua cultural and historic heritage sites and areas which are of significance to Mana Whenua.
- (6) Protect Mana Whenua cultural heritage that is uncovered during subdivision, use and development by all of the following:

- (a) requiring a protocol to be followed in the event of accidental discovery of kōiwi, archaeology or artefacts of Māori origin;
- (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
- (c) requiring appropriate measures to avoid, remedy or mitigate further adverse effects.

B7 Toitū te whenua, toitū te taiao – Natural resources

B7.2 Indigenous biodiversity

B7.2.1 Objectives

- (1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision use and development.
- (2) Indigenous biodiversity is maintained through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring.

B7.2.2 Policies

- (5) Avoid adverse effects on areas listed in the Schedule 3 of Significant Ecological Areas – Terrestrial Schedule and Schedule 4 Significant Ecological Areas – Marine Schedule.

D9 Significant Ecological Areas Overlay

D9.2 Objectives [rcp/rp/dp]

- (1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.
- (2) Indigenous biodiversity values of significant ecological areas are enhanced.
- (3) The relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.

D9.3 Policies [rcp/rp/dp]

Managing effects on significant ecological areas – terrestrial and marine

- (1) Manage the effects of activities on the indigenous biodiversity values of areas identified as significant ecological areas by:
 - (a) avoiding adverse effects on indigenous biodiversity in the coastal environment to the extent stated in Policies D9.3(9) and (10);
 - (b) avoiding other adverse effects as far as practicable, and where avoidance is not practicable, minimising adverse effects on the identified values;

- (c) remedying adverse effects on the identified values where they cannot be avoided;
 - (d) mitigating adverse effects on the identified values where they cannot be avoided or remediated; and
 - (e) considering the appropriateness of offsetting any residual adverse effects that are significant and where they have not been able to be mitigated, through protection, restoration and enhancement measures, having regard to Appendix 8 Biodiversity offsetting.
- (3) Enhance indigenous biodiversity values in significant ecological areas through any of the following:
- (a) restoration, protection and enhancement of threatened ecosystems and habitats for rare or threatened indigenous species;
 - (b) control, and where possible, eradication of plant and animal pests;
 - (c) fencing of significant ecological areas to protect them from stock impacts;
 - (d) legal protection of significant ecological areas through covenants or similar mechanisms;
 - (e) development and implementation of management plans to address adverse effects;
 - (f) re-vegetating areas using, where possible, indigenous species sourced from naturally growing plants in the vicinity with the same climactic and environmental conditions; or
 - (g) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.
- (4) Enable activities which enhance the ecological integrity and functioning of significant ecological areas including:
- (a) the management and control of pest species that threaten indigenous biodiversity; and
 - (b) managing works in the vicinity of kauri, such as deadwood removal or earthworks, to control kauri dieback disease by preventing the spread of soil and kauri plant material.

Vegetation management

- (5) Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land:
- (a) trimming of vegetation;
 - (b) vegetation removal to maintain existing open areas, including tracks;

- (c) vegetation removal to establish and maintain a reasonable cleared area around a building;
- (d) vegetation removal required to maintain lawfully established activities, structures and buildings;
- (e) vegetation removal necessary to provide for a dwelling on a site;
- (f) vegetation removal necessary to provide for marae and papakainga on Māori land;
- (g) vegetation removal in areas of high wildfire risk to manage this risk; and
- (h) vegetation removal necessary to provide access and exit for emergency service vehicles

D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay

D10.2 Objectives [rcp/dp]

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

D10.3 Policies [rcp/dp]

- (3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:
 - (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values;
 - (b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and
 - (c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature.
- (4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters:
 - (a) the value of the outstanding natural feature in its wider historic heritage, cultural, landscape, natural character and amenity context;

- (b) the educational, scientific, amenity, social or economic value of the outstanding natural feature;
 - (c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua;
 - (d) the extent of anthropogenic changes to the natural characteristics and qualities of the outstanding natural feature;
 - (e) the presence or absence of structures, buildings or infrastructure;
 - (f) the temporary or permanent nature of any adverse effects;
 - (g) the physical and visual integrity and the natural processes of the location;
 - (h) the physical, visual and experiential values that contribute significantly to the outstanding natural feature's values;
 - (i) the location, scale and design of any proposed subdivision, use or development; and
 - (j) the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.
- (5) Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.

D14 Volcanic Viewshafts and Height Sensitive Areas Overlay

D14.2 Objectives [rcp/dp]

- (1) The regionally significant views to and between Auckland's maunga are protected.
- (2) The locally significant views to Auckland's maunga are managed to maintain and enhance the visual character, identity and form of the maunga in the views.

D14.3 Policies [rcp/dp]

- (2) Manage subdivision, use and development to ensure that the overall contribution of the regionally significant volcanic maunga scheduled as outstanding natural features to the landscape of Auckland is maintained and where practicable enhanced, including by protecting physical and visual connections to and views between the volcanic maunga.
- (3) Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds by avoiding activities that detract from these values and the mana of the maunga.

D17 Historic Heritage Overlay

D17.2 Objectives [rcp/dp]

- (1) The protection, maintenance, restoration and conservation of scheduled historic heritage places is supported and enabled.

- (2) Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.
- (3) Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is enabled.

D17.3 Policies [rcp/dp]

Use and development, including adaptation

- (3) Enable the use, development and adaptation of scheduled historic heritage places where:
 - (a) it will not result in adverse effects on the significance of the place;
 - (b) it will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place;
 - (c) it is in accordance with good practice conservation principles and methods;
 - (d) it will not result in cumulative adverse effects on the historic heritage values of the place;
 - (e) it will support the long-term viability, retention or ongoing use of the place; and
 - (f) it will not lead to significant adverse effects on the surrounding area.
- (4) Enable the use of scheduled historic heritage places, whether or not the use is otherwise provided for in the zone, where it does not detract from the heritage values of the place and will not otherwise have significant adverse effects.

D17.8.2 Assessment Criteria

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

- (1) for restricted discretionary activities in Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled places, Table D17.4.2 Activity table - Activities subject to additional archaeological rules and Table D17.4.3 Activity table – Activities in Historic Heritage Areas:
 - (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) on the heritage values of the place and the extent to which adverse effects are avoided, remedied or mitigated;
 - (b) whether the proposed works will maintain or enhance the heritage values of the place, including by:
 - (i) avoiding or minimising the loss of fabric that contributes to the significance of the place;
 - (ii) removing features that compromise the heritage values of the place;

- (iii) avoiding significant adverse effects on the place, having regard to the matters set out in B5 Built heritage and character;
 - (iv) complementing the form and fabric which contributes to, or is associated with, the heritage values of the place; and
 - (v) recovering or revealing the heritage values of the place.
- (c) whether the proposed works will compromise the ability to interpret features within the place and the relationship of the place to other scheduled historic heritage places;
 - (d) whether the proposed works, including the cumulative effects of proposed works, will result in adverse effects on the overall significance of the place such that it no longer meets the significance thresholds for which it was scheduled;
 - (e) whether the proposed works will be undertaken in accordance with good practice conservation principles and methods appropriate to the heritage values of the place;
 - (f) whether the proposal contributes to, or encourages, the long-term viability and/or ongoing functional use of the place;
 - (g) whether modifications to buildings, structures, or features specifically for seismic strengthening:
 - (i) consider any practicable alternative methods available to achieve the necessary seismic standard that will reduce the extent of adverse effects on the significance of the place; and
 - (ii) take into account the circumstances relating to the ongoing use and retention of the place that affect the level of seismic resilience that is necessary to be achieved.
 - (h) whether the proposed relocation of features, within or beyond scheduled extents of place, in addition to the criteria above;
 - (i) is necessary in order to provide for significant public benefit that could not otherwise be achieved; and
 - (ii) the significant public benefit outweighs the retention of the feature in its existing location within the extent of place

E12 Land disturbance - District

E12.2 Objective

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

E12.3 Policies

- (1) Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.
- (2) Manage the amount of land being disturbed at any one time, to:
 - (a) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;
 - (b) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and
 - (c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- (3) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.
- (4) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:
 - (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
 - (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
 - (c) undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.
- (5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.
- (6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.

E12.8.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) whether applicable standards are complied with;
 - (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;

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

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

E15 Vegetation Management and Biodiversity

E15.2 Objectives [rcp/rp/dp]

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

E15.3 Policy [rcp/rp/dp]

- (2) Manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services, including soil conservation, water quality and quantity management, and the mitigation of natural hazards.

E15.8.2 Assessment Criteria

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

(1) all restricted discretionary activities:

(a) ecological values:

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

(b) hazard mitigation:

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

(c) sediment, water quality and hydrology:

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

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

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

(e) amenity values:

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

- (f) Use:
 - (i) whether the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;
 - (ii) the extent to which the vegetation alteration removal is necessary taking into account the need for, or purpose of, the proposed building or structure;
 - (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes;
 - (iv) whether the vegetation alteration or removal will improve the reliance and security of the network utility, or road network;
 - (v) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and
 - (vi) the extent of the benefits derived from infrastructure and the road network.
- (g) methods and location:
 - (i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and
 - (ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.
- (h) mitigation measures:
 - (i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.
- (i) bonds and covenants:
 - (i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.
- (j) Mana Whenua values:
 - (i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are

appropriate to provide for Mana Whenua, mātauranga and tikanga values.

E16 Trees in Open Space Zones

E16.2 Objective

- (1) Trees in open space zones that contribute to cultural, amenity, landscape and ecological values are protected.

E16.3 Policies

- (1) Encourage ongoing maintenance of trees to enhance open space zones, while recognising existing constraints and functional requirements of the site.
- (2) Manage trees within open space zones to protect their cultural, amenity, landscape and ecological values, while acknowledging that multiple uses occur in open space areas.
- (3) Encourage the use of indigenous trees and vegetation for planting within open space zones, where appropriate, to recognise and reflect cultural, amenity, landscape and ecological values.

E16.8.2. Assessment criteria

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

- (1) all restricted discretionary activities:
 - (a) the specific values of the trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards;
 - (b) the loss of amenity values that tree or trees provided;
 - (c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed as required under health and safety legislation;
 - (d) any alternative methods that could result in retaining the tree or trees;
 - (e) the degree to which any proposed mitigation adequately compensates for the values that trees provide;
 - (f) the degree to which the proposal is consistent with best practice guidelines for tree management;
 - (g) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;

- (h) the provision of a tree works plan to address the effects of the works on the tree or trees and outlining the proposed methods to be used, and where applicable:
 - (i) the provision of a landscape plan; or
 - (ii) consistency with any reserve management plan.
- (i) the need for the direction and supervision of an on-site monitoring arborist while the works are being carried out;
- (j) the functional and operational needs of infrastructure; and
- (k) the benefits derived from infrastructure.

E21 Treaty Settlement Land

E21.2. Objectives

- (1) Mana Whenua have flexibility to use and develop Treaty settlement land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met.
- (2) Mana Whenua use and develop land acquired as commercial redress to support their social and economic development.
- (3) Mana Whenua can access, manage, use and develop land acquired as cultural redress.
- (4) Mana Whenua use and develop Treaty settlement land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.
- (5) The occupation, development and use of Treaty settlement land is not adversely affected by the location of new infrastructure.

E21.3. Policies

- (1) Provide for an appropriate character, scale, intensity and range of development on Treaty settlement land across Auckland, including in coastal areas and outside the Rural Urban Boundary, recognising that the purpose of the Treaty settlement land provisions is to give effect to the outcomes of Treaty settlements to promote the cultural, social and economic development of Mana Whenua.
- (2) Provide for a range of activities, including dwellings for papakāinga, marae and associated facilities, customary use, cultural and commercial activities, on Treaty settlement land.
- (5) Provide for the integration of appropriate mātauranga and tikanga in determining the scale, intensity, range of activities, layout and location of development.

- (9) Take into account the benefits for the wider community and environment provided by any existing property specific protection mechanism established through the Treaty settlement process, where Mana Whenua propose an activity on Treaty settlement land.

H7 Open Space zones

H7.2 Objectives – All Zones

In addition to the specific objectives that apply to each open space zone, the following objectives apply generally to open space areas.

- (1) Recreational needs are met through the provision of a range of quality open space areas that provide for both passive and active activities.
- (2) The adverse effects of use and development of open space areas on residents, communities and the environment are avoided, remedied or mitigated.

H7.3 Policies – General

In addition to the specific policies that apply to each open space zone, the following policies apply generally to open space areas.

- (1) Design, develop, manage and maintain open spaces to:
 - (a) provide for the needs of the wider community as well as the needs of the community in which they are located;
 - (b) achieve the objectives for the open space zone;
 - (c) use resources efficiently and where appropriate be adaptable and multifunctional;
 - (d) provide for people of differing ages and abilities;
 - (e) be safe and attractive to users; and
 - (f) where appropriate for the zone, reflect the natural, heritage and landscape values of the area.
- (2) Develop open spaces which reflect Mana Whenua values where appropriate, including through:
 - (a) restoring and enhancing ecosystems and indigenous biodiversity, particularly taonga species;
 - (b) providing natural resources for customary use; and
 - (c) providing opportunities for residents and visitors to experience Māori cultural heritage, while protecting Māori cultural heritage and sites and features of significance to Mana Whenua.

H7.4 Open Space – Conservation Zone

H7.4.2 Objectives

- (1) The natural, ecological, landscape, Mana Whenua and historic heritage values of the zone are enhanced and protected from adverse effects of use and development.
- (2) Use and development complements and protects the conservation values and natural qualities of the zone.

H7.4.3 Policies

- (1) Enable appropriate use and development that conserves, protects and enhances the natural, landscape, and historic heritage values of the zone.
- (2) Protect and enhance ecological values, including habitats, significant ecological areas and any unique features present within the zone.
- (3) Manage the use of the open space to protect and enhance Mana Whenua values, and enable appropriate activities which support and re-establish the relationship of Mana Whenua and their culture and traditions to their ancestral lands, water, sites, wāhi tapu and other taonga.
- (4) Limit activities, buildings and structures to those necessary to maintain or enhance the use or values of the zone.