

## PART 4A - GENERAL RULES

### CONTENTS.....PAGES

4A.1 COMMON RULES .....	3
4A.2 RULES FOR GENERAL ACTIVITIES .....	8
4A.3 DESIGNATIONS .....	11
4A.4 NETWORK UTILITY SERVICES .....	13

#### Plan change annotations - key



Indicates where content is affected by proposed plan modification x.  
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is  
subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.





## PART 4A - GENERAL RULES

This Part sets out general rules and rules which apply to a range of activities which may establish throughout the Isthmus and includes:

- Compliance Requirements;
- Activities Provided For Throughout The Isthmus;
- Prohibited Activities;
- Designations;
- Network Utility Services.

### 4A.1 COMMON RULES

#### A. General Duty to Comply

(i) No person may use any land in a manner that contravenes a Clause in the Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act.

(ii) A resource consent for a non-complying activity shall be obtained for:

Any activity, including the erection of a building or use of any land or building which is:

(a) not specifically provided for as a permitted, controlled or discretionary activity in the parts of the Plan applying to the location of the activity, and

(b) is not located on a road.

#### B. Duty to Avoid, Remedy or Mitigate Adverse Effects

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 in accordance with a rule in this Plan, or a resource consent granted, or an activity lawfully existing prior to 1 October 1991.

#### C. Temporary Activities

**NB Compliance with the following rules does not remove the need to comply with all other applicable Acts, regulations, bylaws and rules of law, including Reserve Management Plans made under the Reserves Act 1977.**

##### (i) Permitted Activities

The following temporary activities are permitted in all zones, except the Open Space 5 zone and Pollen Island, where they comply with the provisions of Part

4A (General Rules), 5B (Coastal), 5C (Heritage) and 5E (Hazardous Facilities). In the case of land zoned Open Space 5 governed by a concept plan the following temporary activities are provided for except where the same activities are already provided for in a concept plan in which case the provisions of the concept plan apply.

In the case of Ellerslie Racecourse:

- the following temporary activities are provided for except where the same activities are already provided for in a particular Area as defined in the Concept Plan in which case the provisions of that Area of the Concept Plan apply; and

- the noise controls specified in the Concept Plan for the Ellerslie Racecourse shall apply to the following temporary activities.

(a) Offices, storage sheds, scaffolding and falsework, storage yards, builders' workshops and buildings or uses of a similar character where such buildings or uses are:

(i) required for a building or construction project; and

(ii) limited to the duration of the project or for a period not exceeding 12 months (whichever is the lesser)

(b) Activities including meetings, parades, sporting events, exhibitions, filming, festivals and activities of a similar character, including associated parking and structures, provided that:

(i) such activities and structures do not occupy any venue for more than 5 days, inclusive of time required for establishing and removing all structures and activities associated with the activity

(ii) the activity does not occur for greater than a total of 3 days

(iii) the cumulative duration of the activity does not exceed 12 hours per day

(iv) all associated structures meet District Plan zonal height and required yards

(v) any associated amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays.



## PART 4A - GENERAL RULES

- (vi) sound testing and balancing of all sound systems including vocal checks by performers shall cumulatively not exceed 6 hours and shall not commence before 9am on any day and shall be completed by 7pm on the day of the activity.
- (vii) The maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBAL1.
- (c) Open Air Fairs and Markets involving the gathering of people for the purchase and sale of goods including school fairs and markets and associated parking and structures and may include entertainment, provided that:
- (i) the activity and structures do not occupy any venue for more than 3 days, inclusive of time required for establishing and removing all structures and activities associated with the activity
- (ii) the activity does not occur for greater than one day with the cumulative duration of the activity not exceeding 12 hours
- (iii) the use of any venue is limited to 6 activities in any 12 month period
- (iv) all associated structures meet District Plan zonal height and required yards
- (v) any amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays
- (vi) sound testing and balancing of all sound systems including vocal checks by performers must be undertaken within the time specified for amplified entertainment
- (vii) the maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBA L1.
- (d) Private Functions including weddings and private picnics and parties involving the gathering of people for an activity or entertainment including associated parking and structures provided that:
- (i) the activity is held at Cornwall Park or on public land e.g. roads and parks
- (ii) the duration of the activity shall not exceed 12 hours in total
- (iii) any amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays
- (iv) sound testing and balancing of all sound systems including vocal checks by performers must be undertaken within the time specified for amplified entertainment
- (v) the maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBA L1.
- (e) Public Performances involving the use of a venue for the gathering of people for concerts and entertainment including associated parking and structures provided that:
- (i) such activities and structures do not occupy any location for more than 5 days, inclusive of time required for establishing and removing all structures and activities associated with the public performance
- (ii) the activity does not occur for greater than one day with the cumulative duration of the activity not exceeding 12 hours
- (iii) all associated structures meet District Plan zonal height and required yards
- (iv) any amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays
- (v) sound testing and balancing of all sound systems including vocal checks by performers shall cumulatively not exceed 6 hours and shall not commence before 9am on any day and shall be completed by 7pm on the day of the public performance.
- (vi) The maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBA L1.
- (f) Temporary structures for the purpose of constructing a boat, a caravan or other artefact associated with private leisure time or a retirement pursuit which is not intended in any way as a commercial enterprise provided that such activities do not occupy any location for more than 12 months, where:
- (i) the written consent of the owner of the abutting land and such other persons as the Council considers may be affected has been obtained unless, in the opinion of the Council, such consent has been arbitrarily or unreasonably withheld; and



(ii) any such consent specifies sufficient information to indicate clearly that the owner consenting is fully informed of the proposal, its size, its method of construction and finish, and its estimated duration;

except that only one temporary structure shall be permitted in respect of a particular site.

(g) Any temporary storage and stacking of goods (including containers) or materials for a period not exceeding six months, provided that all storage and stacks of goods and materials comply with the relevant District Plan zone height and any required yards.

(h) Temporary military training activities, involving military personnel and transport, where the following are met:

(i) The written consent of the owner of the property has been obtained;

(ii) Immediately adjacent land owners/occupiers likely to be affected and the Manager, City Planning have been notified in writing at least one week in advance;

(iii) The particular training activity at any given site is limited to a period not exceeding 12 consecutive days, with the total number of days on which training activities are carried out per year not exceeding 100 days;

(iv) No more than two training activities are carried out within a 5km radius of each other within any 12 month period, and in the case of any such activities carried out within a 5km radius of a previous activity there shall be a period of at least seven consecutive days between each of those training activities;

(v) During any training activity the use of guns, mortars or any other explosive device shall occur only within a maximum of two periods of up to 2 consecutive days each, with a minimum of four days between each such 2 day period;

(vi) The activity does not require the construction of permanent structures, and any temporary structures comply with the development controls of the zone in which the activity is located;

(vii) Earthworks, if any, comply with the provisions of this Plan; and

(viii) The noise level arising from the activity (including any element of the activity involving use of heavy vehicles or similar equipment and use of water by motor boats or

similar equipment and the landing, taking-off or hovering of aircraft), shall not exceed the following limits:

(aa) When measured within the boundary of any residentially zoned property (other than any such property on which the activity itself is taking place);

Table 1

Monday to Saturday	7.00am - 10.00pm	L <sub>eq</sub> 50dBA
Sunday & Public Holidays	9.00am - 6.00pm	
At all other times	L <sub>eq</sub> 40dBA L <sub>max</sub> 75dBA	

(bb) When measured within the boundary of any business or Mixed Use zoned property (other than any such property on which the activity itself is taking place);

Table 2

	Business Zones						
	1	2	3	4	5	5a	6
7.00am to 10.00pm	55 dBA L <sub>eq</sub>	55 dBA L <sub>eq</sub>	60 dBA L <sub>eq</sub>	60 dBA L <sub>eq</sub>	70 dBA L <sub>eq</sub>	70 dBA L <sub>eq</sub>	70 dBA L <sub>eq</sub>
10.00pm to 7.00am	45 dBA L <sub>eq</sub>	45 dBA L <sub>eq</sub>	55 dBA L <sub>eq</sub>	55 dBA L <sub>eq</sub>	70 dBA L <sub>eq</sub>	70 dBA L <sub>eq</sub>	70 dBA L <sub>eq</sub>

and

(cc) In no case shall noise exceed a peak overall sound pressure level of 128dB when measured within any residentially or business or Mixed Use zoned land (other than any such property on which the activity itself is taking place);

Provided that in relation to (aa), (bb) above, all dBA levels referred to in Table 1 and Table 2 respectively shall be increased by 10dBA each during any 2 day period during which guns, mortar or any other explosive device may be used as referred to in paragraph (f)(v) above.



The above noise levels in (aa), (bb) and (cc) shall be measured in accordance with the requirements of the NZS 6801:1991 Measurement of Sound. The  $L_{eq}$  for all sources shall be calculated over any 8 hour period from measurements made during that period.

**(ii) Restricted Controlled Activity**

The following temporary activity is a restricted controlled activity in all zones, except the Open Space 5 zone and Pollen Island, where it complies with the provisions of Part 4A (General Rules), 5B (Coastal), 5C (Heritage) and 5E (Hazardous Facilities). In the case of land zoned Open Space 5 governed by a Concept Plan the following temporary activity is provided for except where the same activity is already provided for in a concept plan in which case the provisions of the concept plan apply.

In the case of the Ellerslie Racecourse the following temporary activity is provided for except where the same activity is already provided for in a particular Area as defined in the Concept Plan in which case the provisions of that Area of the Concept Plan apply.

In this instance temporary carparking area means an area of land that is used for off-street parking of a temporary nature for participants and visitors to temporary activities or permitted activities.

Temporary carparking areas

Temporary carparking areas are a restricted controlled activity (refer Clause 4.3.2.5 for public notification and service requirements) subject to compliance with Parts 4A, 5B, 5C and 5E.

Assessment Criteria

The Council will take into account the following assessment criteria when considering an application under sections 104 and 105 of the Act. In addition conditions may be imposed in relation to the following matters.

- a) The proposed hours of operation and duration of the activity.
- b) The extent to which the activity may give rise to adverse effects including noise on sites in the vicinity and the extent to which those effects are avoided, remedied or mitigated.
- c) The extent to the activity may give rise to adverse effects related to the activities of crowds using the carparking facility and the extent to which those effects are avoided, remedied or mitigated.
- d) The extent to which the activity may give rise to adverse traffic effects on the surrounding street network and the extent to which those effects are avoided, remedied or mitigated.

- e) The extent to which the activity may give rise to adverse effects related to disturbance of earth and vegetation on the site and any protection measures to be put in place to avoid, remedy or mitigate those effects.

**(iii) Discretionary Activities**

Any temporary activity that is not otherwise provided for as a permitted, controlled or discretionary activity in the relevant zone or concept plan provisions shall be a discretionary activity. An application for a discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 4A (General Rules), of the Plan and the following:

- a) The visual impact of the activity and, in particular, extent to which the external appearance of any structures associated with the activity or event are mitigated by screening or other remedial measures.
- b) The proposed hours of operation and duration of the activity.
- c) The extent to which the activity may give rise to adverse effects, including noise, lighting and overshadowing on sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated.
- d) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking affects the efficiency of traffic movements and the safety of pedestrians.
- e) The effects on scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites, and the extent to which any adverse effects are avoided, remedied or mitigated.
- f) Of particular concern is the protection and maintenance of amenity values of adjacent residential land. Various methods can be used to ensure this, including the provision of buffer areas, separation distances and/or screening.

Where an adverse effect is identified, the Council may decline consent to the application or impose conditions designed to reduce or mitigate any adverse effect on the environment.

**Explanation**

Provision has been made for a range of common temporary activities and associated structures that are not otherwise provided for by the Plan rules. The rule provides flexibility for a range of temporary activities



recognising the Isthmus' role as a focus for major development projects and for a range of public and private entertainment and celebratory activities. The rule recognises that there are potential adverse effects from such activities which need to be avoided, remedied or mitigated depending upon their scale and duration. The Council may impose conditions to ensure that effects on the local environment, particularly residential areas, are addressed and in some cases where the effects can not be mitigated or avoided the activity may be refused consent.

#### D. Construction Noise

Where any building or construction work is undertaken on a site the following noise provisions are to be complied with.

Construction work has the same meaning as in Clause 1.3.1 of NZS 6803P:1984. "The measurement and assessment of noise construction, maintenance and demolition work."

- (a) Noise resulting from construction work shall not exceed a reasonable level as determined by reference to NZS 6803P:1984. For construction work noise received in residentially zoned areas, the upper limits prescribed by Table 1 of the standard shall apply.

Table 1 shall also be applied to kindergartens, schools and tertiary institutions, hotel and motel accommodation, libraries, and cultural centres, irrespective of their zoning.

For construction work noise received in business and Mixed Use zone zoned land, the upper limits prescribed by Table 2 of the standard shall apply.

Where external measurement of noise is impractical or inappropriate, the provisions of Table 3 shall apply.

When explosives are used on a construction site, noise created shall not exceed a peak overall sound pressure level of 128dbA or 122dbC.

- (b) Where the construction work is of 15 days duration or less the permitted noise levels may be 5dBA above those specified by Tables 1, 2 and 3. If the construction work exceeds 18 weeks duration the permitted noise levels shall be reduced by 5dBA.
- (c) Noise reduction procedures will be required when the noise levels measured 1.0m from the most exposed window or door and 1.2m to 1.5m above the relevant floor level of any adjacent occupied site with a residential or business or Mixed Use activity zoning exceed the limits of [Table 1](#), [Table 2](#) or 3 or Clause 5.1.2 so that the noise is reduced to the appropriate level.
- (d) Noise shall be measured as at the boundary of any affected site in accordance with Section 3 and reported in accordance with Section 4 of NZS 6803P:1984. The

noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

These standards shall not apply to emergency construction work.

- (e) Where the Council is satisfied that the construction work cannot be carried out during normal working hours the Council may set other noise limits as are appropriate in the circumstances.
- (f) In circumstances where construction work is of a large scale and/or duration or occurs in an area of very low background noise, the Council may require a noise management plan to be prepared and submitted by a qualified acoustic engineer engaged by the applicant certifying these noise performance standards will be complied with.

#### Explanation

*Noise from construction work is generally of a limited duration and the community will usually tolerate higher noise levels than occur from other activities, provided the noise is no louder than necessary to complete the task, is of a limited duration, and occurs during the appropriate time. NZS 6803P defines the wide variety of activities that are included in construction work, provides methods for the measurement, assessment and prediction of construction noise, and provides guidance in making construction activities more acceptable to the community.*

*Large-scale construction work, construction work occurring over a long period of time, or construction work occurring in very quiet areas may have a significant adverse impact on amenities unless activities are controlled by careful planning as provided for by a noise management plan. Construction work exceeding 18 weeks must meet lower noise levels to mitigate this impact.*

#### E. Maintenance and Condition of Land and Buildings

- (a) No building shall be so constructed or finished or left unfinished so that its external appearance would detract from the amenity values of the neighbourhood, or tend to depreciate the value of adjacent land.
- (b) Sites of demolished buildings and structures shall be sown with appropriate groundcover or landscaped within three months of demolition except that this time limit will be extended to six months where a building consent or a resource consent relating to the site has been applied for or development not requiring a building consent or resource consent has commenced.
- (c) All earthworks or areas of bare earth but not including rock not being worked for three months or more shall



## PART 4A - GENERAL RULES

- be hydroseeded or otherwise sown with appropriate ground cover.
- (d) All sites with unsealed or dust contaminated yards or roadways shall implement effective and appropriate dust control procedures. (The use of waste oil to control dust is not permitted).
- (e) No activity shall generate more than 60 micrograms per cubic metre of dust or air suspended particulate matter, as measured over any 5 day period at any boundary of the site.
- (f) Clause deleted by Council Decision.
- (g) No person may discharge any contaminant or water containing contaminants into the Council's stormwater system or onto land in circumstances that may result in that contaminant entering the Council's stormwater system.
- (h) Clause deleted by Council Decision.
- (i) All commercial vehicle, machinery, or container washdown areas shall be sealed, bunded and drained. No person shall wash any vehicle, machinery or container in circumstances that may result in contaminants entering the Council's stormwater system.
- (j) No silt or sediment or water containing silt or sediment may be discharged into stormwater pipes, drains, channels or soakage systems from urban earthworks or bare land.
- (k) A wheel wash shall be installed and used on all sites where loose material may be carried by vehicle tyres and deposited on public roads in wet weather or at other times.

### Explanation

*The Council has a duty to ensure that all land and buildings are maintained in a manner so as to preserve the amenity values of the neighbourhood in which they are situated.*

*Water, dust and smoke do not respect zone boundaries, and the effects can be generated equally from high and low amenity areas. Therefore these controls apply equally across the City. Controls on discharges into the stormwater drainage system of the City are applied to avoid adverse effects on the quality of the City's waterways and the coast.*

*Controls on discharges into the stormwater drainage systems of the City are applied to avoid adverse effects on the quality of the City's waterways and the coast. To ensure that contaminants and sediment are not discharged into the stormwater drainage system, developments that include large sealed yards, loading areas and carparks may be required by the Auckland Regional Council to install appropriate stormwater*

*treatment systems. Sealed areas that drain directly to streams or to the coast may also require a discharge consent from the Auckland Regional Council. Refer also to [ANNEXURE 14 EARTHWORKS IN AUCKLAND CITY](#) for silt and sediment control methods.*

See also [PART 5D - NATURAL HAZARDS](#) and [PART 5E - HAZARDOUS FACILITIES](#).

### F. Special Yard

Refer to Road Widening Designations Clause [12.6.2.3 ROAD WORKS](#).

## 4A.2 RULES FOR GENERAL ACTIVITIES

### A. Permitted Activities

- (i) The following are permitted activities generally throughout the Isthmus, subject to the specific rules of each Part.

#### Earthworks

- of up to 500m<sup>2</sup> where the average slope of the area subject to earthworks is less than 5%\* and
- of up to 250m<sup>2</sup> where the average slope of the area subject to earthworks is 5% or more\*
- Resurfacing, maintenance and repair of existing carparking areas and driveways, where no more than 500m<sup>2</sup> of bare earth is exposed at any one time at an average slope of less than 5% or no more than 250m<sup>2</sup> of bare earth is exposed at any one time at an average slope of 5% or more.

except that these figures may be exceeded where the earthworks are part of:

- A subdivision which has been granted a resource consent;
- A network utility service of the type where specific provision has been made for earthworks in Clause 4A.4.6B PERMITTED ACTIVITIES; or
- Quarry activity in the Business 7, 7a and 7b zones; or
- The digging, making, erection, placing and maintenance of graves, vaults, monuments and tablets as provided for by the Burial and Cremation Act 1964 and the disposal of surplus spoil elsewhere on site; or
- The maintenance and resurfacing of sports fields and grounds including tennis courts, croquet and bowling greens, golf courses and race tracks.



Provided, however, that the works are outside the dripline of any scheduled or protected trees, and will not affect any scheduled archaeological or geological feature.

The permitted activity listed above is allowed without resource consent where it complies in all respects with the following development controls-

- All earthworks are undertaken with the application of erosion and sediment control measures to ensure that, in so far as is practicable, soil erosion is minimised and silt and sediment is captured on site. For information on how to achieve this see Annexure 14 Silt and Sediment Control Measures.
- No material shall be deposited in the street. Means to avoid depositing material in the street are set out in Annexure 14, Silt and Sediment Control Measures.
- Any excavated area shall be protected with a weatherproof cover until the construction of the retaining wall.
- Any surplus excavated material (except where this is to be reused on the site) shall be removed from the site'

Note:

1. All works in flood plains and secondary flow paths must comply with Part 18 of the Auckland City Consolidated 2.Bylaw 1998, Stormwater Management
2. Earthworks within watercourses will require ARC consent.
3. Parts 5B (Coastal) 5C (Heritage), 7 (Residential) and 9 (Open Space) have earthworks rules which may be more restrictive and which take precedence over these provisions.
4. Note: The NZ Archaeological Association and the Auckland Regional Council maintains a list of recorded archaeological sites. In addition to this a number of archaeological sites are listed with the NZHPT in their register of Historic Places, historic areas, wahi tapu and wahi tapu areas. All archaeological sites are protected by the Historic Places Act 1993 whether or not they are recorded. No destruction or modification of any archaeological site whether scheduled, recorded or unrecorded may take place without prior authority from the NZHPT. Applicants undertaking earthworks are advised to contact the abovementioned agencies in the first instance to ascertain whether their property or properties contain or are likely to contain archaeological sites.

### Explanation

*Earthworks which expose bare land have the potential to impact on surrounding land and the water quality of watercourses and ultimately coastal waters through surface run off and sedimentation. Appropriate treatment of areas where earthworks are occurring can reduce or avoid these effects. The application of these rules should ensure that any earthworks undertaken will minimise movement of soil and have least effect on the areas surrounding earthworks and watercourses.*

\*Parts 5B, 5C, 7 and 9 have earthwork rules which may be more restrictive, and which take precedence over this rule. Refer also to ANNEXURE 14 [EARTHWORKS IN AUCKLAND CITY](#) for silt and sediment control methods.

**Note:** The above rule does not obviate the need to obtain the written consent of Council to excavate or otherwise interfere with any land in the vicinity of a public work of the Council if the excavation or interference is likely to produce, directly or indirectly, a subsidence onto that work or a subsidence of that work or of the soil under it (refer to Section 237 Public Works Act 1981).

### Other Permitted Activities

- Any activity which remedies an identified contaminated site and which has gained a controlled activity resource consent in terms of Clause 5E.7.1C CONTAMINATED SITE CONSENTS.
- Bridges for roads, tramways, railways and underpasses and retaining walls.
- The construction of any stopbank except where sited in the Coastal Management Area.
- Irrigation systems, open drains and channels for the conveyance of water.
- The construction of culverts in roads and public reserves.
- The removal or demolition of any building or structure except as limited by the provisions of Part 5C Heritage and table 7.7.1.
- Recycling depots with a gross floor area not exceeding 30m<sup>2</sup>; and a height no greater than 3 metres.

### (ii) Existing Lawful Activities

Section 383 of the Act provides for certain land use consents granted under the Town and Country Planning Act, 1977 and in place immediately before 1 October 1991 to be deemed to be land use consents granted under the Resource Management Act.



Section 10 of the Act provides for the existing use of land in a manner which contravenes a rule to continue or to be re-established if in accordance with the provisions of that Section. In particular, any building lawfully erected which does not comply with any rule in this Plan may be reconstructed, altered or added to if this work does not increase the degree by which the building fails to comply with this Plan or any rule in it. Such works must comply with the provisions of the Building Act 1991.

## B. Controlled and Discretionary Activities

### Controlled Activities – Earthworks

The following are controlled or restricted controlled activities generally throughout the Isthmus, subject to the specific rules of each part. The restricted controlled activities are marked with a (\*) and are subject to Clause 4.3.2.5 Restricted Controlled Activities.

- Earthworks of greater than 500m<sup>2</sup> where the average slope of the area subject to earthworks is less than 5%\*
- Earthworks of greater than 250m<sup>2</sup> where the average slope of the area subject to earthworks is 5% or more\*  
Note: Parts 5B, 5C, 7 and 9 have earthwork rules that may be more restrictive.
- Progressive earthworks\*

Applications for the above controlled activities will be assessed against the following criteria.

When assessing an application for a resource consent to undertake earthworks, the Council must be satisfied that the relevant objectives and policies for the zone in which the earthworks are being undertaken have been met and:

- The nature and extent of the proposed work and the degree to which it may disturb natural landforms or vegetation or create soil instability, or lead to adverse ecological effects to natural habitats, watercourses, wetlands, estuaries and coastal waters;
- The extent to which the movement of soil or material to or from the site may affect the surrounding roads and neighbourhood.
- The extent, to which water containing silt or sediment or contaminants may enter storm water pipes, drains, channels or soakage systems, or flow on to the road, from bare ground on the site during rainstorms.
- The extent to which surface stabilisation will be achieved as progressive earthworks are undertaken and completed and the means by which surface stabilisation will be achieved.

Conditions may be imposed that relate to:

- The conservation and enhancement of vegetation; in particular indigenous vegetation
- The control and excavation, removal of topsoil, the deposit of spoil, soil or other materials.
- Minimising any adverse effects resulting from the diversion or modification of natural watercourses or overland flow paths;
- Ensure that any excavation or retaining is in keeping with the relevant objectives and policies of the zone;
- The control of vehicle movements and access to and from the site in relation to the earthworks operation;
- The control of storm water run-off from the site and the reduction to an acceptable level of any silt, sediment or contaminant prior to entering any storm water pipes, drains, channels or soakage systems;
- Ensure the long term management of stormwater discharge for sites where soakage is the primary method of stormwater disposal is achieved by requiring appropriate silt filtration measures to be designed and implemented;
- The stability of any fill or excavation, including means to retain any fill or excavated face and to control groundwater. Refer also to Annexure 14 for silt and sediment control measures.
- The treatment of stock piled materials on the site including requirements to remove material if it is not to be reused on the site.
- Restrictions on hours of operations, especially where the earthworks are occurring in close proximity to residential activity.
- The protection of the public, including neighbours, including fencing and signs.
- Implementation of ongoing surface stabilisation as progressive earthworks are completed.

Note:

1. All works in flood plains and secondary flow paths must comply with Part 18 of the Auckland City Consolidated Bylaw 1998, Stormwater Management
2. Earthworks within watercourses will require ARC consent.
3. Parts 5B (Coastal), 5C (Heritage), 7 (Residential) and 9 (Open Space) have earthworks rules which may be more restrictive and which take precedence over these provisions.
4. Note: The NZ Archaeological Association and the Auckland Regional Council maintains a list of recorded archaeological sites. In addition to this a



number of archaeological sites are listed with the NZHPT in their register of Historic Places, historic areas, wahi tapu and wahi tapu areas. All archaeological sites are protected by the Historic Places Act 1993 whether or not they are recorded. No destruction or modification of any archaeological site whether scheduled, recorded or unrecorded may take place without prior authority from the NZHPT. Applicants undertaking earthworks are advised to contact the abovementioned agencies in the first instance to ascertain whether their property or properties contain or are likely to contain archaeological sites.

5. Except as provided for by Section 102 of the Act, where applications for resource consent for earthworks for the same proposal have been made to Auckland City Council and Auckland Regional Council and hearings are required for these applications, these consent authorities shall jointly hear and consider these applications.

#### Explanation

*Earthworks which expose bare land have the potential to impact on surrounding land and the water quality of watercourses and ultimately coastal waters through surface run off and sedimentation. Appropriate treatment of areas where earthworks are occurring can reduce or avoid these effects. The application of these rules should ensure that any earthworks undertaken will minimise movement of soil and have least effect on the areas surrounding earthworks and watercourses.*

#### Discretionary Activities

The following are discretionary activities throughout the Isthmus. Those activities marked with a (\*\*) are restricted discretionary activities in terms of Clause 4.3.2.6 **RESTRICTED DISCRETIONARY ACTIVITIES**

- The construction of any stopbank in the Coastal Management Area.
- The construction of any culvert other than in a road or public reserve (\*\*).
- The establishment and operation of New Zealand Fire Service Stations and St. John's Ambulance Association Stations except in the Residential 1 to 4 zones.

The following are discretionary activities throughout the Isthmus. Those activities marked with a (\*\*) are restricted discretionary activities in terms of Clause 4.3.2.6 **RESTRICTED DISCRETIONARY ACTIVITIES**

#### C. Prohibited Activities

In making general provisions for the matters set out in Part II of the Second Schedule to the Act, the Plan adopts measures which are appropriate to the circumstances of the district. However the following activities are prohibited throughout the district.

- Except as provided for in Clause 5E.7.1D. **RADIOACTIVE MATERIAL CONSENTS** the manufacture and production of any radioactive material.
- The use of radioactive material for the purposes of power generation or heat generation.
- Any activity determined in terms of Part 5E Hazardous Facilities to be prohibited.
- The demolition of a Category A scheduled item (refer **PART 5C - HERITAGE**).

### 4A.3 DESIGNATIONS

#### A. Required Information

The information to accompany a notice of requirement is set out in Section 168A(3) of the Act. This includes details of the work, alternatives considered, results of consultations with affected parties and resource consents to be obtained. Information required to be included by this Plan must also be included. This information is set out below. Each notice of requirement shall be accompanied by the prescribed administrative charge.

Information required by this Plan.

- (a) Sufficient drawings to adequately illustrate the proposal.
- (b) Whether the proposed work is a public work in terms of the Act, or if the requirement is for a proposed project or work by a network utility operator, details of the Order in Council which empowers the applicant as a requiring authority in this case, including any specified terms and conditions.
- (c) A statement of the objectives of the requiring authority that the requirement is necessary to achieve.
- (d) The degree to which the work complies with Part II of the Act.
- (e) How the work impacts on any relevant provisions of national, coastal and regional policy statements and regional plans.
- (f) The degree to which the work meets the policies, objectives and rules of this Plan.



## PART 4A - GENERAL RULES

- (g) Details of current ownership of the subject land, the proposed land acquisition program, and site clearance proposals.
- (h) The proposed sequence and timing of implementation of the work or project clearly identifying any part of the work which may not be commenced for 5 years or more.
- (i) Proposals for the use and maintenance of those parts of the land which will not be developed for 5 or more years, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime.
- (j) Details of the effects the work or project will have on the environment in accordance with Clause 4.3.1.4 **SCHEDULE OF EFFECTS** of Part 4. In addition, a description of the forecasting methods used to assess longer term and cumulative effects on the environment shall be provided.
- (k) Where hazardous substances may be used in the construction or operation of the work or project, the degree of risk to public health and safety arising from the storage, use, disposal or transportation of such substances shall be evaluated.
- (l) If the site is already designated what that designation is for, whether the previous designation has been fully put into effect and if not, the extent to which it has been put into effect, and the generated effects of the existing designation.
- (m) If the site is subject to a heritage protection order, what heritage item the order is for, and the effect of the proposed designation on that item.
- (n) Details of all archaeological features present within the site.

### B. Conditions

Conditions, appropriate to the circumstances, may be recommended on all requirements to address the following matters:

- The remedying or mitigation of any likely adverse effect of the proposed activities and structures on the environment;
- The period within which the designation will be given effect;
- The operation or design of the work or project having regard to achieving the purpose of the required public work;
- The maintenance of the land affected by the designation;
- Any resource consent procedure that may be required to enable the establishment and operation of the proposed activity;

- Compliance, where practicable, with the rules relating to the underlying zoning.

Other conditions may also be recommended according to the particular proposal, its nature, site and location, and the relevant provisions of the Plan and the Act.

Any works and activities not able to be fully disclosed with the initial notice of requirement will require a notice to alter the designation pursuant to Section 181 of the Act, or a fresh notice of requirement when details are available.

### C. Outline Drawings

(a) Outline drawings of works to be constructed by or on behalf of a requiring authority on designated land shall be submitted to the Council for its consideration before construction is commenced, unless they have been otherwise approved under this Plan. The outline drawings shall show the height, shape and bulk of the work, its location on the site, the likely finished contour of the site, vehicular access and circulation, and landscaping provisions.

(b) The provisions of this clause shall not apply in respect of -

- (i) Any work which the body or person responsible for its construction considers is immediately necessary:
  - to safeguard life or property; or
  - to maintain or restore communication or transport links.

(ii) Dams, and bridges.

(iii) Any network utility service set out in Clause 4A.4 **NETWORK UTILITY SERVICES**.

(iv) Such other works in respect of which the Council considers it to be impracticable or unnecessary to prepare outline drawings.

(c) Any temporary work which the body or person responsible for its construction considers is immediately necessary to meet an emergency situation may be constructed without first advising the Council, if outline drawings of the work are submitted to the Council as soon as practicable after the work has been commenced.

(d) Outline drawings of a work need not be submitted to the Council under this clause if details of the proposed work were supplied when a requiring authority made a requirement in respect of the work under Section 168 of the Act.

(e) The Council, after considering the proposals included in the outline drawings may, within 20 working days after receipt of the drawings, request the requiring authority to make changes to all or any of the



proposals contained in the drawings so that the proposals comply more fully with the conditions imposed.

#### 4A.4 NETWORK UTILITY SERVICES

##### 4A.4.1 RESOURCE MANAGEMENT ISSUES

The Plan seeks to create a resource management approach that maintains a high environmental quality of the district while providing for the development, use, maintenance and upgrading of network utility services to meet the reasonable needs of the businesses and residents of the City. The Plan must also address the following issues:

- The need to provide a process which, while recognising the considerable investment in network utility services, enables the quality of the visual environment to be protected and where practical, enhanced;
- The need generally to identify any potential adverse effects of network utility services on the environment and to ensure that these effects are avoided, remedied or mitigated where practical.

##### 4A.4.2 OBJECTIVES

- *To maintain levels of infrastructure which provide for the citizens of the district.*
- *To ensure that activities and development recognise the constraints of servicing capabilities.*
- *To monitor the development of the Isthmus so that growth may be balanced with the environmental capacity of the district.*
- *To allow for the provision of new network utility services whilst mitigating adverse environmental effects.*

##### 4A.4.3 POLICIES

- By providing for the continued existence and maintenance of established network utility services.
- By providing for new network utility services, provided that any adverse effects on amenity values are avoided, remedied or mitigated.

- By requiring financial contributions from developers and subdividers for the provision of network utility services necessary for people's health, well-being and safety and to avoid, mitigate or remedy any adverse effects of the activities on the environment.
- By ensuring that proposed network utility services which may create significant adverse effects on the environment are subjected to an assessment procedure and that any adverse effects are avoided, remedied or mitigated where practical.
- By recognising existing legislative provisions which apply to network utility services, and where the Council is empowered to do so, applying conditions to the installation of those services to meet the requirements of Part II of the Act.
- By making suitable provision for network utility services corridors through the Isthmus.
- By monitoring the capacity of the network utility services for which the Council has prime responsibility so as to enable the adverse effects of land use activities on those services to be avoided, remedied or mitigated.

##### 4A.4.4 EXPLANATION

*The Plan is primarily concerned with ensuring that any changes to existing network utility services and the provision of new services, are undertaken in accordance with the policies and rules of the Plan which are designed to remedy, mitigate or avoid any adverse effects on the environment as required by the Act.*

##### 4A.4.5 STRATEGY

- Maintaining an efficient infrastructure for network utility services within the Isthmus is fundamental to the Plan's resource management strategy. Easy access to services is important to the well-being of the people of the district. The provision of efficient and effective services and communication systems and networks is essential to the sustainability of the economic fabric of the City. An adequate drainage system which meets the growing needs of the community while avoiding significant adverse effects on the natural environment is particularly important.
- Many of these features can only be attained through actions taken outside the Plan. However, the Plan encourages and promotes their attainment wherever possible through, for example:
  - Limits on density of residential development;
  - Requirements for the provision of network utility services on subdivision and land use consents.



#### 4A.4.6 RULES: NETWORK UTILITY SERVICES

##### A. Definition

In this Clause 'road' has the same meaning as in Section 315 of the Local Government Act 1974, but it does not include a motorway within the meaning of the Transit NZ Act 1989.

##### B. Permitted Activities

(i) The construction (including earthworks), installation, operation and maintenance of the following network utility services are permitted activities in, on, under or over roads throughout the Isthmus other than the construction (including earthworks) and installation of network utility services in roads within the Auckland Domain -

- Underground telecommunication lines, and underground electric lines for conveying electricity at a voltage up to and including 110kV with a total capacity up to and including 100MVA, including (for the avoidance of doubt) underground connections to buildings and sites.

Refer to



- The maintenance and minor upgrading of 110kV and 220kV electric lines established on or before 1 July 1993 (being the date of public notification of the Proposed District Plan).

**Note:** Refer to Part 13 for the definition of "Minor Upgrading."

- Underground pipes and fittings for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure up to but not exceeding 2000 kilopascals and any ancillary underground equipment and fittings.
- Pipes and fittings for the distribution or transmission of water, whether treated or untreated, for supply including irrigation.
- Stormwater and sewage reticulation including rising mains, manholes and ventilation shafts, inlet and outlet structures.
- Conduit pipes and fittings for petroleum or any other purpose which are the subject of approval under Section 338 or Section 341 of the Local Government Act.
- Network utility services established before or on 1 July 1993.

- Junction pillars for telecommunication cables, also for low voltage electric cables.
- Underground connections from buildings and sites to gas, water, drainage and sewer pipes and fittings including meters and protective surrounds and fittings.
- Telephone booths and cabinets, distribution cabinets and appliances of a like nature as provided for in Section 18 of the Telecommunications Act 1987.
- The provision of lighting in roads, public places, private roads and private ways, together with support structures, fittings, cables and pipes as provided for by Section 334A of the Local Government Act.
- Traffic signals, support structures, fittings and cables and ancillary equipment.
- Electric lines, substations and incidental structures directly serving public transit systems.
- Substations not exceeding 20m<sup>2</sup> in area, inclusive of any casing or enclosure, and which do not exceed 2 metres in height.
- The digging of trenches for network utility services, provided however that this rule shall not apply to machine digging within the dripline of any tree sited within a road, or of any protected or scheduled tree overhanging the road.

(ii) The construction (including earthworks), operation and maintenance of roads is a permitted activity throughout the Isthmus and includes:

- Footways, and footbridges over roads, motorways and railways;
- Bridges for roads, tramways, railways and underpasses and retaining walls;
- Street furniture, sculptures, works of art and utility provisions, eg sculptures and works of art in roads or public places, road signage, bus shelters, parking meters.

**Note:** (1) Where zoned land is vested or dedicated as road, the zoning shall cease to have effect from the time of vesting or dedication.

(2) Refer also to Clause 4A.2A(i)

(iii) The construction, installation, operation and maintenance of the following network utility services are permitted activities throughout the Isthmus, other than in roads (which are provided for in subclause (i) above) or in the Coastal Protection Yard (which is provided for as a discretionary activity in subclause D below), and subject to compliance with the development control rules for the particular zone -



- Underground telecommunication lines, and underground electric lines for conveying electricity at a voltage up to and including 110kV with a total capacity up to and including 100MVA, including (for the avoidance of doubt) underground connections from buildings and sites, with the exception of underground connections from scheduled geological or archaeological sites.

Refer to



- The maintenance and minor upgrading of 110kV and 220kV electric lines established on or before 1 July 1993 (being the date of public notification of the Proposed District Plan) provided that this activity shall not be subject to compliance with the development control rules for the particular zone.

**Note:** Refer to [PART 13 - INTERPRETATIONS AND DEFINITIONS](#) for the definition of “Minor Upgrading”

- Underground pipes for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure up to but not exceeding 2000 kilopascals and any ancillary underground equipment and fittings.
- Pipes and fittings for the distribution or transmission of water, whether treated or untreated, for supply including irrigation.
- Stormwater and sewage reticulation including rising mains, manholes and ventilation shafts, inlet and outlet structures.
- Network utility services established before or on 1 July 1993 (being the date of public notification of the Proposed Isthmus Plan).
- Junction pillars for telecommunication cables, also for low voltage electric cables.
- Underground connections to gas, water, drainage and sewer pipes and fittings including meters and protective surrounds from buildings and sites other than scheduled geological or archaeological sites.
- Electric lines, substations and incidental structures directly serving public transit systems.
- The digging of trenches for network utility services, provided that this rule shall not apply to sites with scheduled archaeological and geological features or to machine digging within the dripline of any scheduled or protected tree.

(iv) The following are permitted activities in all business zones and Mixed Use zone, (in addition to those activities specified in subclause (iii) above) subject to

compliance with the development control rules for the particular zone except where these specifically conflict with the rules below.

- Telephone exchanges.
  - Telephone booths and cabinets.
  - Telecommunication and radio-communication antennas (excluding microwave and satellite dish aerials), pole support structures and masts; provided that
    - the antennas shall be capable of being contained within a horizontal circle centred on the pole support structure and with a diameter of 6.25 metres.
    - the height of the pole support structure and antennas or mast above ground level may exceed the height limit specified for the zone by not more than 6 metres.
  - Microwave and satellite dish aerials not exceeding 1.2 metres in diameter.
  - Substations, provided that where a site abuts land zoned residential or open space, a front yard of 3m minimum width is required. In addition, a 6m minimum side or rear yard requirement (as the case may be) shall apply to that portion of the site which abuts the residential or open space zoned land; provided however that where a substation transforms voltages of 11,000 volts or less to 400 volts or less, no front yard is required and the side and rear yards, as the case may be, shall be of 4m minimum width.
  - Meteorological installations, provided that any mast shall not exceed the height limit for the zone by more than 6m.
  - Pumping stations for water or sewage, also gas regulator stations and ancillary above ground equipment, together with associated earthworks; provided that:
    - they do not exceed 25m<sup>2</sup> in area or 3.0 metres in height above ground level, or are provided within an existing building; and
    - they are not located on sites containing scheduled heritage features, or on sites in Conservation Areas.
- (v) The following are permitted activities in Residential zones 5, 6a, 6b, 7a, 7b and 7c
- Substations transforming voltages of 11000 volts or less to 400 volts or less provided that:
    - they have a dark green exterior and they do not exceed a height of 1.5 metres above ground



## PART 4A - GENERAL RULES

level and an area of 20m<sup>2</sup> (inclusive of any concrete surrounds); and

(b) they are the subject of the written consent of the owner of the residential unit which is nearest to the substation (excluding any unit situated on the site which the substation is located); and

(c) they are not located on sites containing scheduled heritage features or on sites within the Coastal Protection Yard.

### C. Restricted Controlled Activities

The following are restricted controlled activities in all residential zones, subject to compliance with the development control rules for the particular zone:

- Pumping stations for water or sewage, gas regulator stations, telephone booths and cabinets, and satellite and microwave dish aerials, together with associated earthworks; provided that they do not exceed 25m<sup>2</sup> in area and 3.0m in height above ground level, or are provided within an existing building;
- Telephone exchanges, together with associated earthworks; provided that they do not exceed 40m<sup>2</sup> in area and 6m in height above ground level and have a gable roof, or are provided within an existing building;
- Telecommunication aerials and antennas not exceeding a diameter of 100mm attached to an existing building and not exceeding the permitted height by more than 2m.

This rule shall not apply to sites containing scheduled heritage features, or to sites in Conservation Areas.

In addition to the criteria set out in Section 104 of the Act, controlled activities will be assessed against the following criteria:

- The visual impact of the activity and the extent to which this is mitigated by landscaping and screening or other remedial measures;
- The scale and significance of any adverse effects on the environment and the extent to which these are avoided, remedied, or mitigated.

In granting any consent to a controlled activity the Council may impose conditions of consent in respect of the following matters:

- The location of the building structure;
- The scale and internal appearance of the building or structure;
- The duration of time for which consent is given to a temporary activity;

- The location, design, and number of parking spaces required;
- The provision of buffer areas, screening, fencing and landscaping;
- Control of noise levels and lighting.

**Note:** Reference should be made to Clause 5C.7.3.3B(b) [works in the vicinity of trees in roads and unzoned land] and to Clause 10.7.3.1 **ACTIVITIES IN THE SPECIAL PURPOSE 3 ZONE** for further controlled activities. See also Concept Plan D04-10 (Unitec) Report 073. See also Rule 4.3.2.5 **RESTRICTED CONTROLLED ACTIVITIES** in relation to restricted controlled activities.

### D. Discretionary Activities

Except as provided for in Clause 5C.7.3.3.B(b) [Works in the vicinity of trees in roads and unzoned land] and in the Special Purpose Activity 3 zone, the construction, operation and maintenance of the following network utility services are discretionary activities throughout the Isthmus:

- Network utility services which are not in a road and which are located in the Coastal Protection Yard;
- Network utility services not otherwise provided for as permitted or controlled or restricted discretionary activities.

In addition to the criteria set out in Section 104 of the Act, discretionary activities will be assessed against the following criteria:

- The extent to which the proposed location, site and route affects public safety and convenience;
- Effect on the health and safety of people;
- The visual impact of the activity and the extent to which this is mitigated by landscaping and screening or other remedial measures;
- The scale and significance of any adverse effects on the environment and the extent to which these are avoided, remedied, or mitigated;
- The effects on scheduled buildings, objects, heritage properties, and places of special value; also conservation areas, trees, archaeological and geological features and Maori heritage sites, and the extent to which any adverse effects are avoided, remedied or mitigated;

Refer to



- The location of the activity may give rise to adverse effects including noise, lighting and overshadowing, on adjacent land;
- In the case of an activity which includes underground works, the extent to which the work is able to be



conveniently accommodated underground without adversely affecting existing underground network utility services (including ready access for maintenance purposes) or seriously limiting the opportunity for additional underground network utility services in the future;

- The effect of the position of vehicular access locations and the traffic generated by the activity on existing traffic flows and parking and on adjacent property;
- The extent to which Maori cultural values are affected.

In the case of pipelines the following additional criteria will apply:

- The need for the pipe and alternative proposals considered;
- The nature of the liquid or substance carried and the potential effects on the environment caused by a rupture to the pipe, and the probability of a rupture occurring by accident or other causes.

In the case of proposed activities within the Coastal Protection Yard, the discretionary activity criteria set out in Clause 5B.7.2A will additionally apply.

In granting consent to an application for a discretionary activity, the Council may impose conditions, restrictions and prohibitions including conditions so as to offset any adverse effects associated with the activity. Such conditions may relate, but are not limited to the conditions set out in Clauses 4.3.1.2B(ii) (conditions for Development Control Modifications) and Clause 4.3.1.5 **CONDITIONS** (conditions on Resource Consents).

#### E. Restricted Discretionary Activities

The following are restricted discretionary activities in roads and in all zones throughout the Isthmus:

- Any activities resulting in an increase in the power carrying or operating capacity (beyond those limits allowed as permitted activities under **Minor Upgrading**) or in the voltage of any 110kV or 220kV electric lines or conductors existing at the date of notification of this Plan (1 July 1993)

In considering an application, the Council will restrict the exercise of its discretion to the following matters in respect of any new or incremental increase in adverse effects arising from the proposed activity:

- (i) The extent to which public safety and convenience may be affected;
- (ii) The extent to which public health may be affected;
- (iii) The scale and significance of any adverse effects on the visual environment and on amenity values of the area;

- (iv) The extent to which noise levels may be increased;
- (v) The potential hazards to habitable buildings and their occupiers within 20m either side of the centre line of the conductors;
- (vi) The effect of electric and magnetic fields on electrical and communication equipment and also any screening effect the proposed electric lines or conductors may have on the propagation of radio-frequency transmissions;
- (vii) The extent to which mitigation measures are able to reduce any significant adverse effects.

Notwithstanding Rule 4.3.2.6 the Council will notify the above restricted discretionary activity if the criteria in Section 95A(2) of the Act are satisfied.

#### Explanatory Note:

The fact that a network utility service is permitted or otherwise provided for in this Plan does not remove the need for the person carrying out the activity to obtain or ensure that there exists the relevant occupancy right to enter the land or road and carry out the work.

