

Note:

This document is a summary of the relevant Auckland Unitary Plan (Operative in Part) (AUP (OP)) chapters to assist with determining if mana whenua values can be considered in relation to a consent application under the AUP (OP).

The AUP (OP) is updated over time and updates will be made to these chapter summaries quarterly. This chapter summary reflects the AUP (OP) provisions as of June 2021. As changes may be made to the AUP (OP) more frequently than this document is updated, please refer to the AUP (OP) for the full text and provisions.

E12. Land disturbance – District

Table E12.4.1 Activity table – all zones and roads

Activity		Activity status						
		Residential zones	Business zones and City Centre Zone	Rural – Rural Conservation Zone)	Future Urban Zone and rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation and Open Space – Conservation Zone	Special Purpose – Quarry Zone
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks								
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P	P	P
Driveways, parking areas and sports fields and major recreational facilities								
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P	P	P
General earthworks not otherwise listed in this table ¹								
(A3)	Up to 500m ²	P	P	P	P	P	P	P

(A4)	Greater than 500m ² up to 1000m ²	RD	P	P	P	RD	P	P
(A5)	Greater than 1000m ² up to 2500m ²	RD	P	RD	RD	RD	P	P
(A6)	Greater than 2500m ²	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A7)	Up to 250m ³	P	P	P	P	P	P	P
(A8)	Greater than 250m ³ up to 1000m ³	RD	P	P	P	RD	P	P
(A9)	Greater than 1000m ³ up to 2500m ³	RD	P	RD	RD	RD	P	P
(A10)	Greater than 2500m ³	RD	RD	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A11)	Earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor	NA	C	NA	NA	NA	NA	NA
Lava caves, fossils and sub-fossils								

(A12)	Land disturbance that disturbs known lava caves more than 1m diameter along any axis or fossils or subfossils	RD	RD	RD	RD	RD	RD	RD
Farming								
(A13)	Ancillary farming earthworks	P	P	P	P	P	P	P
Forestry								
(A14)	Ancillary forestry earthworks	P	P	P	P	P	P	P
Hauraki Gulf islands								
(A15)	Hauraki Gulf islands	Refer to the Auckland Council District Plan (Hauraki Gulf Islands Section) for district activity status and E11 Land Disturbance – Regional for the relevant regional activity status						

Note 1

For the purposes of determining activity status for the general earthworks not otherwise listed in Table E12.4.1, both the area and volume thresholds must be taken into account and the more restrictive activity status applies.

In addition to the objectives and policies above, the rules in Table E12.4.2, notification, standards, matters and assessment criteria implement the objectives and policies in the following chapters:

- [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);
- [D17 Historic Heritage Overlay](#);
- [D18 Special Character Areas – Residential and Business Overlay](#); and
- [D21 Sites and Places of Significance to Mana Whenua Overlay](#).

Table E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay)

Activity		Activity status						
		Outstanding Natural Character Overlay	Outstanding Natural Landscapes Overlay	High Natural Character Overlay and Outstanding Natural Landscapes Overlay	Historic Heritage Overlay	Whenua Overlay	Sites and Places of Significance to Mana Whenua Overlay	Special Character Areas Overlay – Residential: Isthmus C (except – Residential: Isthmus C – Three Kings)
Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks								
(A16)	Earthworks for maintenance and repair	P	P	P	P			
(A17)	Earthworks for the installation of fences, walking tracks and burial of marine mammals RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	RD			
(A18)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P	P	P			
(A19)	Earthworks for gardening or planting	P	P	P	P			
Driveways, parking areas and, sports fields and major recreational facilities								

(A20)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P		
Cultivation							
(A21)	Up to 500m ²	RD	P	RD	D		
(A22)	Greater than 500m ² up to 2500m ²	RD	P	RD	D		
(A23)	Greater than 2500m ²	RD	P	D	D		
Irrigation or land drainage							
(A24)	Works below the natural ground level	RD	P	D			
Farming							
(A25)	Ancillary farming earthworks for maintenance of tracks RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	P		
Forestry							
(A26)	Ancillary forestry earthworks for maintenance RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	P		
Temporary activities							
(A27)	Earthworks associated with the installation of the temporary activity	P	P	P RD*	RD		

	RD* where archaeological rules apply as listed in Schedule 14.1						
Land disturbance not otherwise listed in this table³							
(A28)	Up to 5m ² RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	D		
(A29)	Greater than 5m ² up to 50m ²	RD	P	RD	D		
(A30)	Greater than 50m ²	RD	RD	RD	D		
(A31)	Up to 5m ³ RD* where archaeological rules apply as listed in Schedule 14.1	P	P	P RD*	D		
(A32)	Greater than 5m ³ up to 250m ³	RD	P	RD	D	D	
(A33)	Greater than 250m ³	RD	RD	RD	D	D	D
(A33A)	Up to 50m ³						P
(A33B)	Greater than 50m ³ up to 250m ³						RD

Note 3

For the purposes of determining activity status for the general earthworks not otherwise listed in Table E12.4.1, both the area and volume thresholds must be taken into account and the more restrictive activity status applies.

In addition to the objectives and policies above, the rules in Table E12.4.3, notification, standards, matters and assessment criteria implement the objectives and policies in [D10 Outstanding Natural Features Overlay](#).

Table E12.4.3 Activity table – Outstanding Natural Features Overlay

Activity		Activity status									
		A1	A	V1	V2	B	C	D	E	F1	F2
(A34)	Earthworks for maintenance and repair limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	P	P	P	P	P	P	P	P
(A35)	Ancillary farming earthworks limited to the area and depth of earth previously disturbed or modified for the same activity	P	P	RD	RD	RD	RD	RD	RD	RD	RD
Irrigation or land drainage											
(A36)	Land disturbance for irrigation or land drainage	P	P	RD	RD	RD	RD	RD	RD	RD	RD
Forestry											
(A37)	Ancillary forestry earthworks limited to the area and	P	P	RD	RD	RD	RD	RD	RD	RD	RD

	depth of earth previously disturbed or modified for the same activity										
General land disturbance not otherwise listed in this table											
(A38)	Up to 2m ³	P	P	P	P	RD	RD	RD	RD	NC	RD
(A39)	Greater than 2m ³ up to 10m ³	P	P	RD	RD	RD	RD	RD	NC	NC	NC
(A40)	Greater than 10m ³ up to 50m ³	P	RD	RD	RD	RD	RD	RD	NC	NC	NC
(A41)	Greater than 50m ³	RD	RD	RD	RD	RD	RD	RD	NC	NC	NC

E12.7 Assessment – controlled activities

E12.7.1 Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
 - (a) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
- (2) additional matter of control for earthworks that exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:
 - (a) effect on the relationship of Mana Whenua and their culture and traditions with wāhi tapu in the precinct, especially wāhi whenua and wāhi pito.

E12.7.2 Assessment criteria

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

- (1) all controlled activities:
 - (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; and
- (2) additional assessment criteria for earthworks that exceeds 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on Figure E12.10.1 Limited earthworks corridor:

- (a) conditions may be imposed on consents to avoid, remedy or mitigate any adverse effects of works to support Mana Whenua, including:
 - (i) a requirement to notify the Council and Mana Whenua before any earthworks start;
 - (ii) supervision of works by a Council-appointed archaeologist and Mana Whenua representatives; and

E12.8 Assessment – restricted discretionary activities

E12.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) all restricted discretionary activities:
 - (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
- (2) additional matters of discretion for land disturbance within overlay areas:
 - (a) within the Outstanding Natural Character, High Natural Character Overlay or Outstanding Natural Landscapes Overlay:
 - (viii) Mana Whenua values.
 - (b) within the Historic Heritage Overlay:
 - (i) effects on historic heritage.
 - (c) within the Sites and Places of Significance to Mana Whenua Overlay:
 - (i) potential effects on the water quality of taiāpure or mahinga maataitai, wāhi tapu, taonga and other scheduled sites in the Sites and Places of Significance to Mana Whenua; and
 - (ii) potential effects on the values and associations of Mana Whenua with the site or place including effects on the context of the Maori cultural landscape.
 - (d) within the Outstanding Natural Features Overlay:
 - (v) Mana Whenua values.
 - (e) within the Special Character Area – Residential: Isthmus C – Three Kings:
 - (vi) mana whenua values, in particular mātauranga, tikanga, spiritual values for those landforms and vegetation that contribute to the identified special character values; and
- (3) Additional matters of discretion for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:
 - (a) effects on known lava caves, fossils and sub-fossils.

E12.8.2 Assessment criteria

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

(1) all restricted discretionary activities:

- (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;

(2) additional assessment criteria for land disturbance within overlay areas:

(a) within the Outstanding Natural Character and High Natural Character Overlay or the Outstanding Natural Landscapes Overlay:

- (iv) the extent to which the activity impacts on Mana Whenua values;

(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.

(c) within the Sites and Places of Significance to Mana Whenua Overlay:

- (i) whether the proposal will protect the relationship of Mana Whenua with their cultural heritage by:

- avoiding the physical destruction in whole or in part of the site or place of significance to Mana Whenua;
- avoiding significant adverse effects on the values and associations of Mana Whenua with the site or place;
- where relevant, recognising and providing for the outcomes articulated by Mana Whenua through the cultural impact assessment process and within iwi planning documents;
- incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
- demonstrating consideration of practicable alternative methods, locations or designs which would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; or
- demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.

(3) additional assessment criteria for land disturbance that disturbs lava cavities more than 1m diameter along any axis or fossils or sub-fossils:

- (a) the extent to which adverse effects on the features can be avoided or mitigated having regard to:
 - (i) the provision of a satisfactory record of the location, extent and any notable aspects of the feature;
 - (ii) the documentation, recovery and preservation of materials of scientific or educational importance; and
 - (iii) whether access can be maintained to significant lava caves once the works are completed.