

2.2 USE AND DEVELOPMENT

(All appeals to this section have been resolved pursuant to the Environment Court decision ENV-2006-AKL-000054 (formerly A470/04) Haka International NZ Ltd v ARC - A097/2007, 29.11.07)

[E479/04 Contact Energy Ltd and E509/04 Watercare Services Ltd– consent order 17.07.09 resulting in changes as follows: ~~Abstraction~~ Take/s - Changes are outlined in black font]

2.2.1 INTRODUCTION

The Auckland Region contains New Zealand's largest metropolitan area and a third of its population. The ability to use and develop air, land and freshwater is critical to local, regional and national economic and social prosperity. These resources are used and developed for a wide range of activities including residential, commercial, industrial and recreational land uses, the operation of regional infrastructure such as roads, water supply, stormwater and wastewater networks and rural production activities such as pastoral farming, arable farming, horticulture, intensive farming and forestry. This chapter addresses the use and development of natural and physical resources, which are under the ARC's jurisdiction within the context of an urbanised region, experiencing rapid population growth, and increased demands for physical infrastructure and within the sustainable management framework of Part II of the RMA.

The purpose of the RMA as defined by Section 5 is to promote the sustainable management of natural and physical resources (See Chapter 1, section 1.3). Natural and physical resources are defined by the RMA as being "land, water, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures." This chapter focuses on the use and development of key natural and physical resources that are essential for the operation of the region. This includes the use and development of urban and rural land, the operation and upgrading of existing physical infrastructure and the provision of new infrastructure. The use and development of these natural and physical resources is also guided by the strategic framework set out in the Auckland Regional Policy Statement for the integrated management of regional population growth, land development and future infrastructure requirements.

The second part of this chapter specifically addresses several matters of national importance. These are matters that the Plan is required to recognise and provide for, although they In giving effect to this primary purpose, the Plan is also required to recognise and provide for matters of national importance, while recognising that these matters are subordinate to the purpose of Section 5 of the RMA. Those matters of national importance which relate principally to natural resources are addressed in Chapter 2.1: Natural Values. However, Section 6 of the RMA also requires that this plan recognise and provide for:

- (d) *The maintenance and enhancement of public access to and along...lakes and rivers.*

Public access to and along **lakes** and rivers is addressed by specific provisions in this chapter.

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The Other Matters listed in Section 7 of the RMA which are directly relevant to the use and development of air, land and water resources include:

- (aa) The ethic of stewardship;
- (b) The efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of **amenity** values;
- (d) Recognition and **protection** of the heritage values of sites, buildings, places, or areas;
- (f) The maintenance and enhancement of the quality of the environment;
- (g) Any finite characteristics of natural and physical resources.

The Section 7 matters are given effect through the objectives and policies of this chapter and through the provisions of Chapters 4, 5, 6 and 7 as a whole, rather than by specific provisions which address each of these matters in turn.

Section 1.3 of Chapter 1 outlines the ARC's functions under Section 30 of the RMA. In this chapter these functions are referred to generically as "use and development", rather than listing all the matters separately. Use and development does not encompass the subdivision, use and development of land which is the responsibility of **territorial authorities**.

2.2.2 ISSUES

2.2.2.1 The Auckland Region's population continues to grow at a significant rate. Accommodating an expanding regional population requires the use and development of the natural and physical resources to enable the on-going social, economic and cultural well-being of the regional community. However unmanaged population growth may cause adverse effects on the environment. A lack of integrated management may also limit the ability to make appropriate decisions on how best to avoid, remedy or mitigate adverse effects from growth enabling activities.

Explanation:

The Auckland Region's population is expected to grow at a rate exceeding that of other regions in New Zealand. By 2050 it could be home to up to two million people. Accommodating this growth through urban development is fundamental to the ongoing economic growth of the Auckland Region and to the social, economic and cultural well-being of people and communities.

The Auckland Regional Policy Statement 1999 (ARPS) establishes the framework for the integrated management of the strategic direction and the environmental effects of growth in the Auckland Region. The Strategic Direction of the ARPS is to ensure that the Region's growth can be accommodated, while still maintaining and enhancing the overall quality of the urban environment and protecting the intrinsic values of the Region's natural resource base.

The Auckland Regional Growth Strategy 2050, developed under the Local Government Act, builds on the Strategic Direction of the ARPS. It provides more detailed guidance on the form, amount and staging of development

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within the **Metropolitan Urban Limits** (MULs), and identifies particular greenfield areas for development.

The principal components of the Regional Strategic Direction as contained in the Regional Policy Statement and elaborated upon in the Regional Growth Strategy (RGS) are:

- a the containment of urban development within **Urban Areas** (that is within the **Metropolitan Urban Limits** and the defined boundaries of rural and coastal settlements) (ARPS);
- b the promotion of quality, compact urban environments through the creation of high density communities within the MULs, focused around town centres and major transport routes (RGS);
- c less emphasis on general suburban infill and greater focus on redevelopment and intensification within specific areas; (RGS)
- d growth in identified greenfield areas, including Takanini, East Tamaki, Hingaia, Westgate/Redhills, Albany, Greenhithe, Long Bay and Orewa/Silverdale and the expansion of rural and coastal towns; (RGS)
- e the intensification of urban activities at selected locations within areas of new development; (ARPS)
- f constraints upon **countryside living** to avoid significant adverse effects on natural resources, in particular regionally significant environmental values, and the **rural character** of areas outside **Urban Areas**; (ARPS)
- g urban development is avoided in highly valued and sensitive natural areas including the Waitakere and Hunua Ranges, Puhoi, Waiwera, Mahurangi, Weiti, Okura, eastern Waiheke Island and Whitford; (RGS)
- h the promotion of transport efficiency and the provision for the safe and efficient operation of existing and new regional infrastructure; (ARPS)
- i the maintenance of urban **amenity** values and **rural character**; (ARPS)
- j the identification of significant environmental values and the management of effects of activities on the air, land and water resources of the Auckland Region by resource specific chapters. (ARPS)

This Plan must not be inconsistent with the Regional Policy Statement. Hence the broad structure of the Plan and its objectives, policies, rules and other methods, translate the strategic direction of the Regional Policy Statement should not be inconsistent with the strategic direction of the Regional Policy Statement and with its social, economic, cultural and environmental outcomes into the management of the effects of urban and rural activities on air, land and water resources.

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Accordingly this Plan reflects the principal components listed above by:

- a protecting important and sensitive natural environments through the objectives and policies of Chapter 2.1: Natural Values; and the inclusion of these areas in specific management areas (see Chapter 3). Management Areas relating to **lakes**, rivers and streams with significant natural environmental values outside of **Urban Areas** are given a higher level of **protection** through Plan policies and rules than those within the **Urban Areas**. Particular attention is given to avoiding adverse effects on freshwater habitat resources;
- b supporting future development within the **Urban Areas** by a more permissive rule regime, but recognising that such development cannot occur without having environmental impacts. Therefore the management approach primarily focuses on mitigating adverse environmental effects;

For example the management of the adverse effects of discharges from **stormwater** and **wastewater networks**, discharges to air within **Urban Areas** and discharges from **industrial and trade processes** promotes the use of the BPO (Best Practicable Option);
- c categorising rivers and streams within the **Urban Areas** according to their present natural values and degree of modification, and identifying the ability to mitigate adverse effects and undertake ^[cl 16] environmental enhancement;
- d recognising and providing for the transition of rural land into urban uses in **Greenfield Areas** by categorising rivers and streams within these areas separately from rivers and streams within areas that are already largely urbanised.
- e d providing for the use and development of air, land and water outside of **Urban Areas** for rural activities, but focusing on containing adverse effects as much as possible on site. This recognises that the lower density of development in rural areas generally provides opportunities to avoid, remedy or mitigate adverse environmental effects within an individual property or site. For example, the Rural Air Quality Management Area is more permissive in the types of permitted discharges to air than the Urban Air Quality Management Area, as there are generally greater buffer areas between rural properties to manage adverse effects, than exist in **Urban Areas**. The aim of managing discharges of contaminants to land is to contain and treat these contaminants on the property which generates the discharge.
- f e recognising the location and operational requirements of network utility infrastructure, but requiring a higher level of environmental performance outside of **Urban Areas** and particularly in regionally significant environmental areas;
- g recognising and providing for existing regionally important Water Supply areas in the Waitakere and Hunua Ranges and recognising their dual value as water supply catchment and significant areas of indigenous flora and fauna;

h f adopting an approach to the status of activities and the notification requirements that:

- Is more permissive within **Urban Areas**, where some reduction in resource quality already exists;
- Is permissive throughout the Region, where likely environmental effects are minor and management approaches can readily avoid, remedy or mitigate adverse effects;
- Is more restrictive in identified areas of high environmental value.

This issue relates to Objectives 2.2.3.1 to 2.2.3.9 and Policies 2.2.4.1 to 2.2.4.15

Refer also to the provisions of Chapters 3, 4, 5, 6 and 7 for detailed implementation of this management approach.

2.2.2.2 Areas of rural land within *Urban Areas* as defined by the Auckland Regional Policy Statement have been identified for development for residential, commercial and industrial purposes. The development of these *Greenfield Areas* is important to accommodate Auckland's projected population growth and provide future opportunities for regional economic expansion. The transition from rural land uses to developed urban land means that *Greenfield Areas* will experience significant physical change. This includes the contouring of land to provide suitable building sites, the diversion, piping or channelling of rivers and streams and changes in water quality. Development of *Greenfield Areas* needs to be managed to avoid, remedy or mitigate the environmental effects of these changes. Co-ordination of development between the Regional Council and territorial authorities is also necessary to ensure good physical, environmental, economic and social outcomes and to ensure an integrated approach to managing land use change within these areas.

Explanation

Development within *Greenfield Areas* is necessary to provide for the physical, economic, social and cultural wellbeing of the Auckland Region. Paragraph d of Issue 2.2.2.1 above lists the *Greenfield Areas* currently identified for development by the Auckland Regional Policy Statement. This document encourages the more efficient use of available urban land, than previously occurred. This is likely to result in higher densities of development in *Greenfield Areas* than was historically the case. Planning for this requires an integrated approach between the land developer, territorial authorities in terms of the development of structure plans and changes to district plans and this Plan in terms of dealing with resource consents associated with modification of rivers and streams, the taking and use of water and the discharge of contaminants.

Issues of particular focus for this Plan are the construction and management of stormwater and wastewater networks required to service new urban development and the associated modification or loss of rivers and streams. The first issue is addressed by the provisions relating to stormwater and wastewater networks in Chapter 5: Discharges to Land and Water. Provisions relating to the management of rivers and streams in *Greenfield*

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Areas are contained in section 3.5 of Chapter 3: Management Areas and Chapter 7: Beds of Lakes and Rivers. The Auckland Regional Plan: Sediment Control deals with land disturbing activities (earthworks) associated with the development of Greenfield land.

2.2.2.3.2 Physical infrastructure is an essential component of Auckland’s current and future growth. The development, upgrading, maintenance and operation of infrastructure is a major component which determines the form, location and timing of urban growth proposed by the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy. This infrastructure provides economic, social and cultural benefits to the community and is essential for the functioning of the region. Its development and operation can also avoid, remedy or mitigate adverse environmental effects that would otherwise occur if it was not present. While the provision for, However the development and operation of this infrastructure can result in adverse effects on air and water quality, water quantity and *lake*, river and stream beds. ~~, it can also have positive environmental impacts, as well as providing economic, social and cultural benefits.~~ Other activities can also adversely affect the operation of physical infrastructure.

Explanation:

Physical infrastructure includes facilities such as the Ports of Auckland, as well as facilities which are specified as network utility operations under Section 166 of the RMA. This network utility infrastructure encompasses the Auckland International Airport and other regional airports, roading and rail networks, telecommunication, energy (electricity, oil and gas) networks as well as water, **wastewater** and **stormwater networks**. Water supply networks include the area used for the collection and treatment of water, as well as the pipe distribution system.

The roading and rail networks, the ports and the regional airports all provide essential facilities for the transport of both people and freight, and are used by emergency services. The telecommunication networks provide for personal, business and emergency communication, for the transfer of data and information and for access to regional, national and international information sources. Energy networks provide and distribute the electricity, oil and gas that is necessary for residential, commercial and industrial operations and for the community’s **amenity** and wellbeing. The water, **wastewater** and **stormwater networks** are essential services that are necessary for public health and safety. Their operation also prevents degradation of land and water by containing discharges of contaminated water and **wastes** within a pipe system. Use of physical infrastructure by emergency service providers enables them to undertake their activities effectively, thereby contributing to the safety and well-being of people and communities.

Network utility infrastructure must inherently be located where it is required to serve existing or proposed communities and to operate as an efficient network. Hence there may be functional constraints on the location and operation of infrastructure which result in its impacting on sensitive environments, or areas of special value.

This Plan focuses mainly on the effects of discharges to air, land and water, and on the management of surface and **groundwater** resources and the beds of **lakes**, rivers and streams. It addresses the effects of physical infrastructure on these natural resources. It also acknowledges that other activities controlled by the Plan have the potential to affect the safe and efficient operation of physical infrastructure. For example, uncontrolled discharges of contaminants may affect areas used for public water supply purposes.

Network utility infrastructure is addressed in different chapters of this Plan. Telecommunication and energy distribution networks are primarily affected by the provisions of Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water. Other infrastructure such as the development of new roads or rail, or the collection and distribution of bulk water generates effects which cross all chapters of the Plan. **Wastewater** and **stormwater networks** are principally affected by the provisions of Chapter 5: Discharges to Land and Water, the **damming** provisions of Chapter 6: Water Allocation and by Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water.

District Plans also exercise major control over the form, location and operation of network utility infrastructure.

This issue relates to Objectives 2.2.3.4 and 2.2.3.5 and Policies 2.2.4.2, 2.2.4.3 and 2.2.4.4.

See also the provisions relating to **stormwater** and **wastewater** discharges in Chapter 5 and the provisions relating to network utility infrastructure in Chapter 7.

2.2.2.4 3 The provision for and maintenance of some network utility infrastructure is largely funded by the community serviced by the infrastructure. Other network utility infrastructure may be funded by central government or by commercial investment. The costs associated with this infrastructure and with the maintenance or enhancement of the environment must be considered against the community's expectations and the community's ability to pay. The development, upgrading, maintenance and operation of network utility infrastructure involves making decisions about the priorities for infrastructure investment, the standard of environmental performance to be met, and the timing and staging of infrastructure development, upgrading or maintenance.

Explanation:

Significant investment is required to provide new infrastructure and to maintain and upgrade existing infrastructure in the Auckland Region to meet the demands of growth and to maintain and enhance environmental quality. Decisions on the priorities for investment, the timing and staging of this investment, and acceptable levels of environmental **protection**, remediation or enhancement are influenced by the management approach to the use and development of air, land and water resources contained in this Plan.

This issue relates to Objectives 2.2.3.4 and 2.2.3.6 and Policies 2.2.4.2 to 2.2.4.4 and 2.2.4.6 to 2.2.4.11.

See also the provisions relating to **stormwater** and **wastewater** discharges in Chapter 5 and the provisions relating to network utility infrastructure in Chapter 7 and the Water Supply Management Areas in Chapter 3.

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2.2.2.54 The Auckland Region has a large and thriving rural sector, which includes pastoral farming, horticulture, viticulture, forestry and intensive farming as well as a range of rural servicing and processing activities, recreation, tourism, cultural facilities and home occupation and other employment opportunities. Rural activities contribute significantly to the local, regional and national economy and to the social and cultural identity of the Region. These activities need to be encouraged, while at the same time ensuring that the effects on air quality, the quality and quantity of freshwater and the beds of lakes and rivers are avoided, remedied or mitigated. ~~land and water resources are sustainably managed.~~ The rural areas of the Auckland Region also provide significant rural residential lifestyle opportunities. However this can give rise to conflicts between the *amenity* expectations of people seeking a rural lifestyle and those undertaking production activities.

Explanation:

The rural areas of the Auckland Region are not only important generators of economic activity, but they are also places to live in, as well as containing many of the Region's significant remaining natural areas. Use and development of air, land and water in rural areas can give rise to conflicts between competing objectives, which need to be managed by this Plan.

The management approach of this Plan to rural activities is influenced by:

- a the lower density of development within rural areas, compared with urban areas and the ability to avoid, remedy or mitigate adverse effects on the site;
- b the recognition that rural production activities can affect air quality, and in particular generate odours, which cannot practicably be contained on the site;
- c the proportion of *point source* and *non-point source discharges* and the management methods available to address the effects of these discharges;
- d the identification and *protection* of regionally significant natural areas, or freshwater resources.

This issue relates to Objective 2.2.3.6 and Policies 2.2.4.5 to 2.2.4.11.

2.2.2.5 Some discharges of contaminants to air, land or water, the excessive abstraction take of surface water from waterbodies, or inappropriately located structures or other activities in the beds of *lakes* and rivers may adversely affect *amenity* values and the recreational use of natural and physical resources, which are important to people and the community.

Explanation:

Amenity values are defined as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. Activities controlled by this Plan can have direct physical impacts on the

quality of the Region's urban and rural environment. Some of these effects may be highly visible, such as an increase in air contaminants giving rise to brown haze or noxious odours, a reduction in the amount of water flowing in streams, or changes to the clarity and colour of **lakes** and rivers from the discharge of polluting substances. Other changes may be less obvious, or be the result of the cumulative effect of a number of different activities. An example of this is a reduction in the amount and diversity of indigenous vegetation and aquatic fauna in watercourses, due to increasing levels of unseen contaminants, or the significant physical modification of existing watercourses.

Both individually and collectively, inappropriately managed activities can adversely affect the qualities and characteristics of the Auckland Region, which contribute to people's **amenity**, and their use and enjoyment of air, land and freshwater resources.

This issue relates to Objective 2.2.3.7 and Policy 2.2.4.11

2.2.2.6 Public access to and along lakes and rivers, and the use and enjoyment of these waterbodies can be inhibited by a range of inappropriately sited structures. Changes in river and stream flows may also affect public access up and down these water bodies, as well as their usability by canoes, kayaks and other recreational vessels.

Explanation:

The maintenance and enhancement of **public access** to and along **lakes** and rivers is a matter of national importance, for which this Plan must recognise and make provision. Access to **lakes** and rivers is extremely variable in the Auckland Region and is often determined by the presence of roads or pedestrian accessways, esplanade reserves, strips or other types of publicly owned land adjoining the **lake**, river or stream. In some instances access to the **lake**, river or stream is restricted by adjoining land being in private ownership. There may also be legal restrictions on **public access** up and down the bed of the river or stream. Issues of legal access to and along river beds or the provision of access across land to **lakes**, rivers and streams are not addressed by this Plan.

The Plan focuses on the effects of activities, such as the construction and operation of pipelines, **culverts**, **dams**, or the clearance of debris and sediment from the beds of rivers and streams, changes in surface flow through the **abstraction take** of water, or degraded water quality through the discharges of contaminants from adjacent land, on physical **public access** to and along **lakes**, rivers and streams. These activities can form physical barriers to **public access** along the margins of **lakes**, rivers and streams, or affect walking access up and down the river or stream itself, or the use of the water body by recreational craft such as canoes and kayaks.

This issue relates to Objective 2.2.3.8 and Policies 2.2.4.12 and 2.2.4.13.

2.2.2.7 Various sites, buildings, places or areas throughout the Auckland Region contribute to our cultural heritage, but many have been and continue to be modified, damaged or destroyed by use and

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development. Activities controlled by this Plan such as some discharges of contaminants, the taking or *damming of surface water*, or activities in the beds of rivers or streams may affect the values of these historic heritage sites.

Explanation:

The recognition and *protection* of the heritage values of sites, buildings, places or areas is a Section 7 matter, to which particular regard must be had. The principal RMA focus for heritage *protection* is through district plans as they regulate subdivision and the effects of land use on heritage sites, buildings, places and areas. However there may be circumstances where activities controlled by this Plan may impact on these areas as well.

This issue relates to Objective 2.2.3.8 and Policies 2.2.4.14 and 2.2.4.15.

2.2.3 OBJECTIVES

2.2.3.1 To enable appropriate use and development of air, land and freshwater resources, while recognising the characteristics, constraints and availability of these resources.

This Objective relates to Policies 2.2.4.1 to 2.2.4.15.

2.2.3.2 To manage the use and development of natural and physical resources in a sustainable, efficient and integrated manner that is ~~not~~ consistent with the strategic growth management provisions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy.

This Objective relates to Policies 2.2.4.1 to 2.2.4.15.

2.2.3.3 To enable the use and development of air, land and water in a way that provides for the efficient use of land and supports increased urban densities within the *Urban Areas*.

This Objective relates to Policy 2.2.4.1

2.2.3.4 To provide for the ongoing operation, maintenance, development and upgrading of physical infrastructure, in a manner that supports the economic, social and cultural wellbeing of the Region's people and communities and provides for their health and safety, while avoiding, remedying or mitigating adverse effects on the environment.

[See also Objectives 5.3.7, 5.3.8 and Policy 5.4.13 relating to stormwater and wastewater network and other regionally significant infrastructure]

This Objective relates to Policies 2.2.4.2, 2.2.4.3 and 2.2.4.6 to 2.2.4.11.

2.2.3.5 To protect network utility infrastructure from inappropriate use and development.

This Objective relates to Policy 2.2.4.4

2.2.3.6 To enable rural activities in rural areas, while avoiding, remedying or mitigating adverse effects.

This Objective relates to Policies 2.2.4.2 to 2.2.4.11

2.2.3.7 To maintain and where practicable to enhance the quality and **amenity** values of Auckland’s air, land and freshwater resources.

This Objective relates to Policies 2.2.4.1 to 2.2.4.15

2.2.3.8 To maintain and enhance **public access** to, along and within **lakes** and rivers.

This Objective relates to Policies 2.2.4.12 and 2.2.4.13.

2.2.3.9 To protect the values of significant cultural heritage sites, buildings, places or areas from inappropriate use and development and to retain a diverse and representative range of cultural heritage resources.

This Objective relates to Policies 2.2.4.14 and 2.2.4.15.

2.2.4 POLICIES

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2.2.4.1 Use and development of air, land and water within **Urban Areas** (the **Metropolitan Urban Limits** and rural and coastal settlements) is appropriate where:

- a it is consistent with the strategic directions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy; and
- b ~~adverse environmental effects are minimised, by the use of techniques including the Best Practicable Option~~ avoided, remedied or mitigated.

2.2.4.2 Use and development of air, land and water within **Greenfield Areas** is appropriate where:

- a efficient use is made of available land;
- b ~~Category 1 Permanent~~ rivers and streams with significant ecological, habitat and water quality values are maintained where practicable;
- c adverse effects on other ~~Category 1 Permanent~~ rivers and streams and on water quality are remedied or mitigated.

[E475/04 WFH Properties Ltd, E495/04 Transit New Zealand, E536/04 Horticulture New Zealand, E515/04 North Shore City Council, E532/04 Carter Holt Harvey Ltd, E503/04 Property Council of NZ (Inc.) & Ors – consent order 17.04.08 – Changes are outlined in blue font]

2.2.4.3. District and regional plan planning and consent processes should be integrated as far as practicable to ensure full consideration of the matters outlined in Policy 2.2.4.2.

2.2.4.4 2 The use, development, upgrading or maintenance of network utility infrastructure shall be considered appropriate where:

- (a) it is consistent with the strategic directions of the Auckland Regional Policy Statement; or
- (b) it is consistent with the Auckland Regional Growth Strategy; or

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(c) it is to improve environmental outcomes that result from the operation of this infrastructure;

(d) it is undertaken in an efficient and cost effective manner that recognises the community's ability to pay;

and

(e d) significant adverse effects on natural and physical resources are avoided, remedied or mitigated.

2.2.4.5 3 Resource consents for network utility infrastructure may be granted on a network wide basis where it can be demonstrated that:

(a) it promotes integrated management of the infrastructure; and

(b) the activity for which the consent is sought is generally consistent across the network; and

(c) practical methodologies are available to avoid, remedy or mitigate adverse effects from the activity in all relevant circumstances; and

(d) it is effective and efficient to grant a network wide consent.

See also Chapter 5: Discharges to Land and Water and Land Management – Stormwater and Wastewater Provisions and the network utility infrastructure provisions of Chapter 7: Beds of Lakes and Rivers and Diversion of Surface Water. [cl.16]

2.2.4.6 4 Use and development of air, land and water shall avoid giving rise to **reverse sensitivity** conflicts, particularly in relation to effects on network utility infrastructure.

2.2.4.7 5 Use and development of air, land and water outside of the **Urban Areas** is appropriate where:

a it is necessary for rural production activities; or

b it is for activities which require a rural location and which are consistent with the maintenance of **rural character**, and or

c it is for activities that are consistent with Policy 2.2.4.2; and

ed significant natural areas are protected consistent with Policies 2.1.4.1 to 2.1.4.8; and

(See Chapter 2.1: Natural Values)

de significant adverse effects on natural and physical resources are avoided, remedied or mitigated.

[ENV A 491/04 Transit NZ – consent order 02.02.06]

2.2.4.8 6 The positive social, economic and cultural effects and benefits arising from any proposal for use and development shall be considered when assessing the overall effects of a proposal on air, land or water resources.

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2.2.4.9 ~~7~~ Cumulative adverse effects of new use and development of air, land and water bodies shall be avoided as far as practicable, or remedied or mitigated.

2.2.4.10 ~~8~~ A precautionary approach shall be taken to proposals for use and development where there are potentially significant adverse effects, that cannot be fully assessed due to a lack of scientific or technical knowledge and where there is a threat of serious or irreversible harm to the environment.

In assessing any applications, the ARC or its agents may consent to an application and impose conditions that will ensure that the effects of the activity are avoided, remedied or mitigated. These conditions may include but are not limited to any or all of the following:

- (a) That consent conditions be reviewed in order to avoid, remedy or mitigate any adverse effects that may be generated by the activity; and
- (b) That the consent holder be required to regularly monitor the effects of any activity at an appropriate frequency; and
- (c) That bonds be imposed to ensure that any works or actions required by any consent are undertaken; and
- (d) That the duration of any consent is limited to a period that is appropriate to the circumstances.

2.2.4.11 ~~9~~ Proposals to use or develop air, land or freshwater resources shall have regard to:

- (a) The relevant provisions of the Auckland Regional Policy Statement;
- (b) The relevant provisions of the Auckland Regional Plan: Coastal where the proposal may directly affect the coastal marine area;
- (c) The relationship between the use of air, land and freshwater and the provisions of district plans and other relevant resource management strategies;

2.2.4.12 ~~0~~ Use and development shall be undertaken at times of the day, week or year which will avoid, ~~as far as practicable, or~~ remedy or mitigate adverse effects on:

- (a) The growth and reproduction of terrestrial and aquatic vegetation and the feeding, breeding and migratory patterns of fauna, including bird roosting, nesting and feeding; and/or
- (b) Lawful recreational use of air, land and freshwater bodies; and/or
- (c) Other lawful established activities in the locality that are likely to be adversely affected by any proposal.

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2.2.4.13 4 In assessing applications for use and development, particular regard shall be had to the maintenance and enhancement of **amenity** values, including any effects on recreational use of air, land and water bodies.

Public Access

2.2.4.14 2 Use and development should ensure that **public access** to, along and within **lakes** and rivers is maintained or enhanced, except where it is necessary to restrict access in order to:

- (a) Protect areas of significant indigenous vegetation, significant habitats of indigenous fauna or natural features;
- (b) Protect areas of restoration and rehabilitation such as riparian plantings;
- (c) Protect cultural and spiritual values of Tangata Whenua;
- (d) Protect areas or sites of special spiritual, cultural or historical significance;
- (e) Protect public health and safety;
- (f) Ensure a level of security consistent with the activities being undertaken or the purpose of a resource consent;
- (g) Provide for other exceptional circumstances sufficient to justify a restriction of **public access**, notwithstanding the national importance placed on maintaining **public access**.

*Explanation: Much of the land adjacent to rivers, streams and **lakes**, and in some instances [cl 16] the beds themselves, are in private ownership. Notwithstanding [cl 16] this policy, **public access to lakes and rivers across this private land and access along privately owned stream beds requires the approval of the landowner.***

2.2.4.15 3 Use and development that adversely affects **public access** to, along and within **lakes** and rivers shall be required to remedy or mitigate that effect. In assessing the effects on **public access** and the ability to remedy or mitigate adverse effects, regard shall be had to:

- (a) The nature, degree and scale of any restriction;
- (b) Whether the restriction is permanent or temporary and the length of the time **public access** is to be restricted;
- (c) The purposes for which access to and along the river or **lake** is required and options for reasonable alternative access;
- (d) Whether any remedy or mitigation of **public access** restriction is consistent with Policy 2.2.4.14 2 above.

Cultural Heritage

2.2.4.16 4 Use and development of, air, land and freshwater shall consider any effects on sites, buildings, places or areas which have cultural heritage values and which are identified in the ARC's Cultural Heritage Inventory, and should avoid where practicable, or remedy or mitigate, adverse effects on these resources.

2.2.4.17 5 In assessing applications for use and development which will adversely affect sites, buildings, places or areas identified in the ARC's Cultural Heritage Inventory, regard shall be had to:

- (a) The significance of the historical or cultural values of the site, building, place or area including the relationships that people have with the site, building, place or area and to the extent to which these will be maintained;
- (b) The integrity of the site, building, place or area, including in the case of a structure its physical appearance, and the extent to which it will be maintained;
- (c) The ability to record the values by means of:
 - i photographic and/or written record;
 - ii identification at or near the site by a plaque, sign or other method;
 - iii archaeological investigation and recording.
 - iv silent files

Explanation:

*The ARC maintains and progressively updates a computer-based Cultural Heritage Inventory that lists a large number of cultural heritage sites, buildings, places or areas. Information from this inventory is available from the ARC and from **territorial authorities**. Before any significant use and development of air, land and freshwater, applicants are recommended to seek information from the ARC on known Cultural Heritage Sites.*

*Many sites, buildings, places or areas are **archaeological sites**. These sites are protected under the Historic Places Act 1993 and authority to modify, damage or destroy any recorded or unrecorded **archaeological site** is required from the Historic Places Trust before any work is undertaken.*

2.2.5 ANTICIPATED ENVIRONMENTAL RESULTS

Use and Development

2.2.5.1 That people and communities in urban and rural areas are able to use air, land and water resources to provide for their social, economic and cultural wellbeing in a way that is consistent with the principles of sustainable management and supports the strategic growth outcomes for the Auckland Region.

2.2 – Use and Development

2.2.5.2 The quality and **amenity** values of Auckland’s air, land and freshwater resources are maintained and wherever practicable enhanced within the Region as a whole.

[E479/04/22 Contact Energy Ltd – consent order 18.12.06]

2.2.5.3 Network Utility Infrastructure develops and operates in an efficient and cost effective manner, while avoiding, remedying or mitigating ~~minimising~~ adverse effects on the environment.

Public Access

2.2.5.4 **Public access** to and along and within **lakes** and rivers is maintained and enhanced where appropriate.

Cultural Heritage

2.2.5.5 That the values of significant cultural heritage sites, buildings, places or areas are protected from inappropriate use and development and a diverse and representative range of cultural heritage resources is retained.