

Practice and Guidance Note

Other Approvals outside of the Resource Consent process

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Disclaimer

The information in this practice and guidance note is, according to Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the practice and guidance note are advised that:

- ***This Practice and Guidance Note was last updated on 14 July 2021 and is reliant on provision of information from other external agencies. Please note to contact the relevant agencies for any expired or broken weblinks.***
- *the information provided does not alter the Auckland Unitary Plan, Auckland Council District Plan - Hauraki Gulf Islands Section, Resource Management Act 1991 or other laws of New Zealand and other official guidelines and requirements*
- *this document sets out general principles which may be used as guidance for matters relating to the interpretation and application of the Auckland Unitary Plan; it is not intended to interfere with, or fetter, the professional views and opinions of council officers when they are performing any function or exercising any power under the RMA. Each consent will be considered on a case-by-case basis and on its own merits*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this practice and guidance note*
- *Auckland Council does not accept any responsibility or liability whatsoever whether in contract, tort, equity or otherwise for any action taken as a result of reading or reliance placed on Auckland Council because of having read any part, or all, of the information in this practice and guidance note or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.*

1 Introduction

The purpose of this Practice and Guidance note (PGN) is to outline the types of approvals which applicants may require outside of the Resource Consent process.

Examples of these include landowner approvals, asset owner approvals (working on a public road, tree works etc) and other approvals from regulatory agencies.

It is not intended to give the detailed procedures required for these other approvals but aims to clarify what may be required in order to complete a development/ activity.

The following are links to relevant legislative, Auckland Unitary Plan (Operative in Part) (AUP (OP)), Auckland Council District Plan (Hauraki Gulf Islands Section), and bylaw requirements (not limited to):

Legislative requirements

[Building Act 2004](#) – sections 45 and 48

[Resource Management Act 1991](#)

[Local Government Act 1974](#)

[Local Government \(Auckland Council\) Act 2009](#)

[Government Rooding Powers Act 1989](#)

Auckland Unitary Plan (Operative in Part) requirements

[Chapter K Designations](#)

Auckland Council District Plan - Hauraki Gulf Islands Section

[Appendix 7 List of designated sites](#)

Bylaw requirements

[Construction in the Road Corridor and Other Public Places Bylaw 2015](#)

[Stormwater Bylaw 2015](#)

[Signage Bylaw 2015](#)

[Air Quality Bylaw for Indoor Domestic Fires 2017](#)

[Outdoor Fire Safety Bylaw 2014](#)

[Electric and Barbed Wire Fences Adjacent to Public Land Bylaw 2015](#)

[Property Maintenance and Nuisance Bylaw 2015](#)

[Trade Waste Bylaw 2013](#)

[Traffic Bylaw 2015 \(use of vehicles on parks and beaches and other Council control land\)](#)

[Water Supply and Wastewater Network Bylaw 2015](#)

[Wharves Bylaw 2015](#)

[National Code of Practice for Utility Operators' Access to Transport Corridors](#)

[New Zealand Code of Practice for Electrical Safe Distances](#)

[National Rail Safety Standards \(NRSS\)](#)

[Auckland Transport Code of Practice](#)

[Watercare – The Auckland Code of Practice for Land Development and Subdivision](#)

1.1 Information on this PGN

Some of the information held in this document relies on the external party websites. The approval process from these other organisations are their own processes and are not part of a Council process, and therefore may change over time due to other legislation, central government requirements or their own organisational changes.

Obtaining these other approvals may also require a payment of fees to these organisations, which is again outside the requirements of Council and the Resource Management Act 1991 (RMA).

Approval from these other organisations may be required in order to complete or undertake the proposed development. These approvals may be additional to the need to obtain a Resource Consent and outside the bounds of the RMA, as they are captured under different legislative requirements.

Council will always recommend applicants to seek professional legal advice if there are any questions regarding the other non-RMA approval processes an applicant may need to undertake.

It is important to note that these approvals are not guaranteed to be given and there may be application fees for each approval sought. These approvals and fees are administered by the relevant department or agencies. Please consult the relevant party to find out more information.

1.2 What this PGN does not cover

- Mana whenua consultation
- Detailed processes for obtaining approvals

2 Common types of approvals

2.1 Requiring authority approvals (Designations and Notices of Requirement)

Under [section 176\(1\)\(b\)](#) of the Resource Management Act 1991, anyone other than an approved requiring authority is restricted from carrying out work on designated land that may affect the designated public work without first obtaining the authority's permission. This section applies once the designation is confirmed and included in the AUP(OP) and HGI Plan.

A similar requirement applies at [section 178\(2\)](#) for when a requiring authority gives notice of a requirement for a designation.

Specifically, no person may, without the prior written consent of that requiring authority, do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project or work to which the designation relates, including:

1. undertaking any use of the land; and
2. subdividing the land; and
3. changing the character, intensity, or scale of the use of the land.

Entities such as Waka Kotahi New Zealand Transport Agency, Auckland International Airport, Auckland Transport, Transpower and Watercare Services Limited are requiring authorities under the RMA. You can find the [list of requiring authorities from the Ministry for the Environment website](#). These are formalised through gazettal or through legislation such as the Local Government (Auckland Council) Act 2009 and Telecommunications Act 2001.

Chapter K of the [AUP \(OP\)](#) also lists the designations in place within the Auckland Region.

2.2 Landowner approval

When a proposed activity or project is on land owned by another party, you may need to obtain consent from that party as a landowner.

For example, if the proposal is within a park (i.e., pipes are under a park or path in the park, manhole, retaining walls etc).

If the landowner decision is that approval is not granted, then you will need to obtain support from council's or CCO's asset areas (Healthy Waters, Auckland Transport, Watercare etc) to assist with taking the non-approval through a hearing process via the Local Government Act (please note this is a complex process and may result in time delays of the project).

There is no ability to appeal the decision and the best option is to redesign and resubmit. Judicial review or going to the Ombudsman is available but the timing is uncertain. It is always best to seek this approval prior to lodgement of a resource consent as it may affect timing and design.

2.3 Asset owner approval – e.g., street trees, power poles

When a proposed activity or project seeks to undertake work, which could affect a public asset i.e., street tree, public drainage, kerb discharge, power pole or footpath then approval may be required from that party which owns or manages the asset.

For example, if the proposal needs to move a power pole, you will need to gain approval from Vector as the asset owner of the power pole and power line, or if the proposal seeks to remove a street tree, you will need to gain approval from the Auckland Council Urban Forest team.

Asset owner approvals may be granted with a number of conditions imposed, which may duplicate or conflict with those imposed by the resource consent.

If the asset owner decision is that approval is not granted, there is no ability to appeal the decision and the best option is to redesign and resubmit. Judicial review or going to the Ombudsman is available but the timing is uncertain. It is always best to seek this approval prior to lodgement of a resource consent as it may affect timing and design.

2.4 Airspace licences

When a proposed activity or project seeks to build up in the airspace, this activity may require an approval of work in the airspace which includes flight paths near airports and across the Auckland City. The approvals may need to come from the Civil Aviation Authority as well as the airport operators, or the Ministry of Defence.

For example, if a drone is required to fly and take photos of an apartment block for real estate photos near Whenuapai Airbase, an approval from the Airforce to ensure flight paths are not impeded for their scheduled flights would likely be required.

In respect to airspace over a road asset you will need to also obtain approval from Auckland Transport, please refer to [Section 2.8](#).

2.5 Road Naming Process

A development which seeks to create or extend a public road will require a road name, and a development which seeks to create a private road or a shared access (right of way, commonly owned access lot etc) serving 6 lots or more may require a road name. All road names should be approved before council approves the survey plan under s 223 RMA.

There are council [guidelines](#) on road naming or renaming of roads including the road naming objectives, principles and technical requirements and how to apply and the road naming approval process as local boards are the decision makers on all road names for their area.

Please note that the council guidelines were prepared before the release of the Land Information New Zealand [Guidelines for Addressing In-fill Developments 2019 - LINZ OP-G 01245](#) and they are currently being updated to take the LINZ guidelines into account. In the meantime, you should have regard to the LINZ guidelines in addition to the council guidelines to determine whether an in-fill development creating a private road or a shared access (right of way, commonly owned access lot etc.) serving 6 lots or more may require a road name.

2.6 Limited Access Roads

Limited Access Roads (LARs) are sections of the state highway subject to controls under the [Government Rounding Powers Act 1989](#) (GRPA). No person can lawfully drive or move a vehicle onto or from a LAR except at a road intersection that exists prior to the state highway being declared a LAR, or a road intersection or crossing place (CP) along a LAR that has been authorised by Waka Kotahi New Zealand Transport Agency (Waka Kotahi). The purpose of LARs is to manage the safety risks associated with vehicle access from properties to roads identified as LARs, particularly when those roads have high traffic volumes or other features that make such access potentially dangerous to road users.

Under [Section 93](#) of the GRPA, Waka Kotahi is required to give approval for all subdivisions (and some land uses) that are conditional on direct access to a LAR. This is a separate approval to resource consents and other approvals granted under the RMA.

[Section 91](#) of the GRPA also requires that to lawfully access a site from a LAR, a crossing place (CP) notice authorised by Waka Kotahi will need to be issued. This is in addition to any approval given under Section 93.

For further information, please refer to [Section 4](#) for contact details.

2.7 Regional Park Research, Collection Seeds or Plant Material or Commercial Activity Proposals

Regional Parks grant one-year [permits for ongoing commercial activities within regional parks](#) within the Auckland Region. All applications including renewals consider the impact on other park users, parks natural, cultural and tangata whenua values, the surrounding neighbourhood and community and other vendors in the park area.

To use or occupy a regional park for [research purposes](#), for stream testing, or to collect plants and seeds will require approval from Regional Parks.

2.8 Overhead Electricity

There are responsibilities under the Electricity Act 1992 to comply with the requirements of [New Zealand Code of Practice for Electrical Safe Distances](#) (NZCEP 34). The NZCEP 34 is a code of practice under the Electricity Act 1992 and the Electricity Regulations 2010. The increased development density enabled by the AUP (OP) has resulted in significant increase in non-compliance with the minimum safe clearances between buildings (and temporary scaffolding) and Vector overhead lines.

Applicants need to check:

- Electrical hazards to building owners/occupants,
- Cost of undergrounding overhead lines where a development infringes the minimum clearances,
- Cost of varying issued resource consent to achieve minimum clearances,
- Reduced development potential for sites where minimum clearances with overhead lines cannot be achieved.

Developers need to understand that their developments need to comply with the clearance levels defined in Table 2 (page 9) and Table 4 (page 13) of the [NZCEP](#).

Vector

If the development cannot comply with [Table 2](#) of the NZCEP and the developer wishes to seek Vector's approval for building to the clearances as defined in [Table 3 \(page 11\) of the NZCEP](#), subject to appropriate specific engineering advice please email directly mark.edwards@vector.co.nz if there are any queries on clearances.

Transpower

There is also now an online [Corridor Land Use portal with Transpower - Pātai](#) which provides a single point of contact for any Resource Consent approvals that may be required for working near or under Transpower infrastructure (National Grid Assets) or within their [designations](#) under s176 of the RMA.

2.9 Encroachment licences

For the purpose of this PGN, 'legal road' includes footpaths, shared paths, formed road corridor and unformed roads (paper roads).

A road encroachment licence authorises a right to occupy an area of legal road but does not give the licence-holder exclusive possession in the way a lease does.

An encroachment on the road surface can only be licensed as the public's legal right of access along a road cannot be compromised. The licence can be revoked if that area of the road is required for roading purposes in the future.

The following are common types of structures or works in the legal road corridor, the ground beneath it or the airspace above it, which may require encroachment licences:

- Canopies / veranda
- Decks and Balconies (but on a limited basis)
- Façade features
- Hedges
- Kerb discharge structures
- Letter boxes
- Parking platforms and parking bays
- Pedestrian air bridges or aerial walkways
- Retaining walls for driveways and driveway formation
- Stairways
- Subsoil use (temporary only) (for example, retaining walls, soldier piles and sheet piling required for construction purposes).

Auckland Transport issues these licences, refer to [Section 4](#) for contact details.

3 FAQ

3.1 I want to remove, prune, transplant, root disturb or potentially undertake an activity which will affect a street/park tree, who do I contact?

Approval for any modification to a public tree (which is considered an asset) must be obtained from Auckland Council's Urban Forest team, as they are the asset owner on behalf of Auckland Transport. This includes all the tree's parts, its root zone and the immediate growing environment.

An applicant must seek approval via the application form for tree owner approval on the [Auckland Council website](#). Auckland Council's Urban Forest Team will process the application. The tree owner approval provides a written and signed agreement between a party carrying out the work that may affect a public tree.

The process will confirm the party's understanding of methods, conditions and procedures necessary for compliance with Council tree management objectives outlined in the Auckland Urban Ngahere (Forest) Strategy. There is an [approval guide](#) which outlines information required to assess the application and matters Urban Forest Specialists consider. Applications are usually processed within 10 working days when all information has been provided.

The Auckland Council Urban Forest team does not process applications for resource consents, park land use approvals, privately owned trees or trees on Department on Conservation, Panuku, Maunga and Regional Park land.

3.2 Do I need the third-party approval before I lodge my resource consent application?

It is preferable that a third-party approval is obtained from the asset owner or requiring authority prior to lodgement of a resource consent application, however it is not legally required to be obtained prior. There is some risk that the applicant takes on, without obtaining the third-party approval prior to resource consent application lodgement, as the development may need to be altered or redesigned before the third party will give their approval, which may result in a s127 variation or new consent being required if resource consent has already been approved.

3.3 I have a resource consent but have been unable to obtain approval from a third-party. What do I do now?

If third party approval cannot be provided, then the development proposal will need to be redesigned either to comply with the third-party requirements, or specific legislation outside the RMA. If resource consent has been granted, and third-party approval requires a redesign then either a s127 variation would be required or potentially a new resource consent application if the effects are significantly greater than the original proposal.

If for any reason third-party approval cannot be obtained, then the development may not be able to be given effect to even if resource consent approval has been granted.

3.4 Do I have to pay for these approvals?

There may be a cost to obtain these approvals. For example, to [apply for Auckland Transport's consent](#) for works within an Auckland Transport [Notice of Requirement or designation](#), there is a non-refundable deposit of \$200 (at the time this PGN was prepared).

Auckland Council's [Consenting and Property Information fees and charges](#) can be downloaded from the council website. Check with the relevant agency regarding any related costs for your application.

4 Parties you may need to consult with

Party (click on links below to be taken to the relevant page)	Responsibilities	Details
Auckland Airport	Airspace, High Aircraft Noise Area overlay	Building or modifying buildings or structures within the Auckland Airport flight path
Auckland Council Community Facilities	Landowner approval (for any proposed works on council owned land e.g., parks and reserves)	Any physical works adjacent or on council owned land such as parks/reserves landadvisors@aklc.govt.nz
Auckland Council Healthy Waters	Network Discharge Consent (NDC)	Any works which create a stormwater discharge to the Auckland public stormwater network For questions about the NDC: email HWResourceManagement@aucklandcouncil.govt.nz For requests to have SMP adopted: HWdevelopment@aucklandcouncil.govt.nz
Auckland Council Regional Parks	To use or occupy regional parks for research purposes, stream testing field work or collect plants and seeds	Any project seeking to use regional parks for research, testing or collection of plants/seeds or use of parks for events and activities such as filming.

Auckland Council Road Naming	Naming or Renaming of any new roads (public or private with 6 lots or more)	Creation of a shared access which has more than 6 dwellings requires a road name
Auckland Council Urban Forest Team	Tree Owner Approval	Any physical works on a street or park tree or within the dripline of the tree
Auckland Transport	Road processes for property owners	Requiring road closures, use of a road asset space above or beneath the asset, placement of any new drainage structures in the road network/footpath or kerb assets
Auckland Transport - Harbour Master	The Harbour Master is contacted for harbour emergencies, marine safety issues, illegal anchoring, Ports of Auckland, Reserved areas, Large items floating in the water such as new Jetties, Moorings etc.	Any works within the coastal marine area such as jetties or new moorings which may impact the safety of marine users within the Auckland coastal waters
Aviation Authority	Airspace	A structure which is built 60m (200ft) or discharge of 4.3m/second from a structure 60m or higher within a low flying zone or within an aerodrome or helicopter obstacle notification area, use of a laser, searchlight, fireworks, drone, crane which may adversely affect the airplane operation.
BCA (Building Consent Authorities)	Building consent authority for any building work. Normally local, district council, regional council (dams), unitary councils and private organisations.	Construction of a structure – temporary or permanent
Chorus	Telecommunication and radiocommunication	Creation of new or alteration to existing connections to telecommunication services or development near existing telecommunication or radiocommunication structures

FAQs		
Department of Conservation	Permit/authorisations required, e.g., Access/ easements	Any works adjacent or on land owned by Department of Conservation such as Crown owned reserves permissions@doc.govt.nz
Heritage NZ	Archaeological authority process	Works on or within the vicinity of a heritage or archaeological site, structure, building, or tree.
Kiwi Rail	Requiring Authority	Works on or adjacent boundary of land utilised for rail purposes by trains or stabilising yards (parking and washing yards for train vehicles) environment@kiwirail.co.nz checklist
Kordia Ltd	Broadcasting and telecommunications facilities	Works on or impacting broadcasting or telecommunications towers or structures. Connect with Kordia
Maritime NZ	Maritime safety and pollution response	Works in the coastal marine area or on land which may result in discharges or pollutants entering tidal waters (tidal rivers and coast)
Ministry for the Environment	Requiring Authorities list	Significant projects which would impact natural or physical resources such as exploration for oil in coastal waters, or mining activities
Ministry for Education	Designation schedule	Works on or adjacent educational facilities such as schools
Local Ministry offices		
Ports of Auckland	Designation of Auckland Council port operations	Any works on or adjacent land used by Ports of Auckland whether on land or in coastal marine waters.
Radio New Zealand Ltd	Designations for radio towers	Any works near or adjacent radio towers or structures.
Refining NZ	Designation of Gas and Fuel lines across New Zealand North Island	Any works above or below ground near the national gas and fuel pipelines which cross the Auckland Region.

Spark	Requiring Authority	Any works near or adjacent earth satellite, telecommunication and radiocommunication structures and any new connections into the Spark network from residential, commercial or industrial sites. SparkInform@spark.co.nz
Transpower	Information for landowners and developers with land that Transpower assets are on or near	Any works near, under or adjacent electricity substations and overhead or underground high voltage lines. Pātai: Transpower's corridor land use management enquiry portal: https://transpower.patai.co.nz/home All RMA related enquiries regarding subdivision and land use near national Grid assets – please refer landowners and developers to Pātai . Enquiries from council planners can still be sent to transmission.corridor@transpower.co.nz
Vector	Connections	Any works near, under or adjacent electricity substations and overhead or underground voltage lines and new connections to electricity services from residential, commercial and industrial developments.
Waka Kotahi New Zealand Transport Agency	Requiring Authority, Network Utility Operator, Designations.	Works on or adjacent land which is utilised for state highway routes/motorways or for new vehicle access to properties which are accessible only from state highway roads. Access to limited-access road EnvironmentalPlanning@nzta.govt.nz

[Watercare](#)

Connecting property or subdivision to Watercare's water/wastewater network

Any works or new connections to water or sewerage public systems, or water or sewer treatment plants and water collection dams and water processing plants, including discharge points and ponds within the coast.

[Building and developing FAQs](#)

connections@water.co.nz

For reviews and approval of relocations of existing public wastewater drains on a property: eparctransfer@water.co.nz

These links are valid at the time of publication. New links may be added over time noting this may not be a complete list of all third-party approvals required to undertake a project. Please email RCpractice@aucklandcouncil.govt.nz if any of these links or email addresses are known to be out of date or additional links should be added.