

Auckland City Operative District Plan (Hauraki Gulf Islands 1996)

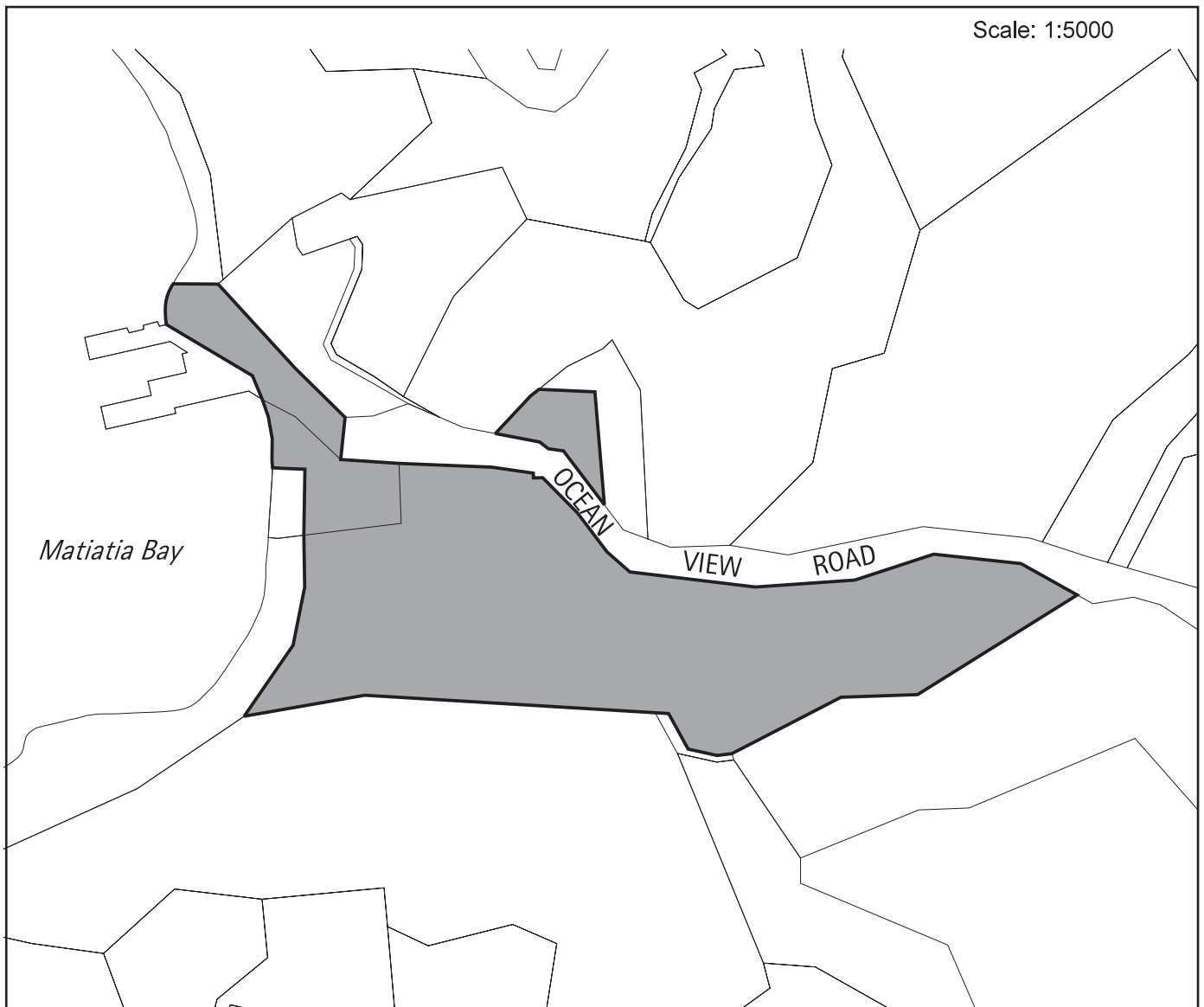
Plan modification no. 38 : plan change under section 73 of the Resource Management Act 1991

Operative date: 22 January 2007

File no. 314-229038

Part A: Amendment to planning map no. 1

The land shown  to be rezoned from LU 25 to LU 27



PART B – Insert the following Land Unit into Part 6A – Land Units of the Hauraki Gulf Islands District Plan.

LAND UNIT 27 – MATIATIA

6.27.0 DESCRIPTION

The provisions of Land Unit 27 aim to facilitate the development of Matiatia to reflect its important status as the primary entry point for Waiheke Island and its role as the main transport centre. Land Unit 27 also contains a wetland area which currently provides a wastewater treatment function in conjunction with the adjacent Owhanake Treatment Plant.

Matiatia is the focus of high numbers of people associated with the use of the ferries and the wharf. As the main Waiheke transport terminal for regular passenger ferry sailings, the wharf at Matiatia requires areas of adjacent land to be properly managed and used to accommodate, amongst other things, activities associated with wharf operations, such as car parking, freight handling, pedestrian movements and other related services and infrastructure. In addition, the Land Unit provides for retail activities, visitor facilities, accommodation, education, entertainment and other commercial activities consistent with the visitor and residents' "gateway" function.

In order to create an effective "gateway" to the Island, Land Unit 27 seeks to integrate and manage the development of the transportation network (roading, carparking, ferry and pedestrian linkages), the public infrastructure and the mixed use development on the valley floor, with a resulting built environment that meets the needs of the increasing number of residents and visitors using Matiatia, while reflecting the unique characteristics of its location.

6.27.1 RESOURCE MANAGEMENT ISSUES

- The development of the transportation network (roading, carparking and pedestrian access) to provide for the increasing needs of residents and visitors to the Island.
- The protection of the landscape values and the quality of the natural character of Matiatia.
- Facilitating the development of land within the Land Unit to create a mixed use development with a built environment that reflects the unique character and identity of Waiheke Island.
- Integration of the mixed use development with the adjoining public infrastructure.
- Increasing public access to the coastline and important wetland areas.
- Protection of the important wetland area.
- Providing for the design, maintenance and management of defined areas of open space within the Land Unit so as to maintain the visual amenity of the area and to encourage public use and enjoyment of both the mixed use development and the open space.

6.27.2 RESOURCE MANAGEMENT STRATEGY

The strategic importance of Matiatia to Waiheke; and its key transportation function warrants a specific planning response through these Land Unit provisions (Land Unit 27). Matiatia is a varied environment with key natural, transport and development areas.

The primary resource management strategy for Land Unit 27 is to divide the Land Unit into “Precincts”. Each of the precincts has a specific function or focus, which is a mechanism for achieving different outcomes in different parts of the Land Unit. The objectives and policies for the Land Unit integrate each of these different outcomes to provide for the comprehensive development of Matiatia.

Some of the precincts within the Land Unit enable the development of the ferry terminal, roading network and carparking areas to provide for the various needs of residents and visitors to the island.

Other precincts focus on enabling this land to be developed with a range and mix of uses to create an attractive compact “gateway” style development. The mix of uses includes accommodation, retail, restaurants, commercial, conference, education, recreation, visitor and entertainment facilities that will provide for both residents and visitors to Waiheke Island. Development controls (including floor area and activity mix controls) have been put in place to manage the amount, location and scale of the development in order to ensure that a human scale and form is achieved and that the natural characteristics of Matiatia are protected.

Development activity will be complemented by the provision of open space areas for public use that will also be available for public and private events. These areas will incorporate pedestrian linkages within the Land Unit. The adjoining wetland area will also form part of this open space network.

The need to facilitate the development of the public infrastructure alongside the concentrated, mixed use development has required that a different resource management strategy, including the use of Precincts, be adopted as compared to other land units within the Plan.

The primary strategy for each Precinct is as follows:

- Precinct 1 To provide a high quality built environment, that expresses a co-ordinated and locally relevant architecture accommodating a mix of activities (including carparking), open spaces and pedestrian linkages.
- Precinct 2 To provide for a similar mix of activities and visual qualities to Precinct 1 but with greater levels of development control. The activities and buildings in this Precinct should have particular regard to the character of the adjoining wetland area.
- Precinct 3 To enable further development of carparking and other activities in the Land Unit to meet the existing and future demands of the users of the Land Unit.

The precinct has been divided into three areas; Precincts 3A, 3B and 3C. In the future, Council may consider stopping the road in Precinct 3A and providing for a wider range of activities in this area.

- Precinct 4 To enable the further development of the roading network and transport related facilities adjoining the wharf to meet the needs of residents and visitors to the Island.
- Precinct 5 To protect and enhance the ecologically valuable wetland area within the Matiatia valley.

Specific assessment criteria for building and environmental design are included in the Land Unit rules as an important part of the resource management strategy for Land Unit 27. The building design criteria seek to ensure that the future built environment of the Land Unit is of a high quality and design in order to create a built form that reflects the character and identity of Matiatia and which preserves the natural coastal character of Matiatia Bay. The environmental design criteria apply in recognition of the future intensity of development that is expected to occur in the Land Unit and put in place effective mechanisms for mitigating any potential adverse effects from this development.

6.27.3 OBJECTIVES AND POLICIES

6.27.3.1 OBJECTIVE

To enable Matiatia to function as an effective “gateway” to Waiheke Island by providing for a built environment with a mix of land use activities and defined open spaces available for public use and enjoyment while protecting the natural character of the wetland area and the coastal environment as well as enhancing public access to the open space and esplanade reserve areas.

Policies

- A. By utilising a precinct approach which limits the mix, scale and form of activities to the appropriate areas of the Land Unit.
- B. By providing for a range of recreational, retail, commercial, conference, educational and service related activities that provide for the changing needs of the Island’s residents and visitors.
- C. By enabling recreation and visitor facilities (including accommodation) appropriate to the Island’s “gateway” location.
- D. By identifying the wetland area (Precinct 5) and by limiting development within this precinct to activities which will not detract from the natural characteristics of the wetland area.
- E. By ensuring that the visual form and character of Matiatia is protected by applying development controls and building design criteria which will achieve a co-ordinated and locally relevant built form.
- F. By applying development controls which limit the amount and type of activity that can occur within the Land Unit to a level which can be serviced in a sustainable manner, particularly with regard to water and wastewater.
- G. By increasing the amount of open space in the Land Unit and requiring the formation of the necessary pedestrian and vehicular linkages to integrate all the Precincts.
- H. By integrating the open space area that adjoins the esplanade reserve and designing that area to be attractive and inviting for use by the public.

- I. By providing for the protection of the natural environment of Matiatia Bay by applying environmental design assessment criteria which seek to avoid and mitigate any adverse effects on the natural wetland and coastal environment and require landscaping and appropriate planting to be implemented.
- J. By protecting the views across Precinct 3A, including the restriction on above ground car park structures in Precinct 3A.
- K. By providing the opportunity for a flexible range and mix of uses to be established within Precincts 1 and 2.
- L. By creating a precinct (Precinct 5) to protect the wetland area and by limiting development in Precinct 5 to passive recreational activities which will not detract from the natural characteristics of this area.

6.27.3.2 OBJECTIVE

To recognise the importance of the area as a transport interchange by promoting the development of transport infrastructure to meet the increasing needs of residents and visitors to Waiheke.

Policies

- A. By facilitating the development of the transportation network including roads, carparking and pedestrian access.
- B. By ensuring that land use activities do not compromise the efficient movement of traffic, people and goods.
- C. By securing sufficient carparking for future needs in a manner which enhances traffic management as well as maintaining visual amenity values.
- D. By utilising any approved Matiatia Transportation Plan as a guiding document for ensuring that all transportation issues within Matiatia are identified and adequately addressed.

6.27.4 LAND UNIT RULES

The following rules set out below replace the provisions of Part 6B and 6C – Standards for Permitted and Discretionary Activities set out in the Plan except as specified below.

6.27.4.1 ACTIVITY TABLE

The following table specifies the status of activities within Land Unit 27. The Precincts referred to are indicated on the Structure Plan attached as Figure '9'.

Where an activity is not specified in the Activity Table, or otherwise provided for within the Land Unit, the activity requires consent as a discretionary activity and shall be assessed against the assessment criteria contained in 6.27.4.5.B.

P = Permitted Activity
C = Controlled Activity
RD = Restricted Discretionary Activity

D = Discretionary Activity
NC = Non-Complying Activity
N/A = Not applicable

ACTIVITY TABLE * Denotes Threshold Activities (see 6.27.4.2B (f) and 6.27.10)					
	1	2	3	4	5
Activities reliant on re-use of wastewater	RD	RD	RD	RD	NC
Advertising Signs	P	P	P	P	NC
All new buildings and alterations to existing buildings (including accessory buildings but excluding advertising signs)	RD	RD	RD	RD	NC
Any activity not specified in this table or otherwise provided for in the provisions of Land Unit 27 (*may be a threshold activity if it meets the definition in 6.27.10)	D	D	D	D	NC
Care Centre*	P	P	D	NC	NC
Carparking which is above ground, in buildings, on roof tops (except carparking structures above ground in Precinct 3A) and any other parking areas not otherwise provided for or specified in this table.	RD	RD	RD	RD	NC
Carparking (not required pursuant to the relevant parking standard, Rule 6.27.4.2B(h)) where the number of such spaces provided within both Precincts 1 and 2 exceeds 50 spaces.	D	D	N/A	N/A	N/A
Carparking at ground level (open air) (except where carparking at ground level (open air) is within Precinct 1 is located within 100m of MHWS) and basement parking facilities (where the carpark is	C	C	C	C	NC

below finished ground level)					
Carparking structures above ground, in buildings, on roof tops located in Precinct 3A			NC		
Carparking at ground level (open air) within Precinct 1 and located within 100m of MHWS	NC				
Community Facilities*	P	P	D	D	NC
Conference and Events Facilities*	P	P	D	NC	NC
Commercial Facilities*	P	P	D	NC	NC
Earthworks	See Rules 6.27.4.2B(i), 6.27.4.3B(b) and 6.27.4.4B(b)				
Earthworks for installation of water and wastewater tanks	C	C	C		
Education Facilities*	P	P	D	NC	NC
Entertainment Facilities*	C	C	D	NC	NC
Healthcare Facilities where the gross floor area does not exceed 500m ² *	P	P	D	NC	NC
Public amenity facilities including public toilets, observation and viewing areas and associated structures, footpaths, boardwalks, covered walkways, bridges, fencing, seating, street furniture, lighting equipment and sculptures	P	P	P	P	C
Recreational Facilities*	C	C	C	C	NC
Removal of any vegetation (excluding indigenous vegetation over 3m in height and/or greater than 600mm in diameter, as measured 1m off the ground)	P	P	P	P	RD
Removal, trimming or works within the drip line of any indigenous vegetation provided that the indigenous vegetation is over 3m in height and/or greater than 600mm in diameter, as measured 1m off the ground	RD	RD	RD	RD	RD
Residential Unit*	P	P	D	NC	NC
Restaurants / Bars / Taverns where the gross floor area open to the public (including outdoor seating) does not exceed 500m ² *	P	RD	D	NC	NC
Restaurants / Bars / Taverns where the gross floor area open to the public (including outdoor seating) exceeds 500m ² *	RD	RD	D	NC	NC
Retail Premises where the gross floor area open to the public does not exceed 500m ² *	P	RD	RD	D	NC
Retail Premises where the gross floor area open to the public exceeds 500m ² *	D	D	D	NC	NC
Utility Services excluding stormwater management facilities and wastewater treatment and supply facilities.	P	P	P	P	P
Visitor Centre*	P	RD	D	RD	NC

Visitor Facilities*	P	P	D	NC	NC
Stormwater management facilities and wastewater treatment facilities where Auckland Regional Council consent is held or is not required.	P	P	P	P	P
Stormwater management and wastewater treatment facilities where an Auckland Regional Council consent is required but is not held.	RD	RD	RD	RD	RD

6.27.4.2 PERMITTED ACTIVITIES

A. General Rules

An activity shall be a permitted activity where it:

- (a) Is provided for as a permitted activity in the Activity Table 6.27.4.1; and
- (b) Conforms to the rules outlined in 6.27.4.2.B below; and
- (c) Conforms to the following rules contained in Part 6B:

6B.1.1.5 – Roading 6B.1.1.6 – Aircraft
6B.1.3.1 – Protected Items 6B.1.3.4 – Hazard Areas
6B.1.3.10 – Artificial Lighting 6B.1.4.1 – Hazardous Facilities
6B.1.3.2 – Protection of Sites of Ecological Significance

B. Particular Rules

(a) Building Location

No new buildings (excluding temporary buildings and public amenity facilities as specified in the Activity Table 6.27.4.1) or additions or alterations to existing buildings shall be located within the areas set aside as open space under Rule 6.27.4.2 B(e) below.

The construction of any new buildings, roads or car parks shall not occur within 10 metres of any wetland area, except for the upgrading of the existing bridge required to provide access to the southern area of Precinct 2.

(b) Building Coverage and Landscaped Permeable Surface

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5
Building Coverage	<30%	<40%	<50%	<10%	<5%

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5
Landscaped Permeable Surface	>45%	>40%	>5%	>5%	>80%

For the purposes of this Rule, when assessing the extent of Building Coverage or Landscaped Permeable Surface within any one of the three areas of Precinct 3, no account shall be taken of the Building Coverage or Landscape Permeable Surface in either of the other two Precinct 3 areas.

(c) Activities Abutting Open Space

Within Precinct 1, Residential Units and Visitor Facilities shall not comprise more than 50% (in aggregate) of the ground floor of buildings that are located north of the height line (as shown on the Structure Plan), where such activities would abut areas identified as open space under 6.27.4.2B (e) below.

(d) Maximum Height

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5
Height	8m	8m	6m	5m	5m*

* Only applies in Precinct 5 to public amenity facilities provided for in the Activity Table.

The definition of height, as set out in Part 11 of the Plan, shall apply provided that the following are excluded:

- Lift overruns/towers where they are designed to be consistent, where practicable, with the building design assessment criteria (6.27.4.4 C) and do not exceed the minimum dimensions to meet public health and safety standards
- Aerials and antenna which do not exceed 4m above the maximum Permitted or Restricted Discretionary height limit (as the case may be) and which do not exceed 150mm in diameter.

(e) Open Spaces

- A minimum of 35% of Precinct 1 shall be set aside and developed as open space.
- At least 4000m² of the 35% shall be located adjoining the esplanade reserve.

(f) Threshold Activities

All activities in Precinct 1 and 2 identified in the Activity Table (6.27.4.1) as Threshold Activities shall comply with the following controls:

- i) The aggregate gross floor area of all Threshold Activities shall not exceed 10,000m²;
- ii) For retail, restaurant, bar or tavern activities the aggregate gross floor area shall not exceed 3,500m² and within that limit, the aggregate gross floor area of restaurant, bar or tavern activities shall not exceed 1,500m²;
- iii) For residential activities and visitor facilities, conference and events, the aggregate gross floor area shall not exceed 7,000m² and within that limit, the aggregate gross floor area of residential facilities shall not exceed 5,000m²;

- iv) For non-retail activities, the aggregate gross floor area of all non-retail activities shall not exceed 1,500m² provided that the aggregate gross floor area of non-retail activities in Precinct 2 shall not exceed 1,200m²;
- v) Shall achieve a ratio of activities so that for every 4m² of gross floor area of permanent residential or visitor facility activity, 1m² of retail, restaurant, bar or tavern or non-retail activity must have been or will be established at the same time.

Except that the control in paragraph (v) above will not apply:

- To the first 3,000m² of development or
- After 2,000 m² of aggregate retail, restaurant, bar or tavern or non-retail activity has been established.

Note: For the avoidance of doubt no portion of gross floor area shall have more than one Threshold Activity control attributed to it in determining the aggregate gross floor areas under Rules 6.27.4.2.B(f), 6.27.4.5.B(c) and 6.27.4.5.A (c), and where more than one definition could apply to an activity any definition contained in Rule 6.27.10 shall be the definition applied.

For the purposes of this rule “non-retail” activities means all threshold activities other than visitor facilities, conference and events, residential, retail, restaurant, bar and tavern activities.

Explanation

The threshold controls have two functions:

- To ensure that the overall amount of threshold activities that can establish on the Development Land will not generate adverse effects in terms of the Matiatia landscape and transport environment or with respect to water supply and wastewater disposal.
- To establish a ‘gateway’ to Waiheke Island that includes a mix of uses rather than just one or two activities. A mix of activities is considered beneficial because it will provide activities that can be used by the Island’s residents (e.g. retail, offices and restaurant and bar activities) and activities that can be used by visitors (e.g. visitor accommodation and conference and events). A mixed-use development will also create a built environment which is vibrant, safe and interesting and is therefore appropriate as a ‘gateway’ to Waiheke Island.

(g) Noise Standards

The permitted noise level for any given activity (excluding temporary activities) is:

(1) Noise Affecting Properties within Land Unit 27:

(i) Noise Outside Buildings:

The A-weighted L₁₀ noise level, the L₁₀ noise levels at 63Hz and 125Hz respectively, and the maximum noise level (L_{max}) arising from any activity within Land Unit 27 shall not exceed the following levels (as measured 1 metre from the facade of the nearest adjacent occupied building):

- When used for residential / visitor facility or accommodation purposes:

7:00am to 11:00pm	L ₁₀ 65dBA
11.00pm to 7.00am	L ₁₀ 55dBA L ₁₀ 65dB @ 63Hz L ₁₀ 60dB @ 125Hz L _{max} 75dBA

- When used for any purpose other than residential / visitor facility or accommodation purposes:

7:00am to 11:00pm	L ₁₀ 65dBA
11.00pm to 7.00am	L ₁₀ 60dBA L ₁₀ 70dB @ 63Hz L ₁₀ 65dB @ 125Hz L _{max} 75dBA

The above noise levels shall be measured in accordance with the requirements of NZS 6801:1991 "Measurement of Sound" and during the daytime shall be assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound". At night time (between 11:00pm and 7:00am) noise shall be assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound" except clause 4.4 shall not be used. The noise shall be measured with a sound level meter complying at least with the International Standard IEC651 (1979) Sound Level Meters, Type 1.

- (ii) Noise Within Buildings (except Residential, Visitor Facilities and Accommodation Buildings):

In situations where common building elements such as floors or walls are shared by two titles under different ownership, the noise level arising from any activity measured in an occupied room of an adjacent use (which is not a residential, visitor facility or accommodation use) within the land unit should not exceed the following levels:

7:00am to 11:00pm	L ₁₀ 55dBA
11.00pm to 7.00am	L ₁₀ 45dBA L ₁₀ 55dB @ 63Hz L ₁₀ 50dB @ 125Hz L _{max} 60dBA

- (iii) Noise Within Buildings (Residential, Visitor Facilities and Accommodation Buildings)

New buildings and alterations and additions to existing buildings to be used for residential, accommodation or visitor facilities shall be so designed and constructed as to meet the following standard:

The noise received in all bedrooms shall not exceed 35dBA L₁₀ and in all other habitable rooms shall not exceed 45dBA with ventilating windows open, assuming that the outside noise level measured 1m from the façade of the building is 55dBA L₁₀, 65dB L₁₀@63Hz, and 60dB L₁₀@125Hz.

- Where an internal noise level for a habitable room can only be met with doors and/or windows closed, then an alternative means of ventilation must be provided which meets the requirements of the Building Regulations 1992 (clause G4 of the Building Code).
- An Acoustic Design Report shall be obtained from a suitably qualified Acoustic Engineer confirming that the building will be constructed to meet the above requirement.

(2) Noise Affecting Properties outside Land Unit 27:

Within the notional boundary (see definition in Part 6B.1.3.5) of any dwelling on an adjacent Land Unit, the following noise standards shall apply:

7:00am to 10:00pm	L ₁₀ 55dBA
10.00pm to 7.00am	L ₁₀ 40dBA L ₁₀ 55dB @ 63Hz L ₁₀ 50dB @ 125hz L _{max} 60dBA

(3) Construction / Earthworks Noise:

Noise resulting from earthworks or construction activities shall comply with Table 2 of NZS 6803:1999 when measured 1m from the façade of any residential use within the Land Unit, or within 1m of any dwelling in an adjacent Land Unit, and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise. Refer to Section 7.2.1 of NZS6803:1999 for the definition of short term, typical duration and long term construction work and Section 3 of this standard for the definition of construction work.

(h) Parking, Loading and Access Standards

The following Tables set out the permitted parking and loading standards:

(1) Parking Standard

Activity	Parking Standard
Retail activities	1 space per 50m ² gfa
Restaurants, Taverns and Bars	1 space per 80m ² gfa
Residential Units	1 space per unit
Offices	1 space per 50m ² gfa
Movie theatres	1 space per 10 people the building is designed to accommodate
Visitor Facilities and any other Non-Permanent Accommodation	1 space per 5 units
All other activities (excluding carparking activities)	1 space per 100 m ² gfa

Note: The required parking need not be provided within the same precinct as the activity to which it relates.

(2) Loading Standard

General Goods Handling (Retail)	
Up to 5,000m ² of aggregate gross floor area	1 space
5,000m ² to 10,000m ² of aggregate gross floor area	2 spaces
In excess of 10,000m ² of aggregate gross floor area	3 spaces plus 1 space per 7,500m ² above 10,000m ²
Non Goods Handling (Commercial Facilities and Residential)	
Up to 20,000m ² of aggregate gross floor area	1 space

(3) Vehicular Access within Precincts

Where vehicular access is provided for within any precinct (except where the access is adjacent to Precincts 2 or 5), appropriate design and traffic calming techniques (including paving) shall be used to ensure that pedestrian usage is given priority.

(i) Earthworks (excluding earthworks for water and wastewater tanks)

The following Table sets out the level of permitted earthworks (excluding earthworks for water and wastewater tanks) within each precinct where the volume is to be calculated by measuring the total contiguous extent of earthworks proposed at any one time:

	Precincts 1,2 & 3	Precinct 4	Precinct 5
Earthworks	<250m ³	<50m ³	<10m ³

All earthworks provided for as a permitted activity shall be carried out in accordance with the provisions of the Auckland Regional Council Technical Publication 90 and 124 and any other relevant erosion and sediment control guidelines contained in the Plan.

Note: Auckland Regional Council consents for earthworks may also be required.

(j) Signage

Signage shall not:

Advertise services or goods or products that are not directly related to a primary use or activity occurring in Precincts 1-5 (ie no billboards); and

When freestanding (other than for interpretative / directional signs) such signs shall:

- (i) not exceed 3m in height and 2m in width;
- (ii) not be located within 20 metres of another freestanding sign;
- (iii) be located on the Development Land;
- (iv) not, when added to the number of other freestanding signs on the Development Land, result in more than 4 freestanding signs on the Development Land; and

When located or placed on a building (other than for interpretative / directional signs), the following shall apply:

- (a) the cumulative area of all signs on a tenancy or premise shall not exceed more than 20% of a ground floor window/wall or 10% of the window/wall on any upper floor, on which they are located; and
- (b) where under a verandah, the sign shall be:
 - perpendicular to the front fascia of the verandah;
 - no closer than 2.5m to the footpath below;
 - set back at least 500mm from the kerb line of the road;
 - at least 3m away from any adjacent sign under the same verandah;
 - limited to one sign per 5m of shop front or part thereof.
- (c) where on the fascia of a verandah, the sign shall:
 - be not more than 600mm high;
 - not protrude below the verandah;
 - be set back not less than 500mm from any road;
 - not protrude more than 200mm above the verandah fascia.
- (d) when located on the upper storey, the sign (if mounted) shall:
 - be perpendicular to the wall, not be greater than 4m² in area or closer than 10m from any other perpendicular sign;
 - be against the wall, not greater than 8m² or closer than 5m from any other sign mounted on that storey;
 - be against the wall, not protrude more than 250mm from that wall.
- (e) when located on the roof of a building, the sign shall:
 - be on the surface of the roof; and
 - may only be for identification purposes (e.g. bank branch identification signs).

When illuminated, signs shall:

- not be flashing; and
- not exceed an illumination of 100 candela per m² for a sign of less than 10m²; 400 candela per m² for a sign of greater than or equal to 10m², when measured at night-time from the perimeter of the Land Unit.

Note: Any sign which is not permitted will be assessed as a restricted discretionary activity. The Auckland City Consolidated Bylaw Part 27 - Signs, and Part 27.9 shall not apply.

(k) Minimum Residential Unit Size

For residential units the minimum gross floor area shall be:

45m² for one bedroom units

70m² for two bedroom units

90m² for three bedroom units

(l) Potable Water Systems

Any new buildings or additions or alterations to existing buildings with potable water systems shall use full water reduction fixtures on all water outlets incorporating devices such as those identified in Table 3.1.1 of Appendix J, Auckland Regional Council Technical Publication TP58, 3rd edition, 2004 or any subsequent version.

(m) Wastewater, Stormwater and Groundwater

For all activities, provision shall be made for the satisfactory treatment and disposal of all wastewater and stormwater, either anywhere within Land Unit 27 or to an approved site outside Land Unit 27, in accordance with the requirements of the relevant City bylaw and the rules and standards included in the provisions of any Regional Plan or Auckland Regional Council Technical Publication. The following also applies:

- (i) No new buildings in Precincts 1 and 2 that require wastewater connections to the Owhanake Treatment Plant shall be constructed prior to conditions 4 and 5 of the Discharge Permit being satisfied, except where the wastewater generated by the activities in those buildings (in combination with all other wastewater received by the Owhanake Treatment Plant) would not exceed 80m³/day. This rule ceases to apply upon conditions 4 and 5 of the Discharge Permit being satisfied.
- (ii) No building or activity that intends to draw from ground water supply or contribute wastewater to the Owhanake Treatment Plant shall be constructed on the Development Land unless the Water and Wastewater Management Plan incorporates the proposed activity or building and the site on which the building or activity is to be located. This Plan shall be prepared by the Groundwater Consent Holder, in consultation with Auckland City Council and Auckland Regional Council, and shall be approved by Auckland City Council (in consultation with Auckland Regional Council). This Plan shall be made available to the Auckland City Council or Auckland Regional Council on request, provided that the commercial information which this Plan summarises remains confidential. This Plan shall include operational policies, as well as advice and recommendations of an educational nature, which are intended to achieve a high level of water conservation and demand management.
- (iii) Only those laundry facilities ancillary to a permitted activity (as specified in the Activity Table) shall discharge wastewater to the Owhanake Treatment Plant and be incorporated in the Water and Wastewater Management Plan.

(n) Bulk Water Supply

Any new buildings on the Development Land shall have access to bulk water supply tanks in accordance with the following table:

Total area of threshold activities on the Development Land. (GFA)	Volume of water supply tanks
5,000 - 7,000m ²	2,000m ³
7,001 - 10,000m ²	3,000m ³

6.27.4.3	CONTROLLED ACTIVITIES
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A. General Rules

An application must be made for a resource consent for a controlled activity under the following circumstances:

- (a) The activity is provided for as a controlled activity in the Activity Table in 6.27.4.1;
- (b) It is proposed to vary any of the rules for earthworks, building coverage or landscaped permeable surfaces contained in 6.27.4.2 (Permitted Activities) to the extent provided for in 6.27.4.3.B (a) & (b) below.

Council's discretion under Section 104A(b) is limited to the matters set out in 6.27.4.3.C below.

B. Particular Rules

All controlled activities shall meet the rules for permitted activities contained in 6.27.4.2.A(c) and 6.27.4.2.B other than as set out in 6.27.4.3.A(b) above and within the parameters contained in 6.27.4.3.B(a) and (b) below.

(a) Building Coverage and Landscaped Permeable Surfaces

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5
Building Coverage	30-35%	40-45%	50-60%	10-20%	5-10%

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5
Landscaped Permeable Surface	35-45%	30-40%	0-5%	0-5%	70-80%

For the purpose of this Rule, when assessing the extent of Building Coverage or Landscaped Permeable Surface within any one of the three areas of Precinct 3, no account shall be taken of the Building Coverage or Landscape Permeable Surface in either of the other two Precinct 3 areas.

(b) Earthworks (except earthworks for installation of water and wastewater tanks)

The following table sets out the level of controlled earthworks (except earthworks for installation of water and wastewater tanks) allowed within each precinct where the volume is to be calculated by measuring the total contiguous extent of earthworks proposed at any one time:

	Precincts 1, 2 & 3	Precinct 4	Precinct 5
Earthworks	250m ³ – 1,500m ³	50m ³ – 100m ³	10m ³ – 50m ³

All earthworks provided for as a controlled activity shall be carried out in accordance with the provisions of the Auckland Regional Council Technical Publication 90 and 124 and any other relevant erosion and sediment control guidelines contained in the Plan.

Note: Auckland Regional Council consents for earthworks may also be required.

C. General Criteria For Assessing Applications For Controlled Activities

Applications for a controlled activity shall be assessed in terms of the criteria set out in 6.27.5 and the following particular matters:

(a) Building Coverage and Landscaped Permeable Surfaces

The extent to which the proposed building coverage and extent of landscaped permeable surface results in:

- Increased stormwater runoff from the site and the effectiveness of any mitigation measures proposed.
- Adverse effects on the visual amenity of the area, particularly when viewed from areas of open space and the effectiveness of any mitigation measures proposed e.g. landscaping.
- Adverse effects on the functioning and effectiveness of the open spaces and pedestrian linkages within the Land Unit.
- The extent to which the proposed building coverage and extent of landscaped permeable surface is consistent, where relevant, with the building design and environmental assessment criteria, as detailed in 6.27.4.4 (C).

(b) Traffic Management Plan

The extent to which all construction and earthworks activities will be managed and coordinated so as to avoid adverse effects on the adjoining parking and roading network with particular regard to the safe and efficient functioning of traffic flows and parking associated with the wharf activity.

(c) Earthworks

The extent to which the earthworks activities are consistent with the relevant environmental design assessment criteria (6.27.4.4C) and the provisions of and outcomes set out in Auckland Regional Council Technical Publications 90 and 124 and any other relevant erosion and sediment control guidelines contained in the Plan.

D. Additional Criteria For Specific Controlled Activities

(a) Entertainment Facilities / Recreational Facilities

- The extent to which the operating characteristics of the activity may adversely affect the aural privacy and general amenity of the adjoining and surrounding activities and any mitigation measures proposed.

- The extent to which the expected traffic generation of the activity may have an adverse effect on the capacity of the road network at Matiatia, including any private roads.

(b) Public Amenity Facilities in Precinct 5

The extent to which proposed facilities are consistent with the environmental design assessment criteria for applications within Precinct 5, as detailed in 6.27.4.4 (C) (d).

(c) Carparking at Ground or Basement Level

The extent to which carparking at ground level or basement parking facilities are consistent, where relevant, with the building design assessment criteria for car park area applications, as detailed in 6.27.4.4 (C) (f).

E. Controlled Activity Conditions

In granting consent for a controlled activity, Council may impose conditions on any or all of the following matters:

- Drainage and stormwater storage and disposal
- Earthworks and construction management
- The location and construction of vehicle entry, egress, manoeuvring, parking and servicing facilities (including traffic calming measures).
- The operating characteristics of an activity including hours of operation.
- The management of traffic effects from construction activities.
- Water and wastewater management, including controls on the use of recycled wastewater.

F. Controlled Activity Notification

Pursuant to Section 94D(3) of the Act, an application for resource consent for a controlled activity is not required to be served on adversely affected persons and written approvals are not required.

6.27.4.4 RESTRICTED DISCRETIONARY ACTIVITIES

A. General Rules

An application must be made for a resource consent for a restricted discretionary activity under the following circumstances:

- The activity is provided for as a restricted discretionary activity in the Activity Table in 6.27.4.1 and
- It is proposed to vary any of the rules for permitted or controlled activities in respect of the following:
 - activities abutting open space (6.27.4.2 B (c))

- (ii) permitted height (6.27.4.2.B (d))
- (iii) earthworks as a controlled activity (6.27.4.3 B (b))
- (iv) noise standards (6.27.4.2 B (g))
- (v) parking and loading standards (6.27.4.2 B (h))
- (vi) wastewater, stormwater and groundwater (6.27.4.2.B (m))
- (vii) signage (6.27.4.2 B (j))

The relevant rules and matters that Council limits its discretion to are set out in 6.27.4.4.C below.

B. Particular Rules

All restricted discretionary activities shall meet the rules for permitted or controlled activities contained in 6.27.4.2.A(c), 6.27.4.2.B, 6.27.4.3.B(a) and (b), other than as set out within the parameters contained in 6.27.4.4.B(a) to (c) below.

(a) Height

	Precinct 1 [#]	Precinct 2	Precinct 3	Precinct 4	Precinct 5*
Height	8 - 13m	8 - 10m	6 - 8m	5 – 7m	5 - 7m

* Only applies in Precinct 5 to public amenity facilities as provided for in the Activity Table

[#] In Precinct 1 any parts of buildings (other than those already exempted in the definition of height) with a height between 10m and 13m shall be located in the southern portion of that precinct as illustrated by the height control line on the Structure Plan and:

- shall have a sloping and varied roof form; and
- shall not cover more than 10% of the Precinct area and;
- shall not contain more than three storeys.

The definition of height set out in Part 11 of the Plan shall apply, provided that the following are excluded:

- lift overruns / towers where they are designed to be consistent, where practicable, with the building design assessment criteria (6.27.4.4 C) and do not exceed the minimum dimensions to meet public health and safety standards
- aerials and antenna which do not exceed 4m above the maximum restricted discretionary height limit (as the case may be) and which do not exceed 150mm in diameter.

(b) Earthworks (except earthworks required for the installation of water and wastewater tanks)

Earthworks (except earthworks required for the installation of water and wastewater tanks) between 1,500m³ and 10,000m³ in Precincts 1, 2 and 3 are a restricted discretionary activity. The volume is to be calculated by measuring the total contiguous extent of earthworks proposed at any one time. All earthworks provided for as a restricted discretionary activity shall be carried out in accordance with the provisions of the Auckland Regional Council Technical

Publications 90 and 124 and any other relevant erosion and sediment control guidelines contained in the Plan.

Note: Auckland Regional Council consents for earthworks may also be required.

C. General Criteria For Assessing Applications For Restricted Discretionary, Discretionary and Non Complying Activities

All applications for restricted discretionary, discretionary and non complying activities shall be assessed in terms of the building design and environmental design assessment criteria set out below. Additional assessment criteria, detailed in 6.27.4.4 D, for specific activities are also to be considered in this assessment.

Building Design Criteria

All proposals shall achieve a high standard of visual amenity and a co-ordinated built environment that reflects the character and identity of Matiatia. To assist in the assessment of the building design criteria all proposals shall include a detailed urban design assessment carried out by an appropriately qualified professional and the Council shall obtain a peer review of the urban design assessment.

For the purpose of satisfying the requirements of peer review, the Council may request that the proposal be considered by the Council's Urban Design Panel or its equivalent for the Hauraki Gulf Islands section of the District, or any future entity which the Council may have established that provides a similar function to the Urban Design Panel. In such an event, the applicant shall be requested to present the proposal to the Panel or similar entity.

Applications shall give effect to the following building design criteria:

(a) Form

- Individual buildings within the Land Unit shall be visually connected through the use of consistent forms, materials and colours, in a manner that promotes a cohesive, attractive and integrated built environment.
- All buildings shall be designed to create an intimate human scale.
- Buildings shall maximise roof area for the purpose of water collection for potable water supply.
- Building form, design and details shall be appropriate for Waiheke's climatic conditions and shall promote energy efficiency.
- Pedestrian connectivity between buildings shall be provided for.
- All storage and service areas that are visible from any other building, road, pedestrian area or open space shall be screened appropriately.
- External lighting of buildings shall not result in significant adverse effects (including light spill and glare), on adjoining properties.

(b) External Materials and Finishes

- All external materials shall generally be robust and of a high quality, suitable for a maritime environment and appropriate for Waiheke.

- A consistent mix of materials shall be used throughout the Land Unit with a prevalence of natural materials including timber, corrugated steel (colour coated), concrete and glass. Reflective materials are to be avoided.
- In particular, where buildings front Precinct 5, materials shall be predominantly timber, concrete, or other natural materials that will complement the wetland natural environment.
- Landscaping shall be carried out as an integral part of all development.

(c) Buildings for Residential Use and Buildings Adjoining Residential Uses

- Buildings containing residential activities shall be designed and constructed so as to provide a good level of amenity for both the occupants of the residential unit and for any adjacent residential development (primarily in terms of private open space / outlook). Methods to achieve this include (but are not limited to) dwelling layout and spatial separation.
- The extent to which any building adjoins a residential building or residential use ensures the admission of adequate daylight to residential units. As a guide, new buildings or alterations and additions to an existing building shall be separated from the adjoining residential building or residential use by a distance of 6 metres and shall not be more than 12m in height unless they are separated by a distance in excess of 6 metres.

(d) Relationship Between Buildings and the Waterfront

- All buildings that front the waterfront shall provide a high standard of pedestrian shelter. This may be by means of conservatories, verandahs, colonnades, pergolas, canopies or similar.
- Ground floor frontage of all buildings adjacent to the waterfront and Precinct 1 open space shall maximize openings to encourage indoor/outdoor interconnection.
- The upper floor frontages of buildings adjacent to the waterfront shall maximize the inclusion of balconies, pergolas, verandahs or similar in order to activate this frontage; to promote public safety and surveillance; to provide visual interest; and to enhance the overall visual connection between buildings and the waterfront/harbour.

(e) Open Space, Pedestrian and Vehicular Links

Open space shall be formed and developed concurrently with the construction of adjoining buildings and shall be maintained to a high standard. Open space shall be designed to:

- Be free of buildings and structures except for public amenity facilities.
- Provide a unique sense of place and character appropriate to the coastal location and adjacent esplanade reserve; be open to the public at all times; and be accessible where possible to the disabled.
- Maximise public safety and crime prevention by providing pedestrian friendly surfaces; fixed seating and lighting; and shall provide adequate shelter from wind, rain and summer sun where appropriate.

- Ensure views of the harbour and to other natural landscape features are maintained and enhanced.

Pedestrian Linkages shall be formed concurrently with the buildings that they are intended to serve and shall be designed to:

- Be a minimum width of 4m, increasing to at least 5m wide where the linkage is considered to provide a primary linkage function.
- Form a legible, connected and integrated pedestrian network.

Vehicular Linkages shall:

- Be designed to be safely used by drivers, cyclists and pedestrians, with the inclusion of appropriate traffic calming measures and paving differentiation.
- Include on-road short-term car parking where appropriate.
- Be landscaped in a manner which ensures a high level of visual amenity and integrates the internal road network with adjoining open spaces and buildings.

(f) Car Parking Buildings

All car park buildings shall be designed with reference to the following requirements:

- The location and design of car parking buildings and transport terminals shall ensure safe and efficient pedestrian and vehicular access to the wharf and adjoining precincts.
- Entry and exit points to car parking buildings shall be designed with regard to existing intersections and to avoid adverse effects on the pedestrian and vehicle network.
- Provision of adequate manoeuvring and circulation within the building.
- Access from parking areas/buildings to adjoining residences should be relatively direct and safe for residents, day and night.
- Loading spaces are to be provided for the efficient loading and unloading of service and delivery vehicles.
- Car parking areas/buildings should be lit at night while avoiding adverse effects on the visual privacy of adjacent land users.
- Car parking buildings should be well ventilated if enclosed or underground.
- Service vehicle, short stay, drop off and visitor parking should be clearly defined.
- Car parking buildings shall not dominate the streetscape or open spaces, particularly at the coastal edge.
- Car parking areas/buildings shall be designed to maximise public safety and minimise crime.
- Car park design should facilitate safe and efficient internal circulation within car parking areas.

- Car park areas and buildings should be landscaped with trees when on ground level.
- Car park areas and buildings in Precinct 3 adjacent to Precinct 5 shall be designed in such a manner that Precinct 5 remains visually open to Ocean View Road.
- The design and construction of roof top parking and above ground car parking buildings shall ensure that they are not visually obtrusive and shall enhance and maintain the natural character of Matiatia.
- Car park areas within Precinct 3A shall make provision for safe, convenient and attractive pedestrian circulation connecting to Precinct 1 and Precinct 4, including covered walkways and other pedestrian amenities.

(g) Traffic Management

All construction and earthworks activities shall be managed and coordinated so as to avoid adverse effects on the adjoining parking and roading network with particular regard to the safe and efficient functioning of traffic flows and parking associated with the wharf activity. A "Traffic Management Plan" which details how these activities are to be managed shall be submitted with any resource consent application for earthworks or the construction of a new building.

Environmental Design Criteria

Applications shall give effect to the following environmental design criteria:

(a) Stormwater

Proposals shall be hydrologically neutral in regard to potential effects on water systems. Stormwater management systems shall comply with Auckland Regional Council Technical Publication TP10 requirements.

The preferred options for stormwater management in Land Unit 27 include the following. Equally effective alternatives may be considered where supported with detailed design.

- Constructing stormwater quality treatment ponds in areas other than wetlands or watercourses. The bottom of the ponds should be covered with a layer of densely compacted impermeable clay or similar material if it is understood that seepage problems are likely to occur.
- Extensive planting of the banks of any open channel with New Zealand native plants.
- Installation of weirs and pipes with energy dissipation mechanisms.
- Installation of biodegradable matt, Bio Mac (or similar material), on the open channel banks to facilitate and encourage revegetation.
- Use of sand filters to treat the runoff from car parks and paved areas prior to discharging into ponds.
- Sand filters designed in accordance with TP10 may be used to achieve a stormwater sediment removal efficiency of 75%. Other acceptable solutions include 'Rain Gardens' and 'Infiltration Trenches'.

In support of integrated stormwater management principles and methods the extent of Landscaped Permeable Surfaces shall be maximised. Where an application seeks to reduce the percentage of such areas (in any Precinct), alternative methods shall be used to give effect to the hydrological principles set out above.

(b) Water and Wastewater Management

Whether sufficient potable water and wastewater disposal capacity is available to sustain the additional gross floor area proposed, taking into account:

- Existing and proposed activities
- Any relevant consents and the proportion of potable water supply/wastewater disposal capacity already allocated
- The need for the proposed overall gross roof area of development in the Land Unit to be at least 75% of the associated gross floor area
- Proposed water conserving devices

Applications shall be assessed with regard to the Water and Wastewater Management Plan. Where a proposal requires consent from the Auckland Regional Council, all applications will be processed concurrently. Any comments received from the Auckland Regional Council shall be taken into consideration in the assessment of such applications.

(c) Earthworks

To ensure that all earthworks are undertaken in a manner which protects the surrounding natural environment, the following matters shall be considered in assessing proposed earthworks activities:

- All earthworks shall be undertaken in accordance with the requirements of Auckland Regional Council Technical Publications TP 90 and TP 124 and be consistent with Annexure 1 of the Plan - Erosion and Sediment Control Measures-Guidelines for Earthworks.
- Where appropriate a detailed geotechnical report shall be submitted prior to any earthworks activity commencing on the site, taking into account the steepness of the land (slope angle and horizontal length) as well as soil type, stability and existing vegetation cover.
- An earthworks and erosion/sediment control plan shall be submitted as part of the application, taking into account the time of year and the length of time the soil is likely to be exposed and having regard to the proximity of the site to wetland or water systems.
- All earthworks related to the construction of stormwater ponding shall be constructed to meet engineering design principles and such work shall be supervised by a suitably qualified engineer.

(d) Precinct 5 / Ecological Areas

Applications within Precinct 5 (Natural Precinct) shall be accompanied by a comprehensive stormwater management plan. Development of Precinct 5 shall be consistent with the intent of the Royal Forest & Bird Protection Society Atawhai Whenua Reserve Management Plan, March 2001 (held at Council offices), with the following matters being considered:

- The use of part of the wetland as a secondary polishing medium for treated wastewater.
- The creation of pedestrian links and walkways
- Enhancement of the natural character of the Precinct.
- The use of signage and interpretative material to foster stewardship of the Precinct.
- The use of eco-sourced plantings in the Precinct.
- Construction of an eco-path along the open channel in Precinct 5, to allow secure access to most of the native planting area and the pond for educational purposes.

(e) Landscape Design

Applications shall give effect to the following landscape design criteria:

- Plants shall be predominantly eco-sourced indigenous species, except that specimen trees/plants of non-indigenous species may be used within Precinct 1.
- The use of a mix of soft/hard materials to reflect a maritime environment and to achieve integration between buildings and open space.
- Walkways to be provided as an integral part of the development and management of Precinct 5. Specifically, provision shall be made for a public walkway connection between the esplanade reserve and Ocean View Road at the eastern end of the Land Unit.
- Where practicable, existing indigenous vegetation is to be retained.
- The creation of an urban buffer within Precinct 2 between the 'wetland' and the more intensive development in Precinct 1.
- The provision of detailed landscape plans prior to the commencement of work within Precinct 2. These plans shall seek to promote the establishment of a clearly defined connection between the northern and southern parts of Precinct 2; and shall seek to create a backdrop to Precinct 1 when viewed from the harbour and Esplanade Reserve areas.
- Minimal use of planting within Precinct 4 in order to acknowledge the 'maritime' focus of the esplanade margin. Within Precinct 4 sculptural elements are encouraged to reinforce the gateway function and maritime theme.
- A planting and natural environment enhancement management plan shall be prepared for proposed landscape works within Precinct 5. This plan shall take into consideration the total area contained within the Precinct but shall have particular regard to the intent of the Royal Forest & Bird Protection Society Atawhai Whenua Reserve Management Plan, March 2001 (held at Council offices).

D. Additional Criteria For Specific Restricted Discretionary Activities

(a) Noise Standards

Consideration shall be given to the following matters where the permitted noise standards are exceeded:

- The extent to which the level and duration of noise will have an adverse effect on the amenity of surrounding activities (including residential activities)
- The proposed hours of operation and duration of the activity.
- The extent to which the adverse effects of the noise will be mitigated by measures such as noise attenuation, setback, landscaping and hours of operation.

(b) Car Parking

In addition to the matters to be considered in the general assessment criteria for restricted discretionary activities (Rule 6.27.4.4.C above), the following matters are to be considered in relation to car parking applications where parking is above ground, in buildings or on roof tops:

- Consistency with any approved operative Matiatia Transportation Plan.
- The extent to which any application for a parking shortfall will result in significant adverse effects: on the capacity and safety of the road network; the character and amenity of the area; and the ability to meet the parking requirements of the users of the Land Unit; having regard the nature and operating characteristics of the activity.
- Whether an assessment has been carried out by a qualified traffic engineer.

(c) Building Height

Consideration shall be given to the following matters:

- Whether the additional building height promotes a building form that is consistent with the building design criteria above.
- Whether the scale and design of the proposed building compliments others in the immediate vicinity and precinct.
- Whether the additional building height assists to define the spatial structure of the precinct.
- Whether the additional height facilitates a varied and interesting roof design.

(d) Removal, Trimming or Work within the Drip Line of Indigenous Vegetation

- The extent to which the tree(s) contribute to the amenity of the locality, both visually and physically, including as a habitat for birds and other animals (other than vermin and pests).
- The extent of the trimming of the tree(s), the method(s) to be employed and the potential adverse effects of such works on the health of the tree.

- Whether the tree(s) can be relocated.
- Whether the proposed activities within the root zone are likely to damage the tree(s) or endanger its/their health.
- Any function that the tree(s) might have in the conservation of water or soil.
- Whether proposed landscaping or re-vegetation can compensate for the proposed works.
- Whether there are any realistic or practical alternative methods which could be used by the applicant to reduce the extent of trimming required or removal of the tree.

(e) Re-use of Treated Wastewater

It shall be demonstrated that the treatment plant is capable of producing treated wastewater for re-use to the quantity and quality required to meet the anticipated demand on a consistent basis without posing a public health risk and subject to obtaining:

- Receipt of approval from the Auckland Regional Council in accordance with condition 46 of ARC Discharge Permit 27473
- Written confirmation from the owner and operator of the Owhanake Treatment Plant that the Plant can receive and manage the nitrogen and phosphorous levels in the effluent generated by the proposed recycling without breaching the terms and conditions of the Discharge permit for the Plant.
- Written approval from the Medical Officer of health, Auckland Regional Public Health Service.

Toilets shall be reticulated to enable toilet flushing with recycled treated effluent. In order to minimise the use of potable water for irrigation, the following sources of water shall be used for irrigation, in order of priority:

- stormwater (other than from roof water)
- treated effluent
- potable water

Prior to irrigating any recycled treated effluent, all necessary discharge permits shall first be obtained from Auckland Regional Council.

E. Restricted Discretionary Notification

Pursuant to section 94D(2) of the Act, notification of an application for resource consent for a restricted discretionary activity is not required. Pursuant to section 94D(3) of the Act an application for resource consent for a restricted discretionary activity is not required to be served on adversely affected persons and written approvals are not required.

6.27.4.5 DISCRETIONARY ACTIVITIES

A. General Rules

An application must be made for a resource consent for a discretionary activity under the following circumstances:

- (a) The activity is provided for as a discretionary activity in the Activity Table in 6.27.4.1; and/or
- (b) It is proposed to vary the permitted activity rules in 6.27.4.2.A(c) or 6.27.4.2.B and which are not provided for in 6.27.4.3 (Controlled Activities) or 6.27.4.4 (Restricted Discretionary Activities); and/or
- (c) All activities in Precincts 1 and 2 identified in the Activity Table (6.27.4.1) as Threshold Activities* where the aggregate gross floor area of all Threshold Activities is greater than 10,000 m² but does not exceed 12,000m²; and/or
- (d) It is proposed to vary the permitted activity rules (Threshold Activities) in 6.27.4.2.B(f) (ii) – (v).

B. General Criteria For Assessing Applications For Discretionary Activities

Applications for a discretionary activity shall be assessed in terms of (but not limited to) the assessment criteria contained in 6.27.5; 6.27.4.4.C; Part 6E (except for 6E.1.1.7); and meet the following particular matters:

(a) Building Location

The extent to which buildings and structures located in areas of open space have been designed to avoid significant adverse effects on the adjoining public spaces including overshadowing, dominance, impeding pedestrian flows and detracting from views and the open character of the locality.

(b) Building Height

- Whether the additional height is appropriately located within the precinct to contribute to its spatial structure.
- Whether the extent of the additional height is limited to that necessary to provide a visual focal point and variety of building form within the precinct.
- Additional building height should not unduly dominate areas of open space or the surrounding landscape context.

(c) Threshold Activities

Where the gross floor area is in excess of 10,000m² (6.27.4.2B(f)(i)) and/or where the gross floor area provided for in Rule 6.27.4.2B(f)(ii)-(iv) is not met, consideration shall be given to the following matters:

The extent to which the proposed gross floor area and associated activities/buildings:

- Will contribute to providing a mix of activities on the development land which will meet the needs of both residents and visitor using Matiatia.
- Will compromise the ability for a mixed-use development that contains at least three types of threshold activities to establish on the development land.
- Will create a vibrant, safe and interesting gateway to Waiheke.
- Is able to be serviced in terms of water supply and wastewater disposal (this should be assessed with reference to the water and wastewater management plan).
- Will have adverse effects on the landscape character and visual amenity of Matiatia.
- Will have adverse effects on the parking and traffic environment at Matiatia, particularly in terms of the safety and efficient functioning of the Matiatia transport system.
- Will result in a scale and intensity of activity that will have adverse effects on the character and amenity of Matiatia.
- Will result in adverse effects on the overall functioning and viability of other commercial centres on Waiheke such as Oneroa and Ostend. Consideration should be given to the range of commercial services and facilities available in those centres and any new activities that may occupy and sustain those centres in the future.
- Is consistent with the Council's adopted growth strategies for Waiheke (if the proposal is for residential activities)

Where the gross floor area is in excess of that provided for individual categories (6.27.4.2B(f)(ii)-(iv)) only, consideration shall be given to the following matters:

The extent to which:

- The proposed gross floor area and associated activities will compromise the ability for at least three categories of threshold activities to establish on the Development Land.
- The proposed gross floor area and associated activities will create a vibrant, safe and interesting gateway to Waiheke Island.
- The proposed gross floor area and associated activities will meet the needs of both residents and visitors using Matiatia.

Residential Activities

In assessing a proposal for residential activity which exceeds the Threshold Control of 5,000m² set out in Rule 6.27.4.2.B(f)(iii) or where none of the activities listed in 6.27.4.2.B(f)(iii) have been established or are to be established at the same time, the following matters shall be considered:

- The consistency of any proposal with the Council's adopted growth strategies for Waiheke Island; and
- Whether the proposal promotes the development of a mix of activities within Land Unit 27.

(d) Carparking within Precincts 1 and 2 Exceeding 50 Spaces

- The extent to which the proposed carparking spaces will generate adverse effects in terms of the traffic safety and congestion on Ocean View Road in the vicinity of the wharf area and the Development Land.
- The extent to which the proposed carparking spaces will generate adverse effects on the efficient operation of public transport and multiple occupancy vehicles.
- The extent which the proposed carpark is of a size, layout, design and location that compromises the ability for a mixed-use development of 10,000m² gfa to establish on the Development Land.
- The extent to which the proposed carpark is of a size, layout, design and location which has adverse effects on the landscape character and visual amenity of Matiatia, particularly when viewed from the sea.

(e) Any Activity Not Specified or Otherwise Provided For

The nature, size and scale of activities (gfa) established in the Land Unit shall be limited so as to;

- Maintain a consistent size and scale of activities within the Land Unit.
- Ensure that the human scale and form of buildings and activities is maintained.
- Ensure that the car parking and transportation demands of activities are appropriate for the Land Unit given the parking available and the existing road network.
- Avoid adverse effects of activities on adjoining natural landscape and character areas such as the wetland and coast.
- Ensure that the primary objectives of each Precinct and the Land Unit can be achieved e.g. within Precincts 3 and 4 the ability of these Precincts to achieve the primary objectives of parking and transportation should not be compromised by other activities of an inappropriate size and scale.

(f) Artificial Lighting

Where any proposal includes the use of artificial lighting on a site producing a luminance in excess of 150 lux at ground level, the following criteria shall apply:

- An application shall demonstrate that significant adverse effects including light spill and glare on the visual privacy of adjoining sites can be reduced, avoided or mitigated. The use of measures such as screening, dense planting of buffer/separation areas may be required where these may lessen impact.
- Particular consideration will be given to the placement, design and screening of light fittings and whether their size and luminance is appropriate to the size of the subject site and to the general lighting levels of the surrounding area.
- Where the use of artificial lighting will extend the duration of activities on a site beyond normal daytime hours, the Council may impose conditions on noise levels and hours of operation so as to protect sites from unreasonable noise.

- Artificial lighting masts or poles will generally be required to comply with permitted height limits. An increase in height may be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instances, conditions relating to the colour of light fittings and poles may be imposed in order to reduce the visual impact of the lighting pole and fittings.
- Proposals shall demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area will not occur.

(g) Waste Discharges

Industrial activities (including Laundromats providing services for activities located outside Land Unit 27), shall demonstrate that they will not compromise the ability of activities within the Land Unit to undertake activities ancillary to, or associated with, permitted activities in terms of the Water and Wastewater Management Plan, and that the proposed water use can be accommodated, and shall;

- Provide written confirmation from the owner and operator of the Owhanake Treatment Plant that the Plant can receive and manage the chemical levels (and specifically, phosphorous levels) from the additional wastewater discharge without breaching the terms and conditions of the Discharge Permit for the Plant; and
- Undertake consultation with the Auckland Regional Council and provide written advice of any matters raised by the Auckland Regional Council, and confirm that these can, and will, be addressed.

6.27.4.6 NON-COMPLYING ACTIVITIES
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Applications for a non-complying activity shall be assessed in terms of (but not limited to) the assessment criteria contained in 6.27.4.4 C (Restricted Discretionary Assessment Criteria).

A. General Rules

An application must be made for resource consent for a non complying activity under the following circumstances:

- (a) Where it is specified as a non-complying activity in the Activity Table 6.27.4.1; and/or
- (b) Where the aggregate gross floor area of all Threshold Activities in Precincts 1 and 2 exceeds 12,000m².

6.27.5 OTHER REQUIREMENTS AND INFORMATION
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The information and requirements outlined in Part 6D of the Plan must be provided as part of any application for a resource consent.

In addition to the requirements set out in Part 6D, all applications for new buildings and alterations and additions to existing buildings in Land Unit 27 shall demonstrate the manner in which buildings will be integrated with and served by adequate public

spaces, pedestrian links and landscaping. The required information and associated landscape plan shall be prepared in accordance with the Rule 6.27.4.4 C.

Any application for resource consent for which building coverage and landscaped permeable surface applies under Rule 6.27.4.3.B(a) shall provide sufficient information to demonstrate how the proposed activity will meet the relevant building coverage and landscaped permeable surface standards.

A Traffic Management Plan which details how activities are to be managed may be required as a condition of any resource consent application for earthworks or the construction of a new building.

6.27.6 SUBDIVISION

A. General Rules

The following subdivision rules apply in Land Unit 27. They are in addition to the objectives, policies and general rules in Part 8 of the Plan. Where any conflict exists between Part 8, and this part, the provisions of Rule 6.27.6 – Subdivision take precedence. All subdivisions shall be assessed in accordance with the relevant criteria set out in this Rule 6.27.6.B and C.

(a) Controlled Activities

An application must be made for a resource consent for a controlled activity under the following circumstances:

- The creation of lots to provide for utility services (such as conduits, underground storage and supply tanks);
- Boundary relocations;
- Unit titling to create separate retail tenancies, separate non-retail tenancies, residential units, visitor facility / accommodation units, common service areas and common facilities and access areas within any individual building.

(b) Restricted Discretionary Activities

An application must be made for a resource consent for a restricted discretionary activity in the following alternative circumstances:

- A single application for the creation of up to 3 lots of not less than 10000m² each in Precincts 1 and 2 combined provided that the lots are to be created around existing buildings and any associated special purpose lots for uses such as access (pedestrian and vehicular), public carparking, open space, reserves and areas to be provided in lieu of financial contributions; or
- A single application for the comprehensive subdivision of Precincts 1 and 2 combined to create up to 6 lots of not less than 2000m² each and any associated special purpose lots for uses such as access (pedestrian and vehicular), public carparking, open space, reserves and areas to be provided in lieu of financial contributions.

The lots provided for above are in addition to those provided for in 6.27.6.A(a) above.

An application for comprehensive subdivision shall contain the following:

- Indicative building platforms on each lot (except in respect of special purpose lots).
- Indicative building heights and form.
- Indicative parking areas for proposed buildings
- Rooding patterns
- Expected pedestrian linkages.
- Areas of open space and landscaping.
- The location of special purpose lots, including lots of public carparking

(c) Discretionary Activities

An application must be made for a resource consent for a discretionary activity where the subdivision is not provided for as a controlled, restricted discretionary or non-complying activity.

(d) Non- Complying Activities

An application must be made for a resource consent for a non-complying activity under the following circumstances:

- Any application for subdivision within Precincts 4 & 5
- The subdivision of a site which was created through an application for a restricted discretionary consent under 6.27.6A(b) above (except that this shall not apply to subdivision provided for in 6.27.6.A(a) above);

Criteria For Assessing Subdivision Applications For Controlled Activities

Subdivision applications for a controlled activity shall be assessed in terms of the following criteria:

- Consistency with the Structure Plan (Figure 9).
- Provision of adequate access, parking, and service areas.
- Compliance of buildings with all other statutory requirements including fire and safety regulations.
- Where there are common lots, provision for appropriate mechanisms to ensure that all management and maintenance requirements are effective and enforceable for the required duration.

C. Criteria For Assessing Subdivision Applications For Restricted Discretionary and Discretionary Activities

Subdivision applications for a restricted discretionary or discretionary activity shall be assessed in terms of the following relevant criteria and the criteria set out in Part 6E of the Plan:

- Consistency with the Structure Plan (Figure 9).
- Where lots having an area of 2,000m² or greater are proposed, such lots shall be of dimensions that are in accordance with the policies and objectives of the individual precinct as set out in the general strategies for each Precinct.

- Compliance of buildings with all other statutory requirements including fire and safety regulations.
- Where there are common lots, provision for appropriate mechanisms to ensure that all management and maintenance requirements are effective and enforceable for the required duration.
- For lots providing for residential activities, adequate provision for outlook and privacy for each separate residential unit.
- Provision of adequate access, parking, and service areas. In general, any proposal should comply with the parking and access controls for Land Unit 27 unless it is not appropriate to do so because of inherent site considerations and extraordinary vehicle or pedestrian movements and/or particular characteristics of the proposed activities and local circumstances.

The following additional criteria apply in respect of a comprehensive subdivision plan:

- The extent to which the site design and layout promotes a coherent and integrated layout of built development in Precincts 1 and 2.
- The extent to which the site design and layout provides for open space that is accessible to the public and maintains views of Matiatia Bay.
- The extent to which the site design creates a safe and efficient transportation network through the mixed-use development.
- The extent to which the site design and layout provides for safe and convenient pedestrian linkages from parking and transport areas to the wharf precinct and the mixed use development.
- The extent to which the site design and layout ensures that carparking areas and buildings are screened when viewed from the wharf area and coastal edge.
- The extent to which the proposed site layout and design is consistent with the building design assessment criteria in 6.27.4.4.C (a)-(g).

D. Controlled Subdivision Notification

Pursuant to section 94D(3) of the Act, an application for a controlled activity subdivision consent is not required to be served on adversely affected persons and written approvals are not required.

E. Restricted Discretionary Subdivision Notification

Pursuant to section 94D(2) of the Act, notification of an application for a restricted discretionary activity subdivision consent is not required. Pursuant to section 94D(3) of the Act an application for a restricted discretionary activity subdivision consent is not required to be served on adversely affected persons and written approvals are not required.

6.27.7 TEMPORARY ACTIVITIES

A. Permitted Temporary Activities

The following temporary activities are permitted activities in Precincts 1 – 4:

- (a)** Offices, storage sheds, scaffolding and falsework, storage yards, builders workshops or uses of a similar character where such buildings or uses are:
- (i) Required for a building construction project; and
 - (ii) Limited to the duration of the project or for a period not exceeding 18 months (whichever is the lesser).
- (b)** Public performances, concerts, open air fairs and markets, entertainment, meetings, parades, filming, weddings, festivals and activities of a similar nature provided that:
- (i) Such activities and structures for these activities (inclusive of the time required for establishing and removing all structures and activities associated with the use) do not occupy any venue for more than a total of 8 days at Easter (provided that the event does not exceed 4 days); or 5 days at any other time (provided that the event does not exceed 3 days); and
 - (ii) All activities and structures shall meet 6.27.4.2B(d) (Maximum Height) and 6.27.4.2B(m) (Wastewater, Stormwater and Groundwater); and
 - (iii) Signs shall meet the permitted signage standards 6.27.4.2.B(j)(i) and (iii); and
 - (iv) The cumulative duration of the activity shall not exceed 12 hours per day; and
 - (v) All associated amplified entertainment shall start no earlier than 10:00am and shall finish no later than 10:00pm Sunday to Thursday inclusive or 11:00pm Fridays and Saturdays or 1:00am on New Year's eve; and
 - (vi) Sound testing and balancing of all sound systems including vocal checks by performers shall cumulatively not exceed 4 hours and shall not commence before 10:00am on any day and shall be completed by 7:00pm on the day of the activity; and
 - (vii) The noise levels of the temporary activity meet the permitted activity noise limits for Land Unit 27 or the standards for noise events outlined below; and
 - (viii) There shall be no more than 8 noise events in any 12 month period; and
 - (ix) If the event is a private function (ie: is not open to the public by tickets or otherwise), any structures shall:
 - not occupy more than 600m² of the open space adjoining the esplanade reserve; and
 - not be within 10m of any primary pedestrian link.
- (c)** A noise event occurs when the temporary activity generates noise levels in excess of that provided for as a permitted activity within Land Unit 27. All noise events shall meet the following rules:
- (i) The maximum noise levels arising from the noise event measured 1m from the façade of the nearest building within the Land Unit with a residential use shall not exceed 75dBA L10 and 85dBA L1; and
 - (ii) Subject to (i) above the cumulative time of any period when the noise level exceeds those provided for as a permitted activity shall not exceed 6 hours in a total 24 hour period; and
 - (iii) The maximum noise levels arising from a noise event measured within the notional boundary (see definition in Part 6B.1.3.5) of any dwelling on an adjacent Land Unit shall not exceed:

7:00 am to 10:00 pm	L ₁₀ 55dBA
10:00 pm to 7:00 am	L ₁₀ 45dBA L _{max} 70dBA L ₁₀ 60dB @ 63 Hz L ₁₀ 55dB @ 125Hz

- (d) Any temporary activity that is not provided for as a permitted activity shall require consent as a restricted discretionary activity other than in respect of a noise event or an activity which will not comply with Rules 6.27.7.A(b)(iii) to (vii) which shall be assessed as a discretionary activity.

B. Criteria For Assessing Temporary Applications For Restricted Discretionary Activities

The following criteria shall be taken into account when considering restricted discretionary applications for Temporary Activities:

- The proposed hours of operation and duration of the activity.
- The extent to which the activity may give rise to adverse effects including noise on residentially used buildings within and surrounding the Land Unit.
- The extent to which the activity may give rise to adverse effects related to the activities of vehicles using the road network and the carparking facilities and the extent to which those effects are avoided, remedied or mitigated.
- The extent to which the activity may give rise to adverse effects related to the activities of people using the wastewater disposal system and the extent to which those effects are avoided, remedied or mitigated.

6.27.8 HERITAGE

The rules relating to heritage protection as contained in Part 10 of the Plan shall apply.

6.27.9 FINANCIAL CONTRIBUTIONS

For the purpose of meeting all required financial contributions for all and any subdivision and/or land use and/or development activities up to an aggregate of 12,000m² in Precincts 1, 2, 3A, 3C and 4, the following shall apply:

- Precinct 5 shall be retained in Council ownership and be available for passive recreational use by the public.
- The area marked on Figure 10 shall be subject to a covenant.

6.27.10 DEFINITIONS

The following definitions apply to Land Unit 27 and take precedence over any alternative definitions contained in Part 11 – Definitions. In all other cases the definitions of Part 11 apply.

Bar / Tavern	means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments; and which is licensed as such under the Sale of Liquor Act.
Building Coverage	means the same as lot coverage (contained in Part 11), except that all references to "lot" are to be read as referring to the relevant Precinct of Land Unit 27 within which the proposed development is to occur, and shall also exclude: <ul style="list-style-type: none"> • Open air and underground car parks. • Balconies and decks. • Paved areas. • Boardwalks.
Commercial Facilities	means offices, showrooms, training premises, employment and business bureaus and centres (but does not include retail activities or stand alone laundromats).
Conference and Events facilities	means non-retail activities catering for conferences, functions, meetings, education forums and including events such as trade and cultural shows and exhibitions (but does not include visitor accommodation).
Development Land	means Precincts 1, 2 and 3C.
Discharge Permit	means that Auckland Regional Council discharge permit for the Owhanake Treatment Plant, reference number 27473.
Gross Floor Area (GFA)	is the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings or, in the absence of walls, from the exterior edge of the floor. In particular, gross floor area includes: <ul style="list-style-type: none"> (a) Voids except as otherwise provided, where vertical distance between storey levels exceeds 6.0m, the gfa of the building or part of the building affected shall be taken as the volume of that airspace in cubic metres divided by 3.6; (b) Basement space except as specifically excluded by this definition;

- (c) Elevator shafts, stairwells and lobbies at each floor unless specifically excluded by this definition;
- (d) Interior roof space providing headroom of 2.0 metres or more whether or not a floor has been laid;
- (e) Floor spaces in interior balconies and mezzanines;
- (f) Floor space in terraces (open or roofed), external balconies, breezeways, porches if more than 50% of the perimeter of these spaces is enclosed, except that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m shall not constitute an enclosure;
- (g) All other floor space not specifically excluded.

The gross floor area of a building shall not include:

- (a) Uncovered steps;
- (b) Interior roof space having less than 2.0m headroom except that: where an interior roof space of more than 2.0m but less than 4.0m headroom has been created as a result of a sloping roof form required to meet relevant assessment criteria, this roof space shall not be included in the gfa calculation provided that this area shall not be used for any other purpose than for building services such as electrical ducting but does not include ablutions;
- (c) Floor space in terraces (open or roofed), external balconies or porches where not more than 50% of the perimeter of these spaces is enclosed and provided that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m, shall not constitute an enclosure;
- (d) Pedestrian circulation space;
- (e) Basement space for stairs, escalators and elevators required for servicing a floor primarily for carparking and/or loading;
- (f) Required off-street parking and/or loading spaces;
- (g) Carparking in basement space or underground parking areas (including manoeuvring areas, access aisles and access ramps);
- (h) Non-habitable floor space in rooftop structures;
- (i) Any entrance foyer/lobby or part of it including the void forming an integral part of it (being a primary means of access to a building), which is open to the public, is accessed directly from a

public place and has an overhead clearance of not less than 6.0m.

Gross Roof Area	means the sum of roof areas (either buildings or walkways) from which rainfall is captured for potable water supply purposes.
Groundwater Consent Holder	means the holder of Auckland Regional Council Permit 28671 water take permit, or any replacement consent.
Habitable Room	means a habitable space as defined by the Building Code.
Healthcare Facilities	means land and buildings: <ul style="list-style-type: none"> (a) Used by one or more healthcare providers for the purpose of carrying out his/her professions; or (b) Used as a medical laboratory or clinic; or (c) Used as a veterinary clinic.
Landscaped Permeable Surface	in relation to any Precinct means any part of that Precinct which is grassed or planted in trees or shrubs, and is capable of absorbing water. It does not include any area which: <ul style="list-style-type: none"> (a) falls within the definition of building coverage; (b) is a paved impermeable surface; (c) is used for parking, manoeuvring or loading of motor vehicles.
Recreational Facilities	means buildings providing for active and passive sports activities, playgrounds, gymnasiums and health centres.
Residential Unit	means a building, a room or group of rooms, used, designed or intended to be used exclusively by one or more persons as a single, independent or separate household.
Threshold Activities	means residential units and activities denoted with an asterisk in the Activity Table 6.27.4.1, and all other activities which operate within buildings as a commercial or business activity including visitor facilities and visitor centres but excluding carparking activities.
Utility Services	means essential infrastructure that is required to support the activities located in each of the precincts identified in the Structure Plan and the wharf, including electricity transformers, pump stations, communication cables and structures, piping and includes any

earthworks necessary for such activities, but excludes wastewater and stormwater treatment.

Visitor Centre

means buildings used for information, travel and hire services catering for visitors.

Water and Wastewater Management Plan

means the Plan required by Rule 6.27.4.2 B(m) (ii) and which shall:

- (a) Specify and require the **Groundwater Consent Holder** to keep an up to date record of all buildings and the mix of activities on the site, and the corresponding peak design wastewater flow allocation, along with a total of the actual flow generation from that mix of activities; and
- (b) Specify the current allocation of the **Development Land**, from the Owhanake Treatment Plant and ensure the cumulative wastewater discharges do not generate wastewater (without recycling) exceeding the **Discharge Permit** allocation for wastewater from the **Development Land**; and
- (c) Specify the contractual arrangements for individual tenants and property developers/owners in respect of the water and wastewater management plan; and
- (d) Require the **Groundwater Consent Holder** to monitor the water use and wastewater discharge which shall include as a minimum: rainfall, daily water storage, daily water use, daily treated effluent re-use, and an estimate of occupancy and/or patronage and be consistent with any regional council consent applying to the **Development Land**; and
- (e) Include details and procedures for the handling of risks from water shortages and contamination; and
- (f) Include monitoring to ensure that sufficient data is available to establish per capita water usage and trends by activity.

Figure 9 Land unit 27 Structure plan

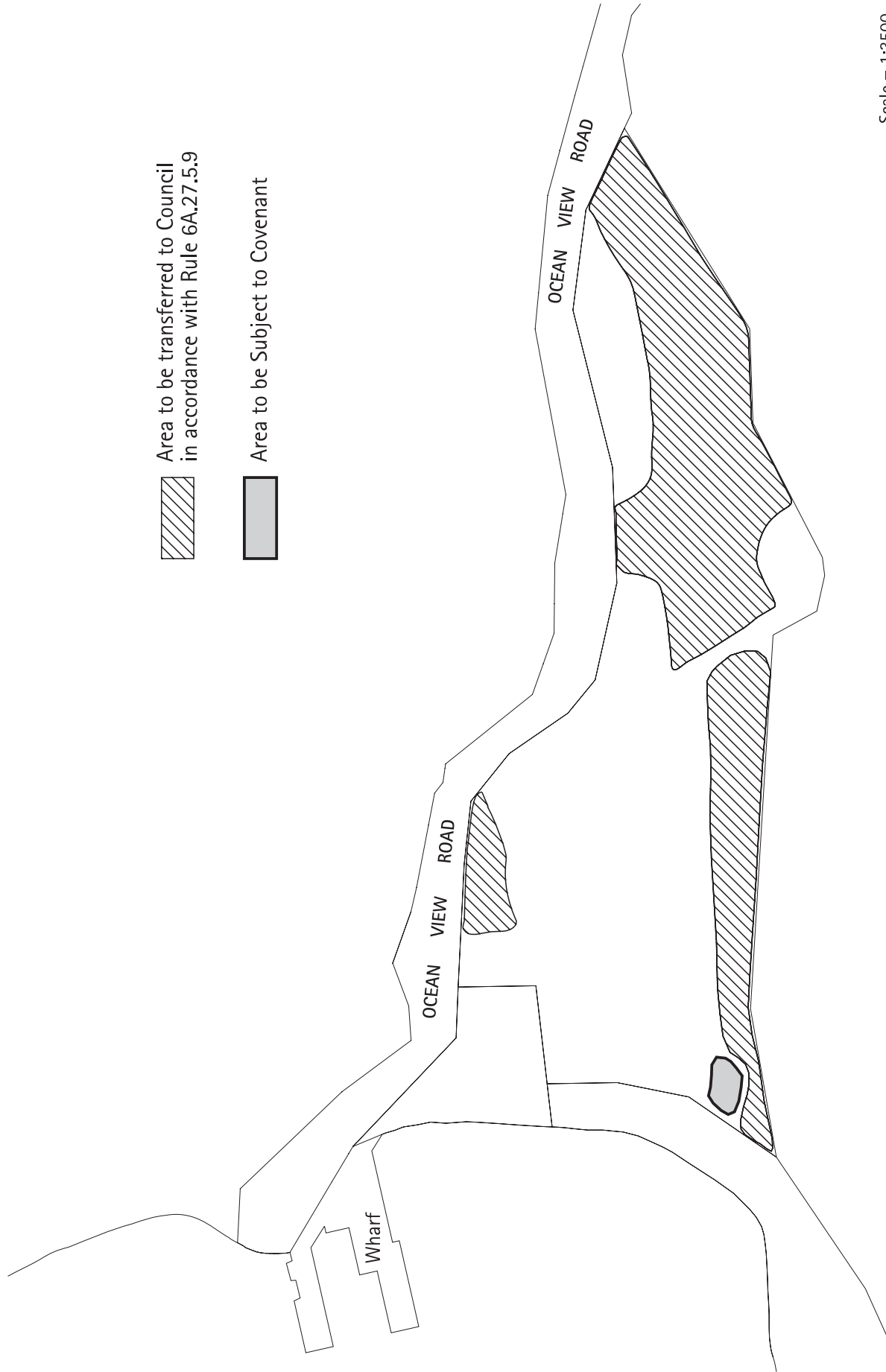


Financial Contributions

Area to be transferred to Council
in accordance with Rule 6A.27.5.9



Area to be Subject to Covenant



Scale = 1:3500

Part C: Make the following amendments (insertions and deletions) to Land Unit 25 – Wharf

Land Unit 25 – Wharf

6.25.0 DESCRIPTION

The Hauraki Gulf Islands rely primarily upon water transport for both passenger and freight movements. ~~Three~~ Two areas adjacent to the existing wharfs at ~~Matiatia~~, Rakino and Kennedy's Point have been included as the wharf land unit, to take into account the future planning needs for wharf related activities.

~~Kennedy's Point and Matiatia are the two major~~ is the second largest wharf facilities on Waiheke Island ~~and is~~ served by regular ferry sailings. In addition, there are more limited services provided to wharfs on Rakino and Pakatoa Islands. There are other wharfs and jetties on the Inner Islands which, in the main, operate outside the formal transport network, which fulfil a role for recreational boating activities.

As the termini for regular vehicular and passenger ferry sailings the wharfs at Kennedy's Point ~~and Matiatia~~ requires an areas of adjacent land to be properly identified to accommodate activities associated with the wharf operation, such as parking, visitor accommodation, freight and other ancillary services. There is also demand for appropriate areas at sheltered coastal locations to be set aside for recreational boating facilities.

6.25.1 RESOURCE MANAGEMENT ISSUES

- Future needs for parking, passenger and freight movements, accommodation, recreation and associated wharf related activities.
- Recognition of the need to allow for the efficient operation of infrastructure and services to facilitate the movement of passengers, vehicles and freight.
- Ensuring the protection of the quality and natural character of the coastal environment.
- Ensuring the protection of the quality of water in the adjacent coastal marine area.
- Recognition of the need to protect the quality of the coastal landscape and amenity of coastal areas.
- Maintenance of public access to the coastline.

6.25.2 RESOURCE MANAGEMENT STRATEGY

The resource management strategy for Land Unit 25 is to specifically limit activities within the land unit to those directly associated with sea transport termini. The strategy reflects the location of such facilities and activities within the coastal environment. The Plan's rules seek to ensure the protection of significant features of the coastal environment as well as maintenance of adequate water quality. Buildings and activities are therefore limited to those that have a direct linkage to maritime transport services and the Plan's rules seek to facilitate the creation of a man-made environment, sympathetic to and compatible with the natural environment and in particular its visual qualities.

~~In order to achieve the purposes of the strategy, Matiatia on Waiheke Island is specifically targeted in the Plan by using particular bulk and location standards which reflect both the scale and intensity of activities in that area, as well as the need for a more specifically structured approach to the built environment in order to secure an appropriate physical environment.~~

6.25.3 OBJECTIVES AND POLICIES

6.25.3.1 OBJECTIVE

To provide for development which facilitates the efficient integration of water and associated land-based activities in a manner which caters for the needs of both residents and visitors.

Policies

- A. By limiting commercial activities to those which provide a service to or have a direct link with maritime transport services.
- B. By facilitating the provision of efficient and economic transport services for wharf users.
- C. By ensuring that development proposals do not compromise the efficient movement of traffic, passengers and freight.

- D. By allowing for the location of recreation facilities appropriate to a wharf or coastal location.
- ~~E. By providing for a reserve area at Matiatia adjacent to the harbour to meet the need for passive recreational opportunities and provide for the enjoyment of coastal/harbour activities.~~

6.25.3.2 OBJECTIVE

To ensure that future development within Land Unit 25 does not dominate or detract from the natural character or environmental quality of the coastline.

Policies

- A. By directing future development so that it does not dominate or detract from the natural character of the coastal landscape especially the coastal edge.
- B. By protecting and enhancing the natural and physical amenities of the area by carefully controlling the design, bulk and location of buildings.
- C. By protecting adjoining coastal waters from degradation from stormwater, foulwater, effluent or impacts from development.
- ~~D. By appropriately landscaping areas E, E1 and D shown on Figure 8 so that the visual impacts of carparking and/or buildings are minimised and so that the amenity values of the “gateway” to the Island and Oneroa are enhanced.~~
- ~~E. By acquiring additional areas of carparking other than directly at the front of the bay in order to provide for future needs in a manner which enhances the coastal amenity values of Matiatia Harbour.~~

6.25.4 LAND UNIT RULES

6.25.4.1 PERMITTED ACTIVITIES

A. General Rules

All permitted activities located within Land Unit 25 shall:

- (a) Be associated with the provision of goods or services which facilitate the movement or accommodation of people and/or freight within or through the area, and
- (b) Maintain public access to the coastline, and

- (c) Any activity shall be a permitted activity where it:
- (i) Conforms to the standards and terms contained in Part 6B, and
- (ii) Meets the requirements of Rule 6.25.4.1B below;
- (iii) except where it has been otherwise provided for in the rules for this land unit as a controlled, discretionary or prohibited activity.

B. Particular Rules

All permitted activities within Land Unit 25 must conform to the standards, and terms detailed below.

~~(a) Services (Matiatia Wharf only)~~

~~(i) Screening of Yards, Storage and Service Areas~~

~~Where any storage area or service area associated with any activity adjoins or is visible from any other area, building, reserve, or public open space, such storage or service area shall be screened by the erection of a wall or fence.~~

~~(a) (ii) Height of Buildings.~~

~~1. The height limits of all buildings located within the Wharf Land Unit at Matiatia shall be determined by Figure 8 as follows:~~

~~— Areas A, F, G — 4m~~

~~— Area B — 8m~~

~~— Area C — 10m~~

~~— Area D — 8m~~

~~— Area E, E1 — No buildings shall be erected.~~

~~2. Rakino and Kennedy Point~~

~~Maximum building height is 9m.~~

~~(b) (iii) Lot Coverage.~~

~~Coverage limits shall be as follows:~~

~~1. Matiatia Wharf~~

~~— Any individual building within area A, B or C — 350 m².~~

~~— Any individual building within area D — 500 m².~~

~~— The total coverage of all buildings within area C shall not exceed 200 m².~~

~~2. Rakino and Kennedy Point~~

Lot coverage shall be 25% or 1000m², whichever is the lesser.

~~(iv) Gross Dwelling Area. (Matiatia Wharf only)~~

~~The gross dwelling area of all buildings located within the visitor facilities precinct shall not exceed 5000 m².~~

~~(v) Building Separation Space. (Matiatia Wharf only)~~

~~All buildings (except decks, pergolas, conservatories and pools) located within the visitor facilities precinct shall be separated from the nearest adjacent building by a separation space of not less than the following:~~

~~Area B - 25m~~

~~Area C - 20m~~

~~Area D - 25m~~

~~Interpretation~~

~~Such separation space shall not be occupied by any building which impedes views between the buildings but may be occupied by buildings having an open or transparent character such as decks, conservatories or pergolas.~~

~~(b) Location and Nature of Activities (Matiatia Wharf Only)~~

~~All permitted activities must be located in conformity with the Development Plan Figure 8.~~

~~(i) In Area E1 the only permitted activities are:~~

~~Landscaping, public passive recreational uses and facilities (excluding buildings and commercial activities) and conservation activities including coastal protection works.~~

~~(ii) In Area E1 no buildings or commercial activities are permitted.~~

(c) Conservation and Amenity.

All permitted activities within Land Unit 25 must conform to the conservation and amenity standards specified in Part 6B.

(d) Hazardous Substances.

All permitted activities within Land Unit 25 must conform to the hazardous substances standards contained in Part 6B.

6.25.4.2 CONTROLLED ACTIVITIES

A. General Rules

Application must be made for a resource consent for a controlled activity under the following circumstances:

- (a) Where it is proposed to erect, alter or add to any building(s).

B. Particular Rules

- (a) Any buildings shall meet the standards and terms contained in Part 6B.

C. Controlled Activity Criteria For Buildings

The Council shall give consideration to the following criteria in assessing an application for a controlled activity to erect, alter or add to a building:

- (a) Location of buildings.

Buildings shall be located so as to complement and enhance the natural landforms within and surrounding the land unit. Buildings shall be so located that they neither form an obtrusive element in the coastal landscape nor compromise the appearance of the coastal edge when viewed from a seaward perspective.

~~The location of buildings at Matiatia shall conform to the landuse pattern indicated on the development plan (Figure 8) and shall maintain separation space between buildings so as to provide an open aspect from the bay.~~

- (b) Design and external appearance.

The Council shall encourage design proposals which recognise the important characteristics of the surrounding coastal environment including vegetation, topography and existing buildings within and adjacent to the land unit. External materials and finish must complement those existing in the surrounding natural and built landscape. Large areas of reflective material or strongly contrasting colours should not be used.

Note: Reference will be made to the document Colour of Structures in the Landscape, Heath, T. for the interpretation of this criterion, (available at Auckland City Council Offices).

(c) Scale and form of buildings.

The scale and form of buildings shall be in sympathy with the landforms of the land unit and surrounding area, and complement the scale and form of existing buildings in the vicinity. The Council shall not permit development where the bulk, unrelieved mass or repetitive nature of the buildings will form an obtrusive element in coastal landscapes or impede views.

(d) Any extension or alteration to an existing building shall:

- (i) comply with (a) - (c) above,
- (ii) be sympathetic to the design and external appearance of the existing building.

(e) Landscaping.

Any development proposal shall include appropriate landscaping to enhance amenities. The Council shall encourage landscaping which complements the appearance of buildings and aids privacy between buildings. Landscaping proposals must be sympathetic to the existing coastal landscape and incorporate species appropriate to a coastal location and should recognise existing species of significance in the locality. A landscape implementation plan must be submitted to the Council as part of any application for a controlled activity and shall include consideration of any ongoing maintenance necessary to ensure the survival of any planted species.

(f) Parking and service areas.

Any carparking or service area must be suitably designed and screened so as to enhance any proposed development, by reducing visual impact to minimise distraction from amenities and the appearance of the coastal landscape, particularly the coastal edge. Suitable material for paving and fencing, and suitable planting must be established to create a safe and harmonious environment in keeping with the objectives and policies for the land unit. All development must acknowledge and give priority to the movement of people

and freight to and from the wharf. The location and design of vehicle parking areas for all uses in the land unit must ensure safe and efficient pedestrian and vehicular access for wharf users.

D. Controlled Activity Conditions

In granting consent to a controlled activity in Land Unit 25 the Council may impose conditions relating to any or all of the following matters:

- (a) Removal or retention of vegetation.
- (b) Landscaping.
- (c) Drainage.
- (d) Visual screening of buildings, or yards.
- (e) Orientation, cladding, form and colour of buildings.
- (f) Location of buildings on a site.
- (g) The height of buildings.
- (h) Location and construction of vehicle entry, egress, manoeuvring and parking.

6.25.4.3 DISCRETIONARY ACTIVITIES

A. General Rules

Application must be made for a resource consent for a discretionary activity consent under the following circumstances:

- (a) Where it is proposed to vary any of the standards or terms for permitted activities contained in Part 6B or;
- (b) Where an activity is listed in rule 6.25.4.3.B below or;
- (c) Where consent to subdivide land to create a lot pursuant to the rules contained in Part 8 of this Plan is sought.
- (d) Where it is proposed to vary any of the bulk and location standards for permitted activities contained in Rule 6.25.4.1B. An application for a discretionary activity consent may only be granted to vary those standards by an additional 10% above the standards specified in Rule 6.25.4.1B.

B. Listed Discretionary Activities

- (a) Marine Industry
 - (i) No wastes, whether solid or liquid, shall be stored and disposed of so that water quality is detrimentally affected.
 - (ii) No activity shall affect or impede the efficiency of vehicle or pedestrian movement in the area.
 - (iii) No activity shall directly or indirectly impede or constrain the movement of passengers and freight to and within the land unit.
 - (iv) No activity shall impede or reduce public access to and across the foreshore area.
- (b) Community Facilities
 - (i) Any community facility shall be directly related to recreational use of the Hauraki Gulf and;
 - (ii) Any community facility shall specifically require to be located in the land unit by virtue of characteristics of the activity.

(c) Helipads

The above activities are automatically discretionary activities as they need particular assessment in this land unit because of potential effects.

Any standard specified in Part 6F (Assessment criteria for listed discretionary activities) shall prevail over a parallel standard in Part 6C.

C. Consideration Of Applications

- (a) An application for a discretionary activity will be assessed in terms of the criteria contained in Part 6E and in the case of a listed discretionary activity, in terms of Part 6F as well, and;
- (b) An application for a discretionary activity may only be granted to vary the standards contained in Part 6C unless otherwise provided for elsewhere in the Plan, and;
- (c) Where consent for a discretionary activity is sought in terms of more than one of the provisions of Rule 6.25.4.3.A the Council will consider applications together, and;
- (d) Any standard or term in Part 6F shall prevail over a parallel standard or term in Part 6C.

6.25.5 OTHER REQUIREMENTS AND INFORMATION

The information and requirements outlined in Parts 6B-6G must be referred to prior to making an application for any resource consent.

6.25.6 SUBDIVISION

The rules for subdivision are contained in Part 8 of the Plan.

6.25.7 HERITAGE

The rules relating to heritage protection are contained in Part 10 of the Plan.

Part D: Delete **Figure 8, Land Unit 25 – Wharf, Matiatia Development Plan** from the end of Land Unit 25 – Wharf