

PART 6B

STANDARDS FOR PERMITTED ACTIVITIES





PART 6B - STANDARDS FOR PERMITTED ACTIVITIES

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STANDARDS FOR PERMITTED ACTIVITIES

6B.1.0 INTRODUCTION

This section sets out the standards which must be complied with by permitted activities. Those standards which are readily quantified are summarised in Table 1 which must be read in conjunction with the relevant rule. Each of the rules in this Part are accompanied by a brief outline of the main reasons for the rule and a general explanation of the standards which are set. These statements only outline the principal reasons for the rules and should not be regarded as comprehensive.

6B.1.0.1 OUTER ISLANDS PLANNING MAP INTERPRETATION

When using any Outer Island Planning Map (photo and overlay foils) to determine any rules or standards for permitted activities:

- A. Only the map for the Strategic Management Area [S.M.A] within which the activity is located shall be used except that:

When an activity is located within an area shown on a Planning Map enlargement then only the enlargement shall be used.

- B. The information contained on a map for areas outside of the SMA to which the Planning Map relates, is for indicative purposes only and shall not be used to determine the relevant standards for any activity.

Reason/Explanation

The Planning Maps must provide a high degree of certainty in terms of which district plan rules are relevant in assessing land use activities. The Outer Islands planning maps comprise aerial photos with overlying transparent foils containing district plan information. There are significant overlaps between photos and the distortions inherent in the aerial photography process can make interpretation difficult. This rule therefore gives greater certainty as to which rules are appropriate by utilising a single planning map or photo enlargement, that being the photo of the appropriate strategic management area within which the land use activity is proposed.

6B.1.1 INFRASTRUCTURE AND SERVICES

6B.1.1.1 EFFLUENT DISPOSAL

- A. Provision must be made for the satisfactory disposal of all effluent, foulwater and stormwater in accordance with the requirements of the relevant City bylaw and the rules and standards included in the provisions of any Regional Plan.
- B. No part of any sewage disposal system shall be located within any hazard area identified in the Hazards Register for the Outer or Inner Islands or on any Outer Islands SMA Foil (Foil 4).

Reason/Explanation

There is no public reticulated sewerage system within the Hauraki Gulf Islands, so all existing and future development must be capable of satisfactorily treating and disposing of sewage on-site, or through small scale community based schemes. These rules are imposed to ensure that the quality of natural waters is maintained and protected from contamination from effluent discharges. A general authorisation to discharge domestic wastewater to land via an on-site wastewater disposal system is included as a provision in the Transitional Regional Plan administered by the Auckland Regional Council. The provisions of the Regional Plan set limits on the volume of waste discharged, and the method of disposal to ensure there is minimal risk of pollution to any water. The provisions require the investigation, design, installation and maintenance of the effluent system to be in accordance with the principles and procedures outlined in Auckland Regional Water Board Technical Publication No.58 - "On-Site Wastewater Disposal from Households and Institutions." The Auckland City Council has undertaken studies of the effluent disposal capabilities of soils on Waiheke Island and Great Barrier Islands and has produced guidelines on design requirements for wastewater disposal systems for the Hauraki Gulf Islands. It is also necessary that stormwater disposal is carried out in accordance with the treatment and design requirements of the Auckland Regional Council.

6B.1.1.2 PARKING

Vehicle parking shall be provided in the following circumstances:



- A. Any lot used to provide for a dwelling as a permitted activity shall contain at least one vehicle parking space formed and with an all weather surface, except where the work necessary to provide such a space would require a resource consent. Such a space shall be located on the lot so that vehicle access may be achieved in a manner that does not detract from the safe and efficient operation of any road.

or:

- B. Any other activity shall provide for at least one car-parking space per 50m² of gross floor area of the building devoted to that activity. All such car parking spaces shall be located on the lot containing the activity so that vehicle access may be achieved in a manner that does not detract from the safe and efficient operation of any road.

- C. Exceptions

The above standards for parking may be varied or dispensed with as follows:

- (a) As a permitted activity,
- where it can be demonstrated to the satisfaction of Council that onsite parking would lead to an inappropriate modification of the natural environment of the subject site, and
 - the agreement of Council has been obtained to use part of the road for the provision of a parking platform.
- (b) As a controlled activity in Policy Area 5 – Oneroa where the relevant assessment criteria can be met. Refer to Policy Area 5, Assessment Criteria for Controlled Activities.

Reason/Explanation

On-site parking is required to ensure there are adequate off-street parking facilities to provide for activities accommodated on a site. A minimum of one vehicle space is required on a residential site to ensure that the capacity of roads is not unduly reduced by parked or manoeuvring vehicles. Required parking for non-residential activities is dependant on the nature of the activity itself.

6B.1.1.3 VEHICLE ACCESS

Any driveway formed on a lot shall not exceed the gradient specified for the relevant land unit in Table 1 and shall not involve the removal of any tree over 3 metres in height in any required front yard. Earthworks associated with driveway construction are also subject to the requirements of Clause 6B.1.3.6 Earthworks.

Reason/Explanation

The physical nature of some lots means that vehicle access can be difficult and lead to problems of instability and loss of amenity through removal of mature vegetation in the front yard. In order to avoid the adverse effects of steep vehicle access the Council has set a maximum gradient for vehicle accessways. In situations where it is not possible to provide vehicle access to a lot without exceeding this limit it may be preferable for alternative access and vehicle parking to be provided.

6B.1.1.4 TRAFFIC GENERATION

Where any activity is likely to cause any adverse effects on the capacity of the adjoining road network, it shall only be permitted where the adverse effect is to be mitigated by measures to upgrade the road design and formation or control traffic movements (including at any intersection).

Reason/Explanation

Some activities can have a significant effect on the volume of traffic using a roading network and also on the flow of traffic. This rule is used in conjunction with the requirements for parking and vehicle access to ensure that access to a site and manoeuvring of vehicles does not interfere with the safe and efficient operation of the roading network.

6B.1.1.5 ROADING

All activities related to the establishment and use of public roads shall meet the standards outlined in this Part (6B) of the Plan, with the exception of:

- A. Rule 6B.1.3.5 (Noise) in terms of noise from vehicles.
- B. Activities necessary in emergencies and/or to remedy damage caused by natural events such as landslips, earthquakes, lightning or flooding.
- C. The use, maintenance and upgrading of existing formed public roads. Provided that where earthworks are carried out, erosion and sediment control methods shall be undertaken to minimise silt runoff in accordance with Annexure 1 in Part 13. (See also Part 2 – Designations.)
- D. Any buildings authorised by Council.

Reason/Explanation

The natural and physical character of the Hauraki Gulf Islands is of high amenity and environmental value. The topography, location and extent of vegetation, soil and rock types, and other physical characteristics are such that public roading can have significant impacts on the environment, whether at the time of formation or through regular



maintenance activities. For that reason it is considered appropriate that those activities be in accordance with all the performance standards for the relevant land units in order to achieve sustainable land use. In terms of the use of roads, while the movement of people, animals and vehicles are not limited by this rule, it ensures that any buildings constructed on legal road are limited in terms of likely impacts.

Exemptions from noise standards are provided for in recognition of the higher levels considered acceptable and also in recognition of other control methods able to be used to deal with excessive noise.

Emergencies and unavoidable damage repairs are recognised as being activities which would be unreasonably constrained if subject to this rule.

6B.1.1.6 AIRCRAFT

- A. Aircraft landing areas shall not be used for more than 4 inward and 4 outward movements in any 7 day period and no more than 10 movements in any 30 day period.
- B. Such aircraft landing areas shall not be used for aircraft servicing, freight handling or aircraft hanging.
- C. The aircraft landing area shall only be used between morning Civil Twilight and evening Civil Twilight as defined by the Civil Aviation Authority of New Zealand.
- D. The above standards shall not apply to aircraft that are involved in emergency, police, or rescue operations.
- E. Aircraft shall not land in land units 11, 12, 20 or any Policy Areas with the exception of that part of the Claris Policy Area defined on the Policy Area map as the "Airport Protection Area."

6B.1.2 BULK AND LOCATION OF BUILDINGS

6B.1.2.1 HEIGHT

No building shall exceed the height specified for the relevant land unit in Table 1.

- A. Exception
 - (a) The addition or replacement of any antenna or aerial to a maximum increase in height of 4m, where the aerial or antenna does not exceed 150mm in diameter, and

- (b) The addition or replacement of any Panel antenna, the dimensions of which do not exceed 1.5m in height, 1m in width and 0.5m in depth, and
- (c) The addition or replacement of any dish antenna with a radius which does not exceed 1.5m.

[B. Restriction – Rangihoua Park Policy Area 8

No building shall exceed 4.0 metres in height. Rule 6B.1.2.1 HEIGHT as specified in Table 1 does not apply in Policy Area 8. All structures are to be assessed in accordance with the relevant objectives and rules of Policy Area 8.] **19.4.00**

Reason/Explanation

A maximum height limit for buildings is imposed to ensure that the scale and intensity of development within a land unit is compatible with the surrounding area and avoids the effects of overshadowing and visual dominance. Buildings that are out of scale with their surroundings can overshadow and visually dominate other buildings, private property, public open space and roads. A range of height limits has been set for the different land units to reflect the physical qualities, characteristics and aesthetic coherence of each of the land units. In addition to height limits there are special controls relating to the location of buildings on or near significant ridgelines (see Rule 6B.1.2.6).

6B.1.2.2 DAYLIGHT CONTROL

No part of any building shall exceed a height equal to the recession plane angle shown in Figure 9B (Recession Plane Cross Section). To determine the maximum permitted height in relation to boundaries on the lot the diagram in Figure 9A (Recession Plane Indicator) must be viewed within the lot and oriented north. The angle of inclination relative to a particular boundary is determined by the angle on the diagram in Figure 9A adjacent to that boundary.

Except as provided for elsewhere in the Plan, where a lot boundary abuts the street no part of any building shall exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2m above the boundary of the lot where it abuts the street.

- A. Exception
 - (a) The addition or replacement of any antenna or aerial to a maximum increase in height of 4m, where the aerial or antenna does not exceed 150mm in diameter, and
 - (b) The addition or replacement of any Panel antenna, the dimensions of which do not



exceed 1.5m in height, 1m in width and 0.5m in depth, and

- (c) The addition or replacement of any dish antenna with a radius which does not exceed 1.5m, and

Telecommunication lines (including telephone poles) are exempt from this Rule, provided that they do not exceed a height of 8 metres.

In all Land Units no account shall be taken of radio and television aerials, solar heating devices and chimneys, not exceeding 1.1 m in any horizontal direction.

Reason/Explanation

Admission of light to living and working areas is desirable for amenity reasons (prevention of visual dominance of buildings) and for public health (admission of light to adjoining areas and sense of well being). In addition, admission of sunlight to sites maintains an ability to use sunlight as a renewable energy source through solar receptacles. Access to sunlight can also enable the creation of sunny outdoor spaces and provide a means for passive heating of buildings.

The control ensures the adverse effects of building development with regard to light admission are avoided. This control is determined using the diagrams in Figure 9 and is taken from a maximum height of 2m at the boundary - the height of a fence which may be established on a boundary as of right. To maximise light admission to adjacent sites, the recession plane imposes more restrictive controls over development on the southern boundaries of sites. The control is also applied to the other boundaries of a site.

The Council is mindful that topography and other similar factors can also have an affect on access to sunshine.

6B.1.2.3 LOT YARDS

No front, side or rear lot yard shall have a width less than that specified for the relevant land unit in Table 1.

- A. Where any yard is affected by a building restriction yard, that which has the greater dimension shall apply.
- B. Yards shall be measured from the lot boundaries.

Reason/Explanation

This control is imposed to ensure that building development will not interfere with adjacent activities and to maintain amenity values. Yards also provide for landscaping and the provision of underground services.

6B.1.2.4. LOT COVERAGE

No building on a lot shall exceed the lot coverage limits specified for the relevant land unit in Table 1.

- [A. Restriction – Rangihoua Park Policy Area 8

Rule 6B.1.2.4 as specified in Table 1 does not apply in Policy Area 8. Lot coverage of structures within Policy Area 8 is to be assessed in accordance with the relevant objectives and rules of the Policy Area.]

19.4.00

Reason/Explanation

The main reason for controlling building coverage on a lot is to limit the scale and intensity of development. The limits set are aimed at maintaining the character and visual amenity of an area, while still allowing a reasonable level of development to occur.

Lot coverage controls (in conjunction with controls on gross dwelling area) assist in maintaining an adequate area for on-site effluent disposal. Lot coverage controls also ensure an area of permeable surface remains on a site to mitigate against the negative environmental effects, which may result from effluent and stormwater disposal. This permeable area reduces the likelihood of significant increases in stormwater runoff.

In considering applications to increase lot coverage, the level of coverage already established on the lot and any known effluent disposal or stormwater problems experienced in the area will be taken into account.

6B.1.2.5 GROSS DWELLING AREA

Except as provided for in the Particular Rules for Land Units 13 and 14, the gross dwelling area of all buildings located on a lot less than 2000 m² shall not exceed 10% of the area of the lot on which it is located.

Reason/Explanation

This rule is imposed on lots less than 2000m² in area to ensure that the potential volume of effluent that may be generated can be disposed of on-site. These limits recognise the relationship between wastewater volumes and the site capacity for effluent assimilation. A proportional relationship exists between habitable floor area and wastewater volumes and this relationship has been used to set the maximum gross dwelling area.

Investigations and available information indicate that there is sufficient variability of site conditions to require specific investigation, testing and design of effluent disposal systems where it is proposed to exceed the permitted limits. The Council has undertaken studies of the effluent disposal



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capabilities of soils on Waiheke and Great Barrier Islands and has produced guidelines on design requirements for wastewater disposal systems.

The gross dwelling area limit does not apply on lots in excess of 2000m² in area. On these lots the coverage limits apply and together with the relevant City bylaw and provisions of the Regional Plan, provide sufficient control on effluent volumes.

6B.1.2.6 LOCATION OF BUILDINGS

- A. Any building located within 100 metres either side of any significant ridgeline (measured on a horizontal plane) which is shown on the planning maps must be sited such that either:
- (i) the highest point of any building is below the significant ridgeline or
 - (ii) the highest point of any building is below that of any trees, shrubs or stands of bush which mitigate the visual impacts ;
- and,
- (iii) any trees, shrubs or stands of bush which mitigate the visual impacts of any building shall be protected by a consent notice or similar mechanism.

Reason/Explanation

The location of buildings within 100 metres either side of a significant ridgeline (measured on a horizontal plane) is controlled to ensure the protection of visual amenity, maintain existing vegetation, and mitigate against instability and erosion. The rule seeks to prevent buildings being located so that there is no opportunity to remove obtrusiveness over time on significant ridgelines.

6B.1.3 CONSERVATION AND AMENITY

6B.1.3.1 PROTECTED ITEMS

Refer Part 10 for the rules relating to heritage protection.

6B.1.3.2 PROTECTION OF SITES OF ECOLOGICAL SIGNIFICANCE

The botanical, ecological or wildlife features of any Site of Ecological Significance or Sensitive Area identified in Appendix C or shown on the Inner Islands Planning Maps or

Foil 3 of the Outer Islands Planning Maps shall not be modified or destroyed.

1. Exception

Where lots are wholly contained in any site of ecological significance or sensitive area

or

where a lot partially contains a Site of Ecological Significance or Sensitive Area to the extent that there is less than 1000m² of land that is available for land use activities outside the Site of Ecological Significance or Sensitive Area then;

clearance of vegetation is permitted in accordance with standards contained in Table 1 and Rule 6B.1.3.3

Reason/Explanation

The Hauraki Gulf Islands contain a number of important and distinctive natural features of ecological significance. These include areas of significant indigenous vegetation and important wildlife habitats. The location of these sites on Waiheke Island are shown on a map included in Appendix C and on the Inner Islands planning maps. For Great Barrier Island the sites of ecological significance and the sensitive areas are identified on the Outer Islands SMA Foils (Foil 3).

The exception rule outlined above recognises that S.E.S 6, 29, 36 and 37 cover a significant area of the Outer Islands and contain small areas which will not have the necessary botanical, ecological or wildlife values of a Site of Ecological Significance. In these circumstances, providing all other permitted activity standards, including the indigenous vegetation clearance standards outlined in 6B.1.3.3 below, are met the clearance of vegetation to provide for land use activities is permitted. The exception rule also recognises that some properties may only be partly affected by a Site of Ecological Significance and in these circumstances it is necessary to provide for 1000m² of vegetation clearance for reasonable land use at the Permitted Activity level.

6B.1.3.3 INDIGENOUS VEGETATION CLEARANCE

The following indigenous vegetation clearance standards shall apply to all permitted activities:

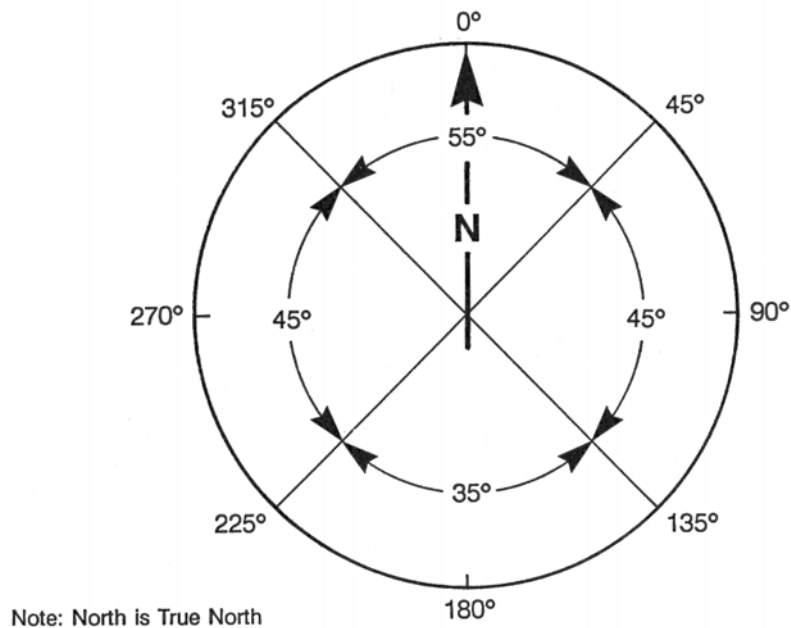
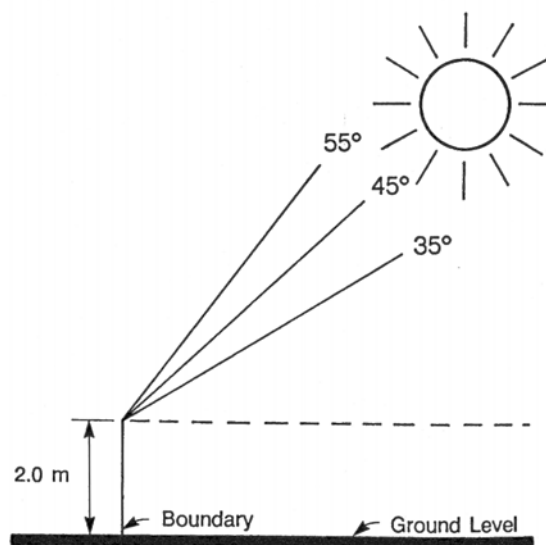
- i) No activity shall require the destruction, removal or modification of any rare, threatened or endemic species listed in Appendix D, and
- ii) Unless otherwise stated no indigenous vegetation over 3 metres in height shall be cleared.

Note: Maintenance or trimming with the use of hand operated secateurs is permitted.



Figure 9**Height in relation to boundary - Recession Planes**

The angle of inclination of a recession plane from horizontal depends on the orientation of the boundary concerned - see Figure 9A and Figure 9B

Figure 9A: Recession Plane Indicator**Figure 9B: Recession Plane Cross Section**

In addition the following exceptions shall apply:



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- A. The cumulative amount of indigenous vegetation clearance for any land unit (including cleared land since 18 July 1996) shall not exceed that specified in Table 1.
- B. On Great Barrier Island only, manuka up to 6 metres in height may be removed in any Land Unit.
- C. For Land Unit 3 and 5 manuka or kanuka less than 6 metres in height or with a girth less than 600mm (measured at 1.4 metres above the ground), may be cleared.

Reason/Explanation

The Council has imposed limitations on the removal of indigenous trees and shrubs in order to protect the natural character of the Hauraki Gulf Islands, while still recognising the 'right' to clear for the purpose of establishing a dwelling or buildings and use of the land for rural productivity. These include limitations on both the areal extent of indigenous vegetation which may be cleared and on the clearance of trees and shrubs above a certain height. The extent of indigenous bush, trees and shrubs which may be cleared as of right is limited in land units to ensure that the natural values and character of the land unit are not detrimentally affected. The height *restrictions* are set in recognition of the relative maturity of trees and shrubs above those limits and the important contribution that they make to the natural environment, landscape and amenity values of the district. In some land units, indigenous vegetation may only be cleared if a resource consent is obtained. This control recognises that in those units, vegetation is a key element which must be retained to protect the character and functioning of the land unit.

6B.1.3.4 HAZARD AREAS

No activity shall take place within or having any impact upon any hazard area identified on any Outer Islands SMA Foil 4 or contained in the Hazards Register for the Inner or Outer Islands held at the Council's offices.

Reason/Explanation

The Council has a responsibility in terms of the Act to control the use and development of land to avoid or mitigate against any natural hazard. Natural hazards occurring in the Hauraki Gulf Islands include landslip, subsidence, flooding and coastal erosion. No definitive record of these hazards exists at present. However, the Council has identified those areas which are more likely to be susceptible to natural hazards from various studies. Foil maps depicting these areas are included as a separate overlay to the planning maps for the Outer Islands, while for the Inner Islands the information is contained in a hazards register prepared by the Council. The Council will maintain the register of natural hazards and will monitor hazard prone areas to ensure increased understanding of the nature of the hazard. The

Council will adopt a conservative approach to assessing development proposals within hazard areas.

6B.1.3.5 NOISE

A.

- (i) With the exception of (ii), (iii), (iv) and (v) below, the following noise standards shall apply to all permitted activities.
 - (a) Unless otherwise stated the L10 noise level shall not exceed the limits specified for the relevant land unit in Table 1, and
 - (b) The maximum noise level (Lmax) at "night" time in all areas shall be the background noise level (L95) plus 30 dBA; or 75 dBA, whichever is the lower.
- (ii) All activities in land unit 15 shall be required to meet an L10 noise level of 70dBA measured on the boundary of the site. This shall be in addition to those required by Table 1 for land unit 15 except that the noise standards in Table One shall only apply when the affected dwelling is in another land unit.

(NB Apart from the boundary noise standard there will be no protection afforded dwellings in land unit 15)
- (iii) The noise from the use of any aircraft landing area shall not exceed an Lmax of 85dBA measured at any adjacent notional boundary.
- (iv) The L10 noise level arising from the use of any generator or wind powered equipment used solely for the generation of electricity shall not exceed the following limits:

Monday to Sunday 7.00am to 10.00pm: 55dBA

At all other times: 45dBA
- (v) Noise resulting from earthworks activities shall comply with the following:
 - a) As measured in all land units except for Land Units 15, 16 and 25 -

All construction work associated with earthworks shall be designed and conducted to ensure that the noise from the earthworks activity does not exceed the noise limits in the following table.



Time of the Week	Time Period	Duration of the Work			
		Typical Duration ⁽¹⁾ (dBA)		Short-term duration ⁽²⁾ (dBA)	
		L_{eq}	L_{max}	L_{eq}	L_{max}
Weekdays	6.30am-7.30am	60	75	65	75
	7.30am-6.00pm	75	90	80	95
	6.00pm-8.00pm	70	85	75	90
	8.00pm-6.30am	45	75	45	75
Saturdays	6.30am-7.30am	45	75	45	75
	7.30am-6.00pm	75	90	80	95
	6.00pm-8.00pm	45	75	45	75
	8.00pm-6.30am	45	75	45	75
Sundays and Public Holidays	6.30am-7.30am	45	75	45	75
	7.30am-6.00pm	55	85	55	85
	6.00pm-8.00pm	45	75	45	75
	8.00pm-6.30am	45	75	45	75

(1) 'Typical duration' means construction work at any one location for more than 14 calendar days.

(2) 'Short-term duration' means construction work at any one location for up to 14 calendar days.

All noise measurements shall be made at a position 20m from any adjacent dwelling or visitor facility (on another lot) within any land unit except Land Units 15, 16 and 25 or at the legal boundary when this is closer to the building. This may be referred to as the notional boundary.

b) As measured in Land Units 15 and 25 -

All construction work associated with earthworks shall be designed and conducted to ensure that the noise from the earthworks activity does not exceed the noise limits in the following table.

Time Period	L_{eq} (dBA)
7.30am-6.00pm	75
6.00pm-7.30am	80

All noise measurements shall be made at a position 20m from any adjacent occupied building (on another lot) within Land Units 15 and 25 or at the legal boundary when this is closer to the building. This

may be referred to as the notional boundary.

Under both (a) and (b), the sound levels shall be measured and assessed in accordance with the provisions of the NZS 6803:1999 Acoustics: Construction Noise.

c) As measured in Land Unit 16 -

Refer to the land unit rules and to the requirements of any approved quarry management plan.

Except where otherwise stated all noise measurements shall be made at 20m from any adjacent dwelling (on another lot) or at the legal boundary, when this is closer to the dwelling. This may be referred to as the notional boundary.

Noise levels shall be measured and assessed in accordance with the requirements of the New Zealand Standards NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

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

Reason/Explanation

The Council has a responsibility in terms of the Act to control the emission of noise and to mitigate the effects of noise. Noise can have an adverse effect on the amenity values of an area and excessive noise can be detrimental to public health. Quantitative noise limits have been prescribed in the Plan to maintain existing background noise levels and to maintain amenity. These general limits have been varied in a number of land units in recognition of the type of activity



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occurring and where a lower environmental amenity is acceptable.

The landing and take off of aircraft involving up to 8 movements in any 7 day period and not more than 10 in any 30 day period, is a permitted activity in all land units [except Land Units 11, 12 and 20] and all Policy Areas [except the Claris Airport Protection Area] providing that the specified noise controls are met.

6B.1.3.6 EARTHWORKS

A. Subject to (B), (C), (D) and (E) below, and compliance with the standards set out in (F) below, earthworks are a permitted activity where:

- i) The land subject to earthworks has a slope of greater than 1 in 6 and the contiguous extent of the earthworks measured in square metres does not exceed the limit specified below (and also stated in Row 3.6a of Table 1) for the relevant land unit;

Land unit	Permitted earth-works on land with a slope > 1 in 6
1, 2, 4	nil earthworks
3, 5, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 24, 25, 26	$\leq 50\text{m}^2$
6 and 8 – Great Barrier and other outer islands	$\leq 30\text{m}^2$
6 and 8 – Waiheke and other inner islands	$\leq 50\text{m}^2$
7, 9	$\leq 10\text{m}^2$
10	$\leq 20\text{m}^2$
16	refer Land Unit 16 rules
17, 23	$\leq 30\text{m}^2$

or

- ii) The land subject to earthworks has a slope of less than or equal to 1 in 6 and the contiguous extent of the earthworks measured in square metres does not exceed the limit specified below (and also stated in Row 3.6b of Table 1) for the relevant land unit.

Land unit	Permitted earth-works on land with a slope ≤ 1 in 6
1, 2, 4	nil earthworks

3, 5, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 24, 25, 26	$\leq 400\text{m}^2$
6 and 8 – Great Barrier and other outer islands	$\leq 50\text{m}^2$
6 and 8 – Waiheke and other inner islands	$\leq 400\text{m}^2$
7, 9	$\leq 10\text{m}^2$
10	$\leq 20\text{m}^2$
16	refer Land Unit 16 rules
17, 23	$\leq 30\text{m}^2$

Slope means the slope of the land surface measured by the nearest route from the bottom to the top of the area of land to be disturbed. It should have an accuracy no less than that achieved by a hand held inclinometer or abney level.

B. With the exception of Land Units 1, 2, and 4, earthworks to dig trenches for utility services or effluent disposal systems which do not comply with (A) above are a permitted activity where:

- i) the utility services include water, power, wastewater, drainage, telecommunications, or other in-ground services of a similar character; and
- ii) no more earth is removed than is absolutely necessary for the trench; and
- iii) the trench does not remain open for more than 48 hours; and
- iv) the disturbed land is revegetated or otherwise protected from soil erosion as soon as practicable; and
- v) the earthworks comply in all respects with the standards set out in (F) below.

C. Earthworks to construct farm tracks in Land Units 3 and 5 on Great Barrier Island which do not comply with (A) above are a permitted activity where:

- i) the tracks are required for farming activities; and
- ii) the earthworks comply in all respects with the standards set out in (F) below.

D. Earthworks for the use, maintenance and upgrading of existing formed public roads are provided for in Clause 6B.1.1.5(C).

E. Earthworks are permitted in Land Unit 16 where they are undertaken in accordance with an approved Quarry Management Plan.

F. The permitted activities listed in (A), (B) and (C) above are allowed without a resource consent where they comply in all respects with the following standards:



- i) All earthworks are undertaken with the application of erosion and sediment control measures to ensure that, in so far as is practicable, soil erosion is minimised and sediment does not enter into wetland or water systems. For information on how to achieve this refer Annexure 1, Erosion and Sediment Control Guidelines; and
- ii) No material is deposited on any public road. Means to avoid depositing material on the road are set out in Annexure 1, Erosion and Sediment Control Guidelines; and
- iii) No more than 200m³ of cleanfill is transported by public road either to or from the area subject to earthworks. The 200m³ volume is expressed in solid measure; and
- iv) Any surplus excavated material which is not reused on site, shall be disposed of in a legally authorised manner.

G. More restrictive earthworks controls may apply under other provisions of the District Plan. Particular regard should be had to the following:

- i) Clause 6B.1.3.7 Protection Yards and Water Systems;
- ii) Clause 6B.1.3.2 Protection of Sites of Ecological Significance;
- iii) Clause 6B.1.3.4 Hazard Areas;
- iv) Part 7 – Policy Areas.

H. Where evidence of a burial site or any other archaeological feature is found or exposed on an area where earthworks is occurring, all work must cease immediately and the Council and Historic Places Trust be advised. *Note:* On receipt of such advice it is the Council's practice to consult with the relevant authorities (Historic Places Trust, Department of Conservation, Tangata Whenua) and the owner of the property with regard to the appropriate treatment of the feature.

Bylaw and Regional Requirements

All works in flood plains and overland flow paths must comply with Part 18 of the Auckland City Consolidated Bylaw 1998, Stormwater Management.

Earthworks over 0.25ha in area, roading / tracking / trenching over 100m in length, works within floodplains or watercourses (including diversion), and cultivation of soil for commercial crop production may require resource consent from the Auckland Regional Council prior to the activity commencing. The ARC should be contacted to determine whether a consent is required and to discuss technical requirements.

Reasons / Explanation

A major reason for imposing controls on earthworks is to minimise the potential for erosion and sedimentation which

can have adverse effects on streams, wetlands and coastal systems. Permitted activity standards require the implementation of erosion and sedimentation control measures for all earthworks activities to avoid adverse effects from sediment runoff. The steepness of the land and the extent of the earthwork are the main factors which determine how much sediment leaves an area of earthworks. The earthworks controls therefore include limits based on slope and exposed surface area. Above specified limits a resource consent is required.

A limit is also placed on the volume of cleanfill which can be transported by public road either to or from the site. This is due to the adverse effects that heavy vehicles can have on traffic safety and road surfaces.

Earthworks are not permitted as of right in Land Units 1, 2 and 4. This is in keeping with the objectives of these land units which emphasise the need to protect the natural character of the coastal cliffs, dune systems and sand flats, and wetland systems.

Earthworks can have an adverse visual impact due to the removal of vegetation and the alteration of landforms. Visual effects are most obvious during the construction phase but reduce over time if planting and other landscaping is established round the new building or driveway. Adverse visual effects are more likely to occur where earthworks occur on steeper landforms with a coastal location. For landscape reasons more restrictive earthworks controls have been applied in Land Units 6, 7, 8 and 9 on Great Barrier and other outer islands, and in Land Units 10, 17 and 23.

The requirement to cease earthworks if a burial site or any other archaeological features are exposed is included in recognition of the obligations under the Historic Places Act.

6B.1.3.7 PROTECTION YARDS AND WATER SYSTEMS

The yards will apply to any part of a lot which abuts the mean high water springs (MHWS) tide mark or any wetland/water system (including rivers, streams, lakes and wetlands) as follows:

- A. Coastal Protection (MHWS)
No building or activity shall take place within these yards, except for passive recreation and vegetation planting for the purpose of protection and conservation of the landscape.
- B. Wetlands/Water Systems
No building or earthworks shall be located or undertaken within these yards.
- C. Such yards shall be of the width specified for the relevant land unit in Table 1.
- D. The width of these yards shall be measured in a horizontal plane.



PART 6B - STANDARDS FOR PERMITTED ACTIVITIES

- E. The requirements of these yards shall be substituted for any other yard requirement.
- F. No activity shall interfere with the natural functions and reduce the water quality of any water system.
- G. Works of a minor nature undertaken to avoid possible adverse effects of recreational, scientific or educational activities and which are in accordance with a Department of Conservation's Conservation Management Strategy or any operative management plan shall be permitted within protection yards.

Reason/Explanation

Special yard controls are imposed to protect natural environmental features, including the coast, wetlands and water systems. These protection yards are imposed to protect the integrity of the natural features, to maintain and enhance water quality and to preserve the natural character of the coastal environment and the margins of rivers, streams, lakes and wetlands. The purpose of the yards is to control activities immediately adjacent to the identified features to limit any adverse effects of activities and buildings. The controls on the yards and activities are not intended to limit any activity such as passive recreation which does not have the potential to lead to adverse environmental effects on water systems.

6B.1.3.8 BUILDING RESTRICTION YARD

No buildings shall be erected within the area contained between any building line shown on the planning maps and a lot boundary or the line of mean high water springs.

Reason/Explanation

Controls on the erection of buildings are imposed where it is necessary to achieve particular improvements to both amenity and traffic management in an area. In some cases, particularly in the coastal environment, it is necessary to ensure the visual quality of an area is maintained or enhanced. Limits on buildings so that they cannot be located in places where the above objectives are sought, are therefore necessary. A building line shown on the planning maps defines these areas. An application for a discretionary activity to vary these limits can be made.

(Note: Currently there is no 6B.1.3.9)

6B.1.3.10 ARTIFICIAL LIGHTING

- A. The use of outdoor artificial lighting producing an illuminance up to but not exceeding 150 lux is a permitted activity, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level.

- B. As a permitted activity all outdoor artificial lighting shall be shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture where light is emitted, or is shielded in such a manner that the lowest edge of the shield is at or below the centre line of the light source.

Note: Any building or structure supporting the lighting must, however, comply with the rules of this Plan.

Reason/Explanation

The use of outdoor artificial lighting which produces an illuminance in excess of 150 lux measured at ground level can have a significant adverse effect on adjoining properties if the artificial lighting is not positioned and shielded so as to limit light spill and glare. Outdoor artificial lighting producing an illuminance less than 150 lux can also contribute to glare and deterioration in night sky viewing conditions when not directed downwards. Therefore any use of non-shielded outdoor artificial lighting or outdoor artificial lighting in excess of 150 lux is deemed to be a discretionary activity so that appropriate assessment can occur.

Note: While this standard only requires outdoor artificial lighting to be shielded to the centre line of the light source, shielding to the lowest line of the light source will provide greater protection for the night sky and can be used voluntarily where desired.

6B.1.4 HAZARDOUS SUBSTANCES

6B.1.4.1 HAZARDOUS FACILITIES

- A. All areas or parts of sites where hazardous substances (including waste) are stored, used, loaded or unloaded shall be sealed, bunded and roofed or covered.
- B. All bunds shall be sealed or constructed from impervious materials and shall be sufficient to contain the total volume of material stored or used on the site in the event of a spill.
- C. All sealed areas of sites shall be drained to an appropriate stormwater or wastewater treatment system. Regarding stormwater treatment systems developments and activities which comply with the ARC's publication "Stormwater Treatment Devices - Design Guideline Manual Technical Publication No. 10" generally meet this rule. However, in some instances additional controls and/or a discharge permit from the ARC may be required.



- D. All areas or parts of sites where vehicles, equipment or containers that have, or may have come into contact with hazardous substances are washed, shall be sealed and banded.
- E. No hazardous substance shall be used in a way that an accidental or deliberate release of the substance into or onto water, land or air may take place except in accordance with any relevant legislation and regulations.
- F. Site management and spill contingency plans shall be prepared and implemented by all operators of hazardous facilities.
- G. Hazardous facilities shall not generate general waste over 1.5 m³ per week or any hazardous waste.
- H. No land use activity shall take place on a potentially contaminated site as identified in a Council register.
- I. No storage of liquid petroleum products greater than 2,000 litres on any one site shall be permitted.

quantities of hazardous substances proposed to be used or stored for an existing facility.

Reason/Explanation

The Council has a responsibility in terms of the Act to control the actual or potential effects of the storage, use, disposal or transportation of hazardous substances and, in particular, to avoid or mitigate any adverse effects of hazardous facilities or hazardous substances. The potential for hazardous facilities to have adverse effects on the environment by releasing hazardous substances intentionally or accidentally can be reduced in two ways. Firstly the provision of adequate controls should prevent, as far as possible, the release of hazardous substances. Secondly, the preparation and implementation of appropriate contingency plans should avoid or minimise the adverse effects of any release of hazardous substances.

These rules are intended to not only reduce the incidence of spills of hazardous substances but also to reduce the likelihood of environmental damage from any spills which may occur. Storage and loading or unloading areas involve a risk of spillage and it is important that precautions are taken in order to reduce the risk of environmental damage or contamination. Where hazardous substances are stored, handled or used, it is important that any contaminated run-off is treated in an appropriate manner before discharge.

The control of hazardous substances is a joint responsibility between the Auckland City and the Auckland Regional Councils. In addition, the ARC has jurisdiction over discharges of contaminants to air and water. Relevant Regional Plans may place additional controls on particular aspects of hazardous substances management.

An application for a discretionary activity to vary the limits set for permitted activities can be made. Generally an application needs to be notified only in special circumstances eg. a proposed hazardous facility posing a significant risk beyond the boundaries of the site or a significant increase in



TABLE 1 - STANDARDS FOR PERMITTED ACTIVITIES

Note that this table must be read in conjunction with the rules outlined in PART 6B.

The numbering down the left hand column of the table refers to the relevant rule number in PART 6B.

LAND UNIT

		1	2	3	4	5	6	7	8	9	10
1.	Infrastructure and Services										
1.3	Vehicle Access	NP	1 in 6	1 in 6	NP	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6
2.	Bulk & Location of Buildings										
2.1	Height	0m	8m	8m	0m	8m	8m	8m	8m	8m	8m
2.3	Front Yards	N/A	6m	6m	N/A	6m	6m	6m	6m	N/A	6m
	Side/Rear Yards	N/A	1.5m	0m	N/A	1.5m	1.5m	1.5m	1.5m	N/A	1.5m
2.4	Lot Coverage	N/A	lesser of 20% or 250m2	lesser of 20% or 250m2	N/A	500m2	500m2	250m2	500m2	lesser of 10% or 250m2	lesser of 20% or 500m2
2.5	Gross Dwelling Area (GDA)	10% of lot < 2000m2									
3.	Conservation and Amenity										
3.3	Indigenous Vegetation Clearance	NP	500m2	500m2	NP	1000m2	1000m2	NP	1000m2	NP	1000m
3.5	Noise (L10 levels) 7am to 10pm Monday to Saturday and Sunday 9am to 6pm	40 dBA	40 dBA	45 dBA	40 dBA	45 dBA	45 dBA	40 dBA	45 dBA	40 dBA	40 dBA
	all other times including public holidays (night time)	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA

NP = Not Permitted N/A = Not Applicable



TABLE 1 - STANDARDS FOR PERMITTED ACTIVITIES CONTINUED

		1	2	3	4	5	6	7	8	9	10
3.6a	Earthworks on land with a slope >1 in 6	nil earthworks	nil earthworks	≤50m ²	nil earthworks	≤50m ²	Great Barrier and other outer islands: ≤30m ² Waiheke and other inner islands: ≤50m ²	≤10m ²	Great Barrier and other outer islands: ≤30m ² Waiheke and other inner islands: ≤50m ²	≤10m ²	≤20m ²
3.6b	Earthworks on land with a slope ≤1 in 6	nil earthworks	nil earthworks	≤400m ²	nil earthworks	≤400m ²	Great Barrier and other outer islands: ≤50m ² Waiheke and other inner islands: ≤400m ²	≤10m ²	Great Barrier and other outer islands: ≤50m ² Waiheke and other inner islands: ≤400m ²	≤10m ²	≤20m ²
3.7	Protection Yards										
	- Coastal (MHWS)	No building or activities are permitted within 40m of MHWS									
	- Wetlands/Water systems	No building or earthworks are permitted within 20m of a wetland or water system									

NP = Not Permitted

= (except where abutting another land unit where side and/or rear yards shall be 1.5m)

@ = (except where abutting another land unit where side and/or rear yards shall be 1.5m)

N/A = Not Applicable

* = 2.1 Rule Maximum height of structures within Policy Area 8 – Rangihoua Park is 4 metres. [19.4.00]

*= 2.4 Rule 6B.1.2.4 – Lot Coverage – is not applicable in Policy Area 8 – Rangihoua Park [19.4.00]




TABLE 1 - STANDARDS FOR PERMITTED ACTIVITIES

Note that this table must be read in conjunction with the rules outlined in PART 6B.

The numbering down the left hand column of the table refers to the relevant number in PART 6B.

LAND UNIT

		11	12	13	14	15	16	17	18
1.	Infrastructure and Services								
1.3	Vehicle Access	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6
2.	Bulk & Location of Buildings								
2.1	Height	8m	8m	8m*	Refer LU14 rules	8m	Refer LU 16 rules	8m*	8m*
2.3	Front Yards	4m	4m	0m	7.5m	Refer LU 15 rules	Refer LU 16 rules	1.5m	1.5m
	Side/Rear Yards	1.5m	1.5m	0m#	1.5m@			1.5m	1.5m
2.4	Lot Coverage	15% of lot area Refer to 	15% of lot area	40% of lot area	Refer LU 14 rules	50% of lot area	30% of lot area	10% of lot area*	10% of lot area*
2.5	Gross Dwelling Area (GDA)	10% of lot <2000m ²		Refer LU 13 rules	Refer LU 14 rules	10% of lot <2000m ²	N/A	10% of lot <2000m ²	
3.	Conservation and Amenity								
3.3	Indigenous Vegetation Clearance	300m ²	300 m ²	300 m ²	300 m ²	300 m ²	0m ²	300 m ²	300 m ²
3.5	Noise (L10 levels) 7am to 10pm Monday to Saturday and Sunday 9am to 6pm all other times including public holidays (night time)	45 dBA 35 dBA	45 dBA 35 dBA	50 dBA 35 dBA	refer LU rules	50 dBA 40 dBA	refer LU rules	40 dBA 35 dBA	50 dBA 35 dBA
3.6a	Earthworks on land with a slope >1 in 6	≤50m ²	≤50m ²	≤50m ²	≤50m ²	≤50m ²	Refer LU 16 rules	≤30m ²	≤50m ²
3.6b	Earthworks on land with a slope ≤1 in 6	≤400m ²	≤400m ²	≤400m ²	≤400m ²	≤400m ²	Refer LU 16 rules	≤30m ²	≤400m ²
3.7	Protection Yards								
	- Coastal (MHWS)	No building or activities are permitted within 30m of MHWS							
	- Wetlands/Water systems	No building or earthworks are permitted within 20m of a wetland or water system							

NP = Not Permitted N/A = Not Applicable

* = 2.1 Rule Maximum height of structures within Policy Area 8 – Rangihoua Park is 4 metres. [19.4.00]

* = 2.4 Rule 6B.1.2.4 – Lot Coverage – is not applicable in Policy Area 8 – Rangihoua Park [19.4.00]



TABLE 1 - STANDARDS FOR PERMITTED ACTIVITIES

Note that this table must be read in conjunction with the rules outlined in PART 6B.

The numbering down the left hand column of the table refers to the relevant rule number in PART 6B.

LAND UNIT

		19	20	21	22	23	24	25	26
1.	Infrastructure and Services								
1.3	Vehicle Access	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6	1 in 6
2.	Bulk & Location of Buildings								
2.1	Height	8m*	8m	8m	8m	8m	8m	refer LU rules	8m
2.3	Front Yards	1.5m	6m	6m	6m	1.5m	N/A	4	-
	Side/Rear Yards	1.5m	1.5m	1.5m	1.5m	1.5m	N/A	1.5	-
2.4	Lot Coverage	10% of lot area*	lesser of 10% or 500m2	lesser of 2.5% or 500m2	lesser of 10% or 500m2	1.5 hectares	10% of lot area	Refer LU 25 rules	up to 1.5% of the Island
2.5	Gross Dwelling Area (GDA)	10% of lot <2000m ²							
3.	Conservation and Amenity								
3.3	Indigenous Vegetation Clearance	300m2	300m2	300m2	300m2	300m2	300m2	300m2	no clearance as a permitted activity
3.5	Noise (L10 levels) 7am to 10pm Monday to Saturday and Sunday 9am to 6pm	50 dBA	45 dBA	45 dBA	45 dBA	40 dBA	50 dBA	50 dBA	50 dBA
	all other times including public holidays (night time)	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA	35 dBA	40 dBA	40 dBA
3.6a	Earthworks on land with a slope > 1 in 6	≤50m ²	≤50m ²	≤50m ²	≤50m ²	≤30m ²	≤50m ²	≤50m ²	≤50m ²
3.6b	Earthworks on land with a slope ≤ 1 in 6	≤400m ²	≤400m ²	≤400m ²	≤400m ²	≤30m ²	≤400m ²	≤400m ²	≤400m ²
3.7	Protection Yards								
	- Coastal (MHWS)	30m	No building or activities are permitted within 40m of MHWS				As shown on planning map 11A. See also Land Unit rules	N/A	40m
	- Wetlands/Water systems	No building or earthworks are permitted within 20m of a wetland or water system							

