

# Part 10c

## Development controls for land units and settlement areas

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**Annotations key**

**[DRx]** indicates where the content is affected by decision report x

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## 10c.1 Introduction

This section sets out the development controls for activities for all land units and settlement areas. It also contains some controls applying to vegetation on legal roads. The development controls in this part relate to the scale, form and intensity of buildings and the resulting effects on the environment, as well as conservation and amenity issues. Those development controls which are readily quantified are summarised in [tables 10c.1 to 10c.6: Development controls](#) which must be read in conjunction with the relevant rule. Each of the rules in this part of the Plan is accompanied by a brief explanation of the rule's purpose and of the standards which are set. These statements outline the principal reasons for the rules and should not be regarded as comprehensive.

Unless otherwise stated, the development controls in this part apply to all land units and settlement areas. The development controls apply to all activities whether or not those activities are otherwise permitted, restricted discretionary, discretionary or non-complying. Infringements to the development controls will be considered as development control modifications under [clause 10c.3](#).

**Note:** In addition to the controls contained in this part, there are additional development controls for some land units and settlement areas in [part 10a - Land units: objectives, policies and activity tables](#) and [part 10b - Settlement areas: objectives, policies and activity tables](#). It is necessary to refer to these as well as this part of the Plan.

## 10c.2 Objectives

1. To recognise and provide for a broad and flexible range of development while protecting the amenity values of neighbouring properties and the character of the surrounding environment.
2. To ensure that buildings and activities which do not comply with the development controls are reasonably consistent with the intent of the controls that they modify (as set out in the explanation accompanying the relevant development controls).
3. To provide for a broad and flexible range of development, while sustainably managing the effects of land use on the natural environment.

## 10c.3 Development control modifications

### 10c.3.1 Discretionary activities

Unless otherwise specified an application to modify one or more of the development controls in this part, or in [part 10a - Land units: objectives, policies and activity tables](#) or [part 10b - Settlement areas: objectives, policies and activity tables](#) is a discretionary activity.

#### Assessment criteria

The council's assessment of an application for a development control modification under this rule will include consideration of the following matters:

1. Whether allowing the modification is consistent with the objectives in [clause 10c.2](#).
2. Whether the modification(s) will result in any adverse effects on amenity values of neighbouring properties, the character of the surrounding environment or the natural environment which cannot be avoided, remedied or mitigated.
3. Whether the development remains consistent with the intention of the development control(s) it modifies having regard to the explanation given in the Plan for the particular control(s).
4. The extent to which there will be adverse cumulative effects where a development modifies two or more development controls.

### 10c.3.2 Notification requirements for restricted discretionary activities

In some instances this part of the Plan specifies that the modification of a particular development control is a restricted discretionary activity. Within this part of the Plan, except as provided for by section 95A(4) of the RMA, applications for a resource consent for restricted discretionary activities will be considered without public notification or the need to obtain written approval of or serve notice on affected persons (in accordance with section 95A(3) and 95B(2) of the RMA).

## 10c.4 Controls on the bulk, location and colour of buildings

### 10c.4.1 Height

1. Any building must not exceed the height specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
2. **Methodology:** the height of a building is measured in accordance with the definition of height contained in [part 14 - Definitions](#).

#### Explanation

A maximum height limit for buildings is imposed to ensure that buildings are of a scale which avoids the effects of overshadowing, visual dominance, reduced privacy and diminished character. A range of height limits have been set to reflect the physical qualities, characteristics and aesthetic coherence of the relevant land units and settlement areas. In addition to height limits there are special controls relating to the location of buildings on or near significant ridgelines (see [clause 10c.4.7](#)).

### 10c.4.2 Height restrictions within the Claris and Okiwi airfield protection fans

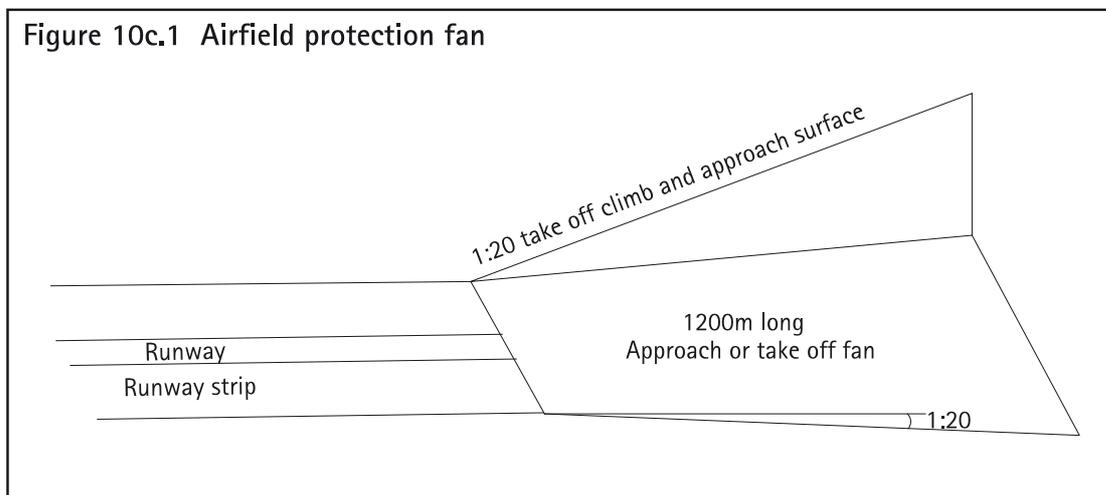
The following is a prohibited activity:

- Any building, structure, mast, pole, tree or other object which penetrates any of the takeoff climb and approach protection fans for Claris or Okiwi airfields.

The location of the protection fans is identified on the planning maps (map references 42-13 for Okiwi, and 54-15 for Claris) and is further detailed in [figure 10c.1: Airfield protection fan](#).

#### Explanation

The purpose of these restrictions is to provide for safe and unobstructed access to the runways at Claris and Okiwi airfields. The extent of the airfield protection fans is consistent with civil aviation regulations. The prohibited activity status is in recognition of the fact that the airfield protection fans should never be obstructed in any circumstances as this would compromise the safety and operation of the airfields.



### 10c.4.3 Building in relation to boundary

1. Any building must not exceed a height equal to the recession plane angle shown in [figure 10c.2: Recession plane cross section](#).
2. **Exceptions:** in addition to (1) above the building in relation to boundary control does not apply to:
  - a. Boundaries between sites classified as commercial 1, 2, 3 and 5.
  - b. The commercial 7 and Matiatia land units.
  - c. Boundaries between sites classified within the following parts of the settlement areas:
    - local retailing areas
    - Claris light industry area
    - Claris airport area
3. **Methodology:**
  - a. This control is determined using the diagrams in [figure 10c.2: Recession plane cross section](#) and [figure 10c.3: Recession plane indicator](#) and is taken from a maximum height of 2m above the ground level at the boundary for all land units and settlement areas, with the exception of the land units and settlement areas noted in (2) above.
  - b. To determine the maximum building height in relation to boundaries on the site, the diagram in [figure 10c.3: Recession plane indicator](#) must be viewed within the site and oriented north.
  - c. The angle of inclination relative to a particular boundary is determined by the angle on the diagram in [figure 10c.2: Recession plane cross section](#) adjacent to that boundary.

#### Explanation

The building in relation to boundary rule is imposed principally to ensure that a reasonable degree of sunlight is admitted to adjacent sites. The admission of light to living and working areas is desirable for public health and people's sense of wellbeing. It also maintains an ability to use sunlight as a renewable energy source through solar receptacles and enables the creation of sunny outdoor spaces and provides a means for passive solar heating of buildings. The building in relation to boundary rule is also imposed to control the visual dominance of buildings, and to retain privacy on adjacent sites.

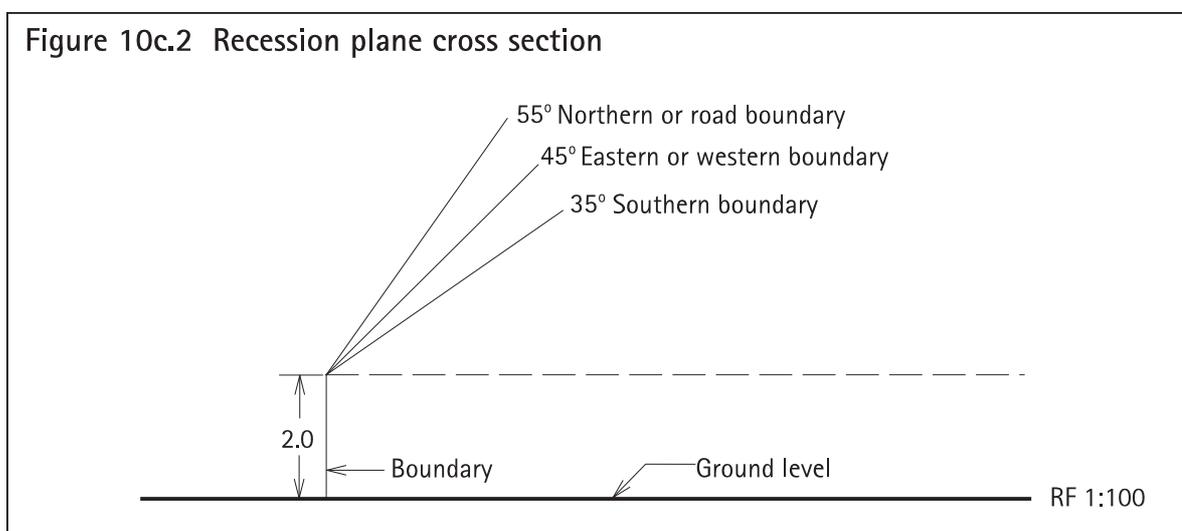
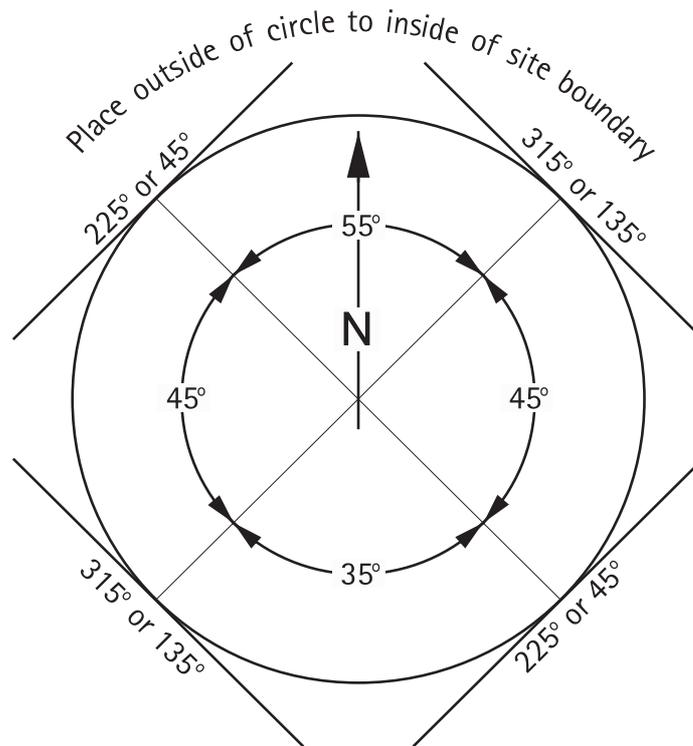


Figure 10c.3 Recession plane indicator



Note : North is true north  
Bearings on the circle increase in a clockwise direction

#### 10c.4.4 Yards

1. Any building or part of a building must not be located in the front, side or rear yard specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
2. **Methodology:** yards will be measured on the horizontal plane from the site boundaries.

##### Explanation

Side and rear yards are controlled principally to ensure that built development will not adversely impact upon the privacy and amenity values of adjacent sites, and the character of an area. Front yards principally ensure that streetscape amenity is maintained. Yards also provide space for landscaping and underground services.

#### 10c.4.5 Building coverage

1. Any building on a site must not exceed the building coverage limits specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
2. **Methodology:** unless otherwise stated, building coverage is measured as a percentage of the net site area.

##### Explanation

The principal reason for controlling building coverage on a site is to limit the scale and intensity of development. Buildings which do not comply with the building coverage control can appear overly dominant, adversely affecting amenity values and reducing the character

of an area. Building coverage controls also assist in maintaining an adequate area for on-site effluent disposal and in conjunction with impervious surface controls ensure that the adverse environmental effects from stormwater runoff are avoided. Limiting building coverage also maintains an appropriate level of private open space and provides opportunities for the planting of vegetation around buildings.

#### 10c.4.6 Building footprint

Any building on a site must not exceed the maximum building footprint specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.

**Note:** The maximum building footprints are set out in the same row as the building coverage limits in [tables 10c.1 to 10c.6: Development controls](#).

##### Explanation

In some land units and settlement areas, a limit has been placed on the maximum size of any building. The control applies in addition to the building coverage control. The principal reason for this control is keep individual buildings to a suitable scale. It prevents the permitted building coverage from being massed in one location to create one or several large buildings which do not integrate readily into the landscape.

#### 10c.4.7 Ridgeline control

**Methodology:** when determining compliance with the rules below the height of the building is measured perpendicular to the height of the significant ridgeline or protected vegetation.

##### 10c.4.7.1 Permitted activities

The following are permitted activities:

Any building within a significant ridgeline area identified on the planning maps which is constructed and located so that:

1. The building is below the significant ridgeline at that point; or
2. The building is below the top of protected vegetation (located on the same site as the building) that either screens the building or forms a backdrop against the ridgeline at that point.

Protected vegetation means any vegetation that is protected by:

- The vegetation protection rules in [clause 10c.5.1](#); or
- The rules for ecologically significant sites in [rule 7.11.4](#); or
- A legal covenant with council under the Land Transfer Act 1952.

##### 10c.4.7.2 Restricted discretionary activities

The following are restricted discretionary activities:

Any building within a significant ridgeline area identified on the planning maps which is constructed and located so that:

1. The building is no more than 4m above the significant ridgeline at that point; or
2. The building is no more than 4m above the top of protected vegetation (located on the same site as the building) that either screens the building or forms a backdrop against the ridgeline at that point.

Protected vegetation is defined in rule 10c.4.7.1 above.

##### Matters of discretion

The council has restricted its discretion to considering the following matters:

- Visual impact on ridgeline from public places (including roads) and the coast
- Building design and external building colour

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- Consistency with rule intention (i.e. as described by explanation)

### Assessment criteria

The council's assessment of an application under rule 10c.4.7.2 will consider the matters set out in clause 10c.4.7.4.

### 10c.4.7.3 Discretionary activities

The following are discretionary activities:

Any building within a significant ridgeline area identified on the planning maps which is constructed and located so that:

1. The building is more than 4m above the significant ridgeline at that point; or
2. The building is more than 4m above the top of protected vegetation (located on the same site as the building) that either screens the building or forms a backdrop against the ridgeline at that point.

Protected vegetation is defined in [rule 10c.4.7.1](#) above.

The Council's assessment of an application under rule 10c.4.7.3 will include consideration of the matters set out in [clause 10c.3.1](#) and clause 10c.4.7.4.

### 10c.4.7.4 Assessment criteria

The council's assessment of an application for a development control modification under the ridgeline control rule will include consideration of the following matters:

1. The extent to which the building/s interrupt views of the ridgeline, as viewed from public places (including roads) and the coast
2. Whether the building/s has an external colour that is integrated with the ridgeline and surrounding landscape when viewed from public places and the coast. The council will refer to [clause 10c.4.8](#) for guidance in assessing this matter
3. Whether the building/s uses design elements such as building modulation, eaves and low reflectivity glass to reduce visual impact on the ridgeline when viewed from public places and the coast
4. Whether the development is consistent with the intention of the ridgeline control rule having regard to the explanation

### Explanation

Buildings that protrude above significant ridgelines can compromise the visual landscape qualities of the ridge and appear visually obtrusive giving rise to adverse visual effects. The location and height of buildings within 100m either side of a significant ridgeline is therefore controlled to manage the adverse visual impact that can occur when a building protrudes above the ridgeline when viewed from public places and the coast.

## 10c.4.8 Colour of building materials in settlement areas

### 10c.4.8.1 Permitted activities

The following are permitted activities in all settlement areas:

1. The use of natural timber as exterior building materials. Such materials are not subject to (2) below.
2. Exterior building materials which, when graded using the British Standard BS5252:1976 Framework for Colour Co-ordination for Building Purposes, meet the following standards:
  - a. Where the materials are not used for a roof cladding, they are of a colour which has a reflectivity value of no more than:
    - i. 60 per cent for greyness groups A or B.

- ii. 40 per cent for greyness group C.
- b. Where the materials are used for a roof cladding, they are of a colour which has a reflectivity value of no more than 40 per cent for greyness groups A, B or C.

Provided that (2) does not apply to windows, window frames, bargeboards, stormwater guttering, downpipes or doors. These items may be of any colour.

#### **10c.4.8.2 Restricted discretionary activities**

The use of exterior building materials which do not comply with [rule 10c.4.8.1](#) is a restricted discretionary activity. This includes materials of a colour which is identified as being in greyness groups D or E.

##### **Matters of discretion:**

The council has restricted its discretion to considering the following matters in so far as they relate to the colour of exterior materials:

- The integration of the building with the natural features in the surrounding landscape.
- Any cumulative adverse effects having regard to other buildings in the vicinity.
- Whether the building is sufficiently screened when viewed from beyond the site boundary by existing vegetation, features or topography.
- Whether architectural elements such as eaves or building modulation are sufficient to mitigate reflective elements of the design.

##### **Notification requirements**

The notification requirements are set out in [clause 10c.3.2](#).

#### **10c.4.8.3 Explanation for colour controls**

The purpose of the permitted activity standard is to avoid dominance of individual or collective buildings in the settlement areas on the surrounding landscape. The British Standard 5252:1976 classifies colour by three criteria - hue, reflectivity and greyness. One of the main methods of achieving colours that integrate with the landscape is by a combination of higher levels of greyness and low reflectivity. A colour with low levels of greyness is perceived as bright, as is a colour that reflects lots of light. The use of such colours can make a building more dominant in a landscape.

The colour controls allow more flexibility in terms of reflectivity in the grey range, with more opportunity for expression of colour at the less grey end of the range. As a restricted discretionary activity there is the opportunity to use other colours outside of these ranges, where they meet certain criteria.

The rule allows specified building trim to be of any colour. This provides some flexibility and recognises that building trims are incidental and do not cover large areas of the building.

The exterior colour of buildings is of relevance in some land units but rather than being controlled by a permitted standard, it is assessed in particular land units as part of a restricted discretionary application for the construction (or relocation) of buildings, including alterations and additions.

#### **10c.4.9 Impervious surface area**

##### **10c.4.9.1 Permitted activities**

1. For all sites less than 2000m<sup>2</sup> in gross site area in:
  - all land units, except commercial 1-3, 5, 7 and Matiatia
  - the residential amenity areas within the settlement areasthe following rules apply:

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- a. Where the slope of the land around buildings and other impervious surfaces is greater than 1 in 4 (14°), as determined by the method below, the total impervious surface must not exceed 20 per cent of the gross site area.
  - b. Where the slope of the land around buildings and impervious surfaces is less than or equal to 1 in 4 (14°), as determined by the method below, the total impervious surface must not exceed 30 per cent of the gross site area.
2. For all sites in:
- commercial 1-3 and 5
  - the Claris light industry area (of the Claris settlement area)
  - the local retailing area within any settlement area
- the following rules apply:
- a. The total amount of impervious surface on a site must not exceed 50 per cent of the gross site area or 1000m<sup>2</sup> whichever is the lesser area.
  - b. Where a site in Oneroa is connected to the Owhanake wastewater treatment plant, the total amount of impervious surfaces on a site must not exceed 75 per cent of the gross site area or 1000m<sup>2</sup> whichever is the lesser area.
3. For any sites not covered by (1) and (2) above, there are no limits on impervious surface.
4. **Methodology:** the slope in (1) and (2) above will be measured beneath a horizontal straight line from the highest point at ground level at which an impervious surface occurs on the site, to the lowest point on the site on which impervious surfaces occur, as illustrated in [figure 10c.4: Determination of slope for impervious surface rule](#).

**Note:** all existing and proposed impervious surfaces are subject to this control.

### 10c.4.9.2 Restricted discretionary activities

A modification to the impervious surface area controls is a restricted discretionary activity.

#### Matters of discretion

The council has restricted its discretion to considering the following matters:

1. The extent to which the site can store, reuse or absorb all of the stormwater discharges from impervious surfaces on the site.
2. The potential for erosion, siltation and flooding of land and water bodies from stormwater discharges from impervious surfaces on the site.
3. Whether a low impact design approach has been used.  
  
The Auckland Regional Council's Technical Publication 124 Low Impact Design Manual for the Auckland Region (2000) will be of assistance to applicants as it outlines stormwater management techniques that protect and incorporate natural site features into erosion and sediment control.
4. Any stormwater treatment.
5. The extent to which wastewater disposal areas are protected from stormwater discharged from impervious surfaces.
6. The slope of impervious surfaces.
7. The availability of land for the suitable disposal of wastewater and stormwater on the site.
8. The necessity for the impermeable surfaces.

#### Notification requirements

The notification requirements are set out in [clause 10c.3.2](#).

Figure 10c.4 Determination of slope for impervious surface rule – diagram 1

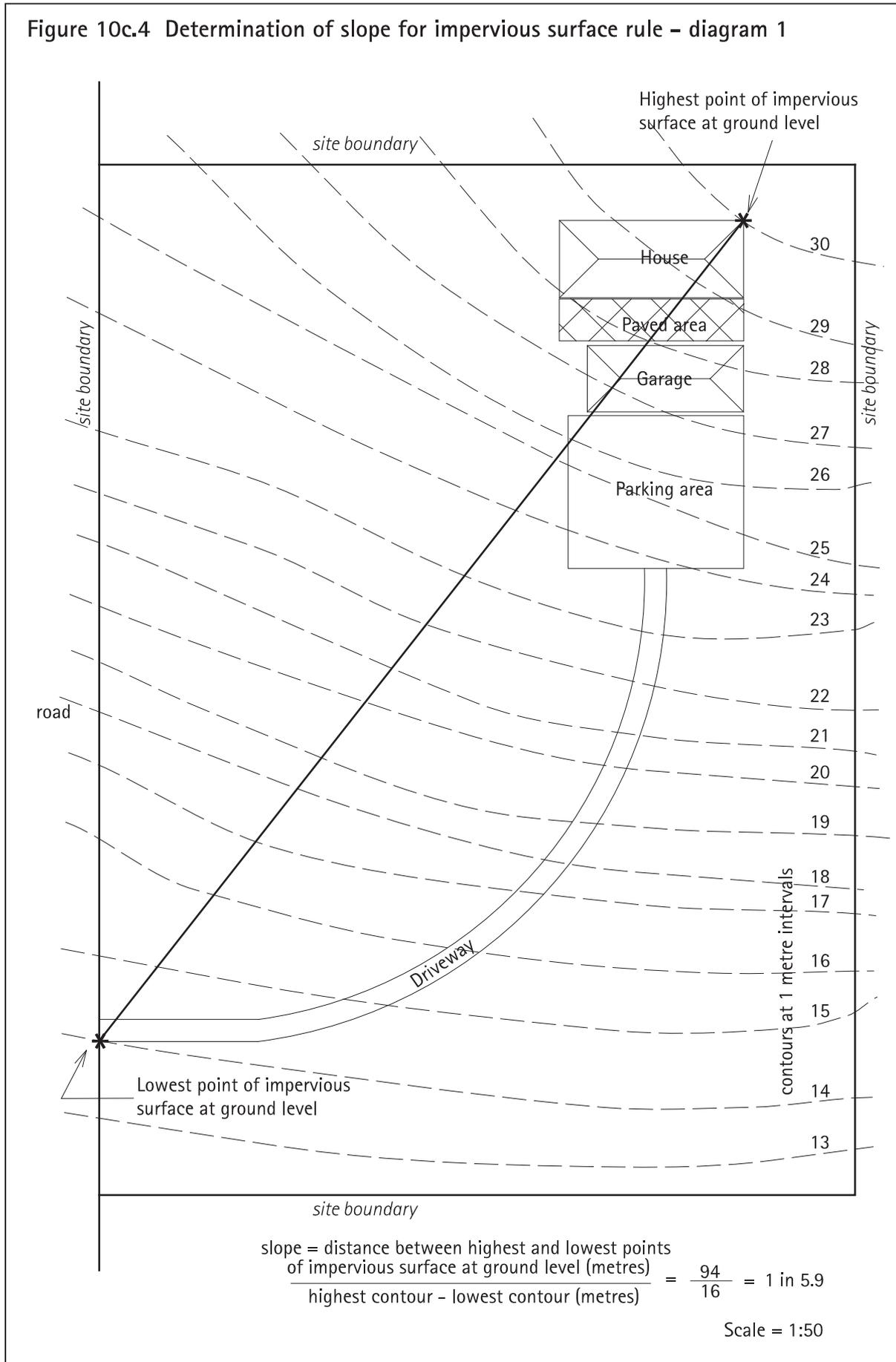


Figure 10c.4 Determination of slope for impervious surface rule - diagram 2

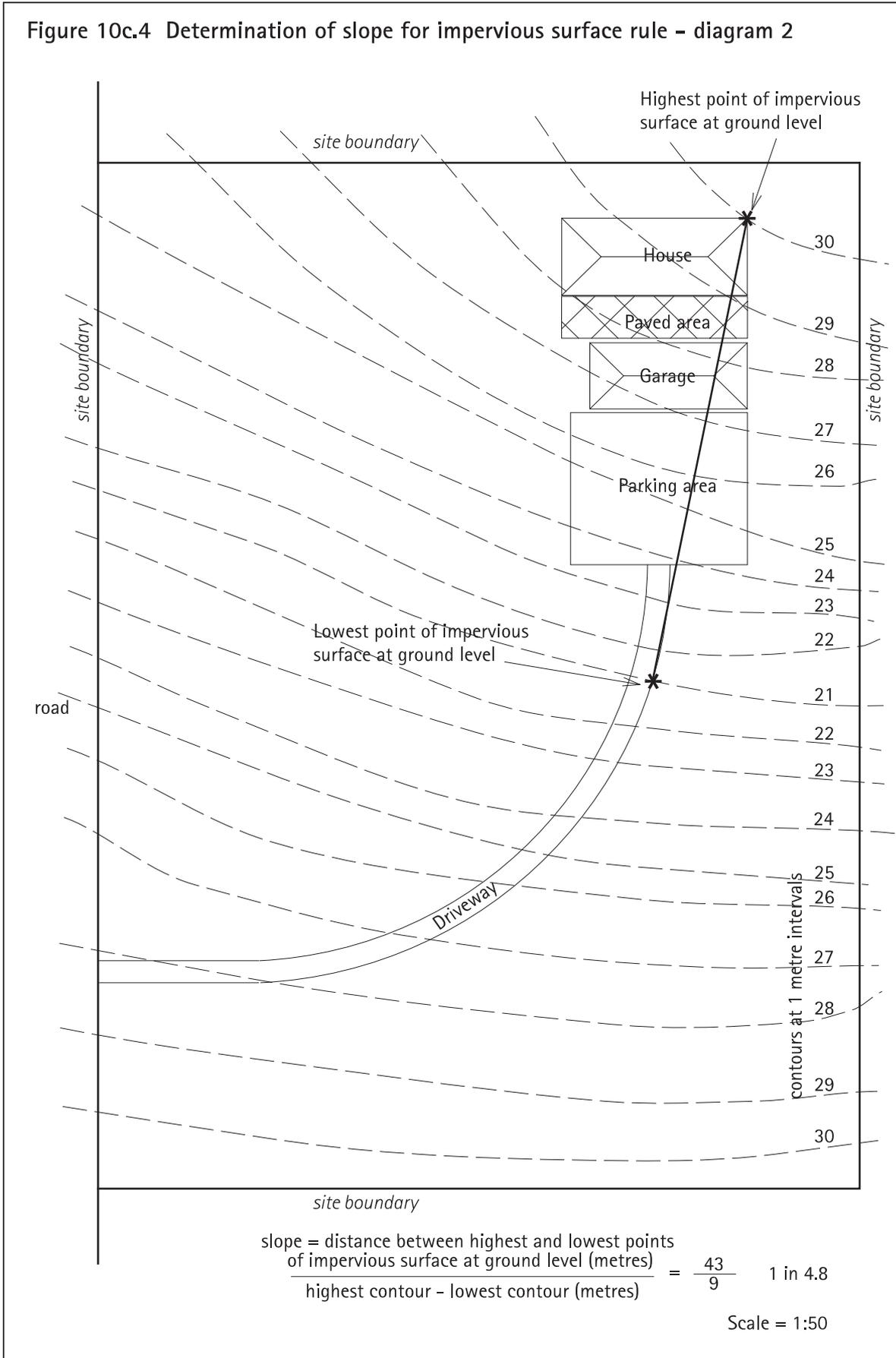
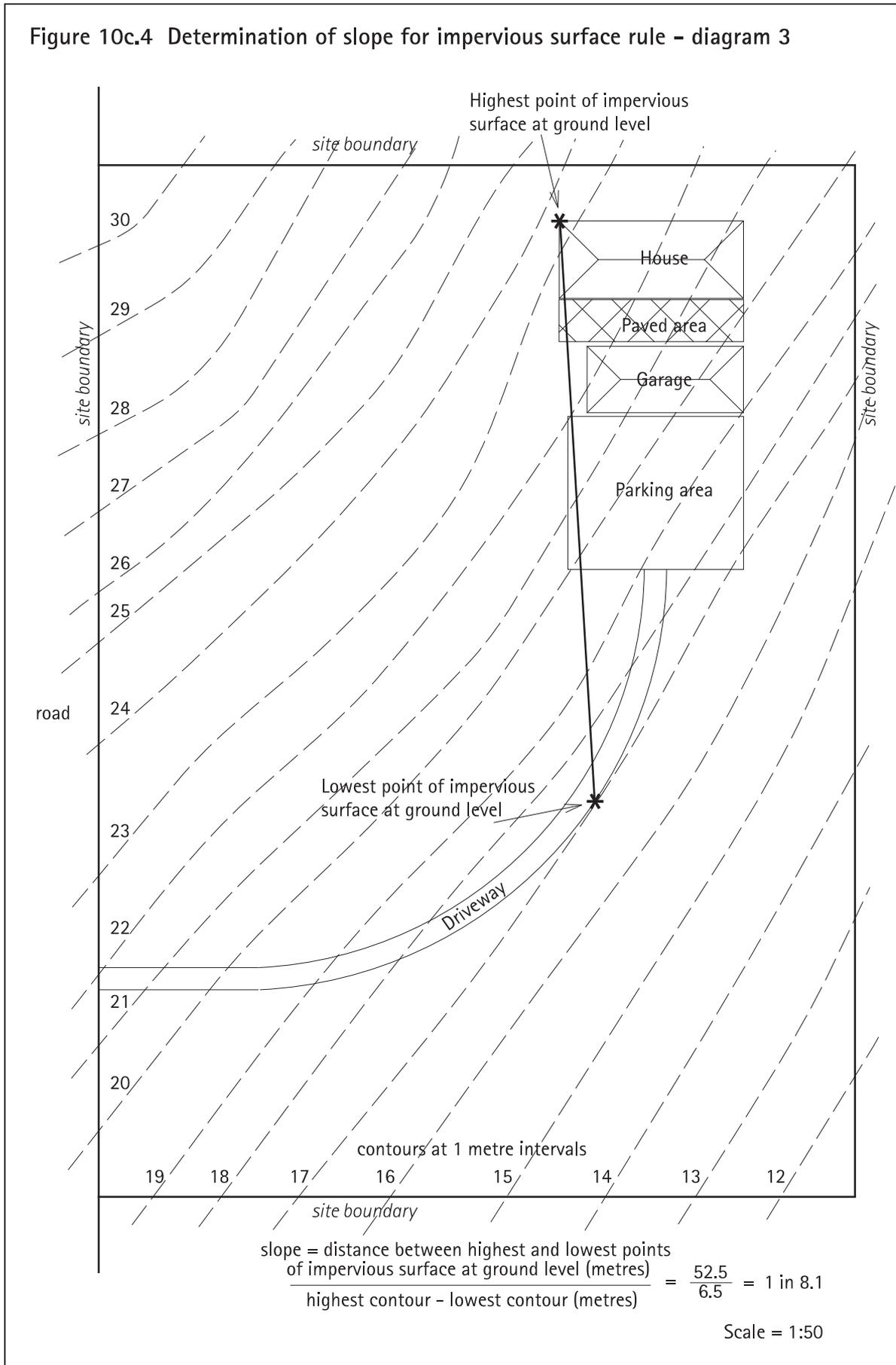


Figure 10c.4 Determination of slope for impervious surface rule - diagram 3



### 10c.4.9.3 Explanation for impervious surface controls

Stormwater is not reticulated in the islands and therefore must be disposed of on site. With the exception of parts of Oneroa village, wastewater must also be disposed of on site. Sufficient permeable surfaces must be available for every site to dispose of the both the stormwater generated from impervious surfaces on the site, as well as the wastewater. The degree of vegetation cover and the slope of the land as well as soil type moderate absorption of stormwater. Soils on some of the islands such as Waiheke are typically derived from Waitemata sandstones and clay and in the absence of natural vegetation are easily waterlogged. Therefore it is necessary to control the amount of impervious surfaces on small sites to minimise the adverse effects stormwater may have when concentrated by impervious surfaces, including flooding, siltation, erosion and pollution of adjacent properties and streams.

## 10c.5 Controls for conservation and amenity

### 10c.5.1 Vegetation protection

The following rule applies to all vegetation within the islands, with the exception of vegetation located within the legal road.

**Note:** Refer also to [rule 8.5.1](#) for additional vegetation rules related to natural hazards and to [part 7 - Heritage](#) for the rules applying to scheduled trees and ecologically significant sites.

#### 10c.5.1.1 Permitted activities

1. The following are permitted activities in all land units and settlement areas:
  - a. The pruning, removal or works within the dripline of exotic vegetation.
  - b. The pruning, removal or works within the dripline of indigenous vegetation less than 3m in height, where the cumulative amount of cleared vegetation on a site, does not exceed that specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
  - c. The maintenance or minor trimming of any indigenous vegetation with hand operated secateurs or pruning shears, in accordance with accepted arboricultural practice.
  - d. The removal of all or part of any indigenous vegetation that is dead or that is suffering from an untreatable disease which has caused, and will continue to cause, significant decline in its health.
2. In addition to (1) above, the following are permitted activities on **Great Barrier** only:
  - a. In all land units and settlement areas, the pruning, removal or works within the dripline of kanuka and manuka up to 6m in height.
  - b. In landform 2 (sandflats only), 3, 5, 6 and 7, the pruning or removal of kanuka and manuka of any height for domestic firewood harvesting up to 10m<sup>3</sup>, per site, per 12 month (January to December) period.
  - c. In all land units and settlement areas, the pruning, removal or works within the dripline of kanuka and manuka of any height, within 10m of an existing habitable building.
  - d. In all land units and settlement areas, the pruning, removal or works within the dripline of indigenous vegetation up to 3m in height, within a lawfully existing accessway and up to 1m either side.
  - e. In landform 3 and 5, the pruning, removal or works within the dripline of indigenous vegetation up to 3m in height, 1m either side of an existing fenceline.

### 10c.5.1.2 Restricted discretionary activities

The following are restricted discretionary activities in all land units and settlement areas:

1. The pruning, removal or works within the dripline of indigenous vegetation not provided for as a permitted activity.
2. The removal of a cumulative amount of indigenous vegetation, which is less than 3m in height, for any site which exceeds that specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
3. The destruction, removal or modification of the habitat of any species listed in [appendix 6 - List of threatened and unusual plant and animal species](#).

#### Matters of discretion

The council has restricted its discretion to considering the following matters:

- the applicants' need to obtain a practicable building site, access, parking area, or to install services to the land
- the applicants' need to ensure sunlight access for solar power generation and to clear around dwellings for fire safety
- the quantity, quality and extent of the vegetation
- visual and amenity effects
- effects on the habitats of indigenous fauna
- the presence of species that are rare, threatened or endemic to the islands (refer [appendix 6 - List of threatened and unusual plant and animal species](#))
- effects on slope instability and erosion
- mitigation planting
- the consideration of alternatives.
- the applicant's need to obtain a practicable site for their intended land use.

#### Notification requirements

The notification requirements are set out in [clause 10c.3.2](#).

### 10c.5.1.3 Explanation for vegetation protection

The council has limited the removal of indigenous vegetation in order to protect the natural character and the landscape, ecological and amenity values of the islands. It includes limitations on both the cumulative (m<sup>2</sup>) extent of indigenous vegetation which may be cleared, below 3m in height, and on works within the dripline, modification and removal of indigenous vegetation above 3m in height. There is no protection for exotic trees in the islands.

The height restrictions are set in recognition of the relative maturity of trees and shrubs above those limits and the important contribution they make to the natural character and the landscape, ecological and amenity values of the islands. In some land units and settlement areas, indigenous vegetation below 3m in height, may only be cleared if a resource consent is obtained. This control recognises that vegetation is a key element which must be retained to protect the specific values of the land units and settlement areas.

In addition, the council recognises the unique needs of the residents of Great Barrier as a result of the lack of reticulated electricity and water and the relative isolation of the island. Therefore, the controls provide for the harvesting of kanuka and manuka as a valuable source of fuel and for clearance around dwellings and along access ways for fire safety, solar and wind power generation and safe access to sites.

## 10c.5.2 Vegetation protection on legal roads

**Note:** Refer to also to [part 5 - Network utility services](#) for tree modification or removal in relation to network utility services, [part 7 - Heritage](#) for rules applying to scheduled trees and to [rule 8.5.1](#) for additional vegetation controls related to natural hazards.

### 10c.5.2.1 Permitted activities

The following are permitted activities:

1. The pruning, removal or works within the dripline of exotic vegetation.
2. The pruning, removal or works within the dripline of indigenous vegetation less than 3m in height.
3. The maintenance or minor trimming of any indigenous vegetation greater than 3m in height with hand operated secateurs or pruning shears, in accordance with accepted arboricultural practice.
4. The pruning of indigenous vegetation greater than 3m in height where no more than 30 per cent of the foliage is removed in any one calendar year.
5. On Great Barrier only, the pruning, removal or works within the dripline of kanuka and manuka up to 6m in height.
6. The removal of all or part of any indigenous vegetation greater than 3m in height that is dead or that is suffering from an untreatable disease which has caused, and will continue to cause, significant decline in its health.

### 10c.5.2.2 Restricted discretionary activities

The following are restricted discretionary activities:

1. The removal or works within the dripline of indigenous vegetation greater than 3m in height (other than as provided for under (4) below).
2. The pruning of indigenous vegetation greater than 3m in height where more than 30 per cent of the foliage is removed in any one calendar year.
3. On Great Barrier only, the pruning, removal or works within the dripline of kanuka and manuka greater than 6m in height.
4. The destruction, removal or modification of the habitat of any species listed in [appendix 6 - List of threatened and unusual plant and animal species](#).

#### Matters of discretion

The council has restricted its discretion to considering the following matters:

- the need to operate, maintain and upgrade the road
- the applicants' need to obtain access, a parking area, or to install network utilities
- visual and amenity effects
- the habitats of indigenous fauna
- effects on slope instability and erosion issues
- mitigation planting
- the consideration of alternatives.

#### Notification requirements

The notification requirements are set out in [clause 10c.3.2](#).

### 10c.5.2.3 Explanation for vegetation protection controls on legal roads

The Plan has imposed limits on the modification and removal of indigenous vegetation located on roads in recognition of their contribution to visual, ecological and amenity values in the islands. However, some exclusion is provided for the pruning of trees and vegetation

located within the legal road so that management of these assets can be adequately provided for.

### 10c.5.3 Noise

1. With the exception of (2), (3), (4) and (5) below, or where specific noise controls apply within a land unit or settlement area, the following noise standards apply to all activities.
  - a. Unless otherwise stated the  $L_{eq}$  noise level must not exceed the limits specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
  - b. The maximum noise level ( $L_{max}$ ) at 'night' time must not exceed 75dBA.

**Note:** Where one site abuts another site with a lower noise standard, the lower noise standard will apply at the boundary.

2. All activities in commercial 5 which are adjacent to sites which are not used for residential purposes must meet a  $L_{eq}$  noise level of 70dBA. This must be measured at the boundary of the site. The noise standards in [table 10c.1](#) will apply on adjacent sites where residential activities occur.

**Note:** Apart from the boundary noise standard above, no additional noise controls apply to dwellings located within commercial 5.

3. The  $L_{eq}$  noise level arising from the use of any generator (except a wind powered generator) used solely for the generation of electricity must not exceed the following limits:

Monday to Sunday 7.00am to 10.00pm:	55dBA
At all other times:	45dBA

4. The sound level from any wind turbine generator must not exceed the background sound level ( $L_{95}$ ) by more than 5dBA, or a level of 40dBA  $L_{95}$ , whichever is the greater at wind speeds up to 15m/s.

**Methodology:** The sound level must be measured in accordance with section 4.5 and 5.2 of NZS 6808:1998 Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators except that measurements above 15m/s will not be necessary. When the sound of a wind turbine generator has special audible characteristics a maximum penalty of +5dBA will be applied to the measured sound level.

5. The use of mobile agricultural and horticultural vehicles, machinery or equipment, in association with agricultural or horticultural activities, in landforms 2 (sand flats area only), 3, 5 and 6 is exempt from complying with the noise controls in 10c.5.3.1 between the hours of 7.00am and 7.00pm Monday to Saturday. This exemption does not apply to audible bird scaring devices.

#### Notes:

1. For rules (1), (2) and (3) above refer to [rule 4.7](#) which sets out the methodology for measuring noise.
2. For noise controls applying to helipads and airstrips in landform 1-7 on Great Barrier, refer to [rule 13.8.2](#).

#### Explanation

The purpose of imposing noise controls is to ensure that noise does not adversely affect amenity values and because 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 occurring and where a different level of environmental amenity is acceptable.

### 10c.5.4 Noise management at Claris and Okiwi airfields

If the following activities are listed as permitted in the applicable land unit or settlement area, but are proposed to be located between the Ldn (day / night level) 55 and 65dBa noise contours around Claris and Okiwi airfields (see note below), then they are restricted discretionary activities:

- the construction or relocation of dwellings
- alterations and additions to the exterior of existing dwellings
- educational facilities
- community facilities
- healthcare services.

**Note:** The locations of the Ldn 55 and 65dBa noise contours around Claris and Okiwi airfields are identified on the planning maps. These contours are also shown on [figure 10c.5: Claris airfield noise contour levels](#) and [figure 10c.6: Okiwi airfield noise contour levels](#).

#### Matters of discretion

When considering an application for the activities listed above, the council has restricted its discretion to considering the following the matter:

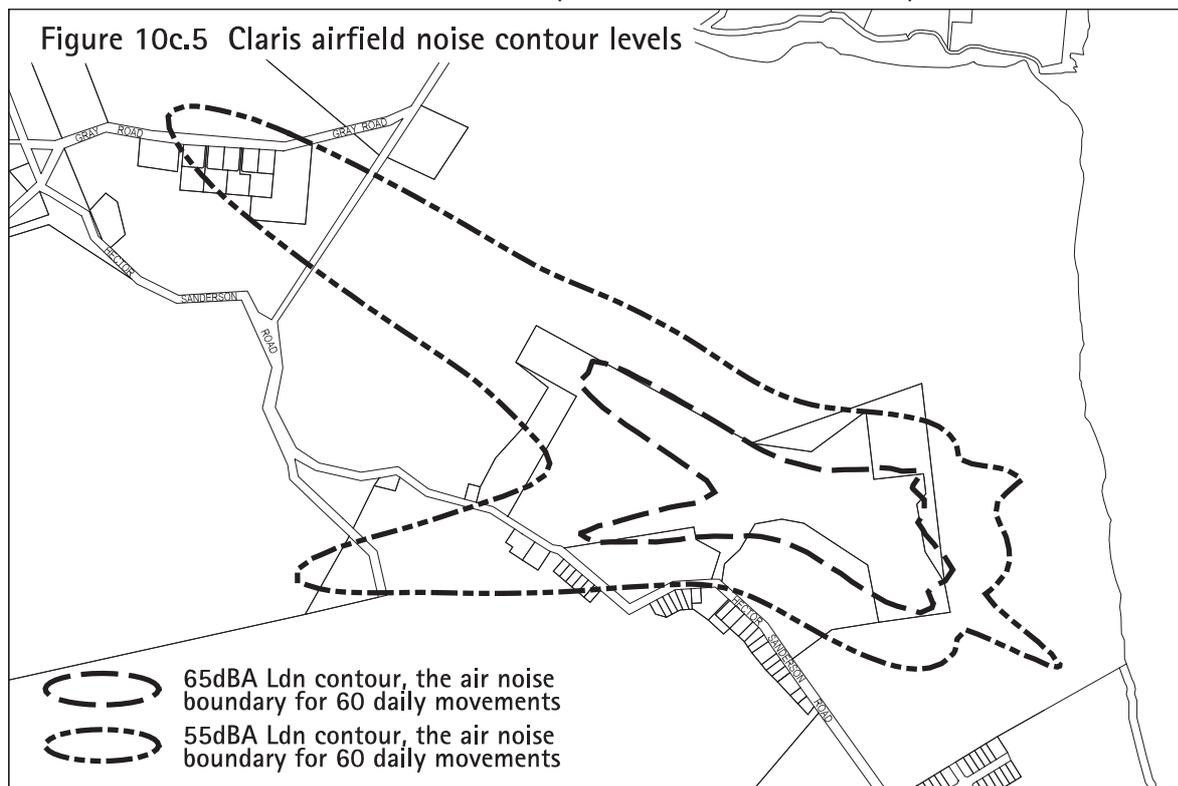
- The extent to which the building can be designed or modified to reduce the noise from aircraft movements to a reasonable level, while meeting the ventilation requirements of the building code.

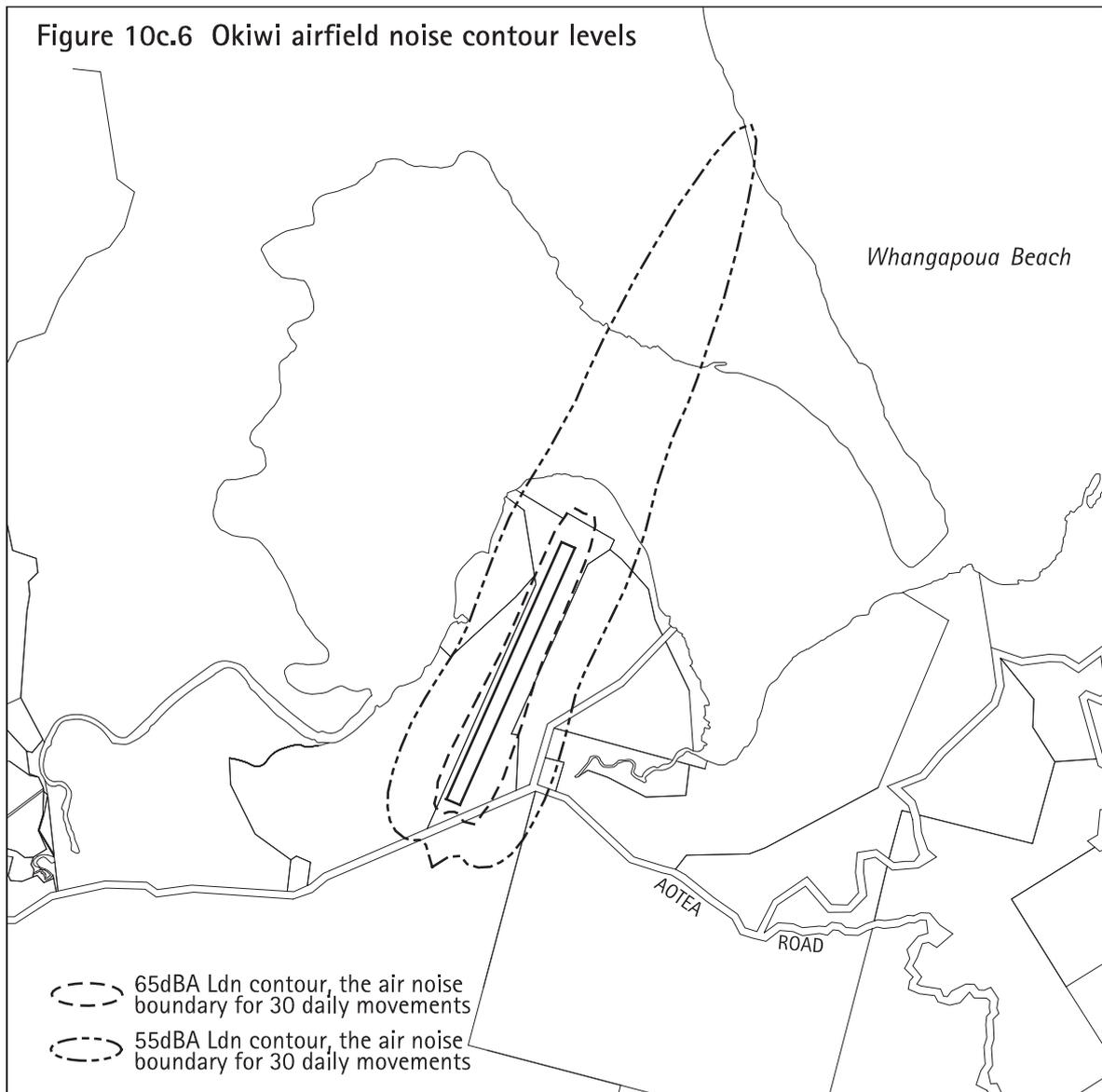
#### Notification requirements

The notification requirements are set out in [clause 10c.3.2](#).

#### Explanation

The purpose of the rule is to manage the location of sensitive activities in areas of high cumulative noise around Claris and Okiwi airfields. Where noise sensitive activities are proposed to locate between the Ldn 55 and 65dbA noise contours, the council will require consent to assess to how the building can be designed and modified so that adverse effects from aircraft noise can be remedied or mitigated. This is to ensure that reverse sensitivity matters are addressed so that the operation of the airfields is not put at risk.





### 10c.5.5 Earthworks

In addition to the rules set out below, more restrictive earthworks controls may also apply under other provisions of the Plan. Particular regard should be had to the following:

- [Part 7 - Heritage](#) (including the provisions and obligations of the Historic Places Act 1993)
- [Part 8 - Natural hazards](#)
- [rule 10c.5.6](#) coastal, wetland and water body protection yards.

The definition of earthworks in [part 14 - Definitions](#) does not include quarrying. Quarrying is provided for in commercial 6.

**Methodology:** For the purposes of the rules below, 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.

#### 10c.5.5.1 Permitted activities

The following are permitted activities:

## Part 10c - Development controls for land units and settlement areas

1. Subject to compliance with the standards set out in [rule 10c.5.5.2](#) below, earthworks (other than as provided for in 3 to 11 below) where:
  - 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 in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
2. Subject to compliance with the standards set out in [rule 10c.5.5.2](#) below, earthworks (other than as provided for in 3 to 11 below) where:
  - 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 in [table 10c.1](#) for the relevant land unit or settlement area.
3. Earthworks where less than 200m<sup>3</sup> of cleanfill is transported by public road to or from the area subject to earthworks.
4. With the exception of landform 1, 2 and 4, earthworks to dig trenches for network utility services or effluent disposal systems where all of the following are met:
  - a. The utility services include water, power, wastewater, drainage, telecommunications, or other in ground services of a similar character.
  - b. No more earth is removed than is absolutely necessary for the trench.
  - c. The trench does not remain open for more than 48 hours.
  - d. The reinstated disturbed land is revegetated or otherwise protected from soil erosion as soon as practicable after completion of the works.
  - e. The earthworks comply in all respects with the standards set out in [rule 10c.5.5.2](#) below.
5. Earthworks to construct farm tracks in landform 3 and 5 where:
  - a. The tracks are required for farming activities; and
  - b. The earthworks comply in all respects with the standards set out in [rule 10c.5.5.2](#) below.
6. Earthworks to construct new farm drains in landform 3 and 5.
7. Earthworks associated with the cleaning and maintenance of existing farm drains and waterbodies where permitted by the Auckland Regional Plan: Air, Land and Water.
8. Earthworks for the use, maintenance and upgrading of existing formed public roads as provided for in [part 5 - Network utility services](#).
9. Gardening for domestic purposes.
10. Cultivation and similar ancillary activities associated with agriculture or horticulture.
11. The digging of holes for the erection of posts or poles (including benching required to construct farm fences).

### 10c.5.5.2 Standards for permitted activities

The permitted activities must comply in all respects with the following standards:

1. All earthworks are undertaken using 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 bodies. For information on how to achieve this refer [appendix 16 - Erosion and sediment control guidelines for earthworks](#).
2. No material must be deposited on any public road. Means to avoid depositing material on the road are set out in [appendix 16](#).

3. Any surplus excavated material which is not reused on site, must be disposed of in a legally authorised manner.
4. Where evidence of a burial site or any other archaeological site (including oven stones, charcoal, shell middens, ditches, banks, pits, old building foundations, wells, rubbish pits, artefacts of Maori or European origin or human burials) is found or exposed on an area where earthworks is occurring, all work must cease immediately and the council and the Historic Places Trust must be advised immediately.

**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 site.

#### 10c.5.5.3 Restricted discretionary activities

The following are restricted discretionary activities:

1. Earthworks where:
  - 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 exceeds the limit specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
2. Earthworks where:
  - 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 exceeds the limit specified in [tables 10c.1 to 10c.6](#) for the relevant land unit or settlement area.
3. Earthworks where between 200m<sup>3</sup> and 5000m<sup>3</sup> of cleanfill is transported by public road to or from the area subject to earthworks.

#### Matters of discretion

The council has restricted its discretion to considering the following matters:

- adverse effects from soil erosion and generation of sediments
- adverse effects on visual or other landscape qualities
- adverse effects on adjacent sites and public roads
- adverse effects on significant environmental features, water systems, scheduled heritage items, or sites of cultural significance.

#### Assessment criteria

The council's assessment of an application for earthworks under this rule will consider the matters set out in [rule 10c.5.5.5](#).

#### Notification requirements

The notification requirements are set out in [clause 10c.3.2](#).

#### 10c.5.5.4 Discretionary activities

The following is a discretionary activity:

- Earthworks where more than 5000m<sup>3</sup> of cleanfill is transported by public road to or from the area subject to earthworks. The 5000m<sup>3</sup> is expressed as a solid measure.

The council's assessment of an application for earthworks under this rule will include consideration of the matters set out in [rule 10c.5.5.5](#).

#### 10c.5.5.5 Assessment criteria

The following assessment criteria apply to applications under [rules 10c.5.5.3](#) and [10c.5.5.4](#).

## Part 10c - Development controls for land units and settlement areas

1. The extent to which the earthworks can be undertaken in a manner which minimises adverse effects arising from soil erosion and the generation of sediments, taking into account:
  - the steepness of the land (slope angle and horizontal length)
  - soil type and stability
  - existing vegetation cover
  - proximity to wetland and water systems
  - proposed sediment and erosion control measures
  - the time of year and the length of time soil is likely to be exposed
  - proposed disposal of surplus soil or requirements for importing cleanfill
  - proposed reinstatement and stabilisation including planting and drainage.
2. The extent to which the earthworks are likely to have adverse effects on visual or other landscape qualities which cannot be avoided, remedied or mitigated having regard to:
  - proposed planting or other landscaping
  - effects on the natural character of the coastal environment
  - visibility from public places such as roads and reserves, and from coastal waters
  - the extent and depth of cut and fill.
3. The extent to which measures can be taken to avoid, remedy or mitigate adverse effects on adjacent sites and on public roads taking into account:
  - the hours of operation and duration of the earthworks activities
  - provision for the maintenance of public roads giving access to the site
  - road safety
  - dust mitigation measures.
4. The extent to which protection and management measures can be undertaken to avoid, remedy or mitigate adverse effects on significant environmental features, water systems, scheduled heritage items, or sites of cultural significance.

### 10c.5.5.6 Bylaw and regional requirements

All works in flood plains and overland flow paths must comply with the relevant part of the council's bylaw which controls stormwater management.

Earthworks over 0.25ha in area; roading, tracking or 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.

### 10c.5.5.7 Explanation for earthworks controls

A major reason for controlling earthworks is to minimise the potential for erosion and sedimentation which can have adverse effects on water bodies, wetlands and coastal systems. Permitted activity standards require the implementation of erosion and sediment control measures for all earthworks activities to avoid the 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 the 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 as a restricted discretionary activity. Larger proposals, involving more than 5000m<sup>3</sup> of cleanfill being transported by public road, are discretionary activities.

Earthworks are not permitted as of right in landform 1, 2 and 4. This is in keeping with the objectives of these land units which emphasise the need to protect their natural character.

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.

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.

### 10c.5.6 Coastal, wetland and water body protection yards

1. No building must be located in, on or over the coastal, wetland or water body protection yards specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
2. No earthworks must be undertaken within the coastal, wetland or water body protection yards specified in [tables 10c.1 to 10c.6: Development controls](#) for the relevant land unit or settlement area.
3. **Methodology:** yards must be measured on the horizontal plane from either the line of mean high water springs, or the edge of any wetland or water body.
4. The requirements of these yards will replace any other yard requirement.
5. Exception: the coastal body protection yard does not apply to activities that are ancillary to pastoral farming including re-sowing of pasture and fencing (but not buildings).

**Note:** This rule does not apply to walkways, walking tracks, boardwalks and staircases in the conservation land unit constructed by DOC or DOC approved contractors to achieve the Department of Conservation's functions under the Conservation Act 1987.

#### Explanation

Coastal, wetland and water body protection yards are imposed to help preserve the natural character of the coastal environment and the margins of wetlands and water bodies, to maintain water quality, and amenity values.

### 10c.5.7 Building restriction yard

There must be no buildings constructed within the area contained between any building restriction yard shown on the planning maps and a site boundary, or the line of mean high water springs.

#### Explanation

Controls on the construction of buildings are imposed where it is necessary to control amenity values in an area. In some cases it is necessary to ensure the visual quality of an area is maintained. Limits on buildings so that they cannot be located in places where the above outcomes are sought, are therefore necessary. The building restriction yards shown on the planning maps define these areas.

### 10c.5.8 Creation of access and/or a building site for a dwelling

For Great Barrier Island only, the creation of a building site for a dwelling and/or access to the building site is a restricted discretionary activity in landforms 3, 5, 6 and 7 and in the residential amenity area in the Settlement Areas where it does not meet one or more of the following permitted standards:

## Part 10c - Development controls for land units and settlement areas

1. vegetation clearance controls set out in [clause 10c.5.1](#)
2. earthworks controls set out in [clause 10c.5.5](#)
3. vehicle access – gradient set out in [rule 13.6.1](#)
4. ecologically significant sites set out in [clause 7.11](#)

This rule applies to the entire length of an access including where it crosses any legal road.

### **Matters of discretion**

The Council has restricted its discretion to considering the following matters:

- Need for access
- Location and design of access
- Geotechnical and stability
- Soil erosion and sedimentation
- Long-term visual effects from public places
- Effects on ecologically significant sites
- Vegetation removal

### **Assessment criteria**

The following assessment criteria apply to applications under [rule 10c.5.8](#).

1. The applicant's need to obtain a practicable building site, access and parking area
2. Whether the location and design of the proposed access to the site gives rise to traffic or pedestrian safety considerations.
3. Whether the location and design of the access and building site has taken into account any geotechnical or land stability issues.
4. Whether the application mitigates any potential adverse effects from soil erosion and sedimentation.
5. Whether there will be any long-term visual effects when viewed from any public place (e.g. roads or reserves).
6. Whether the access and building site will have adverse effects on the features of any site of ecological significance or sensitive area.
7. The quantity and quality of any vegetation to be removed.
8. Whether there is any proposed mitigation including planting and the use of recessive colours/finishes.
9. Whether the applicant has considered other viable options for the of the building site and the route for access.

### **Explanation**

The Council acknowledges that the provision of a building site and/or access are key elements in allowing owners to use their land. The Council acknowledges that in most situations, earthworks and indigenous vegetation removal to form access and a building platform is unavoidable. This is due to the topographical and vegetative characteristics that form part of the unique natural environment of Great Barrier Island. However, the provision of a safe and well designed access and a building site can assist people and communities to provide for their economic and social wellbeing and health and safety.

### **Notification requirements**

Except as provided for by section 95A(4) of the RMA, this restricted discretionary activity will be considered without public notification or the need to obtain written approval of or serve notice on affected persons (in accordance with section 95A(3) and 95B(2) of the RMA).

### **10c.5.9 Relationship with rules in other parts of the Plan**

**Part 14 - Definitions** must be referred to as it is likely to contain definitions of terms in this part of the Plan.

The following parts of the Plan should also be referred to as they may contain rules which apply to a particular site or proposal:

**Part 4 - General rules**

**Part 5 - Network utility services**

**Part 6 - Financial contributions**

**Part 7 - Heritage**

**Part 8 - Natural hazards**

**Part 9 - Hazardous facilities and contaminated land**

**Part 10a - Land units: objectives, policies and activity tables**

**Part 10b - Settlement areas: objectives, policies and activity tables**

**Part 12 - Subdivision**

**Part 13 - Transport**

Table 10c.1: Development controls - landforms 1-7, island residential 1 and 2

Land units	Landform 1 (coastal cliffs)	Landform 2 (dune systems and sand flats)		Landform 3 (alluvial flats)	Landform 4 (wetland systems)	Landform 5 (productive land)	Landform 6 (regenerating slopes)	Landform 7 (forest and bush)	Island residential 1 (traditional residential)	Island residential 2 (bush residential)
		Dune systems	Sand flats							
<b>Bulk and location of buildings:</b>										
Height	n/a	n/a	8m	8m	n/a	8m	8m	8m	8m	8m
Front yards	n/a	n/a	6m	6m	n/a	6m	6m	6m	4m	4m
Side and rear yards	n/a	n/a	1.5m	1.5m	n/a	1.5m	1.5m	1.5m	1.5m	1.5m
Building coverage	n/a	n/a	20% of net site area or 250m <sup>2</sup> whichever is the lesser	500m <sup>2</sup>	n/a	1000m <sup>2</sup> (max. footprint of any one building is 500m <sup>2</sup> )	500m <sup>2</sup>	10% of net site area or 250m <sup>2</sup> whichever is the lesser	15% of net site area	15% of net site area
<b>Conservation and amenity:</b>										
Indigenous vegetation removal (below 3m in height)	NC	NC	250m <sup>2</sup>	1000m <sup>2</sup>	NC	unlimited	1000m <sup>2</sup>	250m <sup>2</sup>	300m <sup>2</sup>	300m <sup>2</sup>
Noise (L <sub>eq</sub> levels): Monday to Saturday 7am to 10pm and Sunday 9am to 6pm All other times including public holidays (night time)	45dBA	45dBA	45dBA	50dBA	45dBA	50dBA	45dBA	45dBA	50dBA	50dBA
	35dBA	35dBA	40dBA	40dBA	35dBA	40dBA	40dBA	40dBA	40dBA	40dBA
Earthworks on land with a slope >1 in 6	NC	NC	50m <sup>2</sup>	50m <sup>2</sup>	NC	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>
Earthworks on land with a slope ≤1 in 6	NC	NC	50m <sup>2</sup>	400m <sup>2</sup>	NC	400m <sup>2</sup>	400m <sup>2</sup>	200m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>

Land units	Landform 1 (coastal cliffs)	Landform 2 (dune systems and sand flats)		Landform 3 (alluvial flats)	Landform 4 (wetland systems)	Landform 5 (productive land)	Landform 6 (regenerating slopes)	Landform 7 (forest and bush)	Island residential 1 (traditional residential)	Island residential 2 (bush residential)
		Dune systems	Sand flats							
Protection yards: - coastal (MHWS) - wetland and water bodies	n/a n/a	n/a n/a	40m 20m	40m 20m	n/a n/a	40m 20m	40m 20m	40m 20m	30m 20m	30m 20m

**Key:**

NC- Denotes a non-complying activity.

n/a- Denotes where buildings or activities are not provided for, or where the particular circumstances of the land unit mean that the development control does not apply. Therefore no development control has been attributed.

**Note:** This is a summary table and must be used in conjunction with the more detailed rules elsewhere in part 10c. There are also some development controls which are not displayed in this table ie building in relation to boundary, ridgeline control, impervious surface area and building restriction yards.

Table 10c.2: Development controls - commercial 1-7

Land units	Commercial 1 (Oneroa village)	Commercial 2 (Ostend village)	Commercial 3 (local shops)	Commercial 4 (visitor facilities)	Commercial 5 (industrial)	Commercial 6 (quarry)	Commercial 7 (wharf)
<b>Bulk and location of buildings:</b>							
<b>Height</b>	Refer land unit rules	9m (10.8m for plant platforms and associated screening)++	8m	8m	8m or 10m**	8m	6m
<b>Front yards</b>	0m (Also refer to land unit rules)	Refer to land unit rules	0m (Also refer to land unit rules)	4m	Refer to land unit rules	Refer to land unit rules	0m
<b>Side and rear yards</b>	0m except, where site abuts another land unit, side and rear yards are 1.5m	0m except, where site abuts another land unit, side and rear yards are 1.5m	0m except, where site abuts another land unit, side and rear yards are 1.5m	1.5m	Refer to land unit rules	Refer to land unit rules	0m
<b>Building coverage</b>	40% of net site area or 75% of net site area ##	40% of net site area	40% of net site area	15% of net site area, except 40% of net site area on Lot 2 DP 17037 only*	40% of net site area or 50% net site area**	15% of net site area	200m <sup>2</sup>
<b>Conservation and amenity:</b>							
<b>Indigenous vegetation removal (below 3m in height)</b>	300m <sup>2</sup>	300m <sup>2</sup>	300m <sup>2</sup>	300m <sup>2</sup>	300m <sup>2</sup>	n/a	n/a
<b>Noise (L<sub>eq</sub> levels):</b> Monday to Saturday 7am to 10pm and Sunday 9am to 6pm All other times including public holidays (night time)	55dBA	55dBA	55dBA	55dBA	55dBA	Refer to land unit rules	55dBA
	45dBA	45dBA	45dBA	45dBA	45dBA		45dBA
<b>Earthworks on land with a slope &gt;1 in 6</b>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	n/a	50m <sup>2</sup>
<b>Earthworks on land with a slope ≤1 in 6</b>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	n/a	400m <sup>2</sup>

Land units	Commercial 1 (Oneroa village)	Commercial 2 (Ostend village)	Commercial 3 (local shops)	Commercial 4 (visitor facilities)	Commercial 5 (industrial)	Commercial 6 (quarry)	Commercial 7 (wharf)
Protection yards: - coastal (MHWS) - wetland and water bodies	30m 20m	30m 20m	30m 20m	30m 20m	30m 20m	30m 20m	n/a n/a

**Key:**

NC- Denotes a non-complying activity.

n/a- Denotes where buildings or activities are not provided for, or where the particular circumstances of the land unit mean that the development control does not apply. Therefore no development control has been attributed.

'Refer to land unit rules' means see the specific rules for the particular land unit as contained in [part 10a - Land units: objectives, policies and activity tables](#).

## The 75% limit applies only if the site is connected to the Owhanake wastewater treatment plant. Note: Where this 75% limit applies, the impervious surface area rule in [rule 10c.4.9.1\(2\)\(b\)](#) must also be complied with.

\* The 40% limit applies only to Lot 2 DP 17037 (29 The Strand, Onetangi, Waiheke Island).

\*\* The 10m height limit and 50% building coverage apply only to 102A, D, E, F Ostend Road (Lots 20-27 DP 33320 and Lot 1 DP 207850), 102B & C Ostend Road (Pt Lot 60 DP 11656), 96 Ostend Road (Lot 19 DP 33320), Ostend, Waiheke Island.

++ The cumulative area of the plant platforms and associated screening shall not exceed floor area equal to 10% of the area of the roof to the storey immediately below such structures.

**Note:** This is a summary table and must be used in conjunction with the more detailed rules elsewhere in part 10c. There are also some development controls which are not displayed in this table ie building in relation to boundary, ridgeline control, impervious surface area and building restriction yards.

Table 10c.3: Development controls - Matiatia (gateway)

Land unit	Matiatia		
	Transport area	Mixed use area	Wetland area
<b>Bulk and location of buildings:</b>			
<b>Height</b>	6m (area A), 8m (area B)	Refer to land unit rules	4m
<b>Front yards</b>	n/a	n/a	n/a
<b>Side and rear yards</b>	n/a	n/a	n/a
<b>Building coverage</b>	200m <sup>2</sup> (area A), 500m <sup>2</sup> (area B)	30%	5%
<b>Conservation and amenity:</b>			
<b>Indigenous vegetation removal (below 3m in height)</b>	1000m <sup>2</sup>	300m <sup>2</sup>	NC
<b>Noise (Leq levels):</b> Monday to Saturday 7am to 10pm and Sunday 9am to 6pm All other times including public holidays (night time)	55dBA	55dBA	50dBA
	45dBA	45dBA	40dBA
<b>Earthworks on land with a slope &gt;1 in 6</b>	50m <sup>2</sup>	50m <sup>2</sup>	NC
<b>Earthworks on land with a slope ≤1 in 6</b>	400m <sup>2</sup>	400m <sup>2</sup>	NC
<b>Protection yards:</b> - coastal (MHWS) - wetland and water bodies	n/a 20m	30m 10m	n/a n/a

**Key:**

NC- Denotes a non-complying activity.

n/a- Denotes where buildings or activities are not provided for, or where the particular circumstances of the land unit mean that the development control does not apply. Therefore no development control has been attributed.

'Refer to land unit rules' means see the specific rules for the particular land unit as contained in [part 10a - Land units: objectives, policies and activity tables](#).

**Note:** This is a summary table and must be used in conjunction with the more detailed rules elsewhere in part 10c. There are also some development controls which are not displayed in this table ie building in relation to boundary, ridgeline control, impervious surface area and building restriction yards.

Table 10c.4: Development controls - open space 1-4, rural 1-3, and conservation

Land units	Open space 1 (ecology and landscape)	Open space 2 (recreation and community facilities)	Open space 3 (Rangihoua Park)	Open space 4 (marae)	Rural 1 (landscape amenity)	Rural 2 (western landscape)	Rural 3 (Rakino amenity)	Conservation
<b>Bulk and location of buildings:</b>								
<b>Height</b>	8m	8m	8m	8m	8m	8m	8m	6.5m
<b>Front yards</b>	1.5m	1.5m	4m	1.5m	6m	6m	6m	6m
<b>Side and rear yards</b>	1.5m	1.5m	1.5m	1.5m	1.5m (Also refer to land unit rules)	1.5m	1.5m	1.5m
<b>Building coverage</b>	10% of net site area or 250m <sup>2</sup> whichever is lesser	300m <sup>2</sup> , or for sites that about land zoned Island Residential 1 or Island Residential 2, 300m <sup>2</sup> or 15% net site area, whichever is the lesser	2500m <sup>2</sup>	1200m <sup>2</sup>	500m <sup>2</sup>	500m <sup>2</sup>	500m <sup>2</sup>	10% of net site area; or for Motutapu only - 1.5ha
<b>Conservation and amenity:</b>								
<b>Indigenous vegetation removal (below 3m in height)</b>	300m <sup>2</sup>	300m <sup>2</sup>	Refer to land unit rules	300m <sup>2</sup>	300m <sup>2</sup>	300m <sup>2</sup>	300m <sup>2</sup>	200m <sup>2</sup> Referrals to land unit rules
<b>Noise (L<sub>eq</sub> levels):</b> Monday to Saturday 7am to 10pm and Sunday 9am to 6pm All other times including public holidays (night time)	45dBA	55dBA	55dBA	55dBA	50dBA	50dBA	50dBA	45dBA
	40dBA	45dBA	45dBA	45dBA	40dBA	40dBA	40dBA	40dBA
<b>Earthworks on land with a slope &gt;1 in 6</b>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>
<b>Earthworks on land with a slope ≤1 in 6</b>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>

Land units	Open space 1 (ecology and landscape)	Open space 2 (recreation and community facilities)	Open space 3 (Rangihoua Park)	Open space 4 (marae)	Rural 1 (landscape amenity)	Rural 2 (western landscape)	Rural 3 (Rakino amenity)	Conservation
Protection yards: - coastal (MHWS) - wetland and water bodies	30m 20m	40m 20m	40m 20m	40m 20m	40m 20m	40m 20m	40m 20m	40m 20m

**Key:**

NC- Denotes a non-complying activity.

n/a- Denotes where buildings or activities are not provided for, or where the particular circumstances of the land unit mean that the development control does not apply. Therefore no development control has been attributed.

'Refer to land unit rules' means see the specific rules for the particular land unit as contained in [part 10a - Land units: objectives, policies and activity tables](#).

**Note:** This is a summary table and must be used in conjunction with the more detailed rules elsewhere in part 10c. There are also some development controls which are not displayed in this table ie building in relation to boundary, ridgeline control, impervious surface area and building restriction yards.

Table 10c.5: Development controls - Pakatoa and Rotoroa

Land units	Pakatoa			Rotoroa		
	Tourist complex area	Residential area	Landscape protection area	Conservation / residential area	Visitor accommodation area	
<b>Bulk and location of buildings:</b>						
<b>Height</b>	10m	8m	n/a	5m	5m in visitor area A. 8m in visitor area B, and a max. of two storeys	
<b>Front yards</b>	n/a	n/a	n/a	n/a	n/a	
<b>Side and rear yards</b>	1.5m	1.5m	n/a	n/a	n/a	
<b>Building coverage</b>	40%*	10%* (max. footprint of any one building is 600m <sup>2</sup> )	n/a	600m <sup>2</sup> per dwelling and associated residential accessory buildings 250m <sup>2</sup> for the visitor information centre	3000m <sup>2</sup>	
<b>Conservation and amenity:</b>						
<b>Indigenous vegetation removal (below 3m in height)</b>	1000m <sup>2</sup>	200m <sup>2</sup>	NC	300m <sup>2</sup>	300m <sup>2</sup>	
<b>Noise (L<sub>eq</sub> levels):</b> Monday to Saturday 7am to 10pm and Sunday 9am to 6pm All other times including public holidays (night time)	50dBA 40dBA	50dBA 40dBA	50dBA 40dBA	50dBA 40dBA	50dBA 40dBA	
<b>Earthworks on land with a slope &gt;1 in 6</b>	50m <sup>2</sup>	50m <sup>2</sup>	NC	50m <sup>2</sup>	50m <sup>2</sup>	
<b>Earthworks on land with a slope ≤1 in 6</b>	400m <sup>2</sup>	400m <sup>2</sup>	NC	400m <sup>2</sup>	400m <sup>2</sup>	
<b>Protection yards:</b> - coastal (MHWS) - wetland and water bodies	20m 20m	40m 20m	n/a n/a	40m 20m	40m 20m	

**Key:**

\* - Denotes building coverage based on the entire Tourist Complex or Residential areas as shown on Figure 10a.4 and not on a per site basis.

NC- Denotes a non-complying activity.

n/a- Denotes where buildings or activities are not provided for, or where the particular circumstances of the land unit mean that the development control does not apply. Therefore no development control has been attributed.

'Refer to land unit rules' means see the specific rules for the particular land unit as contained in [part 10a - Land units: objectives, policies and activity tables](#).

**Note:** This is a summary table and must be used in conjunction with the more detailed rules elsewhere in part 10c. There are also some development controls which are not displayed in this table ie building in relation to boundary, ridgeline control, impervious surface area and building restriction yards.

Table 10c.6: Development controls - settlement areas

Settlement areas	Residential amenity areas	Local retail areas	Headland protection area	Dune and wetland conservation areas	Claris light industry area	Claris airport area	Mulberry Grove School and Okiwi School area
<b>Bulk and location of buildings:</b>							
<b>Height</b>	8m	6.5m	8m	8m	8m	6.5m	8m
<b>Front yards</b>	4m	0m	4m	4m	8m	0m	4m
<b>Side yards</b>	1.5m	0m	1.5m	1.5m	3m	0m	4m
<b>Building coverage</b>	15% of net site area (max. footprint of any one building is 200m <sup>2</sup> )	45% of net site area	15% of net site area	10% of net site area	15% of net site area	15% of net site area	30% of net site area
<b>Conservation and amenity:</b>							
<b>Indigenous vegetation removal (below 3m in height)</b>	400m <sup>2</sup>	1000m <sup>2</sup>	50m <sup>2</sup>	NC	400m <sup>2</sup>	1000m <sup>2</sup>	200m <sup>2</sup>
<b>Noise (Leq levels):</b> Monday to Saturday 7am to 10pm and Sunday 9am to 6pm All other times including public holidays (night time)	50dBA 40dBA	55dBA 40dBA	50dBA 40dBA	50dBA 40dBA	55dBA 40dBA	n/a n/a	55dBA 40dBA
<b>Earthworks on land with a slope &gt;1 in 6</b>	50m <sup>2</sup>	50m <sup>2</sup>	50m <sup>2</sup>	NC	n/a	n/a	50m <sup>2</sup>
<b>Earthworks on land with a slope ≤1 in 6</b>	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>	NC	400m <sup>2</sup>	400m <sup>2</sup>	400m <sup>2</sup>
<b>Protection yards:</b> - coastal (MHWS) - wetland and water bodies	40m 20m	40m 20m	40m 20m	40m 20m	n/a 40m	40m 40m	40m 20m

**Key:**

NC- Denotes a non-complying activity.

n/a- Denotes where buildings or activities are not provided for, or where the particular circumstances of the land unit mean that the development control does not apply. Therefore no development control has been attributed.

'Refer to land unit rules' means see the specific rules for the particular land unit as contained in [part 10b - Settlement areas: objectives, policies and activity tables](#).

**Note:** This is a summary table and must be used in conjunction with the more detailed rules elsewhere in part 10c. There are also some development controls which are not displayed in this table ie building in relation to boundary, ridgeline control, impervious surface area and building restriction yard