

Part 4

General rules

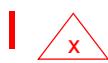
Contents	Page
4.1 Introduction	3
4.2 Activities not otherwise specified	3
4.3 Construction, relocation, alterations and additions to buildings	3
4.4 Prohibited activities.....	3
4.5 Temporary activities	4
4.5.1 Objective.....	4
4.5.2 Resource management strategy	4
4.5.3 Permitted activities	4
4.5.4 Restricted discretionary activities	6
4.5.5 Discretionary activities	6
4.6 Noise and vibration from construction activities	7
4.6.1 Explanation.....	7
4.6.2 Noise from construction work	7
4.6.3 Noise and vibration from blasting or pile driving for construction activities.....	8
4.7 Methodology for measuring noise	9
4.8 Wastewater	9
4.8.1 Objective.....	9
4.8.2 Resource management strategy	10
4.9 Signs	10
4.9.1 Objective.....	10
4.9.2 Resource management strategy	10
4.9.3 Rules	11
4.10 Lighting.....	11
4.10.1 Objective.....	11
4.10.2 Resource management strategy	11
4.10.3 Permitted activities	12
4.10.4 Discretionary activities.....	12
4.10.5 Assessment criteria for discretionary activities	12
4.11 General rules about the application of land unit and settlement area classifications	12
4.11.1 Planning maps for Great Barrier.....	12
4.11.2 Land unit classification applying to islands and rocks not shown on the planning maps	12
4.11.3 Land with more than one classification.....	13

Part 4 - General rules

4.12	Pest control.....	13
4.13	Relationship with rules in other parts of the Plan	13

Tables		Page
Table 4.1	Noise from construction work	7
Table 4.2	Noise from construction work	8

Plan modification annotations



indicates where content is affected by proposed plan modification x.
refer to plan modification folder or website for details.



indicates where the content is part of plan modification x, which is
subject to appeal.

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4.1 Introduction

This part of the Plan sets out the general rules which apply to a range of activities throughout the islands. The matters covered are listed on the contents page.

4.2 Activities not otherwise specified

A resource consent for a non-complying activity must be obtained for any activity, including the construction of a building or use of any land or building which is not specifically provided for as a permitted, controlled, restricted discretionary or discretionary activity in the parts of the Plan applying to the location of the activity.

4.3 Construction, relocation, alteration and additions to buildings

1. Minor alterations and additions (as defined in [part 14 - Definitions](#)) to the exterior of existing buildings is a permitted activity in all land units and settlement areas.
Note: If a building is scheduled as a building, object, property or place of special value, then the additional rules in [clause 7.9.4](#) will also apply to minor alterations and additions.
2. An activity table will specifically provide for the activities of constructing or relocating buildings, or undertaking exterior alterations and additions to existing buildings, as separate from using buildings for any activity listed in the table. Therefore, even when an activity is permitted in the table, a resource consent may still be required for any construction or relocation of, or any exterior alteration or addition to, the building used for the activity.

4.4 Prohibited activities

Certain activities are expressly prohibited within the islands. No application can be made for a prohibited activity.

The following are prohibited activities throughout the islands:

1. The introduction, propagation, distribution or farming of:
 - a. Any new organism.
 - b. Any plant pest species listed in [appendix 14 - Plant and animal pests](#).
 - c. The following animal pest species: possums, feral goats, wallaby, feral deer and mustelids (ferrets, stoats, and weasels).
2. Mining of any mineral irrespective of whether the activity is authorised under the Crown Minerals Act 1991, other than any quarrying, prospecting, or exploration activity (as defined in [part 14 - Definitions](#)) authorised in accordance with the Plan.
3. The disposal of waste products resulting from the use of radioactive materials, and any package or container that has contained radioactive material where the radioactive material exceeds the level that is specified as an exempt activity in part 2 of the Radiation Protection Regulations 1982.

Note: There are also some other prohibited activities identified in other parts of the Plan, such as in [part 7 - Heritage](#).

Explanation

These activities have been defined as prohibited in recognition of the potential adverse effects that may arise within the environment of the islands. All of these activities are considered incompatible with the outstanding conservation and heritage values of the islands, and to provide for such activities to establish would severely compromise those

values. These activities should never occur within any part of the islands in any circumstances.

The Hauraki Gulf is recognised through the Hauraki Gulf Marine Park Act 2000 as having a quality and diversity of biology and landscape that makes it outstanding within New Zealand. The islands of the Gulf are valued as the habitats of plants and animals, once common, now rare, and are often the only places in the world where these species exist naturally. The Gulf must be managed to protect and, where appropriate, enhance their natural, historic and physical resources. Given the unique statutory status and importance of these resources, and the potential threat posed by new organisms, rule 4.4(1)(a) has been included in the Plan. This rule seeks to prevent the deliberate introduction, propagation, distribution or farming of any new organism on the Gulf islands until such time as it has been cleared for full release by the Environmental Protection Authority ('EPA') under the Hazardous Substances and New Organisms Act 1996.

4.5 Temporary activities

4.5.1 Objective

To permit activities that occur for relatively short periods of time, while limiting their effects on neighbouring properties.

Policies

1. By limiting the time periods for the use of ancillary structures and the storage of materials associated with a construction activity.
2. By limiting the time periods for the construction of boats, caravans and other objects in the open air, as a leisure activity.
3. By limiting the duration of events.
4. By setting noise standards for temporary activities that use electronically amplified entertainment and controlling the start and finishing times, duration and frequency at which such entertainment can be used outdoors at any one venue.

4.5.2 Resource management strategy

The Plan recognises that events and functions are an important part of community life and may not readily fit within the standard controls applying to the land unit or settlement area. The Plan therefore provides specific rules which enable events, functions and other temporary activities (including construction activities) to occur in a controlled manner. Controls placed on the start and finishing times of performances, events or functions on private or public land and restrictions on their duration will limit their adverse effects including the amount of noise produced. Specific rules have been applied to heritage items to control the potential for adverse effects stemming from temporary activities on these items.

4.5.3 Permitted activities

For all locations throughout the Hauraki Gulf islands

The following temporary activities are permitted in all settlement areas and land units, with the exception of landforms 1, 2 (sand flats only) and 4 and on any scheduled item(s) and its scheduled site surrounds:

1. Offices, storage sheds, portable toilets, builders' workshops and site offices, scaffolding and falsework, and other buildings or structures of a similar character and the storage of construction materials where such buildings or materials are:
 - a. Required for a construction project; and
 - b. Limited to the duration of the project or to 12 months (whichever is the lesser).

2. Any display suites or show homes, temporary storage, stacks of goods or materials (other than construction materials provided for in (1) above) for a period not exceeding six months.
3. Temporary structures which are not inside a permanent building, for the purpose of constructing a boat, caravan or other object associated with private leisure time which is not intended in any way as a commercial venture, provided that such temporary structures:
 - a. Must not occupy any site for more than 36 months.
 - b. Must meet all of the yard requirements applying in the land unit or settlement area within which they are located.

For all locations except Great Barrier

The following temporary activities are permitted in all land units, with the exception of landforms 1, 2 (sand flats only) and 4, island residential 1 and 2 and on any scheduled item(s) and its scheduled site surrounds:

4. Events, including performances, private or public functions, parades, sporting events, exhibitions, film shoots, markets and fairs and activities of a similar character, including associated parking, buildings or other structures, provided that:
 - a. The events and temporary buildings or other temporary structures do not occupy a venue for more than five days, including the time required for establishing and removing all temporary buildings and structures associated with the event.
 - b. The use of any venue for any temporary event does not exceed three events of two days duration in any 12 month period. The event will be limited to eight hours duration per day.
 - c. Any associated electronically amplified entertainment complies with all of the following:
 - i. It starts no earlier than 10am.
 - ii. It finishes no later than 10.30pm between Sunday and Thursday, 11pm on Fridays and Saturdays and 1am on New Years Day.
 - iii. It does not exceed five hours in duration per day.
 - d. Sound testing and balancing of all sound systems including vocal checks by performers complies with all of the following:
 - i. It does not cumulatively exceed two hours.
 - ii. It does not commence before 9am on any day.
 - iii. It is completed by 7pm on the day of the performance.
 - e. The L_{eq} noise level and L_1 noise level arising from the event does not exceed 70dBA L_{eq} or 80dBA L_1 when measured at the notional boundary of any adjacent site with a residential use.

For Great Barrier only

The following temporary activities are permitted in all land units and settlement areas, with the exception of landforms 1, 2 (sand flats only) and 4 and on any scheduled item(s) and its scheduled site surrounds:

5. Events, including performances, private or public functions (including religious and educational gatherings), parades, sporting events, exhibitions, film shoots, markets and fairs and activities of a similar character, including associated parking, buildings or other structures, provided that:
 - a. The event and temporary buildings or other temporary structures do not occupy a venue for more than fourteen days, including the time required for

Part 4 - General rules

- establishing and removing all temporary buildings and structures associated with the event.
- b. The event does not occur for more than six days.
 - c. Any associated electronically amplified entertainment complies with all of the following:
 - i. It starts no earlier than 9am.
 - ii. It finishes no later than 10.30pm between Sunday and Thursday, 11pm on Fridays and Saturdays and 1am on New Years Day.
 - iii. It does not exceed eight hours in duration per day.
 - d. Sound testing and balancing of all sound systems including vocal checks by performers complies with all of the following:
 - i. It does not cumulatively exceed two hours.
 - ii. It does not commence before 8am on any day.
 - iii. It is completed by 7pm on the day of the performance.
 - e. The L_{eq} noise level and L1 noise level arising from the event does not exceed 75dBA Leq or 85dBA L1 when measured at the notional boundary of any adjacent site with a residential use.
 - f. The use of the venue does not exceed six events which use electronically amplified entertainment in any 12 month period.

4.5.4 Restricted discretionary activities

Any temporary activity which is of a non-repetitive and short term nature and is not otherwise provided for as a permitted activity or discretionary activity is a restricted discretionary activity.

Matters of discretion

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

- 1. Any adverse effects of temporary buildings or structures on visual amenity values including through physical dominance or overshadowing on adjacent sites.
- 2. The proposed hours of operation and duration of the activity.
- 3. Adverse effects from noise or lighting.
- 4. The location, scale and intensity of the activity.
- 5. Traffic and parking.
- 6. Any earthworks or vegetation clearance on the site.
- 7. The number of events that occur at a venue.

4.5.5 Discretionary activities

Any temporary activity which is of a non-repetitive and short term nature occurring on or in a scheduled heritage item or its scheduled site surrounds is a discretionary activity.

Assessment criteria for discretionary activities

The council's assessment of an application for a discretionary activity will include consideration of the following matters:

- 1. The extent to which any temporary buildings or structures required for the temporary activity, are likely to damage or adversely affect the scheduled item or its site surrounds.
- 2. The extent to which any people gathering for a temporary activity in or on a scheduled item or its site surrounds are likely to damage or adversely affect the

- scheduled item or its site surrounds.
3. The extent to which the temporary activity will reduce the heritage values for which the item has been scheduled.
 4. The extent to which the temporary activity is consistent with the relevant objectives and policies for the heritage item.

Explanation

Temporary activities not provided for as a permitted activity require a resource consent. However, it is noted that everyday activities that may normally be expected to occur, such as a party within a dwelling, will be considered in terms of Section 16 of the RMA, which addresses the duty to avoid unreasonable noise, rather than as a temporary activity.

4.6 Noise and vibration from construction activities

4.6.1 Explanation

The council has a responsibility under the RMA to control the emission of noise, including vibration, 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. As noise from construction projects is generally of a limited duration and by its nature is generally louder than other activities, communities will usually tolerate a higher noise level provided it is no louder than necessary and occurs on appropriate days and within appropriate hours of the day. The Plan therefore includes specific controls relating to noise and vibration from construction activities.

4.6.2 Noise from construction work

Noise resulting from construction work must comply with the following:

1. The noise as measured in all settlement areas and land units, with the exception of the commercial 5, 6 and 7 and the transport area of the Matiatia land unit, must not exceed the levels in [table 4.1](#).
2. The noise as measured in commercial 5, commercial 7, and the transport area of the Matiatia land unit, must not exceed the levels in [table 4.2](#).

Table 4.1

Time of the week	Time period	Duration of the work			
		Typical duration work ¹ (dBA)		Short-term duration work ² (dBA)	
		L _{eq}	L _{max}	L _{eq}	L _{max}
Weekdays	12.00am-6.30am	45	75	45	75
	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-12.00am	45	75	45	75
Saturday	12.00am-6.30am	45	75	45	75
	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-12.00am	45	75	45	75

Time of the week	Time period	Duration of the work			
		Typical duration work ¹ (dBA)		Short-term duration work ² (dBA)	
		L _{eq}	L _{max}	L _{eq}	L _{max}
Sundays and public holidays	12.00am-6.30am	45	75	45	75
	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-12.00am	45	75	45	75

Notes:

- 'Typical duration work' means construction work at any one location for more than 14 calendar days
- 'Short-term duration work' means construction work at any one location for up to 14 calendar days

Table 4.2

Time period	Duration of the work	
	Typical duration work ¹	Short-term duration work ²
	L _{eq} (dBA)	L _{eq} (dBA)
7.30am-6.00pm	75	80
6.00pm-7.30am	80	85

Notes:

- 'Typical duration work' means construction work at any one location for more than 14 calendar days.
- 'Short-term duration work' means construction work at any one location for up to 14 calendar days.

Note: Commercial 6 (quarry) has its own set of noise and vibration controls.

Construction noise measurements

Measurements must be made outside occupied buildings affected by the construction noise. Measurements should be made approximately 1m from the wall most exposed to the sound under investigation, and 1.2m to 1.5m above the relevant floor level. No adjustment to measured sound levels is to be made for the reflected sound from the wall. The measured levels should be compared directly with the noise limits without any adjustments for special audible characteristics. The measured level must be adjusted for any significant background L_{eq} level in the area using the procedure set out in Annex A of NZS 6803:1999 Acoustics - Construction Noise.

Where circumstances require measurements inside buildings (eg when noise is travelling through common building elements such as a common wall) all windows and other means of ventilation must be closed or turned off and the upper limits of the noise measured must not exceed the levels stated in tables 4.1 or 4.2 above minus 20dBA.

4.6.3 Noise and vibration from blasting or pile driving for construction activities

1. Vibration

When blasting (using explosives) or pile driving for construction activities the limit of particle velocity (peak particle velocity) measured on any foundation (or upper most full storey) of an adjacent building not connected with the site, related to the

frequency of the ground vibration must not exceed the limits of table 1 of DIN 4150-3 (1999-02): Structural Vibration - Effects of Vibration on Structures. Peak particle velocity means the maximum particle velocity in any of three mutually perpendicular directions. The units are millimetres per second (mm/s).

2. Noise

The noise created by the use of explosives measured at the boundary of the site must either not exceed a peak overall sound pressure of 128dB or alternatively a peak sound level of 122dBC.

4.7 Methodology for measuring noise

Except where otherwise stated, the following methodology applies to the measurement of noise for all noise controls contained in this Plan:

1. All noise levels must be measured at or within 20m of any building where people may reside overnight on a permanent or temporary basis (on another site from the noise source) or within the legal boundary, when this is closer to the building. This may be referred to as the notional boundary.
2. Noise levels must be measured in accordance with the NZS 6801:1999 Acoustics - Measurement of Environmental Sound.
3. The noise measured must be assessed in accordance with NZS 6802:1999 Acoustics - Assessment of Environmental Noise except that the averaging of the noise measured will be in accordance with the following:

Averaging

A noise nuisance does not generally arise from a single isolated incident. The amount by which limits are exceeded may vary between repeat incidents. Averaging of measured L_{eq} values for separate time intervals to derive a single figure for comparison with any limit, will be subject to the following constraints:

- a. Averaging of measured L_{eq} levels for comparison with any applicable noise limit, if employed, must only be performed on the rating level derived in accordance with Appendix A of NZS 6802:1999. Measured L_{eq} levels must not be averaged if comparison is to be made with night-time limits where sleep disturbance will be of concern.
- b. The averaged value of the descriptor eg L_{eq} must not exceed the relevant limit, and in any case the limit must not be exceeded by more than 5dB for any single time interval. L_{eq} values must be averaged on an energy basis, ie the logarithmic mean must be determined.

Explanation

An average L_{eq} determined from, for example, four 15 minute L_{eq} measurements at different times during the day, may differ from a L_{eq} measured over an interval of 60 minutes. The time of measurement and the measurement interval should relate to the duration of the sound and any repetitiveness or pattern of sound events. Representativeness and repeatability of measurements should be an overriding consideration in deciding what time interval to measure and the time of measurement.

4.8 Wastewater

4.8.1 Objective

To provide for wastewater disposal and the disposal of settled solids in a manner which ensures that adverse effects are adequately avoided or remedied.

Policies

1. By recognising that the adverse effects associated with wastewater disposal are controlled by Auckland Regional Council requirements and the Building Act 2004.
2. By ensuring the proper maintenance of wastewater treatment and disposal systems through bylaws made under the Local Government Act 2002.
3. By providing for the disposal of settled solids from septic tanks and wastewater treatment and disposal systems in an appropriate manner on suitable sites in the landform 5 land unit.
4. By protecting wastewater infrastructure and, through designations, council operations relating to wastewater treatment (such as Owhanake wastewater treatment plant) and settled solids disposal (such as Claris landfill).
5. By ensuring that particular regard is given to the cumulative effects of wastewater disposal.

4.8.2 Resource management strategy

The disposal of wastewater within the islands is controlled through a variety of techniques, including ARC rules and the ARC Technical Publication 58 - On-site Wastewater Systems: Design and Management Manual; the Building Act 2004; and the council's bylaw controlling wastewater. While the Plan does not have specific wastewater rules, the impervious surface and building coverage controls ensure that there is sufficient permeable land for on-site wastewater disposal.

The commercial portion of Oneroa village is connected to the council's Owhanake wastewater treatment plant. Otherwise wastewater in the islands is currently disposed of through a wide range of on-site disposal systems, consisting in the main of septic tank pre-treatment units and effluent soakage fields. Therefore, all existing and future development (except for development at Oneroa, Matiatia and Matiatia wharf) must be capable of satisfactorily treating and disposing of wastewater on-site. As the council's bylaw, the Building Act and the ARC already place controls on the disposal of wastewater it is not necessary to include additional controls in the Plan.

In recognition of its strategic importance, the council has introduced a designation to protect the continuing operation of the Owhanake wastewater treatment plant. The existing designation for the Claris landfill, which includes sludge disposal, has been carried over and extended.

There are also rules in [part 9 - Hazardous facilities and contaminated land](#) which apply to the storage of septic tank waste. Refer to [rule 9.5.1.3](#) for further details.

4.9 Signs

4.9.1 Objective

To ensure that any adverse effects arising from the content, size, height, location and lighting of signs on the amenity of an area or on public safety are avoided or reduced to an acceptable level.

Policy

1. By controlling any adverse effects from signs through bylaws made under the Local Government Act 2002.

4.9.2 Resource management strategy

Signs play an important role in facilitating communication to the public, not only for business advertising but also for community information and safety. They can contribute to the vitality of a locality, especially in commercial centres. Conversely signs also have the potential to detract from visual amenities of streetscapes, residential neighbourhoods, commercial areas, and can contribute to traffic hazards.

The council considers that it is appropriate to control signage, but that in general the most appropriate method for doing so is by means of its bylaw, rather than by rules in the Plan. Therefore, signs throughout the islands are controlled principally by the council's bylaw. However, the Plan does have rules relating to signs on, in or over a heritage item or its scheduled site surrounds. Applications for such signs are assessed through the resource consent process in recognition of their importance and the potential for adverse effects to the item.

4.9.3 Rules

The following is a discretionary activity:

- Any sign placed or affixed on, in or over any scheduled item or its scheduled site surrounds.

4.9.3.1 Assessment criteria for discretionary activities

The council's assessment of an application for a discretionary activity under this rule (4.9.3) will include consideration of the following matters:

1. The extent to which any sign(s) or structures required for the sign(s), are likely to damage or adversely affect the scheduled item or its site surrounds.
2. The extent to which any sign(s) in or on a scheduled item or its site surrounds are likely to damage or adversely affect the scheduled item or its site surrounds.
3. The extent to which the sign(s) reduce the heritage values for which the item has been scheduled.
4. The extent to which the sign(s) are consistent with the relevant objectives and policies for the heritage item.

4.10 Lighting

4.10.1 Objective

To provide for outdoor artificial lighting to enable travel, work, entertainment and recreation activities to be undertaken during the hours of darkness while ensuring that the lighting does not have any adverse effects on the environment or the amenity values of surrounding areas.

Policies

1. By controlling the intensity, location and direction of artificial lighting so as to avoid light spill and glare onto adjacent sites and the loss of night time viewing.
2. By controlling where appropriate, the use of artificial lighting where it will extend the operation of outdoor activities into night-time hours.
3. By controlling artificial lighting at the boundary of private land by bylaws made under the Local Government Act 2002.
4. By controlling the lighting of heritage items and their scheduled site surrounds.
5. By avoiding, remedying or mitigating the adverse effects of lighting on the night sky.

4.10.2 Resource management strategy

Outdoor artificial lighting is essential to enable travel, work, entertainment and recreation activities to be undertaken safely beyond daylight hours. Artificial lighting can also contribute to amenity and security. However, unless artificial lighting is used with care it can adversely affect neighbouring properties and public places, through light spill and glare. Inappropriate use of artificial lighting can also lead to the loss of night sky viewing. Therefore, appropriate controls have been placed on the lux illuminance throughout the islands.

4.10.3 Permitted activities

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

4.10.4 Discretionary activities

The following are discretionary activities:

1. The use of artificial lighting producing an illuminance exceeding 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level or at the exterior of any building within or adjacent to the site on which the lighting is placed.
2. Exterior lighting on any scheduled item or within its scheduled site surrounds.

4.10.5 Assessment criteria for discretionary activities

The council's assessment of an application for a discretionary activity under [rule 4.10.4](#) will include consideration of the following matters:

1. The extent to which the outdoor lighting is located, directed and designed to ensure that glare is not directed at adjacent sites.
2. The extent to which glare from outdoor lighting causes loss of amenity to adjacent sites.
3. The extent to which glare from outdoor lighting detracts from the dark night-time sky environment.
4. Whether outdoor lighting appropriately lights public and semi-public areas in a manner consistent with the principles of crime prevention through environmental design.

4.11 General rules about the application of land unit and settlement area classifications

4.11.1 Planning maps for Great Barrier

The property boundaries and aerial photographs used for the Great Barrier planning maps come from different data sources which are not always possible to reconcile. Therefore, there may be discrepancies between the location of the property boundaries, and the land unit and settlement area boundaries shown on the aerial photograph. The land unit and settlement area boundaries have been delineated based on the aerial photograph. However the property boundaries may not always match the aerial photograph. Where a discrepancy arises, the aerial photograph rather than the property boundaries should be relied on for determining the extent of any particular land unit or settlement area.

4.11.2 Land unit classification applying to islands and rocks not shown on the planning maps

There are a number of smaller islands and rocks in the Hauraki Gulf which are within the council's planning jurisdiction but which due to their size are not identified on the planning maps as being within a particular land unit. Such islands and rocks are regarded as being classified in the conservation land unit.

4.11.3 Land with more than one classification

There are some sites which are affected by two or more land unit classifications, or which are located partly in a land unit and partly in a settlement area. Where this occurs, the provisions of the particular land units or settlement area will be applied independently to each part of the site located in a different land unit or settlement area.

The exception to this approach is for the purposes of applying the subdivision controls in [part 12 - Subdivision](#). [rule 12.6.6](#) outlines the approach to be taken in this instance.

The boundary between land units, or between land units and settlement areas, is not treated as a site boundary for the purposes of applying development controls such as yard requirements and the building in relation to boundary control.

4.12 Pest control

The eradication, control or management of any plant and animal pests listed in [appendix 14 - Plant and animal pests](#) is a permitted activity in all land units and settlement areas.

The use of any hazardous substances associated with these activities must comply with [part 9 - Hazardous facilities and contaminated land](#) and any ARC requirements.

For the purposes of this rule, 'eradication, control or management' includes trapping, shooting, use of poisons and herbicides and the construction of pest control fencing.

This rule does not remove the need to comply with the development controls applying in the relevant land unit or settlement area.

4.13 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 used in this part of the Plan.

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

[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 10c - Development controls for land units and settlement areas](#)

[Part 12 - Subdivision](#)

[Part 13 - Transport](#)