

## The Proposed Auckland Unitary Plan (notified 30 September 2013)

### 5.20 Kawau Island

The activities, controls and assessment criteria in the underlying zones, Auckland-wide rules, and overlays apply in the Kawau Island precinct unless modified by the activity table, rules and assessment criteria below. Refer to planning maps for the location and extent of the precinct and sub-precincts.

#### 1. Activity table

1. The following activity table specifies the activity status of activities in the Kawau Island precinct.
2. The permitted activities listed in the activity table are permitted without resource consent where they comply in all respects with the relevant rules of the Unitary Plan.
3. Unless otherwise stated, an activity listed as a permitted activity in the activity table which does not comply with all the controls will be a discretionary activity.
4. A site may contain more than one of the listed activity categories.

<b>Activity table 1 - Kawau Island precinct</b>		
<b>Activity</b>	<b>Activity status</b>	
	Sub-precinct A	Sub-precinct B
Boat building, repairs and servicing	D	D
Buildings or accessory buildings for any permitted activity in this table	P	RD
Buildings or accessory buildings for any restricted discretionary activity in this table	RD	D
Buildings or accessory buildings for any discretionary activity in this table	D	D
Buildings and facilities on shore associated with water based tourist activities	D	D
Earthworks	P	P
Greenhouses up to 50m <sup>2</sup>	P	P
Greenhouses > 50m <sup>2</sup>	D	D
Mineral exploration	Pr	NC
Mineral extraction activities	Pr	NC
Mineral prospecting	Pr	NC
Parks field structures	P	P
Tree removal	P	P
<b>Commerce</b>		
Retail up to a maximum floor area of 100m <sup>2</sup>	D	NC
Restaurants accommodating a maximum of 50 people	D	NC
Restaurants accommodating over 50 people	NC	NC
<b>Community</b>		
Care centres	P	P
Community facilities accommodating a maximum of 100 people	D	NC

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Community facilities accommodating more than 100 people	NC	NC
Healthcare services	D	NC
Organised sport and recreation	P	P
Informal recreation and leisure	P	P
Temporary activities	P	P
<b>Residential</b>		
Dwellings	P	D
Home occupations	P	P
Visitor accommodation accommodating a maximum of 30 people, but excluding camping grounds	D	D
Visitor accommodation accommodating over 30 people	NC	NC
Camping grounds	D	D
Retirement villages	P	NC
<b>Rural</b>		
Rural commercial services excluding animal breeding or boarding	D	D
Animal breeding or boarding	NC	NC
Forestry	P	P
Conservation forestry	P	P
<b>Subdivision</b>		
Subdivision for the protection of natural areas	NC	D
Subdivision for significant land rehabilitation	NC	D
Subdivision for public open space and reserves	D	D
Subdivision of low intensity settlement sites	RD	NC
All other subdivision	NC	NC

### 2. Land use controls

- The land use controls in the underlying zone apply in the Kawau Island precinct unless otherwise specified below.

#### 2.1 Permitted activities

##### 2.1.1 Care centres

- Care centres must comply with the following:
  - no more than 10 people to be accommodated
  - must take place within existing buildings.

##### 2.1.2 Dwellings

- Dwellings in sub-precinct A must comply with the following:
  - one dwelling per site, or two dwellings per site at a density not exceeding one dwelling per 2000m<sup>2</sup> net site area.
- In sub-precinct A, dwellings not meeting the above controls will be assessed as non-complying activities, except that the following will be assessed as discretionary activities:

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- a. more than two dwellings per site at a density not exceeding one dwelling per 2000m<sup>2</sup> net site area
- b. on Maori land where the applicant belongs to the same hapu as the trustees of the associated marae:
  - i. up to six dwellings or
  - ii. more than six dwellings but not exceeding 25 dwellings at a density not exceeding one dwelling per hectare net site area.

### 2.1.3 Earthworks

1. Those activities associated with good farm management practice, (e.g. fencing, tilling/hoeing, cultivation and harvesting of crops and fertilising of the soil, planting or erecting shelter and planting of other trees, including for conservation).
2. The construction and maintenance of stock races.
3. The construction and maintenance of farm drains, except that the construction and maintenance of such drains must not lead to the modification of natural watercourses or wetlands in excess of 250m<sup>2</sup>.
4. The construction and maintenance of farm tracks on land with a slope of less than 15 degrees.
5. The formation and maintenance of forestry roads, tracks and landings within plantation forests provided that associated excavation or depositing does not occur within 10m of a wetland or natural watercourse.
6. Ground surface disturbance arising from harvesting of a plantation forest, provided that the plantation forest was a permitted activity at the time of its establishment and it does not occur within 10m of a wetland or natural watercourse.
7. The formation of silage pits providing that associated excavation or depositing does not occur within 10m of a wetland or natural watercourse.
8. All other earthworks subject to complying with the following:
  - a. maximum volume of 200m<sup>3</sup>.
  - b. must not be within 10m of a wetland or natural watercourse.
9. Earthworks not meeting the above controls will be assessed as a restricted discretionary activity.

### 2.1.4 Forestry

1. Forestry must comply with the following:
  - a. Must take place on land currently cleared of trees and bush.
2. Forestry not meeting the above controls will be assessed as a non-complying activity

### 2.1.5 Home occupations

1. Home occupations must comply with the following:
  - a. Any homestay accommodation must accommodate no more than 10 guests.

### 2.1.6 Informal recreation and leisure

1. Informal recreation and leisure must comply with the following:
  - a. Buildings are limited to accessory buildings up to a combined total floor area of 25m<sup>2</sup>.

### 2.1.7 Organised sport and recreation

1. Organised sport and recreation must comply with the following:

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- a. Buildings are limited to accessory buildings up to a combined total floor area of 25m<sup>2</sup>.
2. Organised sport and recreation not meeting the above controls will be assessed as non-complying activities.

### 2.1.8 Retirement villages

Retirement villages must comply with the following:

1. No more than 15 people to be accommodated inclusive of owner, family and staff.

### 2.1.9 Temporary activities

Temporary activities must comply with the following:

1. No more than a total of three days within any 12 month period.
2. The number of people catered for and attending must not exceed 200.

### 2.1.10 Tree removal

The following are permitted activities:

1. The cutting, damaging or destroying of any exotic tree or area of exotic tree not listed as a notable tree.
2. The cutting, damaging or destroying of any native tree planted specifically for forestry or cropping purposes.
3. The cutting or removal of plants planted for farming and forestry.
4. The removal of vegetation, excluding native bush, to maintain pasture, cropping areas and orchards.
5. The treatment or removal of dead, damaged or diseased native trees or other works relating to native trees immediately necessary to avoid any actual or potential damage to the life, health or property on the site on which the trees are located or any adjacent site.
6. The operation of any statute or delegated legislation which may conflict with this part of the Unitary Plan or to which this part of the Unitary Plan is subordinate.
7. The cutting or removal of vegetation for walking tracks up to and including 1.7 m in width.
8. The removal of any plant pest identified pursuant to the Biosecurity Act 1993 or listed as a plant pest in the Auckland Regional Pest Management Strategy 2007-2012.
9. The cutting, damaging or destroying of any individual native tree or number of trees constituting native bush, which is:
  - i. less than or equal to three metres in height
  - ii. less than or equal to 500m<sup>2</sup> in area.
10. The cutting of manuka and kanuka for:
  - i. property maintenance and fire protection within 10 metres of any existing building
  - ii. clearance from electricity supply line routes
  - iii. harvesting for non-commercial firewood collection
  - iv. harvesting as a renewable raw material for crafts, utility uses and home occupations

provided that for the purposes specified at clause 10 (b-d) above, the manuka or kanuka must not be cleared to a density of less than 25 trees per 1000m<sup>2</sup>.

Tree removal not meeting the above controls will be assessed as a restricted discretionary activity.

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## 2.2 Discretionary activities

### 2.2.1 Dwellings

In sub-precinct B dwellings must comply with one of the following:

1. One dwelling per site.
2. On Maori land where the applicant belongs to the same hapu as the trustees of the associated marae:
  - a. up to six dwellings or
  - b. more than six dwellings but not exceeding 25 dwellings at a density not exceeding one dwelling per hectare net site area

Dwellings not meeting the above controls will be assessed as non-complying activities.

## 3. Development controls

The development controls in the underlying zone apply in the Kawau Island precinct unless otherwise specified below.

### 3.1 Height

1. The maximum height of a building is 7m.

### 3.2 Height in relation to boundary

1. Buildings must not exceed a height equal to 3m plus the shortest horizontal distance between any part of the building and any site boundary.

### 3.3 Yards

Yards must comply with Table 1 below:

Table 1

Yard	All sub-precincts
Front	6m
Side	3m
Rear	6m
Shoreline	6m

### 3.4 Building coverage

1. The maximum building coverage of a site must be:
  - a. For sites less than 4000m<sup>2</sup> — 35 per cent of the net site area.
  - b. For sites 4000m<sup>2</sup> or greater — 1400m<sup>2</sup> plus 15 per cent of the net site area in excess of 4000m<sup>2</sup>.
  - c. For sites of 8000m<sup>2</sup> or greater — 2000m<sup>2</sup> plus 10 per cent of the net site area in excess of 8000m<sup>2</sup>.

## 4. Subdivision controls

1. The subdivision controls in the Auckland-wide rules – [subdivision](#) apply in the Kawau island precinct unless otherwise specified below.
2. Subdivision that does not comply with clauses 1 and 2 below is a non-complying activity.

### 4.1 Sub-precinct A – subdivision of low intensity settlement sites – restricted discretionary

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### activity

1. Minimum site size:
  - a. A minimum area of 4000m<sup>2</sup> net site area capable of containing a square measuring 30 metres x 30 metres.
2. Access
  - a. Up to five sites may be created, all gaining frontage either over a jointly owned access lot or right-of-way not less than six metres in width (or a combination of both) or direct to the foreshore. Each site must have legal access to a jetty or wharf. Sites are not required to have legal access to a road, notwithstanding any rules to the contrary in the underlying zone and Auckland-wide rules.

### 5. Assessment - Restricted discretionary activities

#### 5.1 Matters of discretion

The council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity table, in addition to the matters of discretion specified for the relevant activity in the underlying zone.

Table 2

Activity	Building siting, height, design and external appearance	Landscape and landform modification
Buildings	X	X

#### 5.2 Assessment criteria

For development that is a restricted discretionary activity in the Kawau Island precinct, the following assessment criteria apply in addition to the criteria specified for the relevant activity in the underlying zone:

1. Buildings
  - a. buildings and structures should be sited so that they do not require extensive landform modification, but use the existing landform as far as is practicable so as to minimise adverse effects on landscape and discharges of silt
  - b. access and servicing can occur with minimal earthworks and landform modification so that adverse effects on the visual environment do not occur or are minimal
  - c. buildings and structures should not adversely impact upon trees or bush making a significant contribution to the visual and environmental qualities in the vicinity of the site
  - d. buildings and structures should not visually intrude on any significant ridgeline or skyline and adversely affect landscape values when viewed from any public road or other public land including any beach, the sea or regional park
  - e. the scale and form of buildings and structures including their colour and materials should complement rural character and the particular elements making up that character
  - f. buildings or structures should not detract from any view or vista of natural features obtained from any public road, or other public place including parks and reserves
  - g. the proposed height and scale of the building should not adversely affect amenity values of neighbouring sites by reducing privacy, reducing sunlight admission and causing overbearing by buildings on adjacent sites.
2. Subdivision of low intensity settlement sites
  - a. the proposed arrangement of the sites, including access provisions should recognise the primary access to sites is by way of water and that the formation of roads should be avoided wherever possible
  - b. the proposed arrangement of the sites should retain the low intensity character of settlement on

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- c. the access arrangement for the proposed sites should enable the sites to be readily used for their intended purpose
- d. the site shape and size should be appropriate for low intensity residential settlement
- e. the existing landform should be, wherever practical, the basis of any subdivision pattern
- f. the formation of roads should be avoided
- g. the removal of vegetation should be avoided or kept to a minimum.

### 6. Assessment - Land use control infringements

#### 6.1 Matters of discretion

In addition to the general matters set out in [clause 2.3](#) of the General Provisions and the specific matters set out for the infringement in the underlying zone, the council will restrict its discretion to the matters below for the relevant control infringement.

Table 3

Activity	Scale, location and visibility of vegetation removal and earthworks	Development design	Duration of works proposed
Earthworks	X	X	X
Tree removal	X	X	X

In addition to the general assessment criteria in [clause 2.3](#) of the General Provisions and the specific assessment criteria for the infringement in the underlying zone, the council will consider the relevant assessment criteria below for the infringement listed.

1. Earthworks and tree removal
  - a. the activity should not create on-site or off-site instability, or flooding downstream in the catchment or increase the erosion of the edges of rivers, streams, lakes, estuaries or the coastal edge.
  - b. the scale and location of the activity should not adversely affect the visual quality and amenity values of the landscape, and the natural landform of any ridgeline or visually prominent areas.
  - c. the vegetation proposed to be removed should not form part of an ecological corridor, or is adjacent to a watercourse and acts as a filter for sediment and water runoff, or protects threatened plants or animal species and the extent to which the activity will adversely affect these values.
  - d. the works should be undertaken in such a manner and at such times as to have no adverse effect, or minimum adverse effect, on the ecology and wildlife of the area and in particular, where relevant:
    - i. nesting, feeding and breeding of species
    - ii. biological processes
    - iii. connections between ecosystems
    - iv. the diversity of species
    - v. the habitat of threatened or protected species
    - vi. cumulative effects.
  - e. the removal of bush or trees adjacent to Significant Ecological Areas should not result in:

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- i. fragmentation of the bush and wildlife corridors.
- ii. edge effects from wind or light on remaining native vegetation.

### 7. Assessment - Discretionary and non-complying activities

While not limiting the exercise of its discretion, the council may consider the particular matters specified below for discretionary and non-complying activities:

#### 7.1 All discretionary and non-complying activities

1. Whether there are functional aspects of the proposed activity which make the location on Kawau island desirable and whether there are significant site features which make the site suitable and able to be accommodated without significant adverse effects on the island's character, amenity and environmental values.
2. Whether the scale of the activity is in keeping with the needs and requirements of the local Kawau island community, or for an activity serving a wider community (including visitors) and whether it is compatible with the natural and semi-remote character of the island.
3. Whether access to the site is readily obtained and whether the activity creates the need for extensive berthing or mooring structures in the coastal marine area and whether the adverse effects of the activity can be avoided.

#### 7.2 Farming – Non-complying activity

1. Whether the character of the area will change as a result of the change in farming activity, especially if forestry is planted.
2. Whether the farming activity will result in the removal of native vegetation or earthworks and the resultant effect of this on the character of the area, or environmental values, including habitat and biodiversity.

#### 7.3 Forestry – Non-complying activity

1. Whether the activity requires the clearing or removal of significant areas of native bush or trees.
2. Whether the activity requires significant landform modification for the activity itself or for access.
3. Whether the activity results in the destruction of or significant adverse effect on any significant wildlife habitat or area of significant environmental value.
4. Whether the activity results in any significant adverse effect on landscape values in the vicinity of the site.

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