

Waitakere Ranges Environment rules

5B.3.2.6.2

Subdivision within Waiatarua shall be in accordance with the relevant District Plan provisions, provided that a precautionary approach is taken to ensure that the subdivision does not damage the area's heritage features or detract from or undermine, the achievement of the desired future character and amenity of Waiatarua (see section 5B.3.2.3).

Explanation

In Waiatarua, subdivision beyond that provided for by the rules is likely to impact adversely on the green network and desired future character and amenity of Waiatarua. A precautionary approach is therefore required in respect of any application for subdivision beyond that provided for by the District Plan.

Amend the definition of 'fence(s)' in the definitions section of the District Plan as follows:

Means any *structure* intended to be a permanent division, *screen* or barrier, but shall not include a post and wire *fence* ~~or a wooden post and rail fence~~ or a temporary *fence* such as an electric *fence*. (35/74)

Add new definitions to the Definitions Section of the District Plan, as follows:

ORATIA LOCAL AREA means land shown on the Natural Environment Maps as the Oratia Local Area.

WAIATARUA LOCAL AREA means land shown on the Natural Environment Maps as the Waiatarua Local Area.

ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY means land shown on the Human Environment Maps as the Oratia Rural Village Non-Residential Activity Overlay.

Amend the Rules of the District Plan as follows:

Insert a new Rule 8B Non-Residential Activities within the Oratia Rural Village Non-Residential Activity Overlay for the Foothills Environment as follows: (35/60, 35/68, 35/72, 35/74, 35/82, 35/91)

Rule 8B	NON-RESIDENTIAL ACTIVITIES WITHIN THE ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY
<p><u>RULES</u></p> <p>8B.0 General The following rules shall apply to all <i>Non-Residential Activities</i> located within the <i>Oratia Rural Village Non-Residential Activity Overlay</i> (refer Human Environment Map F8).</p> <p>8B.1 Permitted Activities The following <i>activities</i> are <i>Permitted Activities</i>:</p> <p>i) <u>Rural activities;</u></p> <p>ii) <u>Home occupations</u> permitted by Rule 8A.1 of the <i>Foothills Environment</i>;</p> <p>iii) <u>Non-Residential Activities</u> within an existing building lawfully established prior to 8 December 2009 provided that retail sales floor space (excluding restaurants food) does not exceed 150 m² for each activity;</p> <p>iv) <u>Non-Residential Activities</u> within a building constructed after 8 December 2009 provided that the floor space of each activity does not exceed 150 m² (excluding restaurants food); and</p> <p>v) <u>Restaurants (food).</u></p> <p>iii) <u>Non-Residential Activities</u> lawfully established prior to 8 December 2009 provided that any increase in floor space of an existing activity complies with the limitations for total new floor space in Rule 8B.1(iv)(d) and (e) below;</p> <p>iv) <u>New Non-Residential Activities</u> in addition to those in Rule 8B.1(iii) above provided that:</p> <p>(a) <u>retail sales</u> are limited to:</p> <ul style="list-style-type: none"> • <u>Convenience shop(s);</u> • <u>agricultural and horticultural produce;</u> • <u>Restaurant(s) (food) excluding drive through activity;</u> • <u>arts and crafts;</u> <p>(b) <u>the floor space</u> for each <i>non-residential activity</i> does not exceed 100 m²;</p> <p>(c) <u>the total number of non-residential activities</u> in each <i>building</i> does not exceed 2 and the total number of</p>	<p><u>ASSESSMENT CRITERIA</u></p> <p>8B(a) The extent to which all <i>development</i> and <i>buildings</i> contribute to high standards of <i>design</i>, a rural village character, pedestrian <i>amenity</i>, and safe and attractive <i>public places</i> by:</p> <p>i. <u>The design of buildings reflects the historic productive context of Oratia and its packing shed building forms;</u></p> <p>ii. <u>Reusing existing buildings;</u></p> <p>iii. <u>Locating buildings and development to maintain rural views;</u></p> <p>iv. <u>Integrating with existing development including adjacent community facilities;</u></p> <p>v. <u>encouraging shared vehicle access and shared car parking including the use of on-street car parks where available;</u></p> <p>vi. <u>ensuring that car parking is not located between the <i>building(s)</i> and the <i>road</i>;</u></p> <p>vii. <u>limiting the extent of impervious surfaces and utilising permeable paving;</u></p> <p>viii. <u>creating courtyards, planted orchards or vineyards and open spaces between buildings; and</u></p> <p>ix. <u>providing a covered pedestrian entry that is visible from the <i>street</i>.</u></p> <p>8B(b) The extent to which the retention of existing vegetation and/or landscape planting (illustrated on a <i>landscape treatment plan</i>) achieves an orchard or vineyard pattern of fruit trees and vines which creates a rural village located within an orchard and/or vineyard.</p> <p>8B(c) The extent to which landscape planting (illustrated on a <i>landscape treatment plan</i>) mitigates the visual appearance of parking areas, manoeuvring areas and <i>buildings</i> from the street and pedestrian environment, while ensuring that:</p> <p>i. <u>planting plans include fruit trees and vines reflecting the orchard and viticulture history of Oratia; and</u></p> <p>ii. <u>a <i>planted strip</i> is provided between the <i>car parking</i> areas (excluding driveways) and the <i>street</i>, of a suitable size to accommodate oak</u></p>

<p><u>new non-residential activities in the Oratia Rural Village Non-Residential Activity Overlay does not exceed 12;</u></p> <p>(d) <u>the total new retail sales floor space (excluding restaurants (food)) does not exceed 400 m2;</u></p> <p>(e) <u>the total new floor space of retail services does not exceed 400 m2.</u></p> <p>(f) <u>no activity involves motor vehicle repairs, wrecking of motor vehicles, bottle or scrap metal sorting storage or rehandling, rubbish collection storage or rehandling services, or Part A and B processes as listed in the Air Discharge Appendix.</u></p>	<p><u>trees or similar exotic trees typical in the existing context of the Oratia lower valley capable of growing to maturity.</u></p> <p>8B(d) <u>The extent to which outdoor storage areas are located, designed and screened to avoid creating adverse visual and odour effects on the amenity of adjacent pedestrians and roads, and adjoining sites.</u></p> <p>8B(e) <u>The extent to which building(s), loading, parking, entranceways and footpaths are designed for ease of access.</u></p> <p>8B(f) <u>The extent to which development provides or maintains opportunities for rural trails to Shaw Road and to the Oratia Stream.</u></p> <p>8B(g) <u>The extent to which Non-Residential Activities include the appropriate provision of infrastructure to manage water, wastewater, stormwater (detention, quality, mitigation plantings and reuse), and solid waste associated with the activity.</u></p> <p>8B(h) <u>The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p> <p>8B(i) <u>The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution.</u></p>
<p>8B.2 Limited Discretionary Activities</p> <p><u>Activities meeting the following Performance Standard are Limited Discretionary Activities:</u></p> <p>i) <u>Buildings and additions to existing buildings provided that:</u></p> <p>(a) <u>the total maximum number of buildings, including existing buildings shall not exceed:</u></p> <ul style="list-style-type: none"> ▪ <u>Area 1: 2 4 buildings</u> ▪ <u>Area 2: 2 3 buildings</u> ▪ <u>Area 3: 5 8 buildings</u> <p>(b) <u>the floor space for each intended non-residential activity does not exceed 150m2 (except restaurants food);</u></p> <p>(b) <u>the building coverage gross floor area for each new building does not exceed 300 200 m2;</u></p> <p>(c) <u>a minimum yard of 15 metres is provided between the building and any other building within the Oratia Rural Village Non-Residential Activity Overlay;</u></p> <p>(d) <u>the building has a minimum front yard setback of 5 metres from any road;</u></p> <p>(e) <u>the new building in Area 1 has a maximum setback of 30 metres from any road;</u></p> <p>(f) <u>the building has a minimum setback of 5 metres from the edge of the Oratia Rural Village Non-Residential Activity Overlay;</u></p> <p>(g) <u>the width of any single façade of a building does not exceed 20 metres;</u></p> <p>(h) <u>no more than 40 25% of an individual building's street frontage is in glazing;</u></p> <p>(i) <u>the building has a maximum height of 2 storeys:</u></p> <ul style="list-style-type: none"> ▪ <u>Area 1: 1 storey</u> ▪ <u>Area 2: 1 storey</u> ▪ <u>Area 3: 8 metres</u> 	<p><u>Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31, 11.50, 5B.1, 5B.3.1, 5B.4 (Policy Section of the Waitakere District Plan)</u></p> <p>RESOURCE CONSENT CONDITIONS</p> <p><u>In granting a resource consent Council may impose conditions. The conditions may include any one or more of the following matters:</u></p> <ul style="list-style-type: none"> • <u>requiring alterations to design and/or location of buildings on the site</u> • <u>requiring alterations to the design of entranceways, pedestrian or car parking facilities, loading bays and/or driveways</u> • <u>requiring the retention or planting of trees, fruit trees, vines and/or other vegetation</u> • <u>limiting the scale of the development or use</u> • <u>requiring the provision of screening</u>

<p><u>Assessment of Limited Discretionary Activity applications made under this rule will be limited to retention of view shafts, retention and maintenance of vegetation, screening, landscape treatment, design and location, duration, hours of operation, infrastructure, vehicle access and car parking and will be considered in accordance with Assessment Criteria 8B(a) to 8B(i).</u></p> <p>8B.3 Discretionary Activities</p> <p><u>Activities meeting the following Performance Standards are Discretionary Activities:</u></p> <p>i) <u>Activities not meeting the standards in Rules 8B.1 and 8B.2 (i) provided that retail sales floor space within a building do not exceed 150 m² for each activity (except restaurants food).</u></p> <p><u>Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 8B(a) to 8B(i) and any other matters which are relevant under section 104 of the Act.</u></p> <p>8B.4 Non-Complying Activities</p> <p><u>Non-Residential Activities to which these rules apply which are not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in this Plan and shall be a Non-Complying Activity.</u></p>	<ul style="list-style-type: none"> • <u>requiring provision of a landscape treatment plan, its implementation within a given time and its ongoing maintenance</u> • <u>infrastructure</u> • <u>car parking and access</u> • <u>the imposition of a charge to cover costs of monitoring the activity</u> • <u>the imposition of a bond to cover satisfaction of conditions of consent</u> • <u>requiring financial contributions in accordance with the Plan</u> • <u>requiring on-site or off-site works and services to avoid, remedy, mitigate or offset adverse effects</u> • <u>such other matters provided for in section 108 of the Act.</u> <p><u>Provided that, in the case of Limited Discretionary Activities, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</u></p>
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~~Amend 2.2 Discretionary Activities of Rule 2 Residential Activities / Density in the Foothills Environment by adding a new bullet point as follows:~~

- ~~• New residential activities (excluding additions to existing residential buildings) located within the Oratia Rural Village Non-Residential Activity Overlay.~~

Insert a new 2.3 Non-Complying Activities of Rule 2 Residential Activities / Density in the Foothills Environment as follows:

2.3 Non-Complying Activities

New Residential Activities (excluding additions to existing residential buildings) within the Oratia Rural Village Non-Residential Activity Overlay shall be a Non-Complying Activity.
(35/60, 35/68, 35/72, 35/74, 35/82, 35/91)

Amend Rule 4.0 General of Rule 4 Yards of the Foothills Environment as follows:

4.0 General

The following rules shall apply to Any Activity involving the erection or alteration of buildings and fences except Scheduled Activities on scheduled sites and buildings for non-residential activities within the Oratia Rural Village Non-Residential Activity Overlay.

Amend Rule 4.1 Permitted Activities of Rule 4 Yards of the Foothills Environment by adding a new bullet points as follows:

- In the Oratia Local Area, close board or solid fences setback from the road by 5 metres or more.

Amend Rule 4.3 Discretionary Activities of Rule 4 Yards of the Foothills Environment by adding a new bullet point as follows:

- In the Oratia Local Area, fences not meeting the standards of rule 4.1.

Amend Rule 7 Building Coverage of the Foothills Environment as follows:

7.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of buildings except buildings for non-residential activities within the Oratia Rural Village Non-Residential Activity Overlay.

Amend Rule 10 Noise of the Foothills Environment as follows:

10.0 General

The following rules apply to any *Non-Residential Activity* except rural activities.

10.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- *Non-Residential Activities* meeting the noise standards set out in the following table as measured at any part of a *site* (other than the *site* on which the activity is situated) within the *Foothills Environment, Countryside Environment, Living Environment, Waitakere Ranges Environment, Bush Living Environment* and *Rural Villages Environment*; or
- ii) *Non-Residential Activities* within the Oratia Rural Village Non-Residential Activity Overlay Area meeting the noise standards set out in the following table measured in accordance with NZS 6801:1999 Acoustics - Measurement of Sound and NZS 6802:1999 Acoustics - Assessment of Environmental Sound from a notional boundary within 20 metres of an existing dwelling on a site (other than the site on which the activity is situated) within the Foothills Environment, Living Environment, Waitakere Ranges Environment, and Bush Living Environment.

Amend Rules 2, 3, 4, 5, 6, 7, 10, 11, 13 and 14 of the Foothills Environment, Rules 2, 3, 4, 5, 6, 7, 10, 11, 13, 14 and 15 of the Bush Living Environment and Rules 2, 3, 4, 5, 6, 9, 10, 11, 13, and 14 of the Waitakere Ranges Environment by adding the following new assessment criteria and consequently renumber references in the discretions to the reflect the additional criteria:

A(a)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Amend Rules 2, 3, 4, 5, 6, 7, 10, 11, 13 and 14 of the Foothills Environment, Rules 2, 3, 4, 5, 6, 7, 10, 11, 13, 14 and 15 of the Bush Living Environment and Rules 2, 3, 4, 5, 6, 9, 10, 11, 13, and 14 of the Waitakere Ranges Environment by adding the following policy references to the “see also policies” references as follows:

5B.1, 5B.3

Amend Rules 2, 3, 4, 5 of the General Natural Area, Rules 2, 3, 4, 5, 6 of the Restoration Natural Area, Rules 2, 3, 4, 5, 6 of the Managed Natural Area, Rules 2, 3, 4, 5, 6 of the Coastal Natural Area, Rules 2, 3, 4, 5, 6 of the Protected Natural Area and Rules 2, 3, 4, 5, 6, 7 of the Riparian Margins/Coastal Edges Natural Area by adding the following new assessment criteria and consequently renumber references in the discretions to the reflect the additional criteria:

B(b)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Amend Rules 2, 3, 4, 5 of the General Natural Area, Rules 2, 3, 4, 5, 6 of the Restoration Natural Area, Rules 2, 3, 4, 5, 6 of the Managed Natural Area, Rules 2, 3, 4, 5, 6 of the Coastal Natural Area, Rules 2, 3, 4, 5, 6 of the Protected Natural Area and Rules 2, 3, 4, 5, 6, 7 of the Riparian Margins/Coastal Edges Natural Area by adding the following policy references to the “see also policies” references as follows:

5B.1, 5B.3

Amend Rules 2, 3, 4, 5 of the Heritage rules by adding the following new assessment criteria and consequently renumber references in the discretions to the reflect the additional criteria:

C(c)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Amend Rules 2, 3, 4, 5 of the Heritage rules by adding the following policy references to the “see also policies” references as follows:

5B.1, 5B.3

Amend Rules 2, 7, 10 and 11 of the Subdivision Rules by adding the following new assessment criteria and consequently renumber references in the discretions to reflect the additional criteria and allocate assessment criteria numbers according to preceding number in each rule:

D(d)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

Amend Rule 7 Foothills Environment of the Subdivision Rules by adding the following assessment criteria and consequently renumbering references to the assessment criteria in the controlled, limited discretionary and discretionary discretions and allocate assessment criteria numbers according to preceding number of the decisions on the Swanson Structure Plan.

E(e)

In the *Oratia Local Area*, the extent to which subdivision:

- i. in the *General Natural Area* retains and/or enhances rural character and a productive landscape through the management of remnant vegetation, and/or new plantings of exotic vegetation (except environmentally damaging weed species) including the pattern of shelter belts, vines and fruit trees;
- ii. in the *General Natural Area* retains and/or enhances rural character through the innovative location of lots and building platforms to retain larger areas of land in rural production;
- iii. locates building platforms in a manner that maintains spacious rural views in areas identified as rural views shafts in the *Oratia Local Area* (refer Policy Map 5B.3.1.2);
- iv. where pedestrian and cycle trails **are identified on Policy Map 5B.3.1.3** (35/48, 35/72, 35/82, 35/91, 35/119) contributes to the provision of land to support the implementation of the trails;
- v. avoids new building platforms locating in a ribbon-like pattern along roads; and
- vi. avoids transportation infrastructure of an urban scale and character.

Amend Rule 7 Foothills Environment of the Subdivision Rules by adding the following discretionary activity to Rule 7.3 as follows:

c) Any subdivision within the Oratia Rural Village Non-Residential Activity Overlay provided that the subdivision relates to an existing building, its curtilage, **landscaping** and infrastructure or where a land use consent has been granted for a building and **associated development, landscaping, curtilage and infrastructure.** (35/60, 35/68, 35/72, 35/74, 35/82, 35/91)

d) In respect to any site within the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road (known as the Holdens Triangle), subdivision where:

- i. the average net site area is no less than 1.6 ha for each additional site created and the minimum net site area is 4000 m²;**
- ii. there shall be no new road;**
- iii. each proposed site shall have practical and legal access to a road; and**
- iv. no new driveway shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres.** (35/59)

Amend Rule 7 Foothills Environment of the Subdivision Rules by adding the following assessment criteria and consequently renumbering references to the assessment criteria in the controlled, limited discretionary and discretionary discretions and allocate assessment criteria numbers according to preceding number of the decisions on the Swanson Structure Plan.

Y(y)

In the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road (known as the Holdens Triangle), the extent to which subdivision:

- i. addresses the assessment criteria applying to subdivision in the *Oratia Structure Plan*;**
- ii. addresses the assessment criteria applying to the *Oratia Local Area*;**
- iii. locates building platforms away from roads to maintain rural road-scapes;**
- iv. maintains rural character; and**
- v. protects, restores and enhances heritage features, streams, wetlands and indigenous vegetation within the site.** (35/59)

Amend Rule 10 Subdivision: Bush Living Environment and Rule 11 Subdivision: Waitakere Ranges Environment by adding the following assessment criteria, and consequently renumbering references to the assessment criteria in the limited discretionary and discretionary discretions.

F(f)

In the *Waiatarua Local Area*, the extent to which subdivision:

- i. retains and enhances the forested character and landscape values (35/56 & Others) of *Waiatarua*;**
- ii. located building platforms to reduce their visibility from a road;**
- iii. avoids establishment of reticulated wastewater infrastructure; and**
- iv. avoids transportation infrastructure of an urban scale and character;**