

# community environment

## GUIDELINE TO THE RULES

The *Community Environment* Rules apply to activities on *sites* within the “Community Environment” as shown on the *Human Environments* Map. Most of the *Community Environment* Rules apply to “Any Activity” which may be proposed, although some rules apply to “Residential Activities”, or only to “Non-Residential Activities”. These terms are defined in the *Plan* as follows:

**“Residential Activity”** means the use of *land* or *buildings* by people for living accommodation, whether or not any person is subject to care or supervision where the occupiers voluntarily live at the *site* for a period of one month or more and will generally refer to the *site* as their home and permanent address and includes baches and other similar private holiday accommodation, but excludes a *Temporary Activity* and a *Prohibited Activity*.

➤ **“Non-Residential Activity”** means *any activity* not defined as a *Residential Activity* or a *Temporary Activity* or a *Prohibited Activity*.

➤ **“Any Activity”** means a *Residential Activity* or a *Non-Residential Activity*, but does not include a *Prohibited Activity* or a *Temporary Activity*.

There are rules in the *Plan* other than the *Community Environment* Rules that may apply to a proposed activity.

The “City-Wide Rules” include rules on information for *resource consents*, *financial contributions*, *natural hazards*, *hazardous facilities* and *contaminated sites*, *heritage*, *Prohibited Activities* and *Temporary Activities*. Definitions of terms used in the *Plan* also appear in the *City-Wide Rules*.

The “Natural Areas Rules” include standards on *vegetation alteration*, *earthworks*, *impermeable surfaces* and establishment of *vegetation*. All *land* within the *Community Environment* is located in the *General Natural Area*. The “Subdivision Rules” cover all standards relating to the *subdivision* of *land* in the city - including those standards which specifically apply to the *Community Environment*.

An indication of which parts of the *Plan* will apply to a particular activity is given on the *Human Environments* Maps and the *Natural Areas* Maps and in the *Community Environment Rules* themselves.

Note that a *resource consent* from the Auckland Regional Council may be necessary in addition to these rules.



## PROCEDURAL GUIDELINE FOR THE RULES

The following procedure is a guideline to apply the *Plan* rules for an activity proposed within the *Community Environment*:

### STEP 1

Locate the *site* on the *Human Environments* Maps. If the *site* is within the *Community Environment*, refer to this guideline. If the *site* is within another *Human Environment* refer to the other appropriate guideline. Refer to the relevant *General Natural Area* rules. Note any other information from the *Human Environments* Maps which is relevant such as *heritage*, *designation* or *scheduled site* status. If there is a particular notation on the maps, refer to the relevant part of the *Plan* containing rules in respect of that notation (see index at the front of the Rules Section)

### STEP 2

Refer to the *Roading Hierarchy* map. Note any requirements that apply to the *site*, or the area within which the *site* is located. Step 3

Check to see whether the *site* is within a *Natural Hazards* area (information is available from the Council). Refer to the *Natural Hazards* requirements in the *City Wide Rules* if it is.

### STEP 4

Determine whether the activity is a *Prohibited Activity* (see the *City-Wide Rules*). If it is, then the activity is not permitted and no *resource consent* application can be made.

### STEP 5

Determine whether the activity proposed is a *Residential Activity* or a *Non-Residential Activity* (refer to the definitions in the previous page).

### STEP 6

Check the *Community Environment* Rules. Note: The activity must comply with all relevant Rules to be permitted as of right. Rules which may apply to *Any Activity* include:

- Rule 1 General Rules
- Rule 2 Height in Relation to Boundaries
- Rule 10 Air Discharges
- Rule 13 Noise
- Rule 14 Parking, Loading and Driveway Access
- Rule 15 Odour, Glare and Vibration
- Rule 16 Infrastructure

Rules which apply only to *Non-Residential Activities* include:

- Rule 3 Building and Development Location
- Rule 4 Building Location - Natural landscape Elements
- Rule 5 Building Bulk, Location and Building & Site Design (Henderson & New Lynn)
- Rule 6 Building and Site Design (Henderson and New Lynn Periphery)
- Rule 7 Building and Site Design (Titirangi)
- Rule 8 Building Design and Location (Other)
- Rule 9 Landscape Treatment - Carparking
- Rule 12 Signs

Additional Rules which may apply only to *Residential Activities* include:

- Rule 11 Residential Activities

### STEP 6A {A203, A211, A217}

For activities in the *Community Environment (New Lynn)* refer to the following rules:

Rule 1, Rule 2A, Rule 2, Rule 3, Rule 4, Rule 5A, Rule 6A, Rule 6B, Rule 7A, Rule 9, Rule 10, Rule 11, Rule 12, Rule 13, Rule 14A, Rule 15, Rule 16.

### STEP 7

Under each of the relevant rules the activity proposed will be either a *Permitted Activity*, a *Controlled Activity*, a *Limited Discretionary Activity*, a *Discretionary Activity* or a *Non-Complying Activity*. A *resource consent* is required for all activities other than *Permitted Activities*. If, under a particular rule, an activity is a *Permitted Activity*, then there is no need for a *resource consent* application in terms of that Rule. Refer to the relevant rule page and the “Resource Consents” part of the Introduction to the Rules for guidance on *resource consent* applications. However the activity may still require a *resource consent* under another rule.

### STEP 8

Once it has been established that all relevant rules are met, or *resource consents* have been granted, and the other requirements of the *Plan* are also satisfied, then the activity may proceed. Note that approvals under other legislation, eg the issuing of a *building consent*, may be necessary.

## RULES

**1.0 General**

The following Rules 1.1 and 2 to 16 apply to activities on land situated in the *Community Environment* including the *Henderson Community Environment* (including *periphery*) the ~~*New Lynn Community Environment*~~ (including *periphery*) (*New Lynn*) the *Titirangi Community Environment*, the *Westgate Community Environment* and the *Glen Eden Community Environment*. {A203, A211, A217}

**1.1 Notification/Non-Notification**

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 16, applications for *resource consent* need not be notified and the written approvals of affected persons will not be required, nor in terms of limited notification under the *Act*, will notice to adversely affected persons need to be served.

RULE 2

HEIGHT IN RELATION TO BOUNDARIES

RULES

2.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings*.

2.1 Permitted Activities

Activities which meet the following Performance Standard are *Permitted Activities*:

- (a) *buildings* which do not project beyond the following *recession plane*:
  - southernmost *site boundary recession plane* 35°
  - all other *site boundaries recession plane* 45°

as measured from any relevant point 2.5 metres vertically above *ground level* on any *site boundary* adjoining *land* within a *Living Environment* (except the *Living (L6) Environment within the New Lynn Town Centre*), or an *Open Space Environment*. {A211, A217} (See Diagram 2A)

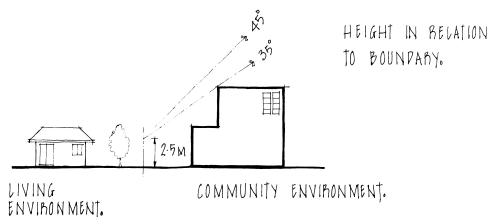


Diagram 2A

ASSESSMENT CRITERIA

2(a)

The extent to which *buildings* on *sites* adjacent to a *Living Environment* or an *Open Space Environment* are of a compatible profile with *buildings* within those *Human Environments*, and allow **reasonable daylight and sunlight access** to *buildings*.

2(b)

The extent to which, for any *buildings* not meeting the height in relation to boundary standard, there are adverse *effects* on nearby residential areas with particular regard to **health effects, physical domination** of the proposed *building* and the appearance of the proposed *building*.

Note: See also Policies 1.15, 10.5, 11.3, 11.10, 11.14, 11.15, 11.16

(Policy Section of the Waitakere District Plan)

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

RULE 2

HEIGHT IN RELATION TO BOUNDARIES

(b) Buildings which do not project beyond a recession plan of 45° as measured from any relevant point 10 metres vertically above ground level on any site boundary adjoining land within the Living (L6) Environment within the New Lynn Town Centre. {A203, A211, A217}

**2.2 Discretionary Activities**

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

- *buildings* not meeting the standards in Rule 2.1.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 2(a) and 2(b) and any other matters that are relevant under section 104 of the *Act*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- limiting the *height* of *buildings*
- requiring a specific *setback* between the *building* and *boundaries*
- requiring the alteration of window *design* or positioning
- requiring *screening* or *planting*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

RULE 2A

HEIGHT IN RELATION TO BOUNDARIES - NEW LYNN

RULES {A203, A211, A217}

**2A.0 General**

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* or *development* in the *Community Environment (New Lynn)*.

**2A.1 Permitted Activities**

Activities which meet the following Performance Standards are *Permitted Activities*:

- (i) *buildings* on sites fronting Memorial Drive or adjoining land within an *Open Space Environment* built within a recession plane measured at 45° into the *site* from a point 15 metres above the ground of the boundary with Memorial Drive or the *Open Space Environment*.

**2A.2 Discretionary Activities**

Activities meeting the following Performance Standards are *Discretionary Activities*:

- (i) *buildings* not meeting the standard in Rule 2A.1. *Discretionary Activity* applications will be assessed having regard to Assessment Criteria 2A(a) and any other matters that are relevant under section 104 of the *Act*.

**NOTES:**

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a resource consent. Check all other rules in this Human Environment and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

**2A(a)**

Additional *building* bulk projecting beyond *recession planes* should not have a material effect upon sunlight access to streets and *public places*. The height in relation to boundary rule is intended to retain sunlight access to *streets* and *public places*, especially during the midday period when they are most heavily used.

NOTE: See also Policies: 1.15, 10.1, 10.5, 10.6, 11.3, 11.10, 11.14, 11.16, 11.46, 11.47, 11.48.

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- limiting the *height* of *buildings*;
- requiring a specific *setback* between the *building* and *boundaries*;
- limiting the bulk and scale of *activities* and other *development*;
- requiring the alteration of window *design* or *positioning*;
- requiring *screening* or *planting*;
- the imposition of a *bond* to ensure satisfaction of conditions of consent;
- Requiring *financial contributions* in accordance with the *Plan*;
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset *adverse effects*;
- such other matters provided for in assessment criteria section 108 of the *Act*.

RULE 3

BUILDING & DEVELOPMENT LOCATION

RULES

3.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* or *development* of a *site*.

3.1 Permitted Activities {A203, A211, A217}

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

- (a) *development* (except on *site(s)* adjoining the *Living (L6) Environment* within the *New Lynn Town Centre*) in respect of which:
  - *buildings* except for *residential buildings* which are located no less than 6.0 metres from either a *Living Environment* or an *Open Space Environment*, and
  - *buildings* have no vehicle access doors or loading doors, fans, air conditioning equipment or air discharge device within 20 metres of a *Living Environment*, and
  - there is a minimum 1.8 metres high *close boarded fence* and a minimum 1.0 metres wide *planted strip* along the *site boundary* of any *adjoining site* within a *Living Environment* or an *Open Space Environment*, and
  - any *outdoor storage* is *screened* from other *sites* within a *Community Environment*, *Living Environment* or an *Open Space Environment*.
- (b) *buildings* on any *site* adjoining *land* within a *Living (6) Environment* within the *New Lynn Town Centre* do not have to meet the requirements of 3.1(a).

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

3(a)

The extent to which *buildings* and *development* in the *Community Environment*:

- (i) incorporate sufficient *building* set back from any *Living Environment* to meet reasonable *amenity* standards in respect of any adjoining *residential activities*
- (ii) are *screened* from any *Living Environment*
- (iii) are *designed* and located to mitigate any adverse noise, odour, and visual *effects* on *Residential Activities* within the *Living Environment*.

3(b)

The extent to which any *outdoor storage areas* are *screened* so that they are not visible from *Residential Activities* within a *Living Environment* or an *Open Space Environment*

3(c)

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*.

Note: See also Policies: 1.15, 10.1, 10.5, 10.6, 10.27, 11.3, 11.10, 11.14, 11.15, 11.16, 11.46, 11.47, 11.48, {A203, A211, A217}

(Policy Section of the Waitakere District Plan)

RULE 3

BUILDING & DEVELOPMENT LOCATION

**3.2 Limited Discretionary Activities**

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *development* in respect of which:
  - *buildings* except for *residential buildings* which are located within 6.0 metres of an *Open Space Environment*

Assessment of *Limited Discretionary Activities* applications will be limited to matters of *design*, *screening* and *landscape treatment* and will be assessed having regard to Assessment Criteria 3(a) - 3(c).

**3.3 Discretionary Activities**

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

- *buildings* and *development* not meeting the standards in Rule 3.1 or 3.2.

*Discretionary Activity* applications made under this rule will be assessed in accordance with Assessment Criteria 3(a) - 3(c) and such other matters that are relevant under section 104 of the *Act*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent*, Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring a specific *setback* between the *buildings* and *boundaries*
- limiting the *height* of the *building*
- limiting the *building bulk*
- requiring provision of *screening* and/or *planting*
- requiring the alteration of window *design* or positioning
- requiring provision of a landscape plan and its implementation within a given time
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

RULES

4.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* and establishment of *development*.

4.1 Permitted Activities {~~A203, A211, A217~~}

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

- (a) additions or alterations to *buildings* or *development* on *land* identified as a *sensitive ridge* on the *Natural Areas* Maps, provided the additions or alterations do not increase the *height* of the *building* or *development*.
- (b) *buildings* and *development* which are not on land identified as a *sensitive ridge*, or headland/cliff/scarp on the *Natural Areas* Maps.
- ~~• *buildings* and *development* with a *height* not exceeding 7.0 metres plus roof, measured from *road* level at the centrepoint of its *Titirangi Road* frontage (*Titirangi Town Centre*) (where the roof complies with Rule 7 – Building and Site Design, *Titirangi*)-PPCA37~~

4.2 Limited Discretionary Activities

Activities meeting the following Performance Standards are *Limited Discretionary Activities*:

NOTES	
1.	If an activity is not controlled or restricted in any way by any part of the <i>Plan</i> it is permitted, but may require consents under other legislation/plans.
2.	<del>A guideline to help determine which “roads” and “public places” a building may be visible from is kept by the Council.</del>
23	Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a <i>resource consent</i> . Check all other rules in this <i>Human Environment</i> and also the <i>Natural Area</i> Rules, the <i>City-Wide Rules</i> and, where relevant, the <i>Subdivision</i> Rules.
34	Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i> .
45	Words in <b>bold</b> are explained - see the Explanations part of the Introduction to the Rules.
6.	<del>The Council may have a guideline to help interpret this rule - check at the Council Offices.</del>
57	For <i>resource consents</i> see the Information Requirements in the <i>City-Wide Rules</i> .
68	Council officers may be able to give advice on designing <i>buildings</i> in <b>natural landscape</b> areas - check at the Council offices.

ASSESSMENT CRITERIA

4(a)

The extent to which *buildings* are obtrusively visible on or above *sensitive ridgelines* from a *public place*.

4(b)

The extent to which *buildings* and *development* compromise the visual landscape qualities of *sensitive ridgelines* and other *natural landscape elements*.

4(c)

The extent to which *development* adversely affects the visual, historical, cultural and spiritual significance for *invi* of *sensitive ridges*.

4(d)

The extent to which *landscape treatment* is used to mitigate the visual impact of *buildings* and *development*.

4(e)

The extent to which more than minor adverse *effects* can be adequately remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of *financial contribution*.

4(f)

The extent to which the *height* of the *building* or *development* will interrupt identified *Public Views*, as listed in Appendix K of the Policy Section of the Plan.

4(g)

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. PPCA37

Note: See also Policies 2.7, 8.7, 9.3, 9.5, 9.12, 10.27, 11.7, 11.8, 5B.1. 5B.3.3

(Policy Section of the Waitakere District Plan)

## RULE 4

## BUILDING LOCATION-NATURAL LANDSCAPE ELEMENTS

- ~~buildings and development not meeting the performance standards in Rule 4.1 where the building or development has a maximum height not exceeding 10.0 metres as measured from road level at the centrepoint of its Titirangi Road frontage (Titirangi Town Centre). PPC A37~~

- (a) ~~buildings and development within the Titirangi Community Environment Town Centre, with a maximum height not exceeding 8.0 metres measured from road level at the centrepoint of the site's Titirangi Road frontage. PPCA37~~

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *height, location, design, landscape treatment, and scale* and will be considered in accordance with Assessment Criteria 4(a)-4(fg).

#### 4.3 Discretionary Activities

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

- (i) ~~Buildings and development not meeting the standards in Rule 4.1 and 4.2:~~
- (ii) ~~Buildings and development within the Titirangi Community Environment Town Centre, not meeting the standards in Rules 4.1 or 4.2 with a maximum height not exceeding 11 metres measured from road level at the centrepoint of the site's Titirangi Road frontage. PPCA37~~

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 4(a) - 4(fg) and any other matters which are relevant under section 104 of the *Act*.

#### 4.4 Non-Complying Activities

~~Buildings and development within the Titirangi Community Environment Town Centre that are not a permitted activity or a limited discretionary activity or a discretionary activity shall be deemed to contravene a rule in this plan and shall be a non-complying activity. PPCA37~~

### RESOURCE CONSENT CONDITIONS

In granting a *resource consent*, Council may impose conditions. Conditions may include any one or more of the following matters:

- limiting the *height* of the *building*
- altering the *location* of *buildings*
- altering the *design* of *buildings*
- requiring provision of *planting*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Act*
- such other matters provided for in section 108 of the *Act*
- covenanting of existing or *planted vegetation*
- *requiring on-site or off-site works* and service to avoid, remedy, mitigate or offset adverse *effects*.

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.

**RULE 5 BUILDING DESIGN ALL COMMUNITY ENVIRONMENTS EXCEPT HENDERSON, NEW LYNN AND TITIRANGI**

**RULES**

**5.0 General**

The following rules shall apply to *Non-Residential Activities* except in the *Henderson Community Environment, New Lynn Community Environment* and *Titirangi Community Environment*.

**5.1 Permitted Activities**

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

- (a) *buildings* provided with a *canopy* across the full width of the *road* side(s) of the *building* sufficient to provide weather protection for pedestrians and connection to *canopies* on *adjoining sites* or premises, and
- (b) *development* between the *road boundary* and any *building* which is limited to pedestrian areas, outdoor display and seating areas and vehicle access where there is no access to the *site* from another *road*, and
- (c) *buildings* having at least 50% of the ground floor facade facing the *road* in *display space*. (See diagram 8A - page 19)

**5.2 Limited Discretionary Activities**

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

*Any Activity* not meeting the standards in Rule 8.1.

Assessment of *Limited Discretionary Activity* applications made under the above rules will be limited to the matters of *design* and location, and will be considered in accordance with Assessment Criteria 5(a)-5(g).

**NOTES**

- 1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
- 2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
- 3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
- 4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
- 5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
- 6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

**ASSESSMENT CRITERIA**

**5(a)**

The extent to which *buildings* provide weather protection over adjacent footpaths on *roads* with a predominantly retail character contiguous with existing *canopies* on adjacent *buildings*.

**5(b)**

The extent to which *development* contributes to high standards of pedestrian *amenity*.

**5(c)**

The extent to which if *car parking* has to be provided in the front yard, safe and direct pedestrian access is possible from the adjacent *road* to *buildings* on the *site*.

**5(d)**

The extent to which *buildings* provide a facade at *road* level which maintains the *amenity* of the area for pedestrians.

**5(e)**

The extent to which *buildings* adjacent to important *public places* are *designed* to ensure that these areas receive **reasonable levels of sunlight**.

**5(f)**

The extent to which larger scale *development* is *designed* and located to provide at least one attractive and direct pedestrian linkage from the *road* to the *building(s)*.

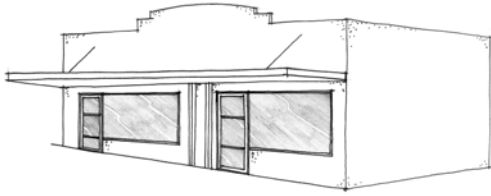
**5(g)**

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*.

Note: See also Policies 1.15, 4.1, 10.11, 10.27, 11.10, 11.14, 11.15

(Policy Section of the Waitakere District Plan)

**RULE 5 BUILDING DESIGN ALL COMMUNITY ENVIRONMENTS EXCEPT HENDERSON, NEW LYNN AND TITIRANGI**



50% OF GROUND FLOOR FACADE  
IN DISPLAY SPACE.

**Diagram 8A**

**RESOURCE CONSENT CONDITIONS**

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- building height
- *building* location
- the location of *building* entrances
- the location and *design* of pedestrian access
- provision for weather protection
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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.

**RULE 5A**

**BUILDING DESIGN - STREET FRONTAGE - NEW LYNN**

RULES {A202, A203, A211, A217}

**5A.0 General**

The following rules shall apply to any *Activity* involving the erection or alteration of *buildings* or *development* in the *Community Environment (New Lynn)*.

**5A.1 Permitted Activities**

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

- (a) ~~*buildings or development not visible from a street*~~ Minor cosmetic alterations or repairs which do not change the design and appearance of the existing building or development;
- (b) Internal additions and alterations.

**5A.2 Limited Discretionary Activities {A202}**

*Activities* meeting the following Performance Standards are *Limited Discretionary Activities*:

- (i) ~~*buildings or development visible on a site which fronts a street identified as Town Centre & Mainstreet Typology 1 and which meets Performance Standard A: Town Centre & Mainstreet Typology 1 of City-Wide Rule 3: Building Design - Street Frontage.*~~

Or

**NOTES:**

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a resource consent. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. The street typology (either Mainstreet Typology 1 or Commercial Street Typology 3) for proposed road and indicative streets are identified in Appendix XXI. Activities with Street Frontage to an indicate street or proposed road will be required to be considered against Rule 5A Building Design - Street Frontage - New Lynn.

Refer to:

Assessment Criteria 3(a) to 3(m), and the Policies and Resource Consent conditions of *City-Wide Rule 3: Building Design - Street Frontage*.

For buildings or development on the site comprised of: Lot 1 DP 112045; Lot 4 DP 112045; Lot 5 DP 112045; Lot 2 DP 183636; Lot 1 DP 193492 which front a street identified as Town Centre - Commercial Typology 3, the following additional assessment criteria apply, that include the following context for the potential of development on the Lynnmall site to achieve active street frontage over time.

- (a) That the extent to which any redevelopment on the Lynnmall site must fulfil the City Wide Rule 3 Building Design-Street Frontage assessment criteria will be determined by the scale and location of the redevelopment proposed;
- (b) In the short term it will be appropriate for the development to occur consistent with the existing format of Lynnmall through the retrofitting of existing structures. Small scale redevelopment of up to approx 5,000m<sup>2</sup> of additional gross floor area is unlikely to have the critical mass to allow realignment of Lynnmall to front Great North Road and Veronica Street;
- (c) In the medium term to long term, potentially beyond the life of this District Plan, there are opportunities to extend the active street frontage of Memorial Drive to Great North Road and Veronica street with more extensive redevelopment of the site where greater than 10,000m<sup>2</sup> of additional gross floor area is proposed;
- (d) There may be opportunities for new stand alone structures to be developed over time and these should re establish active street frontages regardless of scale.

RULE 5A

BUILDING DESIGN - STREET FRONTAGE - NEW LYNN

- (ii) buildings or development visible on sites which front a street identified as Town Centre - Commercial Typology 3 and which meet Performance Standard C: Town Centre - Commercial Typology 3 of City-Wide Rule 3: Building Design - Street Frontage.

Assessment of Limited Discretionary Activity applications will be limited to the matters of design, pedestrian amenity, screening, landscape treatment and car parking and access and will be considered in accordance with Assessment Criteria 3(a) to 3(i) of City-Wide Rule 3: Building Design - Street Frontage and relevant criteria listed in 5A.

**5A.3 Discretionary Activities**

Activities meeting the following Performance Standards are Discretionary Activities:

- (i) buildings or development not meeting the Performance Standards in Rule 5A.2.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 3(a) to 3(m) of City-Wide Rule 3: Building Design - Street Frontage and any other matters which are relevant under section 104 of the Act.

**RULE 5B**

**BUILDING AND SITE DESIGN - HENDERSON**

**RULES**

**5B.0 General**

The following rules shall apply to *Non-Residential Activities* involving the erection or alteration of *buildings* and *development* within the *Henderson Community Environment*.

**5B.1 Permitted Activities**

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

- (a) *buildings* within the *Henderson Community Environment* (except in the *periphery*) which are provided with a *canopy* across the full width of the *road* side(s) of the *building* sufficient to provide weather protection for pedestrians and connection to *canopies* on *adjoining sites* or premises, and
- (b) *development* between the *road boundary* and any *building* within the *Henderson Community Environment* (except in the *periphery*) where that *development* is limited to pedestrian areas, outdoor display and seating areas and vehicle access to *sites* having no access to another *road* or service lane, and
- (c) *buildings* within the *Henderson Community Environment* (except in the *periphery*) having at least 50% of the ground floor facade facing the *road* in *display space*, and
- (d) *buildings* fronting Catherine Place in Henderson built within a *recession plane* measured at 45° into the *site* from a point 10 metres above the ground of the boundary with Catherine Place, and

**NOTES**

- 1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
- 2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
- 3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
- 4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
- 5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
- 6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

**ASSESSMENT CRITERIA**

**5B(a)**

The extent to which *buildings* on main shopping *roads* provide weather protection over adjacent footpaths and contiguous with existing *canopies* on adjacent *buildings*.

**5B(b)**

The extent to which *development* on the main shopping *roads* contributes to high standards of pedestrian *amenity*.

**5B(c)**

The extent to which *buildings* on main shopping *roads* provide a facade at *road* level which maintains the *amenity* of the area for pedestrians.

**5B(d)**

The extent to which *buildings* adjacent to important *public places* are designed to ensure that these areas receive **reasonable levels of sunlight**.

**5B(e)**

The extent to which *buildings* on the northern side of Great North Road in Henderson are designed so that sunlight can reach the southern footpath of Great North Road in midwinter.

**5B(f)**

The extent to which large scale mall type *developments* on properties that front main shopping streets are *designed* and located so that there is at least one attractive and direct pedestrian entrance to the *development*, directly from the *road*.

**5B(g)**

The extent to which *outdoor storage areas* create adverse visual *effects* on *roads* and *adjoining sites*.

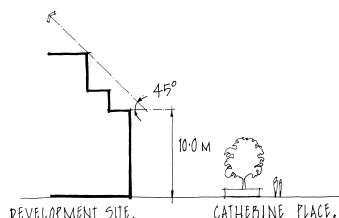
**5B(h)**

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*.

**RULE 5B**

**BUILDING AND SITE DESIGN - HENDERSON**

(see Diagram 5B)



**Diagram 5B**

- (e) for sites that are not in the Henderson Community Environment (*periphery*) buildings which are:
  - (i) east of Ratanui Street, within a *recession plane* at 31° taken from a line drawn 6.0 metres in from the southern *road boundary* directly opposite on the southern side of Great North Road, and
  - (ii) west of Ratanui Street, within a *recession plane* of 31° from a line drawn 3.0 metres in from the *road boundary* directly opposite on the southern side of Great North Road (see Diagram 5C - page 12); and
- (f) *outdoor storage areas screened from roads and adjoining sites.*

**5B.2 Limited Discretionary Activities**

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *development* or *buildings* not meeting the standards in Rule 5.1.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of location, *landscape treatment* and *design* and will be considered in accordance with Assessment Criteria 5B(a)-5(i).

**5B(i)**

The extent to which any mall-style *development* (which generally has shop frontages internally rather than externally focused):

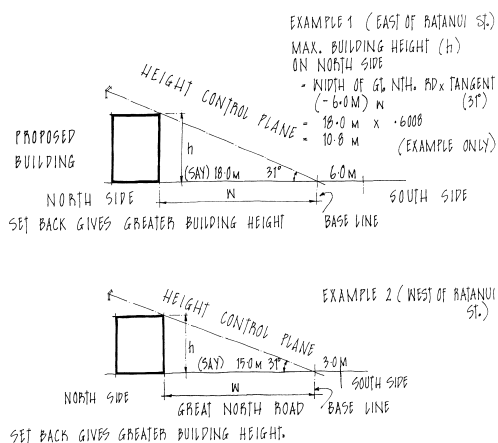
- provides weather protection for pedestrians around any *building* frontage likely to be a high pedestrian-count route for access through or around the *site*
- contributes to high standards of *amenity* within the town centre including the recognition of natural features
- avoids bland exterior walls facing any *road* likely to be a high pedestrian-count route - for instance through the use of colour, materials or the articulation of facades
- needs to locate any *ground-level car parking* area between a *building* and the *road*
- where practicable, locates any *car parking* or storage areas or vehicle entrances away from frontages with any *road* likely to be a high pedestrian-count route
- does not detract from the *amenity* and safety of any area likely to be a high pedestrian-count route (including those pedestrians moving between shops and parked vehicles), for instance through the use of display space/windows and/or entrances, informal surveillance from windows, decks and other openings, lighting and security cameras
- incorporates appropriate pedestrian access routes through the *site* open to the public at least during business hours, which form part of a logical pedestrian network within the *Community Environment*.

Note: See also Policies 1.15, 4.1, 10.27, 11.10, 11.15, 11.16, 11.17, 11.19

(Policy Section of the Waitakere District Plan)

**RULE 5B**

**BUILDING AND SITE DESIGN - HENDERSON**



**Diagram 5C**

**RESOURCE CONSENT CONDITIONS**

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- building height
- *building* location
- the location of *building* entrances
- the location and *design* of pedestrian access
- requiring the provision of a *landscape treatment* plan and its implementation within a given time
- provision for weather protection
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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.

**RULE 5B**

**BUILDING AND SITE DESIGN - HENDERSON PERIPHERY**

**RULE**

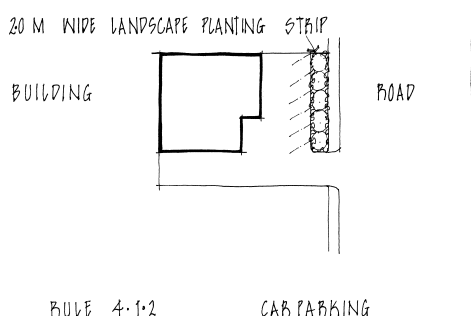
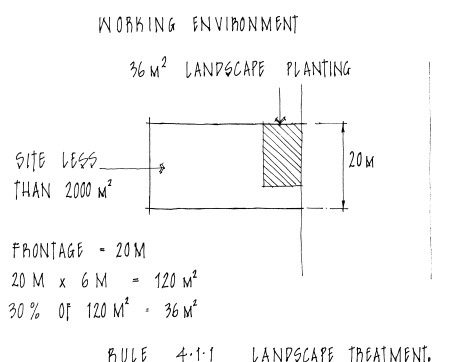
**5B.0 General**

The following rules shall apply only to *Non-Residential Activities* in the *Henderson Community Environment (periphery)*.

**5B.1 Permitted Activities**

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

- (a) *development of sites in the Henderson Community Environment (periphery)* which are less than 2,000m<sup>2</sup> in *net site area* incorporating *planting* to at least 30% of a 6.0 metre depth from any *road boundary* including, where there are *car parking* or *driveway* areas between a *building* and the *road boundary*, a minimum 2.0 metre *planted strip* (excluding *driveways*) inside the *road boundary* of the *site* (see Diagram 6E); and



**Diagram 6E**

- (b) *development of sites in the Henderson Community Environment (periphery)* where *buildings* are *designed* and located to allow dedicated pedestrian access footpaths between the main entrance to the *building* and adjoining *roads*; or

**ASSESSMENT CRITERIA**

**5B(a)**

The extent to which *developments* which employ a large number of people or are likely to attract a significant number of customers are *designed* and located so that there is a direct and safe pedestrian linkage to adjacent retail development and the *town centre core* to help facilitate convenient pedestrian movement around the whole centre.

**5B(b)**

The extent to which any retail store less than 400m<sup>2</sup> in *retail floorspace* is designed and located on the *site* to maximise as far as is practicable physical and visual integration with any retail *development* on *adjoining sites*, and with the *town centre core*.

**5B(c)**

The extent to which *development* contributes to high standards of pedestrian *amenity* through the location of *buildings* and parking areas, and the *screening* of *outdoor storage areas*.

**5B(d)**

The extent to which *sites* will be *developed* in accordance with *landscape treatment* plan to:

- soften the visual appearance of parking and manoeuvring areas, and *outdoor storage areas*
- break up and soften the visual appearance of large and/or continuous *building* frontages visible from *roads*.

**5B(e)**

The extent to which *planting* comprises trees, rather than shrubs or other low profile *vegetation*.

**5B(f)**

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*.

Note: See also Policies 1.15, 4.1, 10.27, 11.10, 11.14, 11.15, 11.18, 11.20

(Policy Section of the Waitakere District Plan)

community environment

**RULE 5B**

**BUILDING AND SITE DESIGN - HENDERSON PERIPHERY**

(c) *retail activity* in the *Henderson Community Environment (periphery)* meeting (a) and (b) above and where any *retail sales* are within a store having *retail floorspace* of 400m<sup>2</sup> or greater, provided that no minimum *retail floorspace* restriction shall apply in respect of Lot 7 DP 130645 (Vitasovich Avenue, Henderson).

**5B.2 Limited Discretionary Activities**

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- any *Non-Residential Activity* not meeting the standards in Rule 5B.1 provided that any *development* incorporates *planting* to at least 10% of the *net site area*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *design*, physical and visual integration of *development* and location and will be considered in accordance with Assessment Criteria 5B(a)-5B(f).

**5B.3 Discretionary Activities**

Activities meeting the following Performance Standards are *Discretionary Activities*:

- any *Non-Residential Activity* not meeting the standards in Rule 5B.1 and 5B.2.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 5B(a) and 5B(f) and any other matters that are relevant under section 104 of the *Act*.

**RESOURCE CONSENT CONDITIONS**

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring a *landscape treatment* plan and implementation of that plan within a given time
- specifying the *design* and location of *planting*
- specifying the species, *height* and density of *planting*
- altering the location of *buildings*
- altering the *design* of *buildings*
- requiring *financial contributions* in accordance with the *Plan*
- imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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.

**RULE 5C**

**BUILDING AND SITE DESIGN - TITIRANGI**

**RULES**

**5C.0 General**

The following rules shall apply to Any Activity Non-Residential Activities involving the erection or alteration of *buildings* in the *Titirangi Community Environment*. PPC A37

**5C.1 Permitted Activities**

Activities meeting the following Performance Standards are *Permitted Activities* except on the *land* located on the corner of Titirangi and South Titirangi Roads, identified as area "A" on survey plan SO67597:

- *buildings*:
  - where the *building* entry is directly off the *road*; and
  - on the south side of Titirangi Rd, which are built up to the *road* frontage along the full width of the *site* and which provide a *view* from the *road* through the *building* to the bush at the rear; or
  - on the north side of Titirangi Road which are built up to a minimum of 75% of the width of the *site*; and
  - which provide weather protection over the full width of the footpath in front of the *building*; and
  - which have an external surface finish of horizontal weather boards or rusticated stonework or brick or smooth plastered finish; and
  - with either a useable rooftop terrace or a pitched roof which is between 22.5 degrees and 45 degrees in pitch; and PPCA37
  - with a *height* not exceeding 7.0 metres plus roof measured from *road* level at the centrepoint of

**NOTES**

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

**ASSESSMENT CRITERIA**

**5C(a)-PPCA37**

The extent to which *buildings* have an entry that is visible from the *road*.

**5C(b)**

The extent to which *buildings* on the south side of Titirangi Road are built up to the *road* frontage to maintain the streetscape and provide weather protection and have *views* through the *building* at *road* level to the bush and landscape.

**5C(c)**

The extent to which on the north side of Titirangi Road, *development* is designed with gaps that allow for *views* of the bush beyond.

**5C(d)**

The extent to which *buildings* provide weather protection over adjacent footpaths.

**5C(a)**

The extent to which *all development* and *buildings* contribute to high standards of *design*, pedestrian *amenity*, safety and comfort, attractive *streets* and *public places* by:

- (i) building up to the street frontage for the entire length of the street frontage of the *site*. Where gaps between *buildings* are necessary for vehicle access, then they should be *designed* to limit their *effect* on pedestrian activity, and provide where practicable a single lane access;
- (ii) encouraging shared vehicle access to be developed on the northern side of Titirangi Road to minimise vehicle crossings;
- (iii) providing a pedestrian entry that is visible from the *street*;
- (iv) providing sufficient continuous weather protection (eg. canopies, verandas) over the footpath for pedestrians;
- (v) providing ground level views from the street frontage through buildings to the vegetation and landscape backdrop using glazing or other architectural elements;
- (vi) modulating and detailing of the building's form;
- (vii) designing *buildings* at *street* level to have a predominance of windows, doors and openings, while upper floors should use

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**RULE 5C**

**BUILDING AND SITE DESIGN - TITIRANGI**

its Titirangi Road frontage (see diagram 7A), and

- where the ground floor has more than 50% of its facade in *display space*, and upper floors which do not have more than 50% of the facade in windows (see diagram 7B), and
- with a maximum width along the road frontage of 6.0 metres (see diagram 7C).

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

- (i) additions or alterations to *buildings* or *development*, provided the additions or alterations do not increase the *height* or *building coverage* of the *building* or *development*. PPCA37

**5C.2 Limited Discretionary Activities PPCA37**

The erection or alteration of a *building(s)* (not provided for as a *Permitted Activity* in Rule 7.1). ~~Activities meeting the following Performance Standard are *Limited Discretionary Activities*:~~ is a *Limited Discretionary Activity* Activities provided *building(s)*:

- ~~*buildings* not meeting the standards in Rule 7.1 where the *building* has a maximum *height* not exceeding 10.0 metres.~~
- (i) have a maximum *height* not exceeding 8 metres measured from *road level* at the centrepoint of the *site's* Titirangi Road frontage;
- (ii) are built up to and are continuous for the full width of the *site's street frontage* (excluding vehicle access);
- (iii) do not have *residential activities* at street level on Titirangi Road except for *entrances, lobbies and accessways* associated with *residential activities* on the upper floor(s);
- (iv) have a *canopy* across the full width of the *street frontage* of the *building* (except where vehicle access is provided) sufficient to provide weather protection for pedestrians and connection to *canopies* on *adjoining sites* or *building(s)*; and
- (v) and *buildings* on the *land* located on the corner of Titirangi and South Titirangi Roads, identified as area "A" on survey plan SO67597 shall provide where:
  - the *building* has a maximum *height* not exceeding 10.0 metres; and

windows, *balconies* and other elements that enable occupants to be aware of and observe activity on the street below. Shop front lighting should be provided to assist night-time visibility and pedestrian safety;

- (viii) locating car parking to the rear of the *building*, in a basement (or semi-basement or undercroft) below the *street level* or within the *building* at street level, provided that the *building* should be able to accommodate a *non-residential activity* between any street-level parking area and the *street*. This activity shall be oriented towards the *street* rather than the parking area;

- (ix) providing for vehicular and pedestrian safety while achieving **active street frontages**;

- (x) incorporating **'Crime Prevention Through Environmental Design'** and **'Universal Design'** principles.

**5C(eb)**

The extent to which *buildings* have a *height* along the *road frontage* which maintains the low rise character of the area, does not compromise the visual landscape quality of the ridgeline as seen from a distance, and does not detract from complements the landmark quality of Lopdell House.

**5C(f)**

The extent to which the external cladding of *buildings* uses materials that connect the *buildings* with the bush setting, or the dominant *building* in the centre, Lopdell House.

**5C(g)**

The extent to which *buildings* have a **visual appearance**, including facade and roof form which complements the village atmosphere.

**5C(c)**

The extent to which *outdoor storage areas* are located, *designed* or screened to avoid creating adverse visual and odour effects on pedestrian *amenity, roads* and *adjoining sites*.

**5C(d)**

The extent to which *building(s)*, parking, entranceways and footpaths are *designed* for ease of access for the disabled, elderly and children.

**RULE 5C**

**BUILDING AND SITE DESIGN - TITIRANGI**

~~there is either~~ a useable terrace or deck accessible to the public or a **view** from Titirangi Road through the *building* to the bush at the rear; and ~~there are~~ no less than 18 public *car parking* spaces provided on the *land* as defined. This is in addition to any requirement under Rule 14 - Parking, Loading and Driveway Access.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *design, pedestrian amenity, screening, landscape treatment, car parking*, and location and will be considered in accordance with Assessment Criteria 5C(a)-5C(g). PPCA37

**5C.3 Discretionary Activities**

Activities meeting the following Performance Standards are *Discretionary Activities*:

- ~~*buildings* not meeting the standards in Rule 7.2, provided that there are no less than 18 public *carparking* spaces provided on the *land* located on the corner of Titirangi and South Titirangi Roads, identified as area “A” on survey plan SO67597. This is in addition to any requirement under Rule 14 - Parking, Loading and Driveway Access. PPCA37~~

(i) ~~*Buildings and development within the Titirangi Community Environment Form Centre not provided for in Rule 7.2 with a maximum height not exceeding 11 metres measured from road level at the centrepont of the site’s Titirangi Road frontage, and; PPCA37*~~

- ~~do not have residential activities at street level on Titirangi Road except for entrances, lobbies and accessways associated with residential activities on the upper floor(s).~~

Assessment of *Discretionary Activity* applications made under this rule will be assessed in accordance with Assessment Criteria 5B(a)-5B(jgh) and any other matters that are relevant under section 104 of the *Act*.

**5C.4 Non-Complying Activities**

*Any Activity* to which these rules apply which is not a *Permitted Activity* or a *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*.

**5C(e)**

~~The extent to which *building(s)* avoid adverse effects from shadowing of residential *buildings* within an adjoining *Bush Living Environment*.~~

**5C(hf)**

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*.

**5C(i)**

~~The extent to which *buildings* meet the objectives of the Titirangi Design Guide PPCA37~~

**5C(j)**

~~The extent to which the terrace or deck established in association with a *building* on the *land* located on the corner of Titirangi and South Titirangi Roads, identified as area “A” on survey plan SO67597, is accessible to the general public and is of adequate size and dimension for public viewing purposes. PPCA37~~

**5C(q) PPCA37**

~~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.~~

**5C(h)**

~~In addition to the above, for *buildings* with a *height* between 8 and 11 metres requiring resource consent pursuant to Rule 7.3 of the *Community Environment*, the extent to which the proposal~~

- i ~~protects, restores and enhances **heritage features**;~~
- ii ~~maintains Lopdell House as the dominant building within the village and protects its visual integrity as viewed along the view shaft provided by Titirangi Road;~~
- iii ~~maintains views from Titirangi Road of the elevated forested area identified as *Bush Living Environment* and located on the northern side of Titirangi Road (opposite Lopdell House) and to the west of 429 Titirangi Road;~~
- iv ~~maintains views to Mt Atkinson and Rangiwai Hill as viewed along the view shaft provided by Titirangi Road and views identified in Appendix K;~~

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**BUILDING AND SITE DESIGN - TITIRANGI**

- v enhances the mainsreet form and public domain of Titirangi Road through its design and visual appearance;
- vi avoids being excessively dominant on the pedestrian environment of *public places* and the surrounding *Bush Living Environment*;
- vii includes design, materials and colour that assist in intergrating the additional height with the village and natural landscape setting;
- viii avoids inappropriate shadowing of the pedestrian environment on the southern side of Titirangi Road; and
- ix avoids adverse cumulative effects from continuous three storey buildings on Titirangi Road.

Note: See also Policies 1.15, 4.1, 10.27, 11.10, 11.14, 11.15, ~~4.22~~ 5B.1, 5B.3.3  
(Policy Section of the Waitakere District Plan)

**RESOURCE CONSENT CONDITIONS**

In granting a *resource consent* Council may impose conditions. These conditions may include any one or more of the following matters:

- *design and visual appearance* PPCA37
- *building height*
- *building location*
- the location of *building* entrances
- *location and design of pedestrian access* A37
- requiring the protection of *vegetation by covenant and/or the addition of trees and/or other vegetation* PPCA37
- provision for weather protection over the width and depth of the footpath PPCA37
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effect*
- such other matters provided for in section 108 of the *Act*.

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.

## RULE 6A

## WIND EFFECTS - NEW LYNN

RULES {A203, A211, A217}**6A.0 General**

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* or *development* in the *Community Environment (New Lynn)*.

**6A.1 Permitted Activities**

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

- (i) any building where the building height is less than 20 metres.

**6A.2 Limited Discretionary Activities**

Activities meeting the following Performance Standards are *Limited Discretionary Activities*:

- (i) any building not meeting the standards in Rule 6A.1.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *height, design* and *pedestrian amenity* and will be considered in accordance with Assessment Criteria 6A(a) to 6A(d).

**NOTES:**

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA**6A(a)**

Whether the additional *building height* will create adverse wind conditions around the *building* or in the immediate locality, including effects on the pedestrian environment at *street* level and nearby *public places*.

**6A(b)**

*Buildings* over 20 metres in *height* should be subject to a wind assessment by a qualified engineer to determine the wind environment conditions that are likely to be created and the methods to avoid or mitigate adverse *effects*. The assessment should consider the shape and *height* of the *building*, its exposure, surrounding terrain, orientation with respect to prevailing winds, topography and sheltering *effects* from or adverse interactions with other *buildings*. If the assessment identifies significant *effects*, then a wind tunnel test may be required to establish more precisely the impact of the proposed *building*.

**6A(c)**

The extent to which *building design* elements avoid or mitigate adverse conditions that might affect *street* users and users of nearby *public places*.

**6A(d)**

*Buildings* over 20 metres in *height* should provide daylight access to and maintain views from surrounding sites, minimise effects of shading on *public places* and ensure an element of scale to the *development* (that is, they are not monolithic structures). Tower and podium designs are encouraged to maintain a strong, continuous *street* edge condition, but with setbacks at upper levels, especially where the *development* involves residential activities on upper floors. The *building design* should be of a high standard of architectural *design* and the *building* should act as a visual marker defining the location of the New Lynn Centre from a distance.

Note: see also Policies: 1.15, 10.5, 10.27, 11.3, 11.8, 11.14, 11.16, 11.46, 11.47, 11.48

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring alterations to the *design* of the building;
- limiting the bulk and scale of *activities* and other *development*;
- the imposition of a *bond* to ensure satisfaction of conditions of consent;
- requiring *financial contributions* in accordance with the *Plan*;
- requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset *adverse effects*;
- such other matters provided for in assessment criteria *section 108* of the *Act*.

## RULE 6B

## BUILDING HEIGHT - AIR DISCHARGES - NEW LYNN

RULES {A203, A211, A217, A224}**6B.0 General**

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* or *development* in the *Community Environment (New Lynn)*.

**6B.1 Permitted Activities**

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

- (i) any building where the building height is either:
- less than 20 metres within 250 metres;
  - or
  - less than 25 metres greater than 250 metres;
- from the Monier *discharge device* (chimney).

**6B.2 Limited Discretionary Activities**

Activities meeting the following Performance Standards are *Limited Discretionary Activities*:

- (ii) any *building* not meeting the standards in Rule 6B.1.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *height* and *design* and will be considered in accordance with Assessment Criteria 6B(a).

**NOTES:**

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the *Definitions* part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the *Explanations* part of the *Introduction to the Rules*.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the *Information Requirements* in the *City-Wide Rules*.
7. Council will have further information relating to Air Discharges from Monier, including modelling undertaken in 2007. Please enquire at the Council.
8. The applicant may be required to provide modelling of the actual air discharges to ascertain the potential heights of buildings in proximity to the chimney.
9. Applicants should undertake consultation with relevant parties and public bodies, prior to lodgement of applications, to ensure a comprehensive assessment of effects.

ASSESSMENT CRITERIA**6B(a)**

The extent to which the building design and height avoids or mitigates adverse effects that may arise for occupants as a result of the consented Air Discharge from Monier.

Note: See also Policies: 11.19, 11.46  
(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- limiting the height of the *building*;
- restrictions on opening windows and requirements for the use of mechanical ventilation to mitigate air discharges for buildings containing non-residential activities;
- requiring alterations to the *design* of the *building*;
- such other matters provided for in assessment criteria section 108 of the *Act*.

RULES {A203, A211, A217}

**7A.0 General**

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* or *development* in the *Community Environment (New Lynn)*.

**7A.1 Permitted Activities**

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

- (a) any development or building located more than 20m from a:
  - *proposed road*
  - *indicative street*
  - *indicative connection*
  - *proposed open space reserve*
 shown on the *New Lynn Urban Concept Plan*.
- (b) any development or building which is not located on a *landmark site* identified on the *New Lynn Urban Concept Plan*.

**7A.2 Limited Discretionary Activities**

Activities meeting the following Performance Standards are *Limited Discretionary Activities*:

- (a) any development or building not meeting the standards in Rule 7A.1.

**NOTES:**

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. The street typology (either Mainstreet Typology 1 or Commercial Street) for proposed road and indicative street are identified in Appendix XXI. Activities with Street Frontage to an indicative street or proposed road will be required to be considered against Rule 5A Building Design - Street Frontage - New Lynn.

ASSESSMENT CRITERIA

**7A(a)**

*Development* shall provide the *proposed roads* shown on the *New Lynn Urban Concept Plan* within 20 metres of the locations shown. These *roads* shall be vested as *public roads*.

**7A(b)**

The *development* shall provide the *indicative streets and indicative connections* shown on the *New Lynn Urban Concept Plan* with their alignment generally to be in accordance with the *New Lynn Urban Concept Plan*. *Indicative Streets* should provide for pedestrians and vehicles in a shared, low speed environment. *Indicative Connections* may be publicly or privately constructed and are to be ~~may be~~ formed as publicly accessed *streets, lanes and accessways* or where vehicle access is impractical, *pedestrian connections*.

**7A(c)**

~~reserves and~~ *Open spaces* shall be provided generally in accordance with the location of the *proposed open space reserve* shown on the *New Lynn Urban Concept Plan*. The *design of reserves and open spaces* shall ensure they have *street frontage*, and provide a high quality of *amenity* to the neighbourhood and are easily accessible.

**7A(d)**

*Buildings* and *development* adjoining ~~reserves and open spaces~~ should provide balconies, decks, and *main glazing* overlooking these spaces, ensuring that they are safe for users.

**7A(e)**

On sites noted as *landmark sites* on the *New Lynn Urban Concept Plan*, *buildings* and *development* should reinforce the importance of their location within the *New Lynn Town Centre*, contribute to the legibility of *New Lynn Town Centre* and support the creation of a distinctive, high quality urban environment through the quality of the architecture or the incorporation of public art as part of the adjacent street or *public place*. Particular consideration should be given to:

- articulation of corners through variation in *height* and *design* features;
- ensuring the *development* makes a positive contribution to the character and vibrancy of adjacent *public places*.

RULE 7A

Assessment of Limited Discretionary Activities applications made under this rule will be limited to matters of building design and location, provisions of roading and pedestrian networks and connectivity and open space reserve location, shape, design and amenity, and will be considered in accordance with assessment criteria 7A(a) to 7A(f)

NEW LYNN URBAN CONCEPT PLAN

7A(f)

Development should include appropriate low impact stormwater techniques so that stormwater runoff from all impermeable surfaces is attenuated and treated prior to entering the public stormwater system.

Note: See also Policies: 4.3, 4.4, 10.1, 10.8, 11.15, 11.20, 11.46, 11.47, 11.48.  
(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a resource consent Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring alterations to design and/or location of buildings and development;
- requiring the provision of a landscape treatment plan and implementation of that plan within a given time;
- requiring the development of roading infrastructure and other transport infrastructure and where appropriate, its vesting as public road;
- requiring the development of reserves and open spaces and its vesting as public reserve;
- the imposition of a bond to ensure satisfaction of conditions of consent;
- requiring financial contributions in accordance with the Plan;
- requiring onsite or offsite works and services to avoid, remedy, mitigate or offset adverse effects;
- such other matters provided for in assessment criteria section 108 of the Act.

## RULE 9

## LANDSCAPE TREATMENT (CARPARKING)

### RULES

#### 9.0 General

The following rules shall apply to Non- Residential Activities involving the erection or alteration of buildings or development of a site

Where there is any conflict, in relation to the location of building(s), between the following rules and Rule 5A: Building Design - Street Frontage - New Lynn, the latter rules shall prevail. Rule 9 shall apply to the landscaping of car parks, where provided, adjoining street frontages in the Community Environment (New Lynn). {A203, A211, A217}.

#### 9.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*

- off-street *car parking* not exceeding 5 car park spaces
- off-street *car parking* exceeding 5 car park spaces and up to 20 *car park* spaces where at least 10% of the *car parking* area, including a minimum 2.0 metres *planted* strip between the *car park* and the *road boundary* (excluding *driveways*) is *planted* accordance with a *landscape treatment plan*.

#### 9.2 Controlled Activities

Activities meeting the following Performance Standard are *Controlled Activities*

- off-street *car parking* where over 20 outdoor *car park* spaces are provided at ground level, and where a minimum 10% of the area of the *site* that is not built on or used for outdoor servicing purposes, is developed for *planting* in accordance with a *landscape treatment plan* approved by Council.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *landscape treatment* and *design* and will be considered in accordance with matters set out in Criteria 9(a)-9(c).

#### 9.3 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Non-Residential Activities* not meeting the standards in Rules 9.1 or 9.2.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of *landscape treatment* and will be assessed in accordance with Assessment Criteria 9(a)-9(c) and other relevant matters under section 104 of the *Act*.

### ASSESSMENT CRITERIA

#### 9(a)

The extent to which *sites* will be *planted* in accordance with a *landscape treatment plan* to soften the **visual appearance** of parking and manoeuvring areas.

#### 9(b)

The extent to which planting:

- complies trees rather than shrubs or other low profile *vegetation*;
- does not have detrimental *effect* on the safe and efficient movement of pedestrians and vehicles around the *ste* and between the *site* and surrounding road network
- does not adversely *effect site* lines at intersections between internal routes and entrances and exits from the *ste*.

#### 9(c)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and service on or off the *site* and/or through payment or provision of a *financial contribution*.

Note: See also Policies 10.6, 10.11, 10.15, 10.27, 11.10, 11.14, 11.15, 11.21

(Policy Section of the Waitakere District Plan)

### RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring a *landscape treatment plan* and implementation of that plan within a given time
- specifying the *design* and location of *planting*
- specifying the species, height and density of *planting*
- requiring *financial contributions* in accordance with the *Plan*
- imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*

Provided that, in the case of *Controlled* and *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.

RULE 10

AIR DISCHARGES

RULES

**10.0 General**

The following rules shall apply to *Any Activity* and *Temporary Activity* involving processes which give rise to discharges of *contaminants* to air.

**10.1 Permitted Activities**

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

- *Any Activity* involving a Part C process as listed in the Air Discharges Appendix, excluding *Intensive Livestock Farming* or a *Waste Management Facility*, provided that in the *Community Environment (New Lynn)* the air discharge is located more than 10 metres from any *site boundary* and more than 3 metres vertical distance above the footpath. {A203, A211, A217}

**10.2 Discretionary Activities**

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

- *Any Activity* not meeting the standards in Rule 10.1 provided that the activity does not employ a Part A process as listed in the Air Discharge Appendix.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 10(a)-10(e) 10(d) and any other matters which are relevant under section 104 of the *Act*. {A203, A211, A217}

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Applicants are to ensure that they have undertaken consultation with affected parties and relevant public bodies, prior to lodgement of applications, to ensure a comprehensive assessment of effects. {A203, A211, A217}.

ASSESSMENT CRITERIA

**10(a)**

The extent to which activities that have the potential to affect health, **safety** or *amenity* from air discharges are separated from the *Living Environment*, community activities such as schools and other employment activities.

**10(b)**

The extent to which air discharges maintain quality community environments, including suitability for *Residential Activity*.

**10(c)**

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*.

**10(d)**

*Air discharge devices* and air discharges (including those for the purposes of air conditioning and forced ventilation) in the *Community Environment (New Lynn)* should be located or mitigated to maintain the quality of the environment including the pedestrian environment, and the suitability of the location in relation to existing and future *apartments*. {A203, A211, A217}

Note: See also Policies 10.1, 10.3, 10.6, 10.27, 11.46, 11.47 {A203, A211, A217}

(Policy Section of the Waitakere District Plan)

community environment

RULE 10

AIR DISCHARGES

**10.3 Non-Complying Activities**

*Any Activity* to which these rules apply which is not a *Permitted 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*.

**RESOURCE CONSENT CONDITIONS**

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters.

- limitations on the scale of the process affecting air quality
- limiting the location of air discharge devices
- specifying mitigation measures to reduce the impacts on air quality
- limiting the duration of emissions to air
- requiring *financial contributions* in accordance with the *Plan*
- requiring a monitoring programme for air emissions
- imposition of a *bond* to ensure satisfaction of conditions of consent
- quiring *on-site* or *off-site works* and services to avoid, remedy, mitigate or offset adverse *effects*.
- such other matters provided for in section 108 of the *Act*.

RULE 11

RESIDENTIAL ACTIVITIES

RULES {A203, A211, A217}

11.0 General

The following rules shall apply only to *Residential Activities*.

11.1 Permitted Activities

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

- *Residential Activities* where there is no more than one *dwelling* on each *site* and no habitable room is located within 20 metres of either the *Working Environment (New Lynn)* or the *Monier (CSR) Special Area*.

11.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Residential Activities* not meeting the standards in Rule 11.1:
  - (a) Any residential activity meeting the performance standards of *City-Wide Rule 1: Apartments Design*; ~~*City-Wide Rule 4: Building Design - Mixed Use*~~ and ~~*City-Wide General Noise Standard Rule 1.10: Mixed Use Residential Activities - Noise Attenuation*~~;

And

- (b) Any residential activity in the *Community Environment (New Lynn)* which:

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Council will have further information relating to Air Discharges - Please enquire at the Council. {A203, A211, A217}
8. Applicants are to ensure that they have undertaken consultation with affected parties and relevant public bodies, prior to lodgement of applications, to ensure a comprehensive assessment of effects. {A203, A211, A217}

ASSESSMENT CRITERIA

11(a)

The extent to which *habitable rooms* are located to receive adequate daylight.

11(b)

The extent to which private *outdoor space* and living rooms are protected from overlooking.

11(c)

The extent to which *development* promotes a safe environment for residents, including adequate lighting and location and *design* of entrances.

11(d)

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*.

11(e)

The extent to which Residential activities in the *Community Environment (New Lynn)* should be located and *designed* to minimise any *adverse effects* on residents from being in close proximity to *non-residential activities* in the *Community Environment*, *Working Environment (New Lynn)* and *Monier (CSR) Special Area*, including noise, *outdoor storage areas*, *truck docks and loading areas* lighting, vehicle movements, wastes and air discharges generated from activities in these areas. Measures should be undertaken to avoid, remedy or mitigate the adverse effects, including the orientation of habitable rooms and balconies away from potential sources of disturbance and nuisance located on adjoining sites.

11(f)

The extent to which *Apartments* should not be developed in close proximity to existing *air discharge devices* and air discharges in the *Community Environment (New Lynn)*. *Apartments* should be located away from *air discharge devices* and air discharges to avoid *effects* on the residents *amenity* and *reverse sensitivity effects* on lawfully established *non-residential activities*. Alternatively, measures should be undertaken to avoid, remedy or mitigate the adverse effects, including noise, odour, vibration and visual impacts.

## RULE 11

## RESIDENTIAL ACTIVITIES

- (i) ~~involves a purpose built apartment~~ develops a building with a minimum *height* of four *storeys*;
- (ii) does not locate *habitable rooms* within 20 metres of land either within the *Working Environment (New Lynn)* or the *Monier (CSR) Special Area*;
- (iii) does not have *residential activities* at ground level facing *streets* identified as *Town Centre & Mainstreet Typology 1*, except for entrances, lobbies and accessways associated with *residential activities* on the upper floors.
- (iv) *Residential activities* may be at ground level for developments facing streets identified as *Town Centre - Commercial Typology 3*.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of location, *design, landscape treatment, amenity, and screening and height* and will be considered in accordance with Assessment Criteria 11(a)-11(f) and the Assessment Criteria of the *City Wide Rule 1: Apartments Design*; and *City Wide General Noise Standard Rule 1.10: Mixed Use Residential Activities - Noise Attenuation*; and *City Wide Rule 4: Building Design - Mixed Use*.

### 11.3 Discretionary Activities

Activities meeting the following Performance Standards are *Discretionary Activities*:

- (a) ~~any residential activity not meeting the Performance Standards in Rule 11.2 (a) and 11.2 (b) (i), (ii) and (iv)~~;
- (b) ~~any development for residential activities involving the conversion, retrofitting or reuse of an existing building.~~

~~Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 11(a) - 11(f) and the Assessment Criteria of the City-Wide Rule 1 Apartments Design, the Assessment Criteria of the City Wide General Noise Standard Rule 1.10 -: Mixed Use Residential Activities - Noise Attenuation and the Assessment Criteria of the City-Wide Rule 4 Building Design - Mixed Use and any other matters which are relevant under section 104 of the Act.~~

### 11.4 Non-Complying Activities

Activities meeting the following Performance Standards are *Non-Complying Activities*:

- (a) ~~any residential activity not meeting the Performance Standards in Rule 11.2 (b) (iii).~~

Note: See also Policies 1.1, 1.2, 1.14, 1.15, 2.1, 3.1, 4.2, 10.2, 10.3, 10.4, 10.5, 10.7, 10.18, 10.27, 11.1, 11.2, 11.11, 11.12, 11.15, 11.19, 11.20, 11.27, 11.28, 11.28A, 11.146, 11.47, 11.48.

(Policy Section of the Waitakere District Plan)

## RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- requiring alterations to the *building design* and/or *building location* on the *site*
- requiring the retention of existing and planting of new trees and/or vegetation
- requiring specific acoustic and ventilation designs
- requiring provision of a *landscape treatment plan* showing screen fencing and/or *planting* and its implementation within a given time
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects
- such other matters provided for in assessment criteria, section 108 of the Act.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters above to which the Council has restricted the exercise of its discretion.

RULE 12

SIGNS

RULES

**12.0 General**

The following rules apply to *Non-Residential Activities* and *Temporary Activities* involving the erection of *signs*.

**12.1 Permitted Activities**

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

- (a) any *signs* (~~excluding those within the Titirangi Community Environment Town Centre~~) which
  - do not protrude above or beyond the outline of a *building* or which are located below the verandah (*canopy*); and
  - which are not flashing or moving; and
  - which are illuminated only where the *sign* is not adjacent to a *site* in the *Bush Living Environment, Coastal Villages Environment, Countryside Environment, Foothills Environment, Living Environment, Rural Villages Environment* or *Waitakere Ranges*.
- (b) Signs within the Titirangi Community Environment Town Centre which:
  - are located below the verandah (*canopy*), or on the facade of the building up to the height of the first street level storey, or on and within the depth of the verandah (*canopy*) fascia; and
  - which are not flashing, moving or illuminated.
- (c) any *temporary sign*.

NOTES

1. Free-standing signs are permitted subject to meeting all other rules.
2. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. The Council may have a guideline to help interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

**12(a)**

The extent to which *signs* are visually appropriate to **neighbourhood character**.

**12(b)**

The extent to which *signs* create a situation hazardous to the safe movement of traffic.

**12(c)**

The extent to which *signs* are of a *height* which avoids the *sign* dominating the neighbourhood and nearby *structures*.

**12(d)**

The extent to which more than minor adverse *effects* can be adequately remedied, mitigated or offset *on-site* or, if this is not possible, can be adequately remedied, mitigated or offset by a *financial contribution*.

**12(e)**

The extent to which the *effects* of any signage are mitigated when having regard to the *height* of *buildings* on and around the *site*.

**12(f)**

The extent to which *signs* within the *Titirangi Community Environment Town Centre* result in visual clutter, adversely affect the character of the village and obscure building architectural elements including form, finish and detailing.

**12(g)**

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.

Note: See also Policies 10.3, 10.27, 11.10, 11.11, 11.14, 5B.1, 5B.3.3

(Policy Section of the Waitakere District Plan)

community environment

RULE 12

SIGNS

**12.2 Limited Discretionary Activities**

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- any *sign* which does not meet the standards in Rule 12.1.

Assessment of *Limited Discretionary Activity* application made under this rule will be limited to the matters of *design*, location and safety and will be considered in accordance with Assessment Criteria 12(a)-12(eg).

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- altering the scale, *height*, shape and/or location of *signs*
- specifying the *design* and wording of *signs*
- *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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.

RULE 13

NOISE

RULES {A203, A217, A221, A222, A226}

13.0 General

The following rules apply to *Any Activity*.

13.1 Permitted Activities

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

- (a) *Any Activity* meeting the noise standards set out in the following table as measured in accordance with NZS 6801:1999 Acoustics - Measurement of Sound and NZS 6802:1999 Acoustics - Assessment of Environmental Sound at the appropriate part of any *site* within the *Living Environment*, *Foothills Environment*, *Bush Living Environment*, *Rural Villages Environment* or *Countryside Environment*, except on *sites* fronting Strategic Arterial or Regional Arterial roads; and

7.00am-7.00pm Monday-Saturday		7.00pm-10.00pm Monday-Saturday 7.00am-10.00pm Sundays & Public Holidays		10.00pm-7.00am	
L <sub>10</sub> 50dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 45dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 40dBA	L <sub>Max</sub> 70dBA

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

13(a)

The extent to which the background noise level (L95) in the vicinity of the subject *site* affects the relevance of noise standards for Permitted Activities.

13(b)

The extent to which noise generated will exceed the existing background level.

13(c)

The extent to which the noise generated will meet the provisions of New Zealand Standard NZS 6802:1999 Acoustics - Assessment of Environmental Sound.

13(d)

The extent to which adequate noise buffers are provided between the activity and residential and other noise sensitive activities on other *sites*.

13(e)

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*.

Note: See Policies 10.2, 10.16, 10.27, 11.14

(Policy Section of the Waitakere District Plan)

community environment

RULE 13

NOISE

(b) *Any Activity* meeting the noise standards set out in the following table as measured at part of any *site* within the *Community Environment* other than the *site* on which the activity is located and as measured on any part of any *site* fronting Strategic Arterial or Regional Arterial roads in the *Living Environment*, *Foothills Environment*, *Rural Villages Environment* or *Countryside Environment*; and

7.00am-7.00pm Monday-Saturday		7.00pm-10.00pm Monday-Saturday 7.00am-10pm Sundays & Public Holidays		10.00pm-7.00am	
L <sub>10</sub> 55dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 55dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 45dBA	L <sub>Max</sub> 75dBA

(c) For any Residential Activity see City Wide General Noise Standards Rule 1.10 - Residential Activities - Noise Attenuation.

**13.2 Discretionary Activities**

Activities meeting the following Performance Standards are *Discretionary Activities*:

- *Any Activities* not meeting the standards in Rule 13.1 (a) or (b).

*Discretionary Activity* applications made under this rule will be assessed in accordance with Assessment Criteria 13(a)-13(e) and any other matters which are relevant under Section 104 of the *Act*.

## RULE 14

## PARKING, LOADING & DRIVEWAY ACCESS

### RULES

#### 14.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* or *development* of a *site*.

#### 14.1 Permitted Activities

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

- (a) *Any Activity* in the *Henderson Community Environment* (except the *periphery*) and in the *New Lynn Community Environment* (except the *periphery*) with:
- (i) one *car park* for every 25m<sup>2</sup> of *gross floor area* at ground floor or mezzanine level;
  - (ii) one *car park* for every 35m<sup>2</sup> of *gross floor area* for floor space not covered in (i) above;
  - (iii) the following shall be the minimum number of *loading spaces* to be provided in respect of:

#### NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Transit New Zealand must be consulted for *vehicle crossing* directly to and from the State Highway Network in order that their approval be obtained, with or without conditions, and in the case of proposed accesses within areas declared Limited Access *roads*, Transit New Zealand's authorisation obtained.

### ASSESSMENT CRITERIA

#### 14(a)

The extent to which adequate provision is made for the parking of vehicles generated by activities on the *site* having regard to:

- whether it can be demonstrated that a substantial number of people walk, cycle or take public transport to activities
- whether activities on same or nearby *sites* operate at different times and can share *car parking*
- special or unusual characteristics to the parking demands of the activity, such as most parking being associated with pick up or drop off.

#### 14(b)

The extent to which provision can be made for the safe movement of pedestrians from *car parks* to the *building* or activity the *car parking* serves.

#### 14(c)

The extent to which *loading spaces* are provided of a sufficient number to serve the loading needs of activities proposed or likely on the *site*.

#### 14(d)

The extent to which all *car parking*, *loading spaces* and *driveways* are *screened* from any *Residential Activity* within the *Living Environment*.

#### 14(e)

The extent to which *car parking* and *loading* areas are located to allow efficient and safe access to the activity for which that *car parking* and *loading* area is provided including separate provision for pedestrians.

#### 14(f)

The extent to which *car parking* and *loading* spaces and *driveway* access to them are of a dimension and location to allow efficient and safe access by motor vehicles.

#### 14(g)

The extent to which provision is made for *on-site* turning of vehicles to avoid reverse movement between the *car parking* or *loading* area and the *road* where the reverse movement would disrupt the safe and efficient functioning of the *road*.

**RULE 14**

**PARKING, LOADING & DRIVEWAY ACCESS**

- General Goods Handling (retail, wholesale, manufacturing, etc):

0-5,000m <sup>2</sup>	1 space required
5,001-10,000m <sup>2</sup>	2 spaces
Greater than 10,000m <sup>2</sup>	3 spaces plus 1 space per 7,500m <sup>2</sup> above 10,000m <sup>2</sup>

- Non-Goods Handling (offices, etc):

0-20,000m <sup>2</sup>	1 space required
20,001-50,000m <sup>2</sup>	2 spaces
Greater than 50,000m <sup>2</sup>	3 spaces plus 1 space per 40,000m <sup>2</sup> above 50,000m <sup>2</sup>

(iv) *dwelling*s with one *car park* for every *dwelling*;

(v) disabled *car parks* are to be provided in accordance with NZS 4121 (1985) 'Design for Access and Use of Buildings and Facilities by Disabled Persons'. (Note: these *car parks* shall comprise part of the parking numbers requirement)

(b) for all *Community Environments* not covered in (a) above

(i) *Retail Activities* with one *car park* for every 16m<sup>2</sup> of *gross floor area*;

(ii) *Non-Residential Activities* except *Retail Activities* with one *car park* for every 30m<sup>2</sup> of *gross floor area*;

(iii) one *loading space* for every 500m<sup>2</sup> of *gross floor area*;

(iv) *dwelling*s with one *car park* for every *dwelling*.

**14.2 Controlled Activities**

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

- *Any Activity* not meeting the standards of Rule 14.1.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of number of *car park* and *loading spaces*, and *design, construction* and location of *car parking* and *driveways* and will be considered in accordance with the matters set out in Assessment Criteria 14(a)-14(j).

**14(h)**

The extent to which *car parking* is constructed of maintenance free materials, adequately drained and well marked out.

**14(i)**

The extent to which *driveway* access from the *road* is located and *designed* to allow safe and efficient movement on and off the *road*, including provision for safe and efficient sightlines.

**14(j)**

The extent to which activities generating a high number of traffic movements and their access arrangements adversely affect the safe and efficient functioning of the adjacent *road* network, including the capacity of adjacent intersections, taking into account the *road's* function in the Roading Hierarchy.

Note: See also Policies 10.10, 11.9, 11.13, 11.14 (Policy Section of the Waitakere District Plan)

**RESOURCE CONSENT CONDITIONS**

In granting a *resource consent* Council may impose conditions. Conditions may include any one or all of the following matters:

- requiring a specified number of *car park* and *loading spaces*
- limiting the scale of the activity
- specifying *design* parameters to be used in the method of *construction* of *driveways, pedestrian ways, car parking* and *loading spaces*
- specifying the number and location of access points
- requiring the provision of *screening* or *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfactory conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- Such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Controlled Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 14A

PARKING, LOADING & DRIVEWAY ACCESS - NEW LYNN

RULES {A203, A211, A217}

**14A.0 General**

The following rules shall apply to *Any Activity* in the *Community Environment (New Lynn)* involving the erection or alteration of buildings or development of a site.

Note: Where a site fronts roads with different street typologies, the performance standards required for the *Town Centre - Mainstreet Typology 1* shall apply.

**14A.1 Permitted Activities {A202}**

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

- (a) For any *Residential Activity*, and for any *Non-Residential Activity* on a site with an area of less than 1000m<sup>2</sup> and adjoining a street identified as *Town Centre - Mainstreet Typology 1*, there is no requirement to provide parking. (This control does not preclude the requirements of other legislation or standards).
- (b) Any *Non-Residential Activity* on a site with an area of greater than 1000m<sup>2</sup> and adjoining a street identified as *Town Centre - Mainstreet Typology 1* with:
  - (i) one car park for every 35m<sup>2</sup> of gross floor area at ground floor or mezzanine level;
  - (ii) one car park for every 50m<sup>2</sup> of gross floor area for floorspace not covered in (i) above.
- (c) Any *Non-Residential Activity* on a site adjoining a street identified as *Town Centre - Commercial* with: -

**NOTES:**

1. If an activity is not controlled or restricted in any way by any part of the Plan it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the Plan or be the subject of a resource consent. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the *Definitions* part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the *Explanations* part of the *Introduction to the Rules*.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the *Information Requirements* in the *City-Wide Rules*.

ASSESSMENT CRITERIA

**14A(a)**

The extent to which adequate provision is made for the parking of vehicles generated by activities on the site having regard to:

- (i) Whether it can be demonstrated that a substantial number of people walk, cycle or take public transport to activities;
- (ii) Whether activities on the same or nearby sites operate at different times and can share car parking;
- (iii) Special or unusual characteristics to the parking demands of the activity, such as most parking being associated with pick up or drop off.

**14A(b)**

A reduction in on-site car parking requirements is generally appropriate, provided that one or more of the following circumstances apply:

- (i) The activity is located within 400 metres (walking distance) of the train station and bus interchange with direct and safe physical access to these services.
- (ii) The development is targeted at user groups who are likely to have lower car ownership rates, e.g. older adults or students, and the design and facilities provided by the development mean that the development will continue to serve these groups into the future.
- (iii) The development can create new, additional kerb side parking spaces that can form part of the road reserve, such as through the creation of parking bays on the site adjacent to the street, with the amount of on-site parking reduced in proportion to the amount of kerb side parking created.
- (iii) The development involves the reuse of an existing building where the provision of additional on-site car parking is not feasible.
- (iv) The configuration of the site means that the provision of on-site parking is likely to lead to adverse outcomes in terms of the building design and layout, such as frontages or ground floors dominated by car parking areas and/or garages.
- (v) The extent to which secure, covered bicycle storage will be provided for residents and visitors.

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RULE 14A

PARKING, LOADING & DRIVEWAY ACCESS - NEW LYNN

- (i) one car park for every 25m<sup>2</sup> of gross floor area at ground floor or mezzanine level;
- (ii) one car park for every 35m<sup>2</sup> of gross floor area for floorspace not covered in (i) above.
- (d) Any Activity (except residential activities and non residential activities on a site less than 1000m<sup>2</sup> adjoining a street identified as *Town Centre - Mainstreet Typology 1*) with the following minimum number of loading spaces to be provided in respect of:
  - General Goods Handling (retail, wholesale, manufacturing, etc):
    - 0-5,000m<sup>2</sup>  
1 space required
    - 5,001-10,000m<sup>2</sup>  
2 spaces
    - Greater than 10,001  
3 spaces plus 1 space per  
7,500m<sup>2</sup> above 10,000m<sup>2</sup>
  - Non-Goods Handling (offices, etc):
    - 0-20,000m<sup>2</sup>  
1 space required
    - 20,001-50,000m<sup>2</sup>  
2 spaces
    - Greater than 50,000m<sup>2</sup>  
3 spaces plus 1 space per  
40,000m<sup>2</sup> above 50,000m<sup>2</sup>
- (e) Disabled car parks are to be provided in accordance with NZS 4121 (1985) 'Design for Access and use of Buildings and Facilities by Disabled Persons'. (Note: these car parks shall comprise part of the parking numbers requirement

**14A.2 Controlled Activities**

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

Any Activity not meeting the standards of Rule 14A.1.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of number of car parks and loading spaces, and design, construction and location of car parking and driveways and will

- (vi) The development and activities implement a Council approved *Travel Demand Management Plan*.

**14A(c)**

The extent to which provision can be made for the safe movement of pedestrians from car parks to the building or activity the car parking serves.

**14A(d)**

The extent to which loading spaces are provided of a sufficient number to serve the loading needs of activities proposed or likely on the site.

**14A(e)**

The extent to which all car parking, loading spaces and driveways are screened from any Residential Activity within the *Living Environment*.

**14A(f)**

The extent to which car parking and loading areas are located to allow efficient and safe access to the activity for which that car parking and loading area is provided including separate provision for pedestrians.

**14A(g)**

The extent to which car parking and loading spaces and driveway access to them are of a dimension and location to allow efficient and safe access by motor vehicles.

**14A(h)**

The extent to which provision is made for on-site turning of vehicles to avoid reverse movement between the car parking or loading area and the road where the reverse manoeuvring would disrupt the safe and efficient functioning of the road.

**14A(i)**

The extent to which car parking is constructed of maintenance free materials, adequately drained and well marked out.

**14A(j)**

The extent to which driveway access from the road is located and designed to allow safe and efficient movement on and off the road, including provision for safe and efficient sightlines.

**14A(k)**

The extent to which activities generating a high number of traffic movements and their access arrangements adversely affect the safe and efficient functioning of the adjacent road

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PARKING, LOADING & DRIVEWAY ACCESS - NEW LYNN

be considered in accordance with the matters set out in Assessment Criteria 14A(a)-14A(j).

network, including the capacity of adjacent intersections, taking into account the *road's* function in the Rooding Hierarchy.

Note: See also Policies 4.2, 10.10, 10.11, 11.9, 11.13, 11.14, 11.21, 11.28, 11.28A, 11.46, 11.47.  
(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a resource consent Council may impose conditions. Conditions may include any one or all of the following matters:

- requiring a specified number of car park and loading spaces
- requiring bicycle facilities
- requiring the implementation of a Travel Demand Management Plan
- limiting the scale of the activity
- specifying design parameters to be used in the method of construction of driveways, pedestrian ways, car parking and loading spaces
- specifying the number and location of access points
- requiring the provision of screening or planting
- requiring financial contributions in accordance with the Plan
- the imposition of a bond to cover satisfactory conditions of consent
- off site shared carparking is to be ensured through a legally enforceable contract in perpetuity
- requiring on-site or off-site works and services to avoid, remedy, mitigate or offset adverse effects
- such other matters provided for in assessment criteria section 108 of the Act
- Provided that, in the case of Controlled Activities, conditions may only be imposed in respect of the matters specified above to which Council has restricted the exercise of its discretion

## RULE 15

## ODOUR, GLARE, VIBRATION

## RULES

**15.0 General**

The following rules apply to *Non-Residential Activities*, *Temporary Activities* and *Any Activity* producing artificial light.

**15.1 Permitted Activities**

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

- (a) *Any Activity* and *Temporary Activities* generating vibration levels (acceleration measured in metres per second squared) relative to frequency not exceeding the base curves of figure 2a (z axis), 3a (x and y axes) and 4a (combined x, y, and z axes) contained within ISO 2631-2:1989.

Assessment of vibration shall be carried out by a suitably qualified and experienced person in accordance with Annex A and Table 2 of ISO 2631-2:1989. Instruments used to measure vibrations and the methods of measurements shall comply with a recognised standard such as Australian Standard AS2973: 1987 "Vibration and Shock - Human response vibration - measuring instrumentation;" and

- (b) *Any Activity* and *Temporary Activities* emitting artificial outdoor lighting which:
- (i) has not more than 25 lux spill (horizontal and vertical) of light as measured at the *site boundary* of any *adjoining site*, provided that
    - it does not cause an added illuminance in excess of 10 lux (horizontal and vertical) at the windows of any dwelling within the *Community Environment*; and
    - it does not cause an added illuminance in excess of 10 lux (horizontal and vertical) at the *site boundary* of any *adjoining site* within the *Living, Waitakere Ranges, Bush Living, Coastal Villages, Foothills, Countryside, and Rural Villages Environments*; and
  - (ii) complies with AS/NZS 1158 (1996); and
  - (iii) for illuminated *signs*:
    - subject to the second bullet point below, does not produce more than 1,000 candelas per square meter for *sign areas* less than 10m<sup>2</sup> and not more than 800 candelas per square metre for *sign areas* equal to or greater than 10m<sup>2</sup>;

## ASSESSMENT CRITERIA

**15(a)**

The extent to which glare from outdoor lighting fixtures causes discomfort to any person, detracts from residents' ability to sleep or degrades the level of **visual amenity** and the dark night-time sky environment.

**15(b)**

The extent to which outdoor lighting (including security lights) is so selected, located, aimed, adjusted, *designed* and *screened* to ensure that:

- glare from the light is not directed into *adjoining sites, yards or windows*
- glare is not aimed in a random direction
- reflective glare is controlled to the extent that this is practicable.

**15(c)**

The extent to which an odour or vibration from an activity is or is likely to be noxious, dangerous, offensive or objectionable, due to its frequency, intensity (odour), duration, location or nature (or a combination of these factors) to such an extent that it has or is likely to have, an adverse *effect* on the *environment*.

**15(d)**

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*.

Note: See also Policies 10.1, 10.10, 10.21, 10.27

(Policy Section of the Waitakere District Plan)

RULE 15

ODOUR, GLARE, VIBRATION

- any *sign* the face of which is at a 90 degree axis to the *road* or within 20 metres of a *road* and 20 degrees of the drivers line of sight, or at *road* intersections, shall not produce more than 600 candelas per square metre for *sign areas* less than 10 m<sup>2</sup> and not more than 400 candelas per square metre for *sign areas* equal to or greater than 10m<sup>2</sup>;
- with the exception of neon *signs*, the light source used to light any *sign* shall not be visible from an *adjoining site* including all *roads*. (See Diagram 15A)

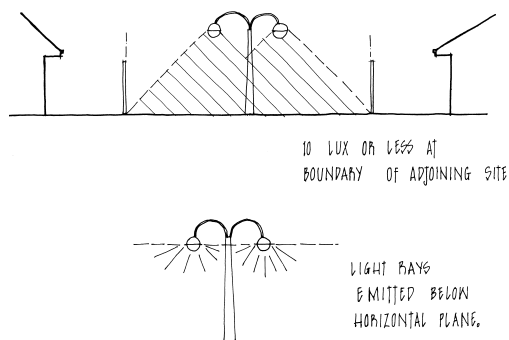


Diagram 15A

15.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Any Activity* and any *Temporary Activity* with lighting exceeding 25 lux spill up to 125 lux spill.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matter of intensity, location, duration and direction of lighting and will be considered in accordance with Assessment Criteria 15(a)-15(b) and 15(d).

15.3 Discretionary Activities

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

- *Any Activity* and any *Temporary Activity* which does not meet the standards of Rules 15.1(a) 15.1(b) or 15.2.

*Discretionary Activity* applications made under this rule will be assessed having regard, as relevant, to Assessment Criteria 15(a)-15(d) and any other

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include one or more of the following matters:

- limiting the emission of odour, *dust* or vibration
- limiting the scale of any activity involving an air discharge
- limiting lux intensity and lux spill
- limiting hours of operation
- specifying location of activities
- requiring mitigation measures to reduce adverse *effects*
- requiring provision of *screening* and/or *planting*
- limiting the hours of operation of an activity
- the imposition of a charge to cover the costs of monitoring the activity
- requiring a *financial contribution* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- the imposition of a charge to cover the costs of monitoring the activity
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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.

RULE 15

ODOUR, GLARE, VIBRATION

matters that are relevant under section 104 of the *Act*.

**15.4 Non-Complying Activities**

*Any Activity* and any *Temporary Activity* to which these rules apply which is not a *Permitted Activity* or a *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*.

## RULE 16

## INFRASTRUCTURE

## RULES

**16.0 General**

The following rules shall apply to *Any Activity* involving the erection or provision of *infrastructure*.

**16.1 Permitted Activities**

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

- (a) the *upgrading* of *infrastructure* which is a *Permitted Activity* or has received a *resource consent* in respect of any of the relevant rules of the *Plan* relating to:
- the General Noise Standards within the *City Wide Rules*
  - the *Heritage Rules*
  - the *Natural Area* within which the *site* is located
  - the odour, glare, *dust*, vibration and air discharges, *hazardous facilities* and *signs* Rules applying to the *Human Environment* within which the *site* is located.

Note: The above rule shall not compromise the ability of the *Council* or any other person to pursue action relating to adverse *effects* on the *environment*. (See sections 16 and 17 of the *Act*).

## NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. Applicants intending to build within 20m of a transmission line or within 4m of any other electric line are advised to consult with the owner of that line.
3. *Upgrading* which meets the *Permitted Activity* standards, is not subject to most of the *Human Environment* Rules in the District Plan.
4. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area* Rules, the *City-Wide Rules* and, where relevant, the *Subdivision* Rules.
5. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
6. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
7. The Council may have a guideline to help interpret this rule - check at the Council Offices.
8. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
9. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City Code of Practice - check with the Council.

## ASSESSMENT CRITERIA

**16(a)**

The extent to which *infrastructure* or *connection height* or bulk adversely affects the **amenity values** and **neighbourhood character**.

**16(b)**

The extent to which *infrastructure* or *connection height* or bulk **physically dominates** *adjoining sites*.

**16(c)**

The extent to which *infrastructure* or *connection height* or bulk intrudes into the **privacy** of *adjoining sites*.

**16(d)**

The extent to which *infrastructure* or *connection height* or bulk avoids, where possible, interruption of **views** from *sites* in the vicinity.

**16(e)**

The extent to which the scale and *design* of the *infrastructure* or *connection* proposed complements **amenity values** and **neighbourhood character**.

**16(f)**

The extent to which *buildings* and *development* make provision for *infrastructure* to serve the needs of the *site*.

**16(g)**

The extent to which provision is maintained to provide for the *planting* of lawns and trees around the *infrastructure* or *connection*.

**16(h)**

The extent to which the *infrastructure* or *connection* is located in a position which allows for safe traffic movement on the *road*, and *car parking* and manoeuvring off the *road*.

**16(i)**

The extent to which the *infrastructure* or *connection* is *constructed* and will be maintained in such a manner as not to adversely affect the health, safety and wellbeing of any person.

**16(j)**

The extent to which *infrastructure* or *connection* are placed to avoid important *natural features* such as existing *vegetation*.

- (b) *Any Activity* involving other *infrastructure* which;
- (i) is an above-ground sewage, stormwater or water pipe and
    - has a *height* not exceeding 1.0 metre above *ground level*; and
    - a diameter not exceeding 300mm; and
    - extends for an above-ground distance not exceeding 25.0 metres at any one place;
  - (ii) - telephone exchanges not exceeding 100m<sup>2</sup> in *gross floor area*
    - *telecommunications* and *radio communications infrastructure* not exceeding a height of 1.6 metres outside the profile of an existing *non-residential building*,
    - other *telecommunications* and *radio communications infrastructure* exceeding a height of 1.6m outside the profile of an existing *non-residential building* but limited to 100mm in diameter
  - (iii) is any other *infrastructure* which has a *height* not exceeding 1.5 metres above *ground level* and covers an above ground area not exceeding 2m<sup>2</sup> provided that this rule shall not allow;
    - any stormwater pipe or wastewater pipe not operated by a *network utility operator* or otherwise not covered by clause (c) below
    - high pressure gaslines with a gauge pressure of more than 2000kPa
    - *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.
- (c) *Connections*, provided that the *connection* is provided in accordance with any *network utility operator* requirements; and,
- (i) where the *connection* involves any *line* or pipe, the *line* or pipe is located underground, or
  - (ii) where the *connection* involves any above ground *line*, the *connection* is an additional *connection* to an existing *building* which is already supplied from an above ground *line*.

Provided that this rule shall not allow:

- *connections* involving high pressure gaslines with a gauge pressure of more than 2000 kPa
- *connections* involving *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA

**16(k)**

The extent to which the *design* and capacity of the *wastewater treatment and disposal system* takes into account any relevant feature of the *catchment*, including likely future *development*.

**16(l)**

The extent to which the *design* and location of the *wastewater treatment and disposal system*:

- ensure sufficient capacity and treatment to provide for the safe and efficient disposal of wastewater to be generated by *development* likely on the *site*, having particular regard to human health and water quality.
- ensure adequate measures to avoid leakage, entry of stormwater and penetration of roots to any piped system.
- achieve a sufficient standard and compatibility with existing *wastewater treatment and disposal systems* to minimise maintenance costs.
- ensure there are no more than minor adverse effects on other *infrastructure* or *connection* or potential or likely *buildings*.

**16(m)**

The extent to which the *design* of water supply systems:

- ensures sufficient capacity to provide water to potential *development* within the *site* and to any further *development* which may occur outside the *site*
- ensures sufficient capacity for fire fighting, including provision of fire hydrants
- is of a sufficient standard and compatibility with the *public water supply system* to minimise maintenance costs
- ensures there are no more than minor adverse effects on any *infrastructure* or *connection*
- ensures sufficient water quality and water pressure is available for likely needs
- provides for water metering
- is watertight.

**16(n)**

The extent to which the *stormwater treatment and disposal system* has regard to the requirements of any comprehensive *catchment resource consent* issued by the Auckland Regional Council.

**16(o)**

The extent to which the *stormwater treatment and disposal system* is *designed* having regard to the natural upstream *catchment area*, including likely future

## RULE 16

## INFRASTRUCTURE

- *connections* that have an above ground *height* of more than 12.0 metres, except as provided for by clause c(ii) above.

**16.2 Controlled Activities**

Activities meeting the following performance standards are *Controlled Activities*:

- *Any Activity* involving other *infrastructure* not meeting the standards specified in Rule 16.1 where the activity has a *height* not exceeding 2.5 metres above *ground level* and covers an above ground area not exceeding 6m<sup>2</sup>, provided that this rule shall not allow;
  - (i) any stormwater pipe or wastewater pipe not operated by a *network utility operator*
  - (ii) high pressure gaslines with a gauge pressure of more than 2000kPa
  - (iii) *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA
- *Telecommunications* and *radio communications infrastructure* not meeting the standards in Rule 16.1.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, capacity, *construction*, location, health and **safety** and will be considered in accordance with Assessment Criteria 16(a) - 16(t).

**16.3 Discretionary Activities**

Activities meeting the following performance standard are *Discretionary Activities*:

*Any activity* involving *infrastructure* or *connections* not meeting the standards specified in Rules 16.1 or 16.2, provided that no new *infrastructure* having a *height* exceeding 12.0 metres may be located on a *sensitive ridgeline*, headland, cliff or scarp.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 16(a)-16(t) and any other matters that are relevant under Section 104 of the *Act*.

**16.4 Non-Complying Activities**

*Any Activity* to which these rules apply which is not a *Permitted Activity* or a *Controlled Activity* or a *Discretionary Activity* shall be deemed to contravene a Rule in the *Plan* and shall be a *Non-Complying Activity*.

*development* and any adverse *effects* it may have on the downstream system.

**16(p)**

The extent to which the *design* and location of the *stormwater treatment and disposal system*:

- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*.
- ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the *site* and any likely future *development*.
- ensure adequate measures are taken to screen out litter, silt and other contamination.
- achieve a sufficient standard and compatibility with any existing *stormwater treatment and disposal system* to minimise maintenance costs.
- ensure no more than minor adverse *effects* on any other *infrastructure* or *connection* of likely *building development*.
- provide for stormwater disposal from all of the *land* within the *site*.
- ensure that *development* will not contribute to flooding downstream of the *site*.

**16(q)**

The extent to which there has been consideration given to the use of ponds and open natural waterway systems for stormwater disposal, having regard to the capability of the natural waterway system to efficiently accommodate the stormwater generated by the activity, in a manner which allows for adequate long term maintenance and with no more than minor adverse *effects* on natural water or downstream systems.

**16(r)**

The extent to which any *infrastructure* or *connection* is located and *constructed* to minimise the need for maintenance, allow for access and avoid impacts on other *infrastructure* or *connection*.

**16(s)**

The extent to which the *design* and location of *infrastructure* or *connection* adversely affect the **mauri** of water.

**16(t)**

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and service on or off the *site* and/or through payment or provision of a *financial contribution*.

Note: See also Policies 1.14, 2.12, 3.5, 10.1, 10.9, 10.17, 10.18, 10.27, 11.4, 11.7

(Policy Section of the Waitakere District Plan)

### RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or all of the following matters;

- limiting the *height* and/or scale and/or location and/or bulk of the *infrastructure* or *connection*
- requiring provision of *screening* and/or *planting*
- specifying *design* parameters to be used in the construction of the *infrastructure* or *connection*
- the imposition of a charge to cover costs of monitoring the activity
- requiring the retention of trees and/or other *vegetation*
- requiring the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- specifying the location of the *infrastructure* or *connection*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Controlled Activities* conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.