



## GUIDELINE TO THE RULES

# foothills environment

The *Foothills Environment* Rules apply to activities on *sites* within the *Foothills Environment* as shown on the *Human Environments Maps*. Most of the *Foothills Environment* Rules apply to “Any Activity” which may be proposed, although some rules apply only to “Residential Activities”, or only to “Rural 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 those people 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*.
- **“Rural Activity”** means the use of *land* or *buildings* for the purposes of commercial, agricultural, horticultural or pastoral farming, but does not include *intensive livestock farming, woodlot* or *forestry*.
- **“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 *Foothills Environment* Rules that may apply to a proposed activity.

The “City-Wide Rules” section includes rules on information for *resource consents, natural hazards, financial contributions, 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” cover *vegetation alteration, earthworks, impermeable surfaces, establishment of vegetation, stock grazing* and *forestry*.

The “Subdivision Rules” cover all standards relating to the *subdivision* of *land* in the City - including those standards which specifically apply to the *Foothills 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 *Foothills Environment* Rules themselves.

The procedure outlined on the next page is a guideline to apply the *Plan* rules for an activity proposed within the *Foothills Environment*.

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



## PROCEDURAL GUIDELINE FOR THE RULES

### STEP 1

Locate the *site* on the *Natural Areas* Maps and the *Human Environments* Maps. If the *site* is within the *Foothills Environment*, refer to this guideline. If the *site* is within another *Human Environment* refer to the other appropriate guideline. Note the *Natural Area* which applies to the *site*, and any other information from the maps which is relevant such as *sensitive ridges, 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 the 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 *Rural Activity*, or a *Non-Residential Activity* (refer to the definitions on the previous page).

### STEP 6

Check the *Foothills Environment* Rules. 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 3      Building Location - Natural Landscape Elements
- Rule 4      Yards
- Rule 5      Building Height
- Rule 6      Outdoor Storage
- Rule 7      Building Coverage
- Rule 10     Noise

- Rule 11     Air Discharges, Odour, Dust, Glare and Vibration
- Rule 12     Signs
- Rule 13     Relocated Buildings
- Rule 14     Infrastructure

Additional Performance Standards which may apply only to *Residential Activities* include:

- Rule 2      Residential Activities/Density

Additional Performance Standards which may apply only to *Non-Residential Activities* include:

- Rule 8      Non-Residential Activities
- Rule 9      Traffic Generation, Access & Car parking

### 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. However the activity may still require a *resource consent* under another rule. Refer to the relevant rule page and the “Resource Consents” Section of the *Plan* for guidance on *resource consent* applications.

### 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, e.g. the issuing of a *building consent*, may be necessary.

Words which appear in *italics* are defined in the *Plan* - see the Definitions at the front of the *City-Wide Rules*. Words which appear in **bold** are explained in the *Plan*. See the Explanations at the end of the Introduction to the Rules.

## RULES

**1.0 General**

The following Rules 1.1 and 2 to 14 apply to activities on land situated in the *Foothills Environment*.

**1.1 Notification/Non-Notification**

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 14, applications for 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**

**RESIDENTIAL ACTIVITIES / DENSITY**

**RULES**

**2.0 General**

The following rules shall apply to *Residential Activities*.

**2.1 Permitted Activities**

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

- *Residential Activities* where there is no more than one *dwelling* and one *minor household unit* per *site*, and the *minor household unit* is located less than 6.0 metres from the main *dwelling* on the *site*.

**2.2 Discretionary Activities**

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

- *Residential Activities* which involve no more than one *minor household unit* per *site* not meeting the standards of Rule 2.1, provided that:-
  - the *site* does not form part of a *structure plan area* and has a minimum *site area* of 2.5ha, or
  - the *site* is located in the Oratia *structure plan area*, and there is one only *driveway* serving both the main *dwelling* and the *minor household unit*, or
  - the *site* is located in a *structure plan area* other than Oratia and the *site* has a *subdivision* opportunity available under the relevant *structure 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*.

**ASSESSMENT CRITERIA**

**2(a)**

The extent to which the *minor household unit* and associated *development* (including *driveways*) would contribute to adverse visual cumulative effects by the spread of *buildings* and *residential activities* in the landscape.

**2(b)**

The extent to which the *minor household unit* and associated *development* (including *driveways*) detracts from the **amenity values** and the local landscape elements.

**2(c)**

The extent to which the location and *design* of the *minor household unit* avoids the potential for future *subdivision* of that *minor household unit* from the main *dwelling*, unless otherwise provided for in the *subdivision* rules.

**2(d)**

The extent to which *minor household unit* and associated *development* (including *driveways*) requires the *clearance* of *native vegetation* and habitat of *native fauna*, or results in adverse *effects* on ecosystems.

**2(e)**

The extent to which the *minor household unit* and associated *development* (including *driveways*) requires *development* in any *Riparian Margin/ Coastal Edge Natural Area* or *Restoration Natural Area* or on any *natural landscape element*.

**2(f)**

The extent to which adequate *wastewater treatment and disposal systems* and *stormwater treatment and disposal systems* are provided for the *minor household unit* and associated *development*.

Note: See also Policies 1.1, 1.14, 2.1, 3.1, 10.17, 10.27, 11.1, 11.2

(Policy Section of the Waitakere District Plan)

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## RULE 2

## RESIDENTIAL ACTIVITIES / DENSITY

Discretionary Activity applications made under this rule will be assessed in accordance with Assessment Criteria 2(a)-2(f), the Assessment Criteria appearing in Rule 7 Foothills Environment of the subdivision rules and such other matters that are relevant under section 104 of the *Act*.

### 2.3 Non-Complying Activities

*Residential Activities* to which this rule applies which are not a *Permitted Activity* or a *Discretionary Activity* under Rule 2.1 or 2.2 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* the Council may impose conditions. The conditions may include any of the following matters:

- Altering the location of the *minor housebold unit* on the site
- Requiring the retention of trees and/or *planting*
- Requiring provision of *screening* and/or *planting*
- Altering the *design* of the *building*

requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.

RULE 3

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

RULES

3.0 General

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

3.1 Permitted Activities

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

- *new buildings* and *development* which are not on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas Maps*. Δ26
- additions or alterations to existing buildings or development on land identified as a sensitive ridge or headland / cliff / scarp on the Natural Areas Maps, provided that the additions or alterations do not increase the height of the building or development at any point, or increase the building coverage beyond the existing building bulk. Δ26

3.2 Controlled Activities

Activities meeting either of the following Performance Standards are *Controlled Activities*:

- *new buildings* and *development* on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas Maps* provided that any *building* is not visible in front of the *sea* or above the *skyline* as viewed from a *road* or other *public place*. Δ26

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. A guideline to help determine which "roads" and "public places" a <i>building</i> may be visible from is kept by the Council.
3. 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 Rules</i> and the <i>City-Wide Rules</i> and, where relevant, the <i>Subdivision Rules</i> .
4. Words in <i>italics</i> are defined - see the <i>Definitions</i> part of the <i>City-Wide Rules</i> .
5. Words in <b>bold</b> are explained - see the <i>Explanations</i> part of the <i>Introduction to the Rules</i> .
6. The Council may have a guideline to help interpret this rule - check at the Council Offices.
7. For <i>resource consents</i> see the <i>Information Requirements</i> in the <i>City-Wide Rules</i> .
8. 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

3(a)

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

3(b)

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

3(c)

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

3(d)

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

3(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*.

3(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*.

See also Policies 2.8, 8.7, 9.3, 9.12, 10.27, 11.7, 11.8, 11.9

(Policy Section of the Waitakere District Plan)

## RULE 3

## BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

- additions or alterations to existing *buildings* or *development* on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps, provided that the additions or alterations do not increase the *height* of the *building* or *development* at any point, or increase the *building coverage* by more than 20m<sup>2</sup>. Δ26

Assessment of *Controlled 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 3(a)-3(f).

### 3.3 Limited Discretionary Activities

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

- *buildings* and *development* on *land* identified as a *modified sensitive ridge* not meeting the standards in Rules 3.1 and 3.2.

*Limited Discretionary Activity* applications will be assessed having regard to Assessment Criteria 3(a)-3(f) and other matters which are relevant under section 104 of the Act.

### 3.4 Discretionary Activities

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

- *buildings* and *development* on *land* identified as a *natural sensitive ridge* which does not meet the performance standards in Rules 3.1, 3.2 and 3.3, provided that no *structure* located on a *sensitive ridgeline*, headland, cliff or scarp has a *height* exceeding 10.0 metres.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 3(a)-3(f) and any other matters which are relevant under section 104 of the Act.

### 3.5 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 the *Plan* and shall be a *Non-Complying Activity*.

## RESOURCE CONSENT CONDITIONS

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

- limiting the *height* of *buildings*
- altering the location of *buildings*
- altering the *design* of *buildings* requiring the provision of *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- 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 services to avoid, remedy, mitigate or offset adverse *effects*.

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 4

YARDS

RULES

4.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* except *Scheduled Activities* on *scheduled sites*.

4.1 Permitted Activities

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

- *buildings set back* from all *site boundaries* by 10 metres or more, provided that the *setback* may be reduced to 3.0 metres for any *site* less than 0.4 ha in *site area*.

4.2 Controlled Activities

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

- *building setbacks* not meeting the standards of Rule 4.1 provided that the minimum *building setback* from any *site boundary* is 3.0 metres and the *building* is not situated within 10 metres of any outdoor horticultural activity on an *adjoining site*.

Assessment of *Controlled Activity* applications will be limited to the matters of location, *setback*, *screening* and *planting* and will be considered in accordance with Assessment Criteria 4(a)-4(c).

ASSESSMENT CRITERIA

4(a)

The extent to which *buildings* dominate the **landscape character**.

4(b)

The extent to which, for *buildings* within 3 metres of a *site boundary*, or within 10 metres of an outdoor horticultural activity on an *adjoining site*, *amenity* and health standards are maintained with particular regard being given to **physical domination, privacy** and **shading** effects and *effects* on health of agricultural sprays.

4(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, 10.5, 10.6, 10.27, 11.3

(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 4

YARDS

**4.3 Discretionary Activities**

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

- *building setbacks* not meeting the standards of Rule 4.2.

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

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 a specific *setback* between the *building* and the *site boundary*
- requiring provision of *screening* and/or *planting*
- 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* { **A41, A42, A43**}
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of a *Controlled Activity* 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 5**

**BUILDING HEIGHT**

**RULES**

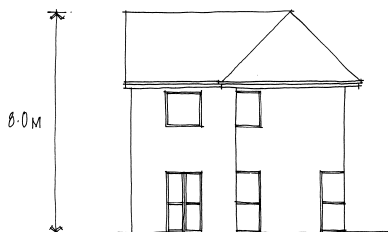
**5.0 General**

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

**5.1 Permitted Activities**

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

- *Buildings* having:
  - (i) a maximum *height* not exceeding 8.0 metres, and
  - (ii) a maximum *elevation height* not exceeding 10.0 metres. (See Diagram 5A)



**Diagram 5A**

**5.2 Discretionary Activities**

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

- *buildings* having:
  - (i) a maximum *height* exceeding 8.0 metres
  - (ii) a maximum *elevation height* exceeding 10.0 metres.

*Discretionary Activity* applications made under this rule will be assessed having regard to Assessment criteria 5(a)-(d) and any other matters which 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**

**5(a)**

The extent to which *building height* will intrude on the surrounding **natural landscape**.

**5(b)**

The extent to which *building height* will **physically dominate adjoining sites**.

**5(c)**

The extent to which *building height* will intrude into the **privacy** of adjoining sites

**5(d)**

The extent to which *building height* will interrupt **views** from *sites* in the vicinity.

Note: See also Policies 1.15, 9.5, 10.5, 11.3, 11.8

(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:

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

RULE 6

OUTDOOR STORAGE

RULES

6.0 General

The following rules shall apply only to activities involving *outdoor storage areas*.

6.1 Permitted Activities

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

- *outdoor storage areas* not exceeding 200m<sup>2</sup> in area and 3.0 metres above the ground, which are *screened* from any *road* or any *dwelling* on an *adjoining site*.

6.2 Discretionary Activities

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

- *outdoor storage areas* not meeting the standards in Rule 6.1.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 6(a) and 6(b) and any other relevant matters 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

6(a)

The extent to which *outdoor storage* detracts from the **visual amenity** enjoyed by residents of *adjoining sites*.

6(b)

The extent to which activities compromise **rural landscape**.

Note: See also Policies 11.3, 11.10

(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 size of any *outdoor storage*
- requiring provision of *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 7

BUILDING COVERAGE

RULES

7.0 General

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

7.1 Permitted Activities

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

- *buildings* resulting in a *building coverage* of no more than 300m<sup>2</sup> or 1% of the *net site area*, whichever is the greater. (See diagram 7A)

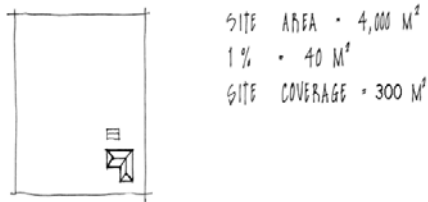
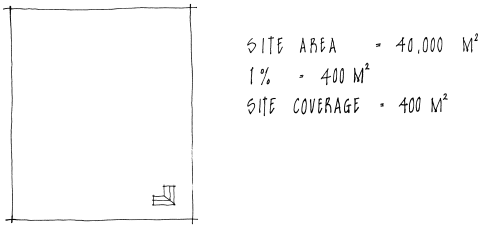


Diagram 7A

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

7(a)

The extent to which *buildings* create adverse *effects* on **amenity values** or dominate the **rural landscape**.

7(b)

The extent to which the proposal creates demands for public upgrading of *infrastructure* to accommodate increased *building coverage*.

7(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 10.4, 10.5, 10.6, 10.17, 10.27, 11.3, 11.8

(Policy Section of the Waitakere District Plan)

RULE 7

BUILDING COVERAGE

**7.2 Limited Discretionary Activities**

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

- *buildings* having a *building coverage* not meeting the standards in Rule 7.1 where *buildings* have *non-reflective surfaces*; provided that the *building coverage* does not exceed 25% of the *net site area* and the activity proposed is for a *Residential Activity* or a *Rural Activity*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *building coverage*, *building bulk* and *landscape treatment* and will be considered in accordance with Assessment Criteria 7(a)-7(c).

**7.3 Discretionary Activities**

*Any Activity* to which these rules apply which is not a *Permitted Activity* or a *Limited Discretionary Activity* under the above rules shall be assessed as a *Discretionary Activity* and will be considered in accordance with Assessment Criteria 7(a)-7(c) 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. The conditions may include any one or more of the following matters:

- limiting the *building coverage*
- limiting the *building bulk*
- requiring provision of a *landscape treatment plan*, and implementation of that plan within a given time
- the imposition of a *bond* to cover 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 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 8**

**NON-RESIDENTIAL ACTIVITIES**

**RULES**

**8.0 General**

The following rules shall apply to all *Non-Residential Activities* except for *Rural Activities* and *Non-Residential Activities* on *scheduled sites*.

**8.1 Permitted Activities**

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

- *home occupations* meeting with the following requirements:
  - no more than five persons except for *small brothels* that are limited to four persons, are engaged in the *home occupation*, at least one of whom resides on the *site*; and
  - the *home occupation* is carried out within an existing *building* which is clearly marked with the relevant street number in accordance with By-Law No. 4 Chapter 2 Public Places 1972 (Clause 244 as amended); and
  - the *home occupation* does not involve traffic generation involving a *heavy traffic vehicle* exceeding two *vehicle movements* per week; and
  - except where goods are primarily ordered by mail or electronic transaction 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*.
7. *Scheduled Sites* are covered in a separate part of the *Plan*. Rules within that part may allow *Non-Residential Activities* which are not provided for in the above rules.
8. See limitation to *front site* under Traffic Generation Rule 9.1.
9. Under the Wild Animal Control Act (1977) parts of the *Foothills Environment* are a deer free area.

**ASSESSMENT CRITERIA**

**8(a)**

The extent to which *Non-Residential Activities* compromise the **rural character**.

**8(b)**

The extent to which purpose-built *buildings* are compatible with the scale and appearance of other *buildings* in the neighbourhood.

**8(c)**

The extent to which the character, scale, hours of operation and intensity of *Non-Residential Activities* are compatible with the **amenity values** and rural character of the surrounding area.

**8(d)**

The extent to which the activity would lead, on an individual or cumulative basis, to pressure for urban expansion and the fragmentation of **rural character** and *amenity*.

**8(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*.

**8(f)**

The extent to which regard has been given to section 15 of the Prostitution Reform Act 2003.

Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31, 11.50.

(Policy Section of the Waitakere District Plan)

## RULE 8

## NON-RESIDENTIAL ACTIVITIES

distributed by post or courier, any retail sales and services are of goods produced on the *site* and the hours of operation are between 0700 and 1900 daily; and

- the *home occupation*, apart from the parking of one vehicle, is *screened* from the *adjoining sites* and the *road*.

### 8.2 Controlled Activities

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

- *Filming Activities* not requiring the construction of any *building*.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, layout and operation (including hours and duration) of *Filming Activities* and will be considered in accordance with Assessment Criteria 8(a)-8(e).

### 8.3 Limited Discretionary Activities

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

- *Non-Residential Activities* including *home occupations* not meeting the standards in Rule 8.1, where:
  - the activities are located within an existing *building* and there are no *retail sales*, provided that the total floor space occupied by the *Non-Residential Activity* does not exceed 250 m<sup>2</sup>; or
  - the activity involves *retail sales* of horticultural produce where the *retail floor space* does not exceed 75m<sup>2</sup>.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of scale, retention of *vegetation*, *screening*, *landscape treatment*, duration, hours of operation, *design* and location and will be considered in accordance with Assessment Criteria 8(a)-(f).

### 8.4 Non-Complying Activities

*Non-Residential Activities* to which these rules apply other than *Rural Activities* which are not a *Permitted Activity*, a *Controlled Activity* or a *Limited 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. The conditions may include any one or more of the following matters:

- requiring alterations to *design* and/or location of *buildings* on the *site*
- requiring the retention or planting of *trees* and/or other *vegetation*
- limiting the scale of the *development* or use
- limiting the duration of the activity
- limiting hours of operation
- requiring the provision of *screening*
- requiring provision of a *landscape treatment plan* and its implementation within a given time
- the imposition of a charge to cover costs of monitoring the activity
- the imposition of a *bond* to cover 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 section 108 of the *Act*.

Provided that, in the case of a *Controlled Activity* 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 9

TRAFFIC GENERATION, ACCESS & CAR PARKING

RULES

9.0 General

The following rules apply to all *Non-Residential Activities* except *Rural Activities*.

9.1 Permitted Activities

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

- *Non-Residential Activities* on *front sites* having traffic generation not exceeding 20 *vehicle movements* per day, and where *driveway* access is not gained from a *major road*.

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. *Vehicle Crossings* require consent from the Council - see Rule 7 of the *Transport Environment*.
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. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere *City Code of Practice* - check with the Council.
8. See the Traffic Generation Section of the Parking and Driveway Guideline (available from the Council) for interpretation of this Rule and guidance in traffic generated by different *land uses*.
9. See the Parking and Driveway Guideline (available from the Council) for guidance on *car parking* and *driveways*. Satisfaction with criterion 9(b) will be achieved by meeting standards in the Guideline.
10. 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

9(a)

The effects of traffic generation on:

- the capacity of *roads* giving access to the *sites* having regard to the *road's* function in the Rooding Hierarchy
- the **safety** of *road* users, including cyclists and pedestrians
- the extent to which trips from the urban area are generated by activities that may be more appropriately located in the urban area
- **rural landscape** and **amenity values**.

9(b)

The sufficiency of *car parking* provided and the standard and **safety** of *driveway* access.

9(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 10.11, 10.14, 10.16, 10.27, 11.10, 11.12, 11.30, 11.31

(Policy Section of the Waitakere District Plan)

## RULE 9

## TRAFFIC GENERATION, ACCESS & CAR PARKING

### 9.2 Controlled Activities

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

- *Filming Activities* not involving the construction of any *buildings*

Assessment of *Controlled Activity* applications made under this rule will be limited to matters of duration, scale, **safety**, hours of operation and the number of *vehicle movements* and will be considered in accordance with the matters set out in Assessment Criteria 9(a)-9(c).

### 9.3 Limited Discretionary Activities

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

- *Non-Residential Activities* having traffic generation not exceeding 50 *vehicle movements* per day or 2% of the *road's* daily traffic volume, whichever is the greater, on a *front site*, and where *driveway* access is not gained from a *major road*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of number of *car parks*, *design* and location of *car parking*, retention of *vegetation*, location and *design* of *driveways*, *road* capacity, **safety**, duration, hours of operation, *screening*, *landscape treatment* and scale, and will be considered in accordance with Assessment Criteria 9(a)-9(c).

### 9.4 Discretionary Activities

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

- *Non-Residential Activities* not meeting the standards in Rule 9.1, 9.2 or 9.3.

*Discretionary Activity* applications made under this rule will be assessed having regard to Assessment Criteria 9(a)-9(c) 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. These conditions may include any one or more of the following matters:

- limiting the size of *building* and/or scale of activity
- requiring alteration to the scale, location and *design* of *car parking* and *driveways*
- requiring the retention of trees and/or other *vegetation*
- requiring mitigation measures in relation to vehicle noise and lights
- requiring mitigation measures in relation to pedestrian, cyclist and motor vehicle occupant **safety**
- requiring provision of a *landscape treatment* plan and its implementation within a specified time
- limiting the hours of operation
- limiting the duration of the activity
- the imposition of a charge to cover costs of monitoring the activity
- 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 section 108 of the *Act*.

Provided that, in the case of *Controlled Activity* 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**

**NOISE**

**RULES**

**10.0 General**

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

**10.1 Permitted Activities**

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

- *Non-Residential Activities* meeting the noise standards set out in the following table as measured in accordance with NZS 6801:1999 Acoustics - Measurement of Sound and NZS 6802:1999 Acoustics - Assessment of Environmental Sound at the appropriate any part of a *site* (other than the *site* on which the activity is situated) within the *Foothills Environment, Countryside Environment, Living Environment, Waitakere Ranges Environment, Bush Living Environment* and *Rural Villages Environment*. A26

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

**10.2 Discretionary Activities**

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

- Any *Non-Residential Activity* not meeting the standards on Rule 10.1

*Discretionary Activity* applications made under this rule will be assessed in accordance with Assessment Criteria 10(a)-10(e) and any other matters which are relevant under Section 104 of the *Act*.

**ASSESSMENT CRITERIA**

**10(a)**

The extent to which the background noise level (L<sub>95</sub>) in the vicinity of the subject *site* affects the relevance of noise standards for *Permitted Activities*.

**10(b)**

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

**10(c)**

The extent to which the noise generated will meet the provisions of New Zealand Standard NZS 6802: 1991 “Assessment of Environmental Sound” clauses 4.2.1 and 4.2.2. NZS 6802 : 1999 Acoustics - Assessment of Environmental Sound. A26

**10(d)**

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

**10(e)**

The extent to which more than minor adverse effects on the *environment* 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 10.2, 10.15, 10.27, 11.13

(Policy Section of the Waitakere District Plan)

RULE 10

NOISE

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. (NZS 6805 is available)
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

RULE 11

AIR DISCHARGES, ODOUR, DUST, GLARE & VIBRATION

RULES

11.0 General

The following rules apply to *Non-Residential Activities*, any *Temporary Activity* and *Any Activity* producing artificial light or involving processes listed in the Air Discharges Appendix.

11.1 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 curve 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 measurement shall comply with a recognised standard such as Australian Standard AS2973: 1987 “Vibration and Shock - Human response vibration-measuring instrumentation.”

- (b) *Any Activity* and *Temporary Activities* that do not involve a Part A, B or C process as listed in the Air Quality Appendix.

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. (NZS 6805 is available)
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Relevant air discharge, vibration, lighting and *dust* standards will be consulted when considering any *resource consent* application.

ASSESSMENT CRITERIA

11(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.

11(b)

The extent to which outdoor lighting (including security lights) should be 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.

11(c)

The extent to which odour, *dust* or vibration from an activity is or is likely to be noxious, dangerous, offensive or objectionable, due to its frequency, intensity (odour), quantity (*dust*), 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*.

11(d)

The extent to which activities involving air discharges have the potential to affect health, **safety** or *amenity*.

11(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 also Policies 10.1, 10.3, 10.10, 10.27

(Policy Section of the Waitakere District Plan)

RULE 11

AIR DISCHARGES, ODOUR, DUST, GLARE & VIBRATION

- (c) *Any Activity* and *Temporary Activities* emitting artificial outdoor lighting which:
- (i) have not more than 10 lux spill (horizontal and vertical) of light as measured at the *site boundary* of any *adjoining site*; and
  - (ii) is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture, where light is emitted or is shielded in such a manner that the lower edge of the shield is at or below the centre line of the light source; and
  - (iii) complies with AS/NZS 1158 (1996); and
  - (iv) for illuminated *signs*:
- does not produce more than 600 candelas per square metre for *sign areas* less than 10m<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 11A)

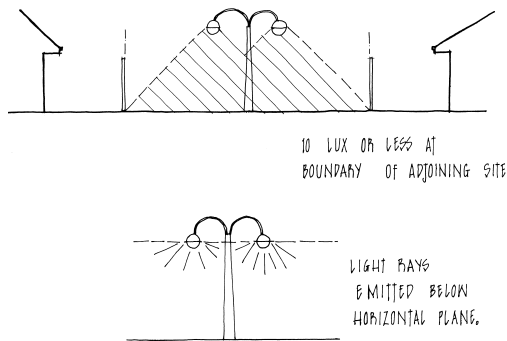


Diagram 11A

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
- 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
- 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 11

AIR DISCHARGES, ODOUR, DUST, GLARE & VIBRATION

**11.2 Limited Discretionary Activities**

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

- *Any Activity* and *Temporary Activities* with lighting exceeding 10 lux spill up to an additional 15 lux otherwise meeting the standards in Rule 11.1(c), (i), (ii) and (iii).

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of intensity, location, duration and direction of lighting, and will be considered in accordance with Assessment Criteria 11(a)-11(b).

**11.3 Discretionary Activities**

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

- *Any Activity* and *Temporary Activities* not meeting the requirements of Rules 11.1(a) or 11.1(b) or 11.1(c) and which do not involve a Part A or B process as listed in the Air Discharges Appendix.

*Discretionary Activity* applications made under this rule will be assessed having regard, as relevant, to Assessment Criteria 11(a)-11(e), and any other matters which are relevant under section 104 of the *Act*.

**11.4 Non-Complying Activities**

*Any Activity* and any *Temporary Activity* to which these rules apply and any *Temporary Activities* which are 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 12

SIGNS

RULES

12.0 General

The following rules apply to *Any Activity* and *Temporary Activities* involving the erection of *signs*.

12.1 Permitted Activities

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

- (a) *Any Activity* and *Temporary Activities* with a *sign* where the *maximum sign area* does not exceed 0.1m<sup>2</sup> and the *sign* is not illuminated, flashing or moving and is located on the *site* to which the *sign* relates; and
- (b) *temporary signs*.

12.2 Limited Discretionary Activities

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

- *Any Activity* and *Temporary Activities* with a *non-residential sign* (including *signs* associated with a *home occupation* meeting the standards of Rule 8.1), where the *sign* is located on the *site* to which it relates, has a *maximum sign area* of 1.5m<sup>2</sup>, and is not flashing or moving.

ASSESSMENT CRITERIA

12(a)

The extent to which *signs* are visually appropriate to **amenity values** and **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 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 10.3, 10.27, 11.8, 11.11

(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 <i>Plan</i> it is permitted, but may require consents under other legislation/ plans.
2. 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 Rules</i> , the <i>City-Wide Rules</i> and, where relevant, the <i>Subdivision Rules</i> .
3. Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i> .
4. Words in <b>bold</b> 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 <i>resource consents</i> see the Information Requirements in the <i>City-Wide Rules</i> .
7. Where a proposed <i>sign</i> may affect the <b>safety</b> and efficiency of a State Highway or motorway, comments may be invited from Transit New Zealand regarding the <b>safety</b> of <i>road</i> users.
8. If an activity is not controlled or restricted on any way by any part of the <i>Plan</i> it is permitted (subject to meeting all other legislation/ <i>Plans</i> ).

RULE 12

SIGNS

- *Any Activity* and *Temporary Activities* with a *residential sign*, where the *sign* is located on the *site* to which it relates and has a maximum *sign area* of 0.5m<sup>2</sup>.

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

**12.3 Discretionary Activities**

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

- *Any Activity* and *Temporary Activities* with a *sign* not meeting the standards in Rule 12.1 or 12.2.

*Discretionary Activity* applications made under this rule will be assessed having regard, as relevant, to Assessment Criteria 12(a)-12(d) 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. 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

RELOCATED BUILDINGS

RULES

13.0 General

The following rules apply to *Any Activity* involving *relocated buildings*.

13.1 Limited Discretionary Activities

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

- *Any Activity* involving the *relocation* of a *building* onto a *site*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *design*, retention of *vegetation*, location, *screening* and *landscape treatment* and will be considered in accordance with Assessment Criteria 13(a)-13(c).

ASSESSMENT CRITERIA

13(a)

The extent to which *development* involving *relocated buildings* is of a *design* and location on the *site* which is compatible with the *design* of housing on the same *site* and on *adjoining sites*.

13(b)

The extent to which *development* of *relocated buildings* detracts from **visual amenity** or **neighbourhood character**.

13(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 10.27, 11.3, 11.8

(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 *trees* and/ or *vegetation*
- requiring provision of a *landscape treatment plan* 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 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.

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*.

## RULES

**14.0 General**

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

**14.1 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

**14(a)**

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

**14(b)**

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

**14(c)**

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

**14(d)**

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

**14(e)**

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

**14(f)**

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

**14(g)**

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

**14(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*.

**14(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.

**RULE 14**

**INFRASTRUCTURE**

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

**14(j)**

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

**14(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*.

**14(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*.

**14(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.

### 14.2 Controlled Activities

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

- *Any Activity* involving *infrastructure* not meeting the standards specified in Rule 14.1 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.

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 14(a)-14(t).

### 14.3 Limited Discretionary Activities

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

- *Any Activity* involving *lines* and associated *structures* not meeting the standards specified in Rules 14.1 or 14.2 where the activity has a *height* not exceeding 12.0 metres above ground level and covers an above ground area not exceeding 6m<sup>2</sup>, provided that this rule shall not allow *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *design*, *construction*, location, health and safety and will be considered in accordance with Assessment Criteria 14(a)-14(t).

### 14(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.

### 14(o)

The extent to which the *stormwater treatment and disposal system* is *designed* having regard to the natural upstream *catchment* area, including likely future *development* and any adverse *effects* it may have on the downstream system.

### 14(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*.

### 14(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.

**RULE 14**

**INFRASTRUCTURE**

**14.4 Discretionary Activities**

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

- *Any activity* involving *infrastructure* or *connections* not meeting the standards specified in Rules 14.1 or 14.2, provided that no new *infrastructure* having a *height* exceeding 10.0 metres may be located on a *sensitive ridgeline*, headland, cliff or scarp.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 14(a)-14(t) and any other matters that are relevant under Section 104 of the *Act*.

**14.5 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*.

**14(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*.

**14(s)**

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

**14(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* and *Limited Discretionary Activity*, conditions may on be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.