

## GUIDELINE TO THE RULES

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.

# foothills environment



**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 *Footbills 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 Rooding 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 *Footbills 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*.
- ± ~~New residential activities (excluding additions to existing residential buildings) located with the Oratia Rural Village Non-Residential Activity Overlay. PPCA35~~

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> .

**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*.

**2(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. PPCA35

Note: See also Policies 1.1, 1.14, 2.1, 3.1, 10.17, 10.27, 11.1, 11.2, 5B.1, 5B.3.

(Policy Section of the Waitakere District Plan)

Discretionary Activity applications made under this rule will be assessed in accordance with Assessment Criteria 2(a)-2(fg), 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**

2.3.1 *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*.

2.3.2 **New Residential Activities (excluding additions to existing residential buildings) within the Oratia Rural Village Non- Residential Activity Overlay 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 household 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*:

- (a) *buildings* and *development* which are not on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps;
- (b) decks less than 1.0 metre in height on land identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps;
- (c) 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*,
  - are not for the enclosure of a deck.

3.2 Controlled Activities

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

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. A guideline to help determine which “roads” and “public places” a *building* may be visible from is kept by the Council.
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 and 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*.
8. Council officers may be able to give advice on designing *buildings* in **natural landscape** 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 *invi* 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*.

3(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. PPCA35

See also Policies 2.8, 8.7, 9.3, 9.12, 10.27, 11.7, 11.8, 11.9, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

## RULE 3

## BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

- *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*.
- 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>.

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(fg).

### 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(fg) 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 and fences* except *Scheduled Activities on scheduled sites and buildings for non-residential activities within the Oratia Rural Village Non-Residential Activity Overlay*. PPCA35

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*.
- In the *Oratia Local Area*, close board or solid fences setback from the road by 5 metres or more. PPCA35

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(ed).

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

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*.

4(d)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan. PPCA35

Note: See also Policies 1.15, 10.5, 10.6, 10.27, 11.3, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

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RULE 4	YARDS
<p><b>4.3 Discretionary Activities</b></p> <p>Activities meeting the following Performance Standard are <i>Discretionary Activities</i>:</p> <ul style="list-style-type: none"><li>• <i>building setbacks</i> not meeting the standards of Rule 4.2.</li><li>• <u>In the Oratia Local Area, fences not meeting the standards of rule 4.1. PPCA35</u></li></ul> <p><i>Discretionary Activity</i> applications will be assessed having regard to Assessment Criteria 4(a)-4(ed) and any other relevant matter under section 104 of the <i>Act</i>.</p>	<p><b>RESOURCE CONSENT CONDITIONS</b></p> <p>In granting a <i>resource consent</i> Council may impose conditions. The conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"><li>• requiring a specific <i>setback</i> between the <i>building</i> and the <i>site boundary</i></li><li>• requiring provision of <i>screening</i> and/or <i>planting</i></li><li>• requiring <i>financial contributions</i> in accordance with the <i>Plan</i></li><li>• the imposition of a <i>bond</i> to cover satisfaction of conditions of consent</li><li>• requiring <i>on-site</i> or <i>off-site</i> works and services to avoid, remedy, mitigate or offset adverse <i>effects</i> { <b>A41, A42, A43</b>}</li><li>• such other matters provided for in section 108 of the <i>Act</i>.</li></ul> <p>Provided that, in the case of a <i>Controlled Activity</i> and <i>Limited Discretionary Activities</i>, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p>

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)

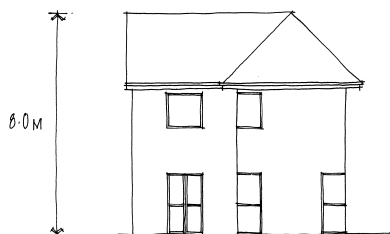


Diagram 5A

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)-(e) 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.

5(e)

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. PPCA35

Note: See also Policies 1.15, 9.5, 10.5, 11.3, 11.8, 5B.1, 5B.3

(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 200m2 in area and 3.0 metres above the ground, which are screened from any road or any dwelling on an adjoining site. Outdoor storage areas shall not include activities for motor vehicle repairs, wrecking of motor vehicles, bottle or scrap metal sorting storage or rehandling, rubbish collection storage or rehandling services. PPCA36

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,c) 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.

6(c)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan. PPCA35

Note: See also Policies 11.3, 11.10, 5B.1, 5B.3

(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.

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RULE 7

BUILDING COVERAGE

RULES

7.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings* except *buildings for non-residential activities within the Oratia Rural Village Non-Residential Activity Overlay, PPCA35*.

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 (provided that the standard of 1% of the net site area does not apply to non-residential activities except for rural activities). (See diagram 7A) Δ36
- decks less than 2.0 metres in height.

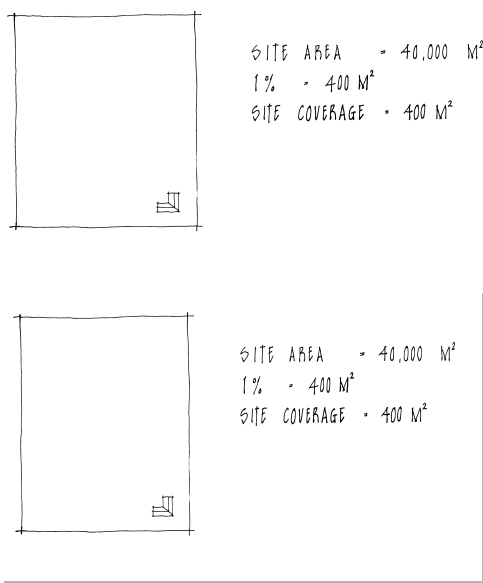


Diagram 7A

7.2 Limited Discretionary Activities

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

- (i) *buildings* having a *building coverage* (**excluding (ii) and (iii) below**) 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*

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*.

7(d)

The extent to which *buildings* and structures for *non-residential activities*:

- (i) have a scale, intensity, context and character of activities that retains or enhances a rural or natural character;
- (ii) are compatible with the scale and appearance of *buildings* in a rural environment;
- (iii) are subservient to rural landscapes; and
- (iv) contribute to rural character, and/or the wellbeing of the community, and/or the productive or outdoor recreational use of rural land. PPCA36

7(e)

The extent to which *greenhouses* are appropriately located, screened and avoid, remedy or mitigate adverse effects on the visual appearance of the dramatic backdrop of the Waitakere Ranges and rural foothills to the western skyline of Auckland PPCA36

7(f)

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. PPCA35.

Δ35Note: See also Policies 10.4, 10.5, 10.6, 10.17, 10.27, 11.3, 11.8, 5B.1, 5B.3, 5B4

(Policy Section of the Waitakere District Plan)

foothills environment

## RULE 7

## BUILDING COVERAGE

area and the activity proposed is for a *Residential Activity* or a *Rural Activity*, or

(ii) greenhouses having a building coverage not meeting the standards in Rule 7.1 provided that the building coverage does not exceed 25% of the net site area; or PPCA36

(iii) building(s) accommodating non-residential activities (except home occupations, greenhouses and rural activities) not meeting the standards in Rule 7.1 where the total building coverage on site accommodating non-residential activities does not exceed 1.5% of the net site area. PPCA36

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(eg).

### 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(ef) 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.

#### 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 8 NON-RESIDENTIAL ACTIVITIES LOCATED IN AREAS OUTSIDE OF THE WAITAKERE RANGES HERITAGE AREA**

**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 distributed by post or courier, any retail sales and services are of goods produced on the *site* 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 LOCATED IN AREAS OUTSIDE OF THE WAITAKERE RANGES HERITAGE AREA

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 8A

## NON-RESIDENTIAL ACTIVITIES WITHIN THE WAITAKERE RANGES HERITAGE AREA

### RULES PPCA36

#### **8A.0 General**

The following rules shall apply to all *Non-Residential Activities* located within the Waitakere Ranges Heritage Area (refer Human Environments Maps) except for *Non-Residential Activities on scheduled sites* and *Non-Residential Activities* within the *Oratia Rural Village Non-Residential Activity Overlay* (refer Rule 8B of the *Foothills Environment*).

#### **8A.1 Permitted Activities**

(a) The following *activities* are *Permitted Activities*:

(i) *Rural activities*;

(ii) *Retail sales* of trees and plants produced on the *site* in a nursery;

(iii) *Markets* provided that:

(a) the activity shall be carried out on the site for a maximum of one day each week; and

(b) retail sales are limited to beverages, food, agricultural and horticultural produce, arts and crafts; and

(c) the activity occurs on a site with a net site area greater than 2 hectares.

(iv) **Production of arts and crafts meeting the following requirements:**

- **no more than five persons are engaged in the production of arts and crafts on the site.**

(v) **Filming Activities of a duration less than 6 months not requiring the construction of any building.**

(b) *Activities* meeting the following Performance Standard are *Permitted Activities*:

(i) *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

- commercial overnight accommodation activities are restricted to a total of 10 persons inclusive of those that reside on the site; and

- the home occupation is carried out within an existing building which is clearly marked

### ASSESSMENT CRITERIA

#### **8A(a)**

The extent to which *Non-Residential Activities* contribute to, or compromise **rural character, including consideration of cumulative adverse effects on rural character.**

#### **8A(b)**

The extent to which *Non-Residential Activities* involving *outdoor recreation activities* depend on, or are appropriate to the rural environment and the Waitakere Ranges Heritage Area and limit the scale and intensity of building and structures, and avoid adverse noise, lighting and amenity effects on adjoining properties.

#### **8A(c)**

The extent to which *Non-Residential Activities* contribute to and enhance the ongoing productive use of rural land, and the restoration of degraded terrestrial and aquatic ecosystems.

#### **8A(d)**

Where *rural activities* are proposed in association with *Non-residential Activities*, the extent to which the proposal provides adequate consideration of the implementation and/or ongoing management of those *rural activities* in a manner that creates a clear and genuine connection between *Non-Residential Activities* and *rural activities*.

#### **8A(e)**

The extent to which *Non-Residential Activities* involving *retail sales* of, or the manufacturing and processing of agricultural or horticultural produce have a connection with *rural activities* in New Zealand.

#### **8A(f)**

The extent to which *Non-Residential Activities* involving *retail sales* of *arts and crafts* have a connection with creative endeavour in the Waitakere Ranges Heritage Area and/or New Zealand.

#### **8A(g)**

The extent to which the scale of *Non-Residential Activities* is appropriate to the size of the *site* and the activity includes the appropriate provision of onsite infrastructure to manage water, wastewater, storm water (detention, quality, mitigation plantings and reuse) and solid waste associated with the *activity*.

## **RULE 8A**

## **NON-RESIDENTIAL ACTIVITIES WITHIN THE WAITAKERE RANGES HERITAGE AREA**

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 movement per week; and
- except where goods are primarily ordered by mail or electronic transaction and distributed by post or courier, any retail sales and services are of goods, agricultural and horticultural produce 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.

### **8A.2 Controlled Activities**

Activities meeting the following Performance Standard and 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 8A(a)-8(n).

### **8A.3 Limited Discretionary Activities**

Activities meeting the following Performance Standard are Limited Discretionary Activities:

- (i) Home occupations not meeting the standards in Rule 8A.1 but excluding commercial sex activities and small brothels that are a home occupation not meeting the standards in Rule 8A.1, provided that:
  - the total floor space occupied by the Non-Residential Activity does not exceed 250m<sup>2</sup>; or
  - the activity involves retail sales of goods produced on site where the retail floor space does not exceed 75m<sup>2</sup>;
- (ii) Non-Residential Activities (not being a home occupation) involving increase in scale and/or intensity of an existing lawfully established non-residential activity provided there are no retail sales except for restaurant (food), beverages food, agricultural and horticultural produce or arts and crafts.

### **8A(h)**

The extent to which, where available, non-Residential Activities reuse existing buildings located on the site.

### **8A(i)**

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.

### **8A(j)**

The extent to which buildings, structures and development for non-residential activities:

- have a scale, intensity, context and character of activities that retains or enhances a rural or natural character;
- are compatible with the scale and appearance of buildings in a rural environment;
- are subservient to rural landscapes; and contribute to rural character, and/or the wellbeing of the community, and/or the productive or outdoor recreational use of rural land.

### **8A(k)**

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.

### **8A(l)**

The extent to which greenhouses are appropriately located, screened and avoid, remedy or mitigate adverse effects on the visual appearance of the dramatic backdrop of the Waitakere Ranges, the rural foothills, and the western skyline of Auckland.

### **8A(m)**

The extent to which the activity manages adverse effects on the amenity of adjoining properties.

### **8A(n)**

The extent to which activities protect and avoid adverse effects including cumulative effects on native vegetation, wildlife habitats, ecological corridors and the significant natural values of the Waitakere Ranges and its Foothills.

### **8A(m)(o)**

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.

**RULE 8A**

**NON-RESIDENTIAL ACTIVITIES WITHIN THE WAITAKERE RANGES HERITAGE AREA**

(iii) Restaurant (food) excluding drive through activities provided that the activity is associated with an existing rural activity or proposes to establish a rural activity (excluding pastoral farming) on a site with a net site area greater than 2 hectares;

(iv) Retail sales of agricultural and horticultural produce and beverages (excluding a home occupation meeting the standards in Rule 8A.1) where the retail floor space does not exceed 100m<sup>2</sup> and the activity is associated with a rural activity or proposes to establish a rural activity on a site with a net site area greater than 2 hectares;

(v) Manufacturing and/or processing activities (excluding a home occupation meeting the standards in Rule 8A.1) are limited to the manufacture, sorting or processing of goods from agricultural or horticultural produce, exclude Part A and B processes as listed in the Air Discharge Appendix, and are associated with a rural activity or proposal to establish a rural activity on a site with a net site area greater than 2 hectares;

(vi) Filming Activities requiring the construction of a building(s);

(vii) Any activity involving greenhouse(s) located within the general natural area;

(viii) Any activity involving a Garden Centre;

(ix) Retail sales of arts and crafts where the retail floor space does not exceed 100m<sup>2</sup>; and

(x) Any activity involving an outdoor recreation activity (excluding home occupations).

(xi) Markets not complying with the Rule 8A.1(a)(iii)(a) of the Foothills Environment provided that:

(a) the activity shall be carried out on the site for a maximum of two days each week; and:

(b) retail sales are limited to beverages, food, agricultural and horticultural produce, arts and crafts; and

(c) the activity occurs on a site with a net site area greater than 2 hectares.

(xii) Commercial overnight accomodation (excluding a home occupation meeting the standards in Rule 8A.1) on a site greater than 20 hectares provided that:

**~~8A(p)~~**

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.

**~~8A(q)~~**

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

Note: See also Polices 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31, 11.50, 5B.1, 5B.3, 5B.4.

**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, scale and/or location of buildings, development, driveways and car parking on the site;
- requiring the retention or planting of trees and/or other vegetation, and/or fencing of streams where animals are present;
- limiting the range of products sold from the site;
- 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;
- requiring the implementation and management of rural activities associated with Non-Residential Activities;
- water, wastewater and stormwater infrastructure and solid waste management;
- 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

**RULE 8A**

**NON-RESIDENTIAL ACTIVITIES WITHIN THE  
WAITAKERE RANGES HERITAGE AREA**

**(a) the maximum number of guests is restricted to 20 persons.**

Assessment of Limited Discretionary Activity applications made under this rule will be limited to matters of the appropriateness of the activity in a rural area, scale and intensity, retention of vegetation, screening landscape treatment, duration, hours of operation, design and location, car parking and access, sustainable land management practices, infrastructure, provision of rural activities and will be considered in accordance with Assessment Criteria 8A(a)-(p).

**8A.4 Discretionary Activities**

Activities meeting the following Performance Standards are Discretionary Activities:

- (i) Activities involving intensive livestock farming;
- (ii) Non-Residential Activities identified in Rule 8A.3 on sites with the minimum net site area less than the standard of 2 hectares, provided that retail sales meet the standards in Rule 8A.3; and
- (iii) Non-residential activities not provided for in Rules 8A.1, 8A.2 or 8A.3 provided that there are no retail sales or Part A and B processes as listed in the Air Discharge Appendix.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 8A(a)-8(p) and any other matters which are relevant under section 104 of the Act.

**8A.5 Non-Complying Activities**

Non-Residential Activities to which these rules apply which are not a Permitted Activity, a Controlled Activity, Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in this Plan and shall be a Non-Complying Activity.

which the Council has restricted the exercise of its discretion.

**RULE 8B NON-RESIDENTIAL ACTIVITIES WITHIN THE ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY**

**DESIGN RULES PPCA35**

**8B.0 General**

The following rules shall apply to all *Non-Residential Activities* located within the *Oratia Rural Village Non-Residential Activity Overlay* (refer Human Environment Map F8).

**8B.1 Permitted Activities**

The following *activities* are *Permitted Activities*:

- (i) *Rural activities*;
- (ii) *Home occupations* permitted by Rule 8A.1 of the *Foothills Environment*;
- ~~(iii) *Non-Residential Activities* within an existing *building* lawfully established prior to 8 December 2009 provided that *retail sales floor space* (excluding *restaurants food*) does not exceed 150m<sup>2</sup> for each activity;~~
- ~~(iv) *Non-Residential Activities* within a *building* constructed after 8 December 2009 provided that the floor space of each activity does not exceed 150m<sup>2</sup> (excluding *restaurants food*); and~~
- ~~(v) *Restaurants (food)*;~~
- ~~(iii) *Non-Residential Activities* lawfully established prior to 8 December 2009 provided that any increase in floor space of existing activity complies with the limitations for total new floor space in Rule 8B.1(iv) (d) and (e) below;~~
- (iv) ***New Non-Residential Activities in addition to those in Rule 8B.(iii) above provided that:***
  - (a) ***retail sales are limited to:***
    - *Convenience shop(s)*;
    - ***agricultural and horticultural produce;***
    - ***Restaurant(s) (food) excluding drive through activity;***
    - *arts and crafts;*
  - (b) ***the floor space for each non-residential activity does not exceed 100m<sup>2</sup>;***
  - (c) ***the total number of non-residential activities in each buildings does not exceed 2 and the total number of new non-resi-***

**ASSESSMENT CRITERIA**

**8B(a)**

The extent to which all *development* and *buildings* contribute to high standards of *design*, a rural village character, pedestrian *amenity*, and safe and attractive *public places* by:

- (i) ***The design of buildings reflects the historic production context of Oratia and its packing shed building forms;***
- (ii) *Reusing existing buildings;***
- (iii) *Locating buildings and development to maintain rural views;***
- ~~(iv) *Integrating with existing development including adjacent community facilities;*~~
- ~~(v) *encouraging shared vehicle access and shared car parking including the use of on-street car parks where available;*~~
- ~~(vi) *ensuring that car parking is not located between the building(s) and the road;*~~
- ~~(vii) *limiting the extent of impervious surfaces and utilising permeable paving;*~~
- ~~(viii) *creating courtyards, planted orchards or vineyards and open spaces between buildings; and*~~
- ~~(ix) *providing a covered pedestrian entry that is visible from the street.*~~

**8B(b)**

The extent to which the retention of existing vegetation and/or landscape planting (illustrated on a *landscape treatment plan*) achieves an orchard or vineyard pattern of fruit trees and vines which creates a rural village located within an orchard and/or vineyard.

**8B(c)**

The extent to which landscape planting (illustrated on a *landscape treatment plan*) mitigates the **visual appearance** of parking areas, manoeuvring areas and *buildings* from the street and pedestrian environment, while ensuring that:

- (i) planting plans include fruit trees and vines reflecting the orchard and viticulture history of Oratia; and

## RULE 8B NON-RESIDENTIAL ACTIVITIES WITHIN THE ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY

dential activities in the Oratia Rural Village Non-Residential Activity Overlay does not exceed 12;

(d) the total new retail sales floor space (excluding restaurants (food)) does not exceed 400m<sup>2</sup>;

(e) the total new floor space of retails services does not exceed 400m<sup>2</sup>;

(f) no activity involves motor vehicle repairs, wrecking of motor vehicles, bottle or scrap metal sorting storage or rehandling rubbish collection storage or rehandling services, or Part A and B processes as listed in the Air Discharge Appendix.

### 8B.2 Limited Discretionary Activities

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

(i) Buildings and additions to existing buildings provided that:

(a) the total maximum number of buildings, including existing buildings shall not exceed:

- Area 1: 2 4 buildings
- Area 2: 2 3 buildings
- Area 3: 5 8 buildings

(b) the floor space for each intended non-residential activity does not exceed 150m<sup>2</sup> (except restaurants food);

(b) the building coverage gross floor area for each new building does not exceed 300200m<sup>2</sup>;

(c) a minimum yard of 15 metres is provided between the building and any other building within the Oratia Rural Village Non-Residential Activity Overlay;

(d) the building has a minimum front yard setback of 5 metres from any road;

(e) the new building in Area 1 has a maximum setback of 30 metres from any road;

(f) the building has a minimum setback of 5 metres from the edge of the Oratia Rural Village Non-Residential Activity Overlay;

(g) the width of any single facade of a building does not exceed 20 metres;

(ii) a planted strip is provided between the car parking areas (excluding driveways) and the street, of a suitable size to accommodate oak trees or similar exotic trees typical in the existing context of the Oratia lower valley capable of growing to maturity.

### 8B(d)

The extent to which outdoor storage areas are located, designed and screened to avoid creating adverse visual and odour effects on the amenity of adjacent pedestrians and roads, and adjoining sites.

### 8B(e)

The extent to which building(s), loading, parking, entranceways and footpaths are designed for ease of access.

### 8B(f)

The extent to which development provides or maintains opportunities for rural trails to Shaw Road and to the Oratia Stream.

### 8B(g)

The extent to which Non-Residential Activities include the appropriate provision of infrastructure to manage water, wastewater, stormwater (detention, quality, mitigation plantings and reuse), and solid waste associated with the activity.

### 8B(h)

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.

### 8B(i)

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 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3,

10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31,

11.50, 5B.1, 5B.3.1, 5B.4

(Policy Section of the Waitakere District Plan)

## RULE 8B NON-RESIDENTIAL ACTIVITIES WITHIN THE ORATIA RURAL VILLAGE NON-RESIDENTIAL ACTIVITY OVERLAY

- (h) no more than ~~40~~ 25% of an individual building's street frontage is in glazing;
- (i) the building has a maximum height of 2 storeys:
- ▲ Area 1: 1 storey
  - ▲ Area 2: 1 storey
  - ▲ Area 3: 8 metres

Assessment of Limited Discretionary Activity applications made under this rule will be limited to retention of view shafts, retention and maintenance of vegetation, screening, landscape treatment, design and location, **duration, hours of operation**, infrastructure, vehicle access and car parking and will be considered in accordance with Assessment Criteria 8B(a) to 8B(i).

### 8B.3 Discretionary Activities

Activities meeting the following Performance Standards are Discretionary Activities:

- (i) Activities not meeting the standards in Rules 8B.1 and 8B.2 (i) ~~provided that retail sales floor space within a building do not exceed 150m<sup>2</sup> for each activity (except restaurants food)~~.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 8B(a) to 8B(i) and any other matters which are relevant under section 104 of the *Act*.

### 8B.4 Non-Complying Activities

Non-Residential Activities to which these rules apply which are not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a Non-Complying Activity.

## 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 alterations to the design of entranceways, pedestrian or car parking facilities, loading bays and/or driveways
- requiring the retention or planting of trees, fruit trees, vines and/or other vegetation
- limiting the scale of the development or use
- requiring the provision of screening
- requiring provision of a landscape treatment plan, its implementation within a given time and its ongoing maintenance
- infrastructure
- car parking and access
- 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 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

Vehicle movements associated with the following activities are Permitted Activities:

##### 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.
11. Council will exercise discretion as to whether a Traffic Impact Assessment is required with the application on the basis of the scale and characteristics of traffic generation associated with the activity. A36
12. 20 working days prior to the commencement of a market activity the operator shall submit a Traffic Management Plan for Council approval as a controlled activity resource consent application. Council can liaise with the market operator regarding the matters the Traffic Management Plan needs to consider on a case by case basis. PPCA36

### 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 Roding Hierarchy and the hourly, daily and weekly pattern of traffic generation. PPCA36
- 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 character** 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 *car parking* is available on the *road* in the *Oratia Rural Village Non-Residential Activity Overlay*. PPCA36

#### 9(d)

The extent to which an activity generates new traffic on the *road* or relies on existing through traffic. PPCA36

#### 9(e)

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. PPCA36

#### 9(e)(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*.

#### 9(g)

The extent to which **Markets**:

- provide sufficient on and off-site carparking;
- ensure safe access to and from the site; and
- maintain the *road's* function in the Roding Hierarchy.

Note: See also Policies 10.11, 10.14, 10.16, 10.27, 11.10, 11.12, 11.30, 11.31, 5B.1, 5B.3, 5B.4

(Policy Section of the Waitakere District Plan)

## RULE 9

## TRAFFIC GENERATION, ACCESS & CAR PARKING

- (i) *rural activities*;
- (ii) *greenhouses*
- (iii) *home occupations* permitted by Rule 8.1 or 8A.1 of the *Foothills Environment*;
- (iv) *Non-Residential Activities* permitted by Rule 8A.1 of the *Foothills Environment* (except *Markets*) ~~provided that the operators of a market implement a Council approved Traffic Management Plan;~~ and
- (v) *Non-Residential Activities* permitted by Rule 8B.1 of the *Foothills Environment* within the *Oratia Rural Village Non Residential Activity Overlay*. PPCA36

Or

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

- (i) *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.~~

### 9.2 Controlled Activities

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

- (i) *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(e)

- (ii) Markets provided for in Rule 8A.1(a)(iii) of the *Foothills Environment*.

Assessment of *Controlled Activity* applications made under this rule will be limited to the approval of a *Traffic Management Plan* and will be considered in accordance with the matters set out in Assessment Criteria 9(g).

### 9.3 Limited Discretionary Activities

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

- (i) *Non-Residential Activities* ~~(except for those permitted in Rule 9.1)~~ having traffic generation not exceeding 50 *vehicle movements* per day or 2% of the *road's* daily traffic volume, whichever is the

## 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*
- provision of car parking PPCA36
- 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 9

TRAFFIC GENERATION, ACCESS & CAR PARKING

greater, ~~on a front site~~, and where *driveway* access is not gained from a *major road*, ~~or~~

(ii) The development of buildings within the Oratia Rural Village Non-Residential Activity Overlay (refer Rule 8B of the Foothills Environment): or

(iii) Non-residential activities (except for those permitted in Rule 9.1) provided that ~~traffic generation from retail sales is~~ are limited to those activities in Rule 8A.3 of the Foothills Environment. PPCA36

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(ef).

**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(eg) and any other matters that are relevant under section 104 of the *Act*.

RULE 10

NOISE

RULES

10.0 General

The following rules apply to any *Non-Residential Activity* except rural activities. PPCA35

10.1 Permitted Activities

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

- (i) *Non-Residential Activities* meeting the noise standards set out in the following table as measured at any part of a *site* (other than the *site* on which the activity is situated) within the *Foothills Environment, Countryside Environment, Living Environment, Waitakere Ranges Environment, Bush Living Environment* and *Rural Villages Environment*; or
- (ii) *Non-Residential Activities* within the *Oratia Rural Village Non-Residential Activity Overlay Area* meeting the noise standards set out in the following table measured in accordance with NZS 6801:1999 Acoustics - Measurement of Sound and NZS 6802:1999 Acoustics - Assessment of Environmental Sound from a notional boundary within 20 metres of an existing dwelling on a *site* (other than the *site* on which the activity is situated) within the *Foothills Environment, Living Environment, Waitakere Ranges Environment, and Bush Living Environment*. PPCA35

ASSESSMENT CRITERIA

10(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*.

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 : 1999 Acoustics - Assessment of Environmental Sound.

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*.

10(f)

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. PPCA35

Note: See also Policies 10.2, 10.15, 10.27, 11.13, 5B.1, 5B.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. (NZS 6805 is available)
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

**RULE 10** **NOISE**

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*.



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.
- (c) *Any Activity* and *Temporary Activities* emitting artificial outdoor lighting 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. (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*.

11(f)

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. PPCA35

Note: See also Policies 10.1, 10.3, 10.10, 10.27, 5B.1.5B.3

(Policy Section of the Waitakere District Plan)

RULE 11

AIR DISCHARGES, ODOUR, DUST, GLARE & VIBRATION

- (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)

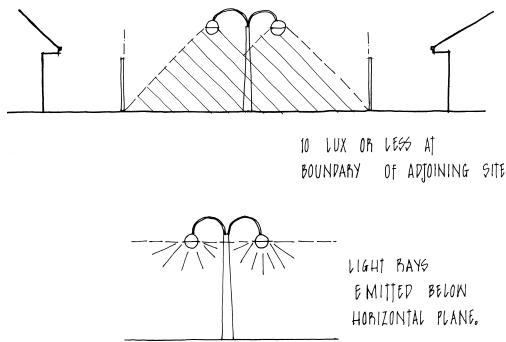


Diagram 11A

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

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

direction of lighting, and will be considered in accordance with Assessment Criteria 11(a)-11(b).

**11.3 Discretionary Activities**

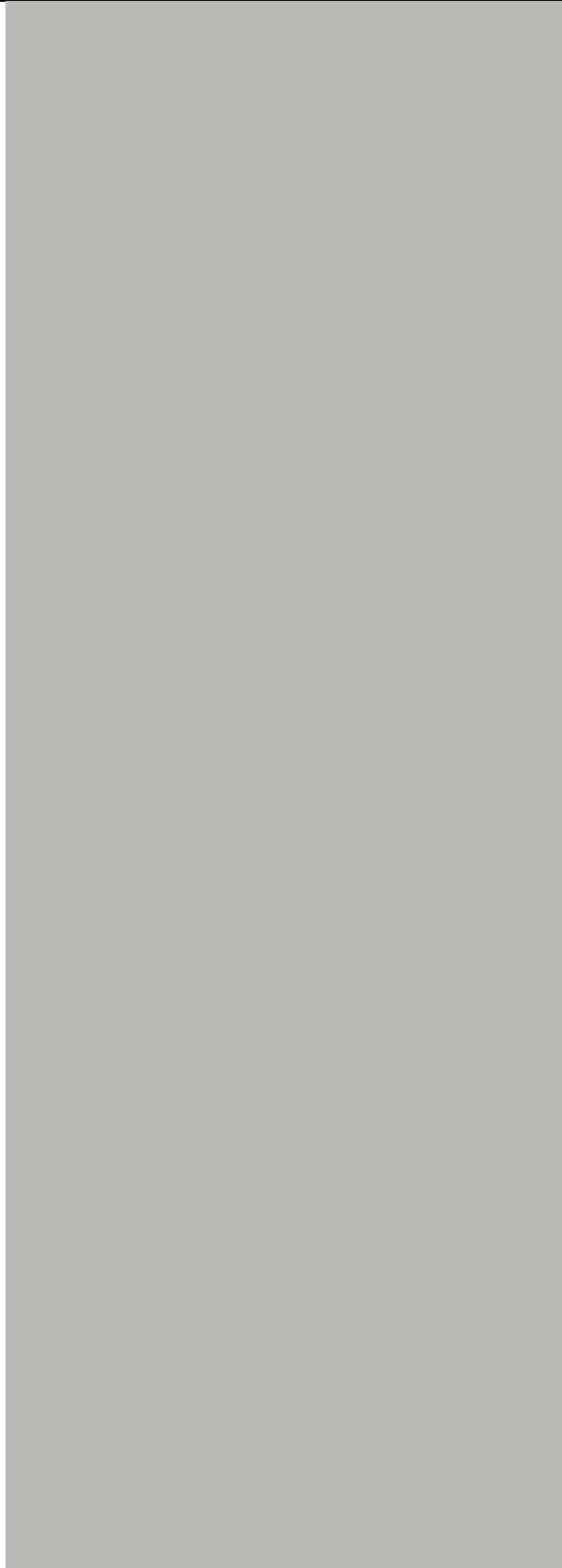
Activities meeting the following Performance Standard are *Discretionary Activities*:

- *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(ef), 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 ~~0.3~~ **0.4**m<sup>2</sup> and the *sign* is not illuminated, flashing or moving and is located on the *site* to which the *sign* relates; ~~and; or~~ **PPCA36**
- (b) *Any non-residential activity that is a permitted activity in Rule 8A.1 of the Foothills Environment (except home occupations) where:*
  - (i) the *maximum sign area* does not exceed 1.0m<sup>2</sup>;
  - (ii) has a the maximum height of 2.5 metres;
  - (iii) the *sign* is not illuminated, flashing or moving; and
  - (iv) the *sign* is located within the *site* to which the *sign* relates; or
- (c) *Any non-residential activity within the Oratia Rural Village Non-Residential Activity Overlay (refer Rule 8B of the Foothills Environment) where:*

**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. Where a proposed *sign* may affect the **safety** and efficiency of a State Highway or motorway, comments may be invited from Transit New Zealand regarding the **safety** of *road* users.
8. If an activity is not controlled or restricted on any way by any part of the *Plan* it is permitted (subject to meeting all other legislation/Plans).

**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*.

**12(e)**

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. PPCA35

Note: See also Policies 10.3, 10.27, 11.8, 11.11, 5B.1, 5B.3, 5B.4

(Policy Section of the Waitakere District Plan)

RULE 12

SIGNS

- (i) the maximum sign area attached to each building does not exceed 1.5m<sup>2</sup> for each activity; and
- (ii) free standing signs are limited to one for each of Areas 1, 2 and 3 identified on the Oratia Rural Village Non-Residential Activity Overlay and has a maximum sign area of 1.5 m<sup>2</sup> and has a maximum height of 2.5 metres;
- (iii) the sign is not illuminated, flashing or moving; and
- (iv) is located in the site to which the sign relates; or PPCA36

(b) ~~d~~ 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 not being a permitted activity*, (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>, a maximum height of 2.5 metres, and is not flashing or moving. PPCA36
- *Any Activity and Temporary Activities* with a *residential sign, not being a permitted activity*, where the sign is located on the site to which it relates and has a maximum sign area of 0.5m<sup>2</sup>. PPCA36

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(~~e~~).

**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(~~e~~) 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(ed).

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 *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*.

13(d)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan. PPCΔ35

Note: See also Policies 10.27, 11.3, 11.8, 5B.1, 5B.3

(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.

**RULE 14**

**INFRASTRUCTURE**

**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 <i>Plan</i> 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. <i>Upgrading</i> which meets the <i>Permitted Activity</i> standards, is not subject to most of the <i>Human Environment Rules</i> in the <i>District Plan</i> .
4. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a resource consent. 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> .
5. Words in italics are defined - see the <i>Definitions</i> part of the <i>City-Wide Rules</i> .
6. Words in <b>bold</b> are explained - see the <i>Explanations</i> part of the <i>Introduction to the Rules</i> .
7. The <i>Council</i> may have a guideline to help interpret this rule - check at the <i>Council Offices</i> .
8. For resource consents see the <i>Information Requirements</i> in the <i>City-Wide Rules</i> .
9. Criteria relating to engineering matters can be met by satisfying standards in the <i>Waitakere City Code of Practice</i> - check with the <i>Council</i> .

**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.

**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

- (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.

**14.2 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

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(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.

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(Ⓣ).

**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(Ⓣ).

**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(Ⓣ) and any other matters that are relevant under Section 104 of the *Act*.

**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.

**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*.

**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(u)**

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan. PPCΔ35

Note: See also Policies 1.14, 2.12, 3.5, 10.1, 10.9, 10.17, 10.18, 10.27, 11.4, 11.7, 5B.1.5B.3

(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*