

general natural area

GUIDELINES TO THE RULES

Δ2 The *General Natural Area* Rules apply to activities on *land* within the *General Natural Area* as shown on the *Natural Areas* Maps. This includes those areas mapped as an overlay within the *General Natural Area*, such as *Ecological Linkage Opportunities*. The *General Natural Area* Rules apply to *Any Activity* which may be proposed. Δ3

There are rules in the *Plan* other than the *General Natural Area* Rules that may apply to a proposed activity.

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

The “Human Environments Rules” cover such things as *building height, location, density, building coverage and design, traffic, car parking and service standards, nuisance and health standards and infrastructure requirements*.

The “Subdivision Rules” cover all standards relating to the *subdivision of land* in the City.

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

The following procedure is a guideline to apply the *Plan* rules for an activity proposed within the *General Natural Area*.

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



PROCEDURAL GUIDELINE FOR THE RULES

STEP 1

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

STEP 2

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

STEP 3

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

STEP 4

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

STEP 5

Check the *General Natural Area* 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
- Rule 2 Vegetation Alteration
- Rule 3 Earthworks
- Rule 4 Impermeable Surfaces
- Rule 5 Establishment of Vegetation

STEP 6

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” part of the Introduction to the Rules for guidance on *resource consent* applications.

STEP 7

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

Note that the written approval of the landowner - Waitakere City Council, Auckland Regional Council or Department of Conservation will be required in relation to any proposed *activity* in the *Open Space Environment*, and including land that is managed by the Auckland Regional Council.

RULES

1.0 General

The following Rules 1.1 and 2 to 5 apply to activities on *land* situated in the *General Natural Area*.

1.1

Where *development* involves *land* in more than one *Natural Area* each part of the *development* shall comply with the *Natural Area Rules* applying to the *Natural Area* in which that particular part of the *development* is located.

1.2 Notification/Non-Notification

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 5, applications for *resource consent* need not be notified and the written approvals of affected persons will not be required, nor in terms of limited notification under the *Act*, will notice to adversely affected persons need to be served.

RULES

2.0 General

The following rules shall apply only to those activities involving *vegetation alteration* (*pruning, clearance* and any work within the *dripline* of *vegetation*).

2.1 Permitted Activities

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

- (a) Any activity involving *vegetation alteration* on sites within the *urban environment* except sites that are both:
 - (i) in the *Bush Living Environment* or *Waitakere Ranges Environment*; and
 - (ii) located in the Waitakere Ranges Local Board Area and inside the Metropolitan Urban Limits

Note: *vegetation alteration* on sites that meet both (i) and (ii) above may still be permitted under paragraphs (b) to (e) of this rule.

NOTES

1. 'Metropolitan Urban Limits' means the meaning given to it in the Auckland Regional Policy Statement.
2. 'Waitakere Ranges Local Board Area' means the area defined on LGC-Ak-W4, pursuant to section 34(1) of the Local Government (Auckland Council) Act 2009.
3. 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.
4. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Natural Area* also the *Human Environment Rules* and the *City-Wide Rules* and the *Subdivision Rules*.
5. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
6. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
7. The Council may have a guideline to interpret this rule - check at the Council Offices.
8. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
9. The Environmentally Damaging Plants Appendix and the Removable Vegetation Appendix appear at the end of the *Natural Areas Rules*.
10. When plants are included in the Heritage *Vegetation* Appendix, reference must be made to the Heritage Rules. *Resource Consent* must be obtained from the Council for any *clearance of heritage vegetation*.
11. In the case of a tree having multiple trunks, the girth measurement shall be the aggregate or collective measurement of all trunks which have a circumference of 250mm or more

ASSESSMENT CRITERIA

2(a)

The extent to which *vegetation alteration* adversely affects **amenity values** and **neighbourhood character**.

2(b)

The extent to which *vegetation alteration* will threaten natural ecosystems.

2(c)

The extent to which *vegetation alteration* creates, contributes to, or exacerbates stability problems.

2(d)

The extent to which *development* is located or can be *designed* in a way that avoids the need to remove *vegetation*, and in particular the removal of any trees which are notable examples of their species.

2(e) {A74}

The extent to which the proposed *vegetation alteration* is necessary:

- to accommodate *development* otherwise permitted by the *Plan*
- to ensure the **safety** or integrity of existing *development* on the *site*
- for *pruning* to provide light
- for *pruning* to preserve *public views*.
- to facilitate the appropriate use of land in the *Open Space Environment*

2(f)

The extent to which the *vegetation alteration* adversely affects plant health.

2(g)

The extent to which *vegetation alteration* adversely affects the historical, cultural or spiritual significance of any *site* or *waahi tapu* of significance to *imi* or *archaeological site*.

2(h)

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

2(i)

The extent to which *vegetation alteration* reduces the ability to create linkages between *native vegetation*, fauna habitats, or *natural features* or landforms.

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- (b) any *vegetation alteration* of:
- (iii) *native vegetation* and *exotic vegetation* which is less than 6.0metres in height and less than 600mm in girth (as measured 1.4metres above the ground), and
 - (iv) *vegetation* listed in the Removable Vegetation Appendix and the Environmentally Damaging Plants Appendix

provided that any *clearance* does not exceed a *total cleared area* of 500m²

- (c) the *pruning* of *native vegetation* and *exotic vegetation* greater than 6.0m in height and greater than 600mm in girth (measured at 1.4m above the ground) if done in accordance with accepted modern arboricultural practice, and no more than 20% of the foliage of a plant is removed in any one calendar year.
- (d) *Vegetation alteration* for *Parks Maintenance* in the *Open Space Environment* provided that the *vegetation alteration* meets the following standards:
- the *native* and *exotic vegetation* is less than 6.0metres in height and less than 600mm in girth (measured 1.4 metres above the ground), and
 - is no greater than 1.0 metre from either edge of a footpath (to provide unimpeded pedestrian access) or a cycleway, bridle track, *boardwalk* or walking track
 - the work is undertaken using environmental best practices that include accepted modern arboricultural practices, *weed management plans* and measures to protect adjoining *vegetation*
- (e) *Vegetation alteration* for *Parks Infrastructure* in the *Open Space Environment* provided that the *vegetation alteration* meets the following standards:
- (i) the *native* and *exotic vegetation* is less than 6.0 metres in height and less than 600mm in girth (measured 1.4 metres above the ground), and
 - (ii) the work is undertaken using environmental best practices that include accepted modern arboricultural practices, *weed management plans* and measures to protect adjoining vegetation

2(j)

The extent to which *vegetation alteration* can be offset by **restoration** or **enhancement** around and within the area subject to the application.

2(k)

The extent to which *vegetation alteration* adversely affects the significance, natural character or landscape value of any *natural features*.

2(l)

The extent to which the proposed *vegetation alteration* is for development proposed in a relevant Operative Reserve Management Plan, Parks Concept Plan, current Waitakere City Parks Strategy or current operative Regional Parks Management Plan.

2(m)

The extent to which the proposed *vegetation alteration* in an *Open Space Environment* avoids significant *vegetation* and any species known to be threatened, endangered or uncommon.

2(n)

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 1.5, 1.6, 1.8, 1.9, 2.3, 2.4, 2.11, 2.12, 2.13, 3.2, 5.1, 5.2, 5.3, 5.4, 5.7, 6.2, 7.4, 8.2, 8.4, 8.8, 9.9, 9.13, 9.14, 10.27, 10.28, 11.2, 11.4, 11.7, 11.32, 12.1, 12.6, 12.7, 12.9, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RULE 2

VEGETATION ALTERATION

2.2 Controlled Activities

Activities, other than those permitted under Rule 2.1 (a), meeting the following Performance Standards are a *Controlled Activity*:

- (a) any *vegetation alteration* of:
 - (i) *native vegetation* and *exotic vegetation* which is less than 6m in height and less than 600mm in girth (measured at 1.4m above the ground)
 - (ii) *vegetation* listed in the Removable Vegetation Appendix and the Environmentally Damaging Plants Appendix, to a *total cleared area* greater than 500m².
- (b) any work within the *dripline* of *native vegetation* and *exotic vegetation* which is more than 6m in height or more than 600mm in girth (measured at 1.4m above the ground).
- (c) the *pruning* of *native vegetation* and *exotic vegetation* which is more than 6m in height or more than 600mm in girth (measured at 1.4m above the ground and), not meeting the standards in Rule 2.1.
- (d) any *vegetation alteration* not meeting the standards in Rule 2.1 undertaken or required by a *network utility operator* necessary for the maintenance of that operator's works.

Assessment of *Controlled Activity* applications will be limited to the matters of *landscape treatment*, scale, method and location and will be considered in accordance with Assessment Criteria 2(a)- 2(m)

2.3 Limited Discretionary Activities

Activities, other than those permitted under Rule 2.1 (a), meeting the following Performance Standards are *Limited Discretionary Activities*:

- the *clearance* of *native vegetation* and *exotic vegetation* which is more than 6.0m in height or more than 600mm in girth (measured at 1.4m above the ground).
- any *vegetation alteration* for *Parks Maintenance* in the *Open Space Environment* not meeting the performance standards in Rule 2.1(d) or where the enhancement/improvements to a footbridge, *boardwalk* or culvert exceed 40%.
- *vegetation alteration* for *Parks Infrastructure* not meeting the Performance Standards in Rule 2.1(e), or where a footbridge or *boardwalk* is greater than 15m in length, or a culvert is over

RESOURCE CONSENT CONDITIONS

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

- limiting or specifying the location of *vegetation alteration*
- limiting the amount of *vegetation alteration*
- limiting the methods by which *vegetation alteration* is carried out
- requiring a *landscape treatment* plan and implementation of that plan within a given time
- the imposition of a charge to cover costs of monitoring
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring a *financial contribution* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- requiring work to be assessed and/or supervised by an expert recognised by the Council
- such other matters as provided for in section 108 of the *Act*.

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

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10m in length, or for *car parks* with more than 8 *car parking* spaces in the *Open Space Environment*.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of *landscape treatment*, scale, method and location and will be considered in accordance with Assessment Criteria 2(a) - 2(m).

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RULE 3

EARTHWORKS

RULES

3.0 General

The following rules shall apply only to those activities involving *earthworks*.

3.1 Permitted Activities

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

- (a) *earthworks* within an *approved building platform* provided that:
- the *earthworks* are not on a headland/cliff/scarp as shown on the *Natural Areas* Maps; and
 - the *earthworks* are undertaken with sediment control measures in accordance with the Erosion/Sediment Control Measures Appendix,
 - the *earthworks* are not for the purpose of a *Solid Waste Landfill*,
- (b) *earthworks* outside an *approved building platform* provided that:
- the total volume does not exceed 50m³,
 - the total plan area of *earthworks* activity does not exceed 100m²;

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. These rules may allow, with *resource consent*, for *cleanfill* activities, but do not allow for demolition fill (which is not *cleanfill*) or *solid waste landfill* which are *Non-Complying Activities* unless on a *site* nominated for that use in the *Plan*.
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 *Natural Area* also the *Human Environment* Rules and the *City-Wide Rules* and the *Subdivision* Rules.
4. *Building platforms* are shown as part of an application for *building consent*.
5. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
6. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
7. The Council may have a guideline to interpret this rule - check at the Council Offices.
8. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
9. Activities will also need to comply with the relevant provisions of the Auckland Regional Council's Auckland Regional Plan: Sediment Control.

ASSESSMENT CRITERIA

3(a)

The extent to which the scale of *earthworks* is consistent with the scale of *development* being undertaken.

3(b)

The extent to which *earthworks* adversely affect the potential for **restoration** or **enhancement** around the area of *earthworks*.

3(c)

The extent to which *earthworks* reduce the amount, range and linkages between representative *vegetation*, fauna habitat and *natural features*.

3(d)

The extent to which *earthworks* adversely affect the significance or landscape value or natural character of *natural landscape elements* or other *natural features*.

3(e)

The extent to which *earthworks* exacerbate or contribute to flooding, erosion or instability of *land* or the potential for flooding, erosion or instability of *land*.

3(f)

The extent to which *earthworks* adversely affect or contribute to degradation of natural watercourses in a way that destroys or reduces their ability to support instream *vegetation* and fauna, their ability to be used as a healthy food source, their clarity, quality and flow and their suitability for swimmers.

3(g)

The extent to which *earthworks* adversely affect the **mauri** (life force) of water.

3(h)

The extent to which *earthworks* adversely affect the **visual amenity** of the *site* or *adjoining sites*.

3(i)

The extent to which cut and fill activities involving *earthworks* are confined to the *site* rather than being transported off the *site*.

3(j)

The extent to which *earthworks* may harm the health and safety of residents.

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- the maximum *height* of any fill or the maximum depth of any cut does not exceed 1.5 metres,
 - the *earthworks* do not, at any point, encroach within 1.0m of the boundary of any adjoining *site*,
 - the *earthworks* activities are in accordance with the sediment control measures outlined in the Erosion/Sediment Control Measures Appendix
 - the *earthworks* are not located on a sensitive ridge or headland/cliff/scarp as shown on the *Natural Areas* Maps;
 - the *earthworks* are not for the purpose of a *Solid Waste Landfill*,
 - there are no *earthworks* within a 1 in 100 year (1% *AEP*) floodplain area,
 - there are no *earthworks* within an open natural watercourse.
- (c) *Earthworks for Parks Maintenance, Parks Infrastructure* in the *Open Space Environment* provided that:
- the *earthworks* are in accordance with the sediment control measures outlined in the Erosion/Sediment Control Measures Appendix and
 - undertaken using environmental best practice methods
- (d) *earthworks for Parks Field Structures, Parks Furniture and Parks Signs* in the *Open Space Environment*
- (e) *earthworks* within the *Transport Environment*, provided that:
- *earthworks* are in accordance with the sediment control measures outlined in the Erosion/Sediment Control Measures Appendix.
 - the height of any cut or fill within the Waitakere Ranges Heritage Area is no more than 1.5 metres above the level of the *road carriageway* or *vehicle crossing* surface.
 - In the event of archaeological features being uncovered (e.g. shell middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager Resource Consents, the New Zealand Historic Places Trust, Auckland Regional Council Archaeologist and the appropriate

3(k)

The extent to which *heavy vehicle traffic* generated to the *site* by *earthworks* activities creates:

- physical damage to a *road*
- a situation hazardous or unsafe to *road* users.

3(l)

The extent to which *earthworks* are necessary to accommodate *development* otherwise permitted by the *Plan*, or to facilitate the appropriate use of land in the *Open Space Environment*.

3(m)

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(n)

The extent to which a *driveway* requiring *earthworks* is designed to minimise *earthworks*, particularly by limiting the distance of the driveway on the *site*.

3(o)

The extent to which *earthworks* are avoided.

3(p)

The extent to which unavoidable *earthworks* are minimised.

3(q)

The extent to which the duration of *earthworks* is minimised.

3(r)

The extent to which the proposed *earthworks* are for development proposed in a relevant Operative Reserve Management Plan, Parks Concept Plan, current Waitakere City Parks Strategy and avoids any species known to be threatened or endangered.

3(s)

The extent to which the proposed *earthworks* in an *Open Space Environment* avoids significant *vegetation* and any species known to be threatened, endangered or uncommon.

3(t)

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

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Iwi authorities shall be contacted so that appropriate action can be taken. The Manager: Maori Issues can advise on appropriate iwi authorities. This includes such persons being given a reasonable time as determined by the Council to

record and recover archaeological features discovered before work may recommence.

- weed establishment on exposed earth shall be prevented until full revegetation or other stabilisation occurs.

3.2 Controlled Activities

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

(a) *earthworks* outside an *approved building platform* in a *Community Environment, Working Environment, Massey North Employment Special Area and Massey North Town Centre Special Area* {A204, A217} Δ15 provided that:

- the *earthworks* activity does not exceed a maximum cut or fill of 1 metre;
- the total plan area of *earthworks* activity does not exceed 1000m²;
- the *earthworks* do not, at any point, encroach within 1.0 metre of the boundary of any *adjoining site*;
- the *earthworks* activities are in accordance with the sediment control measures outlined in the Erosion/Sediment Control Measures Appendix;
- the *earthworks* are not located on a *sensitive ridge* or headland/cliff/scarp as shown on the *Natural Areas Maps*;
- the *earthworks* are not for the purpose of a *Solid Waste Landfill*;
- there are no *earthworks* within a 1 in 100 year (1% AEP) floodplain area;
- there are no *earthworks* within an open natural watercourse

(b) *earthworks* for *Parks Sports Fields* in the *Open Space Environment* where the total volume of *earthworks* does not exceed 500m³ and the average slope of the land is less than 15°.

Assessment of *Controlled Activity* Applications will be limited to the matters of scale, method, design, landscape treatment and location and will be considered in accordance with Assessment Criteria 3(a) - 3(st).

Note: See also Policies 1.5, 1.6, 1.7, 1.8, 1.9, 1.14, 2.4, 2.8, 2.10, 3.2, 3.4, 3.5, 5.1, 6.2, 7.2, 7.3, 7.5, 8.4, 8.6, 8.7, 9.6, 9.7, 9.12, 9.14, 10.13, 10.27, 10.28, 11.7, 11.32 and 12.9, 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 extent of *earthworks*
- specifying the methods by which work on the *site* is carried out
- limiting the hours of operation of the *earthworks* activities
- limiting any clearing or modification of *vegetation*
- requiring provision for the maintenance of *roads* giving access to the *site*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring provision of a *landscape treatment plan* and implementation of that plan within a given time
- the imposition of a charge to cover costs of monitoring
- *financial contributions* in accordance with the *Plan*
- requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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

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3.3 Limited Discretionary Activities

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

- (a) *earthworks* not meeting the standards in Rule 3.1 provided that:
- (i) the *earthworks* are associated with a *subdivision* which is a *Controlled Activity* or a *Limited Discretionary Activity* in the *Subdivision Rules* and which otherwise meet the standards in Rule 3.3(a)(iii); or
 - (ii) the *earthworks* do not exceed 300m³ and are not associated with *cleanfill* activity, and which otherwise meet the standards in Rule 3.3(a)(iii); or
 - (iii) *earthworks* on a headland/cliff/scarp as shown on the *Natural Areas Maps* are confined to an approved *building platform* or are for the purposes of *driveway* or *infrastructure construction* and do not exceed 30m³; and
 - (iv) *earthworks* on a *sensitive ridge* as shown on the *Natural Areas Maps* for the purposes of *driveway* or *infrastructure construction* and do not exceed 30m³.
 - (v) the *earthworks* are not for the purpose of a *Solid Waste Landfill*.
- (b) *earthworks* in a *Community Environment, Working Environment, Massey North Employment Special Area and Massey North Town Centre Special Area* {A204, A217} not meeting the standards in Rule 3.2 provided that:
- the *earthworks* activity does not exceed a maximum cut or fill of 1.0 metre
- (c) *earthworks* for *Parks Infrastructure* where a footbridge or *boardwalk* is greater than 15m in length or for culverts greater than 10m in length or for carparks with more than 8 car *parking* spaces, or for parks access roads in the *Open Space Environment*.
- (d) *earthworks* for *Parks Maintenance* where the *enhancement/improvement to a bridge, boardwalk or culvert exceeds 40% in the Open Space Environment*.
- (e) *earthworks* associated with *greenhouses* in the *Foothills Environment* not provided for as *permitted or controlled activities* in Rules 3.1 or 3.2.
PPCA36

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of scale, method, *design, landscape treatment* and location and

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will be considered in accordance with Assessment Criteria 3(a)-3(st)

3.4 Discretionary Activities

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

- (a) *earthworks* not meeting the standards in Rules 3.1 or 3.2 or 3.3 provided the *earthworks* are not for the purpose of a *Solid Waste Landfill*, and provided further that any application is accompanied by a Management Plan which includes:
- the expected type, number and duration of heavy vehicle movements;
 - the means by which the *land* will be stabilised;
 - the provision which will be made for drainage and control of silt discharge;
 - the manner in which the *land* will be re-contoured, top-soiled and grassed;
 - the means by which *roads* giving access to the *site* will be maintained and kept free from deposits of earth; and
 - a plan of the *site* showing the area over which *earthworks* will take place;
 - the approximate type and approximate quantity of material to be deposited.

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

3.5 Non-Complying Activities

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

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RULE 4

IMPERMEABLE SURFACES

RULES

4.0 General

The following rules shall apply only to those activities involving the establishment of *impermeable surfaces*.

4.1 Permitted Activities

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

- the establishment of *impermeable surfaces* up to 100% of the *site area* in a *Working* or *Community Environment*, and up to 90% of the legal width of the *road* within any *Transport Environment*, and in all other areas:
 - (i) up to 60% of the *site area* where there is a *connection* available to a *reticulated* stormwater system;
 - (ii) up to 15% of the *site area* where there is no *connection* available to a *reticulated* stormwater system; **or**
 - (iii) up to 20% of the *site area* of new lots created within the area identified as *Living (4) Environment* in the *Birdwood Urban Concept Plan* area.

4.2 Limited Discretionary Activities

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

- the establishment of *impermeable surfaces* not meeting the standards in Rule 4.1 except in the *Birdwood Urban Concept Plan* area.

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 *Natural Area* also the *Human Environment* Rules and the *City-Wide Rules* and 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 interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. When established for *forestry* purposes, *vegetation* listed in the Environmentally Damaging Plants Appendix is covered by this rule.

ASSESSMENT CRITERIA

4(a)

The extent to which *impermeable surfaces* adversely affect potential for **restoration** or **enhancement** around and within the area subject to the application, and *adjoining sites*.

4(b)

The extent to which *impermeable surfaces* reduce the extent, range and linkages between *vegetation*, fauna habitat and *natural features*.

4(c)

The extent to which *impermeable surfaces* adversely affect the significance and the landscape value of *natural features*.

4(d)

The extent to which *impermeable surfaces* contribute to the creation, or exacerbate stormwater flooding problems *on-site* or in any other part of the stream *catchment*, with particular regard to impacts in known flood-prone areas and any impact on an existing stormwater system.

4(e)

The extent to which *impermeable surfaces* adversely affect the quality of receiving natural water, including the life-supporting quality of natural water.

4(f)

The extent to which *impermeable surfaces* destroy or harm surrounding *native vegetation*.

4(g)

The extent to which *impermeable surfaces* result in adverse *effects* arising from soil loss from the *site*.

4(h)

The extent to which *impermeable surfaces* result in adverse *effects* on water quality, including their use as a food sources.

4(i)

The extent to which *impermeable surfaces* result in adverse *effects* on the **mauri** (life force) of water.

4(j)

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*.

general natural area

RULE 4

IMPERMEABLE SURFACES

Assessment of *Limited Discretionary Activity* Applications will be limited to the matters of scale, location, method, *clearance*, *landscape treatment* and method of stormwater disposal and will be considered in accordance with Assessment Criteria 4(a)-4(k).

4(k)

The extent to which *impermeable surfaces* contribute to the creation, or exacerbate stream erosion problems *on-site*, or in any other part of the stream catchment.

~~4(l)~~

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 1.5, 1.6, 1.7, 1.10, 2.10, 5.1, 7.2, 7.3, 8.4, 9.6, 9.7, 9.12, 9.14, 10.27, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

- limiting the scale of *impermeable surfaces*
- limiting the amount of *clearance* or modification of *vegetation*
- requiring the provision of *planting*
- limiting the methods by which any work is carried out
- imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects* such other matters provided for in section 108 of the *Act*.
- the imposition of the requirements of any comprehensive catchment resource consent issued by the Auckland Regional Council.

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.

general natural area

RULE 5

ESTABLISHMENT OF VEGETATION

RULES

5.0 General

The following rules shall apply only to those activities involving the establishment of *vegetation*.

5.1 Permitted Activities

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

- the establishment of any *vegetation*:
 - except any *vegetation* established for *woodlot* or *forestry* purposes; and
 - except any *vegetation* within the *Transport Environment*, and *Open Space Environment* which is listed in the Environmentally Damaging Plants Appendix.

5.2 Controlled Activities

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

- the establishment of *vegetation* for *woodlot* purposes except on a *sensitive ridge* or headland/cliff/scarp as shown on the *Natural Area* Maps, where the area of the *woodlot* does not exceed a total of 1 ha per *site*.

Assessment of *Controlled Activity* applications made under this rule will be limited to matters of scale, *screening*, *planting* and location of the *woodlot* and will be considered in accordance with Assessment Criteria 5(b), 5(c), 5(f) and 5(g).

5.3 Discretionary Activities

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

- the establishment of any *vegetation* for *forestry* purposes except on a *sensitive ridge* or headland/cliff/scarp as shown on the *Natural Area* Maps, provided that any application is accompanied by a Management Plan.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 5(a)-(jk) and any other matters which are relevant under section 104 of the *Act*.

5.4 Non-Complying Activities

Any Activity and any *Temporary Activity* which is not a *Permitted Activity*, a *Controlled 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*.

ASSESSMENT CRITERIA

5(a)

The extent to which the proposed *development* will adversely affect the overall resilience, biodiversity and integrity of the *Green Network*.

5(b)

The extent to which the proposed *development* will adversely affect **amenity values** or **neighbourhood character** or natural character.

5(c)

The extent to which *woodlots* adversely affect or contribute to the degradation of natural water courses in a way that destroys or reduces their ability to support instream *vegetation* and fauna or be used as a healthy food source.

5(d)

The extent to which the proposed *development* will adversely affect the surrounding landscape.

5(e)

The extent to which adequate provision is made for fire safety.

5(f)

The extent to which the proposed *development* adversely affects the **mauri** (life-force) of *native vegetation* and fauna habitat within the *Green Network*.

5(g)

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

5(h)

The extent to which the *development* reduces the ability to create linkages between *native vegetation*, fauna habitats, or *natural features* or landforms.

5(i)

The extent to which the proposed activity adversely affects the historical, cultural or spiritual significance of any *site* or *waahi tapu* of significance to *whiwi*.

5(j)

A management plan is to be submitted with any application to establish *vegetation* for *forestry* but not *woodlot* purposes. The Management plan should include the following:

RULE 5

ESTABLISHMENT OF VEGETATION

- location and dimensions of areas proposed for production *planting*;
- location and extent of any *archaeological* or historic *sites* within the areas proposed for *planting* and how those *sites* will be protected;
- measures to be used to protect any areas of *native vegetation*;
- methods to be used to prevent erosion during any *planting* or harvesting work;
- the time period over which any *planting* will take place;
- measures to be used to protect water flow and quality of any bodies of water or wetlands in the vicinity;
- methods to be employed to inhibit the spread of fire within and in the vicinity of the area to be forested;
- likely methods to be employed in harvesting operations;
- anticipated date(s) and time period(s) of harvesting;
- estimated volumes of timber produced and intended methods of transport of harvested timber for milling;
- the likely demands placed on *roads* through the transportation of harvested timber;
- an assessment of the impact of the proposal on natural habitat values of the locality;
- details of an appropriate rehabilitation programme for the area to be subject to *forestry* activities;
- the species to be used;
- the method of management to be used;
- specification of how establishment and/or harvesting is to be staggered temporarily and spatially, to avoid clear felling and to maintain effective linkage;
- specification of the location, size, shape, and species to be used for buffers around the *forestry* operation to ensure that harvesting does not occur directly adjacent to existing *vegetation* and the linkage is maintained.

5(k)

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 1.5, 1.6, 2.5, 2.8, 2.14, 3.2, 5.1, 6.2, 8.4, 10.27, **5B.1, 5B.3**

(Policy Section of the Waitakere District Plan)

general natural area

RULE 5

ESTABLISHMENT OF VEGETATION

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 extent of the *woodlot* or *forestry*
- specifying the methods by which any aspect of the operation is carried out
- specifying the location of the *woodlot* or *forestry*
- limiting the hours of operation of harvesting activities
- requiring *screening* and/or *planting*
- requiring provision for the maintenance of *roads* giving access to the *site*
- requiring *financial contributions* in accordance with the *Plan*
- requiring a *bond* to ensure satisfaction of conditions of consent
- the imposition of a charge to cover costs of monitoring
- requiring registration of the *woodlot* or *forestry* on the *Land Information Memorandum System*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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