



# managed natural area

## GUIDELINE TO THE RULES

The *Managed Natural Area* Rules apply to activities on *land* within the *Managed Natural Area* as shown on the *Natural Areas* Maps. The *Managed Natural Area* is part of the City's *Green Network*.

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

The "City-Wide Rules" include rules on information for *resource consents: financial contributions, natural hazards, hazardous substances 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*.

The "Human Environments Rules" cover such things as *building height, location, density, building coverage and design, traffic, car parking and access, 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 *Managed Natural Area* Rules themselves.

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

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



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## 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 *Managed 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 *site*, and any other information from the maps which is relevant such as *sensitive ridges*, *heritage*, *designation* or *scheduled site* status. If there is a particular notation on the maps, refer to the relevant part of the *Plan* containing rules in respect of that notation (see the index at the front of the Rules Section).

### STEP 2

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

### STEP 3

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

### STEP 4

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

### STEP 5

Check the *Managed 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 Stock
- Rule 6 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 6 apply to activities on land situated in the *Managed 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 6, 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.

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RULE 2

VEGETATION ALTERATION

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) the *pruning* of *native vegetation* if done in accordance with accepted modern arboricultural practice, and no more than 20% of the foliage of a plant is removed in one calendar year.
- (b) any *vegetation alteration* of:
  - (i) *exotic vegetation*, and
  - (ii) *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 500m<sup>2</sup>.

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. Where *sites* are situated in more than one *Natural Area* the most restrictive *Natural Area* Rules relating to *land* affected by an activity will apply.
3. The 500m<sup>2</sup> *clearance* limit on *Discretionary Activity* applications is an upper limit only and should not be regarded as an expectation.
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 the overall **resilience, biodiversity and integrity of the Green Network**.

2(b)

The extent to which *vegetation alteration* reduces the extent, range and linkages between *vegetation*, fauna habitats and *natural features*.

2(c)

The extent to which *clearance* adversely affects the **mauri** (life-force) of *native vegetation*.

2(d)

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

2(e)

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

2(f)

The extent to which trees which are notable examples of their species can be retained.

2(g)

The extent to which *vegetation alteration* creates **edge effects** from wind or light on remaining *native vegetation*.

2(h)

The extent to which *vegetation alteration* adversely affects *heritage* or **amenity values**.

2(i)

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

2(j)

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

2(k)

The extent to which existing cleared areas are utilised for proposed *development*.

- (c) any *vegetation alteration* of *native vegetation* which is less than 6m high and less than 600mm in girth (measured at 1.4m above the ground) provided that the *vegetation alteration* is within an area 3m from the edge of a *dwelling* (as measured along the ground from the eaves of the building excluding any uncovered decks).
- (d) *Vegetation alteration* for *Parks Maintenance* in the *Open Space Environment* provided that the *vegetation alteration* meets the following standards:
  - (i) the *vegetation alteration* of *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);
  - (ii) the work is undertaken using environmental best practices that include accepted modern arboricultural practices, *weed management plans* and measures to protect adjoining *vegetation*.
  - (iii) is no greater than 1.0 metres from either edge of a footpath (to provide unimpeded pedestrian access) or a cycleway, bridle track, *boardwalk* or track; and
  - (iv) meets the requirements set out in the New Zealand Standards Handbook for Track and Outdoor Visitor Structures (SNZHB8630:2004) for bush walks, tramping tracks and routes or is no more than 1 metre from the edge of the track which ever is the lesser distance.

**2.2 Controlled Activities**

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

- (a) any *clearance* of *exotic vegetation* and *vegetation* listed in the Environmentally Damaging Plants Appendix not meeting the standards in Rule 2.1.
- (b) any work within the *dripline* of all *native vegetation* (except *native vegetation* described in 2.1 (c)).
- (c) 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.

**2(l)**

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(m)**

The extent to which the method proposed for *clearance* avoids adverse *effects*.

**2(n)**

The extent to which the proposed *clearance* adversely affects adjacent *vegetation*.

**2(o)**

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

**2(p)**

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 *vegetation alteration* (other than *clearance*) for cultural purposes in accordance with established protocols
- for *pruning* to preserve *public views*.
- facilitate the appropriate use of land in the *Open Space Environment*

**2(q)**

The extent to which any *vegetation alteration* associated with a *subdivision* can be avoided by carrying out works on parts of the *site* which are not in a *Green Network Natural Area*.

**2(r)**

The extent to which *vegetation alteration* associated with a *subdivision* is necessary to construct *roads*, public accessways or *shared driveways*.

**2(s)**

The extent to which *vegetation alteration* associated with a *subdivision* is minimised.

**2(t)**

The extent to which the proposed *vegetation alteration* is for development proposed in a relevant Operative Reserve Management Plan,

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**RULE 2**

**VEGETATION ALTERATION**

- (d) any *pruning* of *native vegetation* not meeting the standards of Rule 2.1
- (e) *Parks Infrastructure* in the *Open Space Environment*.

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(~~u~~).

**2.3 Limited Discretionary Activities**

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

- (a) *clearance* of any *native vegetation* not meeting the standards in Rule 2.1 and 2.2 provided that the *clearance* is for the establishment of a *building platform*, *driveway* or *infrastructure* and provided further that *cutting* and *clearance* on any *site* or *proposed site* does not increase the *total cleared area* of the *net site area* to more than 300m<sup>2</sup>.
- (b) *vegetation alteration* associated with a *subdivision* being a *Controlled Activity* or a *Limited Discretionary Activity* in Subdivision Rule 4 (Greenfields Subdivision) which is necessary to provide for *roads*, public accessways or *shared driveways*, provided that the area of *vegetation alteration* is no more than 300m<sup>2</sup>.
- (c) any *vegetation alteration* of *native vegetation* which is more than 6m high or more than 600mm in girth (measured at 1.4m above the ground) provided that the *vegetation alteration* is within an area 3m from the edge of a *dwelling* (as measured along the ground from the eaves of the building excluding any uncovered decks).
- (d) any *vegetation alteration* for *Parks Maintenance* in the *Open Space Environment* not meeting the performance standards in Rule 2.1(e) or the enhancement/improvement to a foot *bridge*, *boardwalk* or culvert exceeds 40%.
- (e) any *vegetation alteration* for *Parks Infrastructure* where a foot *bridge* or *boardwalk* is greater than 15m in length, or for culverts over 10m in length, or for *car parks* with more than 5 *car parking* spaces in the *Open Space Environment*.

Parks Concept Plan, current Waitakere City Parks Strategy or current operative Regional Parks Management Plan

**2(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. 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)

**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 any *vegetation alteration*
- limiting the scale of any *vegetation alteration*
- specifying the methods by which *any activity* related to *native vegetation* is carried out
- specifying the method of *vegetation alteration*
- requiring the replanting with *native vegetation* following *clearance* of *exotic vegetation*
- requiring a *landscape treatment* plan and implementation of that plan within a given time
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- the imposition of a charge to cover the costs of monitoring
- 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 provided for in section 108 of the *Act*.

## RULE 2

## VEGETATION ALTERATION

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(~~tu~~).

### 2.4 Discretionary Activities

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

- (a) *clearance* of *native vegetation* not meeting the standards in Rules 2.1, 2.2 and 2.3 provided that the *clearance* is for the establishment of a *building platform, driveway* or *infrastructure* and provided further that *clearance* on any *site* or *proposed site* does not increase the *total cleared area* of the *net site area* to more than 500m<sup>2</sup>
- (b) *vegetation alternation* associated with a *subdivision* requiring a *resource consent* pursuant to Subdivision Rule 4 (Greenfields Subdivision) not meeting the standards in Rule 2.3(b).
- (c) *Discretionary Activity* Applications will be assessed having regard to Assessment Criteria 2(a)-2(~~tu~~) and any other matters which are relevant under section 104 of the *Act*.

### 2.5 Non-Complying Activities

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

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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## 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 Standard are *Permitted Activities*:

- (a) *earthworks* confined to an approved building platform provided that:
  - there are no *earthworks* on a headland/cliff/scarp as shown on the *Natural Areas* Maps,
  - the *earthworks* activities are in accordance with the sediment control measures outlined in the Erosion/Sediment Control Measures Appendix,
  - the *earthworks* are not for the purpose of a *Solid Waste Landfill*.
- (b) *earthworks* for *Parks Furniture*, *Parks Signs* and *Parks Maintenance* in the *Open Space Environment*;
- (c) *earthworks* within the *Transport Environment*, provided that:
  - *earthworks* are in accordance with the sediment control measures outlined in the Erosion/Sediment Control Measures Appendix.

#### NOTES:

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.

1. Where *sites* are situated in more than one *Natural Area* the most restrictive *Natural Area* Rules relating to *land* affected by an activity will apply.
2. *Building Platforms* are shown as part of an application for *building consent*.
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. 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 interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
8. 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 *earthworks* adversely affect the overall **resilience, biodiversity and integrity of the Green Network**.

#### 3(b)

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

#### 3(c)

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

#### 3(d)

The extent to which *earthworks* adversely affect the historical, cultural or spiritual significance of any *site* or *waahi tapu* of significance to *whi*.

#### 3(e)

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

#### 3(f)

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

#### 3(g)

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* and water.

#### 3(h)

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, to be used as a healthy food source, their clarity, quality and flow and their suitability for swimming.

#### 3(i)

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

**RULE 3**

**EARTHWORKS**

- 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 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(j)**

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

**3(k)**

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(l)**

The extent to which proposed *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 *earthworks* are avoided.

**3(n)**

The extent to which unavoidable *earthworks* are minimised.

**3(o)**

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

**3(p)**

The extent to which any *earthworks* associated with a *subdivision* can be avoided by carrying out works on parts of the *site* which are not in a *Green Network Natural Area*.

**3(q)**

The extent to which any *earthworks* associated with a *subdivision* are *designed* to achieve a low impact on significant *natural features*.

**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.

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**3.2 Limited Discretionary Activities**

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

- (a) *earthworks* not meeting the standards in Rule 3.1 (that are not on a headland/cliff/scarp as shown on the *Natural Areas Maps*), provided that *earthworks* are for the purposes of a *driveway* or *infrastructure* construction and do not exceed 30m<sup>3</sup>.
- (b) *earthworks* on a *sensitive ridge* as shown on the *Natural Areas Maps* which are for the purposes of *driveway* or *infrastructure construction* and do not exceed 30m<sup>3</sup>.
- (c) *earthworks* on a headland / cliff / scarp as shown on the *Natural Areas Maps* which are confined to an *approved building platform* or are for the purposes of *driveway* or *infrastructure construction* and do not exceed 30m<sup>3</sup>.
- (d) *earthworks* associated with a *subdivision* being a *Controlled Activity* or a *Limited Discretionary Activity* in Subdivision Rule 4 (Greenfields Subdivision) which are necessary to provide for *roads*, public accessways or *shared driveways*, provided that the area of *earthworks* is no more than 300m<sup>2</sup>.
- (e) *earthworks* for *Parks Infrastructure* in the *Open Space Environment*, and
- (f) *earthworks* for *Parks Maintenance* where the enhancement/improvements to a foot bridge, boardwalk or culvert exceeds 40% in the *Open Space Environment*
- (g) *earthworks outside a building platform for Parks Facilities* provided that they do not exceed 30m<sup>3</sup>

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

**3.3 Discretionary Activities**

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

- (a) *earthworks* not meeting the standards in Rule 3.1 or 3.2 provided that:

**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. PPCA35

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, 10.28, 10.27, 11.7, 11.32, 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 scale of *earthworks*
- specifying the methods by which work on the *site* is carried out
- limiting any *pruning* or *clearance* of *vegetation*
- requiring a *bond* to ensure satisfaction of conditions of consent
- requiring a *landscape treatment plan* and implementation of that plan within a given time
- the imposition of a charge to meet the costs of monitoring
- 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 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 3

EARTHWORKS

- the *earthworks* do not exceed 100m<sup>3</sup>;
  - the *earthworks* are not for the purpose of a *Solid Waste Landfill*.
- (b) *earthworks* associated with a *subdivision* requiring a *resource consent* pursuant to Subdivision Rule 4 (Greenfields Subdivision) which do not otherwise meet the standards in Rule 3.2(c).
- (c) *earthworks* for *Parks Infrastructure* where a *foot bridge* or *boardwalk* is greater than 15m in length, or for culverts over 10m in length, or for *carparks* with more than 5 *car parking* spaces in the *Open Space Environment*.

*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*.

**3.4 Non-Complying Activities**

Any Activity which is not a *Permitted Activity* or a *Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

## RULE 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*:

- of the establishment of *impermeable surfaces* up to 90% of the legal width of any *road* and in all other areas:
  - (i) up to 20% of the *net site area* where there is a *connection* available to a *reticulated* stormwater system; or
  - (ii) up to 10% of the *net site area* where there is no *connection* available to a *reticulated* stormwater system, providing that for the area identified as *Living 4* in the *Birdwood Urban Concept Plan* area, the total area of impermeable surface shall not exceed 20% of the *site 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.

#### 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. Where *sites* are situated in more than one *Natural Area* the most restrictive *Natural Area* Rules relating to *land* affected by an activity will apply.
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. 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 interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

### ASSESSMENT CRITERIA

#### 4(a)

The extent to which *impermeable surfaces* adversely affect the **overall resilience, biodiversity and integrity of the *Green Network***.

#### 4(b)

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(c)

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

#### 4(d)

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

#### 4(e)

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*. Particular regard should be given to impacts in known flood prone areas and any significant increase and impact on any existing stormwater system.

#### 4(f)

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

#### 4(g)

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

#### 4(h)

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

#### 4(i)

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

**RULE 4**

**IMPERMEABLE SURFACES**

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

**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*.

**4(k)**

The extent to which proposed *impermeable surfaces* are necessary to accommodate *development* otherwise permitted by the *Plan*.

**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. PPCΔ35

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 *vegetation alteration*
- requiring the provision of *planting*
- specifying 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*.

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

RULE 5

STOCK

RULES

**5.0 General**

The following rule shall apply only to those activities involving the grazing of animals.

**5.1 Non-Complying Activities**

*Any Activity* involving the grazing of animals 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 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, 1.20, 2.7, 2.14, 8.4, 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. Where *sites* are situated in more than one *Natural Area* the most restrictive *Natural Area* Rules relating to *land* affected by an activity will apply.
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. 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 interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

## RULE 6

## ESTABLISHMENT OF VEGETATION

### RULES

#### 6.0 General

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

#### 6.1 Permitted Activities

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

- the establishment of any *vegetation* except:
  - any *vegetation* listed in the Environmentally Damaging Plants Appendix; and
  - *vegetation* established for *woodlot* or *forestry* purposes.

#### 6.2 Non-Complying Activities

*Any Activity* to which this rule applies which is not a *Permitted Activity* under the above rules shall be deemed to contravene a rule in the *Plan* and shall be a *Non-Complying Activity*.

*Any Activity* to which this rule applies which is not a *Permitted Activity* under the above rules shall be deemed to contravene a rule in the *Plan* and shall be a *Non-Complying Activity*.

### ASSESSMENT CRITERIA

#### A(a)

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

Note: See also Policies 1.5, 1.6, 2.5, 2.8, 2.14, 3.2, 5.1, 6.2, 8.4, 5B.1, 5B.3

#### 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. Where *sites* are situated in more than one *Natural Area* the most restrictive *Natural Area* Rules relating to *land* affected by an activity will apply.
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. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
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6. The Council may have a guideline to interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.