

coastal villages environment

GUIDELINE TO THE RULES

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

- “**Residential Activity**” means the use of *land* or *buildings* by people for living accommodation (whether or not any person is subject to care or supervision), where 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*.
- “**Non-Residential Activity**” means *any activity* not defined as a *Residential Activity* or a *Temporary Activity* or a *Prohibited Activity* and a *Rural 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 *Coastal Villages 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 *Coastal Villages 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 *Coastal Villages Environment* Rules themselves.

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

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



PROCEDURAL GUIDELINE FOR THE RULES

STEP 1

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

STEP 2

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

STEP 3

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

STEP 4

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

STEP 5

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

STEP 6

Check the *Coastal Villages 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 2 Building Location - Natural Landscape Elements
- Rule 4 Building Height
- Rule 5 Height in Relation to Boundaries
- Rule 6 Yards
- Rule 7 Building Coverage

Rule 10 Car parking and Driveways

Rule 12 Air Discharges, Odour, Dust, Glare and Vibration

Rule 13 Signs

Rule 14 Relocated Buildings

Rule 15 Infrastructure

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

Rule 9 Non-Residential Activities

Rule 10 Traffic Generation

Rule 11 Noise

Additional Rules which apply only to *Residential Activities* include

Rule 3 Residential Activities/Density

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" part of the Introduction to the Rules 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, eg the issuing of a *building consent*, may be necessary.

RULES

1.0 General

The following Rules 1.1 and 2 to 15 apply to activities on land situated in the *Coastal Villages Environment* including the *Coastal Villages (Te Henga) Environment*.

1.1 Notification/Non-Notification $\Delta 7$

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 15, 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

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

RULES

2.0 General

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

2.1 Permitted Activities

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

- *buildings* and *development* which are not on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps.

2.2 Controlled Activities

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

- *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*, or increase the *building coverage* by more than 20m².

NOTES

1. A guideline to help determine which "roads" and "public places" a building may be visible from is kept by the Council.
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 and the *City-Wide Rules* and, where relevant, the *Subdivision* Rules.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Council officers may be able to give advice on designing *buildings* in **natural landscape** areas - check at the Council offices.

ASSESSMENT CRITERIA

2(a)

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

2(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 *iwi* of *sensitive ridges*.

2(d)

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

2(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*.

2(f)

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

See also Policies 2.7, 8.7, 9.3, 9.4, 9.5, 9.12, 10.27, 11.7, 11.9, 11.26

(Policy Section of the Waitakere District Plan)

RULE 2

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

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 2(a)-2(f).

2.3 Limited Discretionary Activities

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

- *buildings* and *development on land* identified as a *modified sensitive ridgeline* not meeting the standards in Rules 2.1 and 2.2.

Limited Discretionary Activity applications will be assessed having regard to Assessment Criteria 2(a)-2(f) and other matters which are relevant under section 104 of the Act.

2.4 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 2.1, 2.2 and 2.3, 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 2(a)-2(f) 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* 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 3

RESIDENTIAL ACTIVITIES / DENSITY

RULES

3.0 General

The following rules shall apply to *Residential Activities*.

3.1 Permitted Activities

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

- (a) Any *Residential Activity* which involves:
 - (i) no more than one *dwelling* per *site*, and
 - (ii) no more than one *minor household unit* per *site*, provided that the *site* has a minimum *net site area* of 1,500m² and the *minor household unit* is incorporated within, or shares a common wall of not less than 3.0 metres in length with the main *dwelling* on the *site*.

3.2 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 3.1.

3.3 Non-Complying Activities

Residential Activities to which this rule applies which are not a *Permitted Activity* or a *Discretionary Activity* shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

NOTES

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

ASSESSMENT CRITERIA

3(a)

The extent to which the *minor household unit* and associated *development* detracts from the **amenity values, neighbourhood character** and the **natural landscape**.

3(b)

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

3(c)

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

3(d)

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

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

(Policy Section of the Waitakere District Plan)

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 4

BUILDING HEIGHT

RULES

4.0 General

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

4.1 Permitted Activities

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

(a) *buildings*, except in the *Coastal Villages (Te Henga) Environment*, having :

- (i) a maximum *height* not exceeding 6.0 metres;
- (ii) a maximum *elevation height* not exceeding 10.0 metres.

(See diagram 4A)

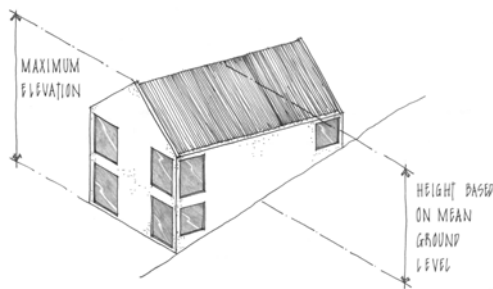


Diagram 4A

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. A design guideline is available for Te Henga to assist in *building design* within that Coastal Village

ASSESSMENT CRITERIA

4(a)

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

4(b)

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

4(c)

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

4(d)

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

Note: See also Policies 1.15, 9.4, 9.5, 10.5, 11.3, 11.8, 11.26

(Policy Section of the Waitakere District Plan)

RULE 4

BUILDING HEIGHT

4.2 Limited Discretionary Activities

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

- the *height* of *buildings* in the *Coastal Villages (Te Henga)* Environment.

Assessment of Limited Discretionary Activity applications made under this rule will be limited to matters of *height*, location, *screening* and *planting* and will be considered in accordance with Assessment Criteria 4(a)-4(d).

4.3 Discretionary Activities

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

- *buildings* having a maximum *height* or *elevation height* not meeting the standards in Rules 4.1.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 4(a)-(d) and any other matters which 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 *height*
- requiring the alteration of window design or positioning
- requiring alteration in the *design* of the *building*
- requiring provision of *planting* or *screening*
- 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 above to which the Council has restricted the exercise of its discretion.

RULE 5

HEIGHT IN RELATION TO BOUNDARIES

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 Standards are *Permitted Activities*:

- *buildings* which do not project beyond the following *recession planes*:
 - *southernmost site boundary recession plane 35°*;
 - *westernmost and easternmost site boundary recession plane 45°*;
 - *northernmost site boundary recession plane 55°*;as measured from any point 2.5 metres vertically above *ground level* on any *site boundary* adjoining *land* within a *Coastal Villages Environment* or a *Bush Living Environment* or a *Waitakere Ranges Environment* or an *Open Space Environment*; provided that: (see next page)
 - gable ends may penetrate the *recession plane* by no more than one-third of the gable height; and
 - no account shall be taken of TV aerials, chimneys, and decorative features that do not extend more than 1 metre in any horizontal direction;

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 the *height*, location and *design* of *buildings* will allow for **reasonable sunlight and daylight access** to *adjoining sites*.

5(b)

The extent to which the *height*, location and *design* of *buildings* will allow for **reasonable sunlight and daylight access** to the proposed *building*.

5(c)

The extent to which each *habitable room* in a *building* is located to allow for **reasonable daylight access**.

Note: See also Policies 1.15, 9.4, 10.5, 11.3

(Policy Section of the Waitakere District Plan)

RULE 5

HEIGHT IN RELATION TO BOUNDARIES

- where a *site boundary* adjoins a *shared driveway* or pedestrian accessway the *site boundary* for the purposes of this rule shall be taken as the farthest boundary of the *shared driveway* or pedestrian accessway.

(See diagram 5A)

5.2 Discretionary Activities

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

- *buildings* projecting beyond the *recession plane* requirements set out in Rule 5.1.

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

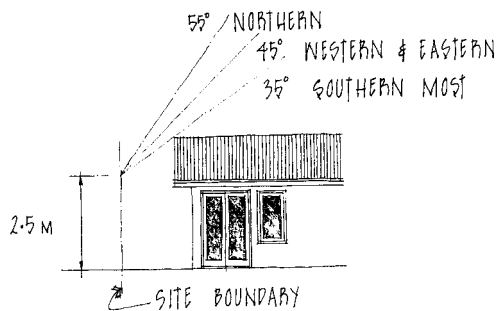


Diagram 5A

RESOURCE CONSENT CONDITIONS

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

- limiting *height*
- requiring a specific *setback* between the *building* and *site boundaries*
- requiring provision of *planting* or *screening*
- 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*.

RULE 6

YARDS

RULES

6.0 General

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

6.1 Permitted Activities

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

- *buildings set back* by a minimum of 3.0 metres from all *site boundaries*.

6.2 Discretionary Activities

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

- *buildings set back* less than 3.0 metres from a *site boundary*.

Discretionary Activity applications made under this rule will be assessed in accordance with Assessment Criteria 6(a) to 6(e) and any other matters that are relevant under section 104 of the *Act*.

ASSESSMENT CRITERIA

6(a)

The extent to which *buildings* are located a sufficient distance back from the *site boundary* to avoid more than minor adverse *effects* on the **natural landscape**.

6(b)

The extent to which *buildings* are located in a position which maintains opportunities to retain *vegetation* around the edges of the *site*.

6(c)

The extent to which *buildings* are located in a position which allows for safe traffic movement on and off the *road* and *car parking* and manoeuvring off the *road*.

6(d)

The extent to which *buildings* are located a sufficient distance back from *site boundaries* of *adjoining sites* to ensure a minimum level of **privacy**.

6(e)

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

Note: See also Policies 1.15, 9.4, 10.5, 10.6, 10.27, 11.3, 11.8

(Policy Section of the Waitakere District Plan)

NOTES

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

RESOURCE CONSENT CONDITIONS

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

- requiring a specific *setback* between the *building* and *site boundaries*
- requiring provision of *screening* and/or *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

RULE 7

BUILDING COVERAGE

RULES

7.0 General

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

7.1 Permitted Activities

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

- *buildings* having a *building coverage* of no more than 15% of the *net site area* or 300m² whichever is the lesser (including 20m² *building coverage* for a covered car space where a covered car space is not otherwise provided), provided that no single *building* may exceed a *building coverage* of 200m².

7.2 Limited Discretionary Activities

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

- *buildings* having a *building coverage* not meeting the Standards in Rule 7.1, provided that *building coverage* does not exceed 15% of the *net site area*.

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

NOTES

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

ASSESSMENT CRITERIA

7(a)

The extent to which the scale of *buildings* detracts from the **natural landscape**.

7(b)

The extent to which *building coverage* creates pressure on existing *infrastructure* or the receiving ability of the surrounding natural *environment* from the *buildings* or the activities to be conducted within them - including on water supply, wastewater and stormwater drainage water tables, proximity to water sources, soils and *road* access.

7(c)

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

Note: See also Policies 9.4, 10.4, 10.5, 10.6, 10.17, 10.27, 11.3

(Policy Section of the Waitakere District Plan)

RULE 7

BUILDING COVERAGE

7.3 Non-Complying 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 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:

- limiting the *building coverage*
- limiting the *building bulk*
- requiring provision of a *landscape treatment plan* and the implementation of that plan 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 8

NON-RESIDENTIAL ACTIVITIES

with individual *driveway* access and a minimum *net site area* of 450m², are of goods produced on the site and the hours of operation are between 0700 and 1900 daily; and

- *retail sales* are conducted from *buildings* on the *site*.

8.2 Discretionary Activities

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

- *Non-Residential Activities* including *home occupations* not meeting the standards in Rule 8.1 where the activities are located within a *building* originally erected as a *dwelling* and there are no *retail sales*, but excluding *commercial sex activities* and *small brothels* that are a *home occupation* not meeting the standards in Rule 10.1.

Discretionary Activity Applications will be assessed with regard to the matters set out in Assessment Criteria 8(a)-8(f) and any other matters that are relevant under section 104 of the *Act*.

8.3 Non-Complying Activities

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

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. 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 alteration to the *car park/ access design* and/or location
- requiring the retention or addition of *trees* and/or other *vegetation*
- limiting the scale of the *development* or use
- 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*.

RULE 9

TRAFFIC GENERATION (NON-RESIDENTIAL ACTIVITIES)

RULES

9.0 General

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

9.1 Limited Discretionary Activities

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

- *Non-Residential Activities* having traffic generation not exceeding 20 *vehicle movements* per day or 1% of the *roads* daily traffic volume, whichever is the greater.

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

9.2 Non-Complying Activities

Non-Residential Activities to which these rules apply which are not 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*.

ASSESSMENT CRITERIA

9(a)

The *effects* of traffic generation on:

- the **characteristic level of noise** in the area
- the capacity of *roads* giving access to the *site*, having regard to the *road's* function in the Rooding Hierarchy
- the *amenity* of *front sites* due to traffic generated by the non-residential use of any *rear sites*
- the **safety** and efficiency of *road* intersections
- the **safety** of *road* users, including cyclists and pedestrians
- the reduction of overall levels of traffic and encouragement of other, less polluting forms of transport such as walking, cycling and public transport

9(b)

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

Note: See also Policies 10.14, 10.27, 11.12, 11.30, 11.31

(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. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
6. See the Traffic Generation Section of the Parking and Driveway Guideline (available from the Council) for interpretation of this Rule and guidance on traffic generated by different *land uses*.

RULE 9

TRAFFIC GENERATION (NON-RESIDENTIAL ACTIVITIES)

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 location and *design* of *car parking* and *driveways*
- requiring the retention of trees and/or other *vegetation*
- requiring mitigation measures in relation to vehicle noise and lights
- requiring mitigation measures in relation to pedestrian, cyclist and motor vehicle occupant **safety**
- requiring provision of a *landscape treatment* plan and implementation of that plan within a given time
- limiting the hours of operation
- limiting the duration of the activity
- the imposition of a charge to cover costs of monitoring the activity
- 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 10

CAR PARKING AND DRIVEWAYS

RULES

10.0 General

The following rules apply to *Any Activity*.

10.1 Permitted Activities

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

- (a) *dwelling*s where:
 - (i) 2 *on-site car parks* are provided for each *dwelling*; and
 - (ii) at least one required *car park* per *dwelling* is located in a position where it would be possible under the rules of this *Plan* to erect a garage or carport with dimensions of at least 3.0 metres by 6.0 metres.
- (b) *minor household units* where one *on-site car park* is provided.
- (c) *home occupations* meeting the standards of Rule 8.1 where one *on-site car park* is provided.

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 Crossing* 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. 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. See the Carparking and Driveway Guidelines for guidance on *car park* space numbers and *driveway design* and *construction* standards.
- 9. For *design* and *construction* standards for *driveways* see the Waitakere City *Code of Practice*.
- 10. Transit New Zealand must be consulted for *vehicle crossing* directly to and from the State Highway Network in order that their approval be obtained, with or without conditions, and in the case of proposed accesses within areas declared Limited Access *roads*, Transit New Zealand's authorisation obtained.

ASSESSMENT CRITERIA

10(a)

The extent to which *driveways* are positioned in a way which recognises the need to integrate *development* with **amenity values** and the **natural landscape**.

10(b)

The extent to which *driveways* provide safe and efficient vehicular access from the *road* to *buildings*.

10(c)

The extent to which *car parking* accommodates expected peak demand of an activity, has regard to the position of the *site* in relation to public transport routes and the parking capacity of adjacent *roads*; and has regard to the *road's* function in the Roding Hierarchy.

10(d)

The extent to which *driveways* and *car parking* create adverse visual or aural *effects* on *adjoining sites*.

10(e)

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

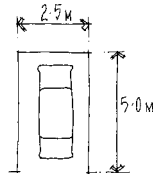
Note: See also Policies 10.11, 10.16, 10.27, 11.10

(Policy Section of the Waitakere District Plan)

RULE 10

CAR PARKING AND DRIVEWAYS

Provided that in respect of (a),(b) and (c) above each *car park* space has dimensions of at least 2.5 metres by 5.0 metres, a slope not exceeding 6.25% (1 in 16) and *on-site turning*. (See diagram 10A)



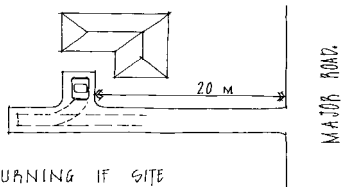
GRADIENT OF CAR PARKS
NOT GREATER THAN
1 : 16

Diagram 10A

10.2 Controlled Activities

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

- *driveways* associated with a *dwelling*, *minor household unit* or *Non-Residential Activity* which:
 - do not exceed a gradient of 20% (1 in 5) in any part; and
 - provide for *on-site turning* where the *site* adjoins a *major road* or where there is a distance of 20 metres or more between the *road* and the *car parking* (see diagram 10B).



ON-SITE TURNING IF SITE
FRONTS ONTO MAJOR ROAD OR
CAR PARKING SPACE IS MORE
THAN 20 M FROM ROAD.

Diagram 10B

RESOURCE CONSENT CONDITIONS

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

- requiring a specified number of *car park* spaces
- specifying *design* parameters to be used in the construction of *driveways* and *car park* spaces
- requiring altered location of the *driveway*
- specifying materials to be utilised in *driveway construction*
- requiring the provision of *screening* or *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfactory conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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

RULE 10

CAR PARKING AND DRIVEWAYS

Assessment of *Controlled Activity* applications will be limited to matters of *planting, screening, design* and location and will be considered in accordance with Assessment Criteria 10(a), 10(b) and 10(d)- 10(e).

10.3 Limited Discretionary Activities

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

- *Any Activity* not meeting the standards in Rule 10.1 or 10.2.

Assessment of *Limited Discretionary Activity* applications made under the above rules will be limited to the matters of *design, location, number of car parks, screening and planting* and will be considered in accordance with Assessment Criteria 10(a)-10(e).

RULE 11 **NOISE**

RULES

11.0 General

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

11.1 Permitted Activities

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

- *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 *Coastal Villages Environment, Foothills Environment, Bush Living Environment, and Coastal Villages Environment*.

7.00am-7.00pm Monday-Saturday		7.00pm-10.00pm Monday-Saturday 7.00am-10.00pm Sundays & Public Holidays		10.00pm-7.00am	
L ₁₀ 50dBA]	L _{Max} N/A	L ₁₀ 45dBA	L _{Max} N/A	L ₁₀ 40dBA	L _{Max} 70dBA

11.2 Discretionary Activities

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

- Any *Non-Residential Activity* not meeting the standards in Rule 11.1.

Discretionary Activity applications made under this rule will be assessed in accordance with Assessment Criteria 11(a)-11(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.

ASSESSMENT CRITERIA

11(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*.

11(b)

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

11(c)

The extent to which the noise generated will meet the provisions of New Zealand Standard NZS 6802: 1991 "Assessment of Environmental Sound" clauses 4.2.1 and 4.2.2.

11(d)

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

11(e)

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

Note: See also Policies 10.2, 10.15, 10.27, 11.13

(Policy Section of the Waitakere District Plan)

RULE 12

AIR DISCHARGES, ODOUR, DUST, GLARE AND VIBRATION

RULES

12.0 General

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

12.1 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 Discharges Appendix.

NOTES

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

ASSESSMENT CRITERIA

12(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.

12(b)

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

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

12(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*.

12(d)

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

12(e)

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

Note: See also Policies 10.1, 10.3, 10.10, 10.27

(Policy Section of the Waitakere District Plan)

RULE 12

AIR DISCHARGES, ODOUR, DUST, GLARE AND VIBRATION

- (c) Any Activity and Temporary Activities emitting artificial outdoor lighting which:
- (i) has 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 10m² and not more than 400 candelas per square metre for *sign areas* equal to or greater than 10m²;
 - 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 12A)

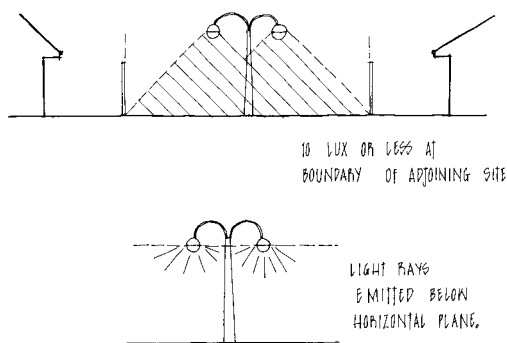


Diagram 12A

RESOURCE CONSENT CONDITIONS

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

- limiting the emission of odour, *dust* or vibration
- limiting the scale of any activity involving an air discharge
- limiting lux intensity and lux spill
- limiting hours of operation
- specifying location of activities
- requiring mitigation measures to reduce adverse *effects*
- requiring provision of *screening* and/or *planting*
- limiting the hours of operation of an activity
- the imposition of a charge to cover the costs of monitoring the activity
- requiring a *financial contribution* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- 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 12

AIR DISCHARGES, ODOUR, DUST, GLARE AND VIBRATION

12.2 Limited Discretionary Activities

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

- *Any Activity* and *Temporary Activities* with lighting exceeding 10 lux spill up to an additional 15 lux, which otherwise meets the standards in Rule 12.1(c) (i), (ii) and (iii).

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of intensity, duration and direction of lighting and will be considered in accordance with Assessment Criteria 12(a), 12(b) and 12(e).

12.3 Discretionary Activities

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

- *Any Activity* and *Temporary Activities* which do not meet the standards of Rules 12.1(a) or 12.1(b) or 12.1(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 12(a)-12(e) and any other matters which are relevant under section 104 of the *Act*.

12.4 Non Complying Activities

Any Activity and *any Temporary 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 13

SIGNS

RULES

13.0 General

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

13.1 Permitted Activities

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

- (a) *Any Activity* and any *Temporary Activity* with a *residential sign* where the *maximum sign area* does not exceed 0.1m² and the *sign* is located on the *site* to which the *sign* relates; and
- (b) *temporary signs*.

13.2 Limited Discretionary Activities

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

- *Any Activity* and any *Temporary Activity* with a *non-residential sign* (including *signs* associated with a *home occupation*) where the *sign* is located on the *site* to which it relates, has a maximum *sign area* of 1.5m², and is not illuminated, flashing or moving.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *design*, scale, location and **safety** and will be considered in accordance with Assessment Criteria 13(a)-13(d).

NOTES

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

ASSESSMENT CRITERIA

13(a)

The extent to which *signs* are visually appropriate to the natural character of the area.

13(b)

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

13(c)

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

13(d)

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

Note: See also Policies 10.3, 10.27, 11.8, 11.11

(Policy Section of the Waitakere District Plan)

RULE 13

SIGNS

13.3 Non-Complying Activities

Any Activity and any Temporary Activity to which these rules apply which is not a Permitted Activity or a Limited Discretionary Activity 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:

- altering the size, *height*, shape and/or location of *signs*
- specifying the *design* and wording of *signs*
- *financial contributions* in accordance with the *Plan*
- requiring 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 14

RELOCATED BUILDINGS

RULES

14.0 General

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

14.1 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*, *screening*, retention of *vegetation*, location and *landscape treatment* and will be considered in accordance with Assessment Criteria 14(a)- 14(c).

ASSESSMENT CRITERIA

14(a)

The extent to which *Relocated buildings* are of a *design* which is compatible with the *design* of housing on *adjoining sites*.

14(b)

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

14(c)

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

Note: See also Policies 10.27, 11.3, 11.8 (Policy Section of the

Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

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

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

NOTES

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

RULES

15.0 General

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

15.1 Permitted Activities

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

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

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

NOTES

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

ASSESSMENT CRITERIA

15(a)

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

15(b)

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

15(c)

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

15(d)

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

15(e)

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

15(f)

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

15(g)

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

15(h)

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

15(i)

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

RULE 15

INFRASTRUCTURE

- (b) *Any Activity* involving *infrastructure* which;
- (i) is an above ground sewage, stormwater or water pipe and
 - has a *height* not exceeding 1m above *ground level*; and
 - a diameter not exceeding 300mm; and
 - extends for an above-ground distance not exceeding 25 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 2m² 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

15(j)

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

15(k)

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

15(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*.

15(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.

- *connections* that have an above ground *height* of more than 12m, except as provided for by clause c(ii) above.

15.2 Controlled Activities

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

- (a) *Any Activity* involving *infrastructure* not meeting the standards specified in Rule 15.1 where the activity has a *height* not exceeding 2.5 metres above *ground level* and covers an above ground area not exceeding 6m², provided that this rule shall not allow:
- any stormwater pipe or wastewater pipe not operated by a *network utility operator*
 - 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

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 15(a)-15(t).

15.3 Discretionary Activities

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

- *Any activity* involving *infrastructure* or *connections* not meeting the standards specified in Rules 15.1 or 15.2, provided that no new *infrastructure* having a height exceeding 12.0 metres may be located on a *sensitive ridgeline*, headland, cliff or scarp.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 15(a)-15(t) and any other matters that are relevant under section 104 of the *Act*.

15(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.

15(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.

15(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*.

15(q)

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

RULE 15

INFRASTRUCTURE

15.4 Non-Complying Activities

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

15(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*.

15(s)

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

15(t)

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

Note: See Policies 1.14, 2.11, 3.3, 10.1, 10.9, 10.17, 10.18, 10.27, 11.4, 11.7

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

- limiting the *height* and/or scale and/or location and/or bulk of the *infrastructure* or *connection*
- requiring provision of *screening* and/or *planting*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- 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*
- 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.