

GUIDELINE TO THE RULES

The *Living Environment* Rules apply to activities on *sites* within the “Living Environment” as shown on the *Human Environments* Maps. Most of the *Living 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 *building* 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* which is not defined as a *Residential Activity* or a *Temporary Activity* or a *Prohibited Activity*.

➤ **“Any Activity”** means a *Residential Activity* or a *Non-Residential Activity*, but does not include a *Prohibited Activity* or a *Temporary Activity*.

There are rules in the *Plan* other than the *Living Environment* Rules that may also apply to a proposed activity.

The “City-Wide Rules” include rules on information requirements 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 *Living 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 *Living Environment* Rules themselves.

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

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

living environment



PROCEDURAL GUIDELINE FOR THE RULES

STEP 1

Locate the *site* on the *Natural Areas* Maps and the *Human Environments* Maps. If the *site* is within the *Living 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 *Living 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
- Rule 3 Building Location - Natural Landscape Elements
- Rule 4 Building Height
- Rule 5 Height in Relation to Boundaries, Separation of Buildings
- Rule 6 Front Yards
- Rule 7 Building Coverage
- Rule 8 Building Location -Privacy/Amenity
- Rule 12 Carparking and Driveways

- Rule 14 Air Discharges, Odour, Dust, Glare and Vibration
- Rule 15 Signs
- Rule 16 Relocated Buildings
- Rule 17 Infrastructure

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

- Rule 2 Residential Activities/Density
- Rule 9 Outdoor Space

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

- Rule 10 Non-Residential Activities
- Rule 11 Traffic Generation
- Rule 13 Noise

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

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

RULES

1.0 General

The following Rules 1.1 and 2 to 17 apply to activities on land situated in the *Living Environment*, including the *Living (L1) Environment*, the *Living (L2) Environment*, the *Living (L3) Environment*, the *Living (L4) Environment*, the *Living Environment (Penibana North)*, the *Living 2 Environment (Penibana North)*, the *Living Environment (Harbour View)*, the *Living (L5) Environment*, and the *Living (L6) Environment*.

1.1 Notification/Non-Notification

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 17, applications for *resource consent* need not be notified and the written approvals of affected persons will not be required, nor in terms of limited notification under the *Act*, will notice to adversely affected persons need to be served.

RULE 2

RESIDENTIAL ACTIVITIES / DENSITY

RULES

2.0 General

The following rules shall apply to all *Residential Activities* (excluding additions and alterations)

2.1 Permitted Activities

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

- any *Residential Activity* which involves:
 - (i) *dwellings* with a minimum 450m² *net unit area* per *dwelling* except in the *Living (3)* and *Living (4) Environments*; and in *Penihana North*; and.
 - (ii) *dwellings* with a minimum 650m² *net unit area* and an average of 800m² *net unit area* in the *Living (3) Environment*; and
 - (iii) *minor household units* with a minimum 600m² *net unit area* for the *minor household unit* and associated *dwelling*; and
 - (iv) a *dwelling* on any *site* or *proposed site* for which a Council certificate pursuant to section 223 of the *Act* or section 314 of the Local Government Act 1974 was issued prior to 14 October 1995, and which complied with district plan standards prior to that date;

NOTES

1. Council will have further information relating to Air Discharges. Please enquire at the Council.
2. Applicants are to ensure that they have undertaken consultation with affected parties and relevant public bodies, prior to lodgement of applications, to ensure a comprehensive assessment of effects.
3. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
4. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules* and 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 (see also the Medium Density Housing Criteria Appendix).
8. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

2(a)

The extent to which the *development* complements **amenity values** and **neighbourhood character**.

2(b)

The extent to which the *development* is compatible with the size of the *site*.

2(c)

The extent to which the *development* complements existing *development* on the *site*, having regard to:

- separation distances between *dwellings*
- the visual impact of access to *rear dwellings*
- the **visual appearance** of the *development* from the *road*
- **privacy** between *buildings* and of *outdoor space*.

2(d)

The extent to which the *development* has regard to and where possible incorporates *natural features* on or around the *site*.

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)

Apartments or apartment buildings located in the *Living (L5) Environment* (adjoining Rankin Ave and *Living (L6) Environment* (New Lynn) shall *be* located and designed to minimise any adverse effects on residents from being in close proximity to non-residential activities in the *Community Environment* (New Lynn), *Working Environment* (New Lynn) and *Monier (CSR) Special Area*, including noise, outdoor storage areas, truck docks and *loading areas*, lighting, vehicle movements, wastes and air discharges generated from activities in these areas. Measures should be undertaken to avoid, remedy or mitigate the adverse effects, including the orientation of habitable rooms and balconies away from potential sources of disturbance and nuisance located on adjoining sites. Where individual *apartments* or the *apartment buildings* are located within the *Living (L6) Environment* Buffer Areas as shown on *New Lynn Urban Concept Plan* Appendix XXVI, particular design consideration shall be given to these matters, including the location and/or orientation of outdoor communal recreational

RULE 2

RESIDENTIAL ACTIVITIES / DENSITY

- (v) *Residential Activities* where there is no more than one *dwelling* on each *site* within the *Living 4 Environment* and the *Living 2 Environment* (*Penibana North*);
- (vi) an existing *building* in the *Living (L5) Environment* and *Living (L6) Environment*
- (vii) *Dwellings* with a minimum 600m² *net unit area* in the *Living 2 Environment* (*Penibana North*), except where the dwelling is in Area A of the *Living 2 Environment* (*Penibana North*) of the *Penibana North Urban Concept Plan*; and
- (viii) *Dwellings* with a minimum 1200m² *net unit area* in Area A of the *Living 2 Environment* (*Penibana North*) of the *Penibana North Urban Concept Plan*.

2.2 Limited Discretionary Activities

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

- (a) any *Residential Activity* involving *medium density housing* (except in the *Living (L5)* and *Living (L6) Environment*) which is:
 - (i) established on a *site* with a minimum *net site area* of 2000m² and either:
 - has frontage to a Strategic or Regional Arterial (excluding the North-Western Motorway) (see the *Roading Hierarchy map*); or
 - is on a *site* in the *Living Environment* falling wholly within a 700 metre radius of the *central point* of the *Glen Eden* or *Westgate Community Environment*, or within a 1,000 metre radius of the *central point* of the *Henderson* or *New Lynn Community Environments* or *Massey North Town Centre Special Area* (see *Human Environment Maps*); or
 - is on a *site* in the *Living Environment*, falling wholly within a 400 metre radius of *Hobsonville Village Centre* (see *Human Environment Maps*); or
 - is on a *site* in the *Living Environment* falling wholly within a 500 metre radius of a train station, except within the *Living 2 Environment* (*Penibana North*); or
 - is within the *Living Environment* (*Penibana North*); or
 - is within the *Living Environment* (*Harbour View*), or

facilities that supplement the outdoor living areas for each *apartment* away from the interface with industrial operations.

2(g)

The extent to which the *apartment development* located in the *Living (L5) Environment* and the *Living (L6) Environment* is of a sufficient density (as outlined through Appendix H of the Auckland Regional Policy Statement) to support the intensification of the *New Lynn Town Centre*.

2(h)

The extent to which the location, scale and design of buildings in the *Living 2 Environment* contributes to or detracts from:

- urban amenity and neighbourhood character;
- maintenance of the sense of space around buildings, and space for growth of vegetation, and in particular, larger trees.

Note: See also Policies 0.1, 0.2, 0.4, 0.5, 0.6, 0.7, 0.8, 1.1, 1.2, 1.14, 2.1, 3.1, 4.2, 10.17, 10.27, 11.1, 11.2, 11.8, 11.27, 11.28, 11.28A, 11.46, 11.47, 11.48, 11.55

(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:

- requiring alterations to the *design* and/or location on the *site*
- requiring the retention of trees and/or other vegetation
- requiring provision of a *landscape treatment plan* and implementation of that plan within a given time
- requiring provision for *outdoor space*
- 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*
- restricted height.

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 2

RESIDENTIAL ACTIVITIES / DENSITY

- is within proposed Lots 3, 4 and 5 on LT 421151 (being a proposed subdivision of Lot 144 DP 401424) and any subsequent titles issued from those lots.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *design*, location, scale, *outdoor space*, *screening*, *landscape treatment* and provision for vehicles and pedestrians, and will be considered in accordance with the “Medium Density Housing Criteria” Appendix to these rules.

(b) *dwellings*, except in the *Living (3)* and *Living (4) Environment* and in *Penihana North* not in a *medium density housing development* and not satisfying the requirements of Rule 2.1 where:

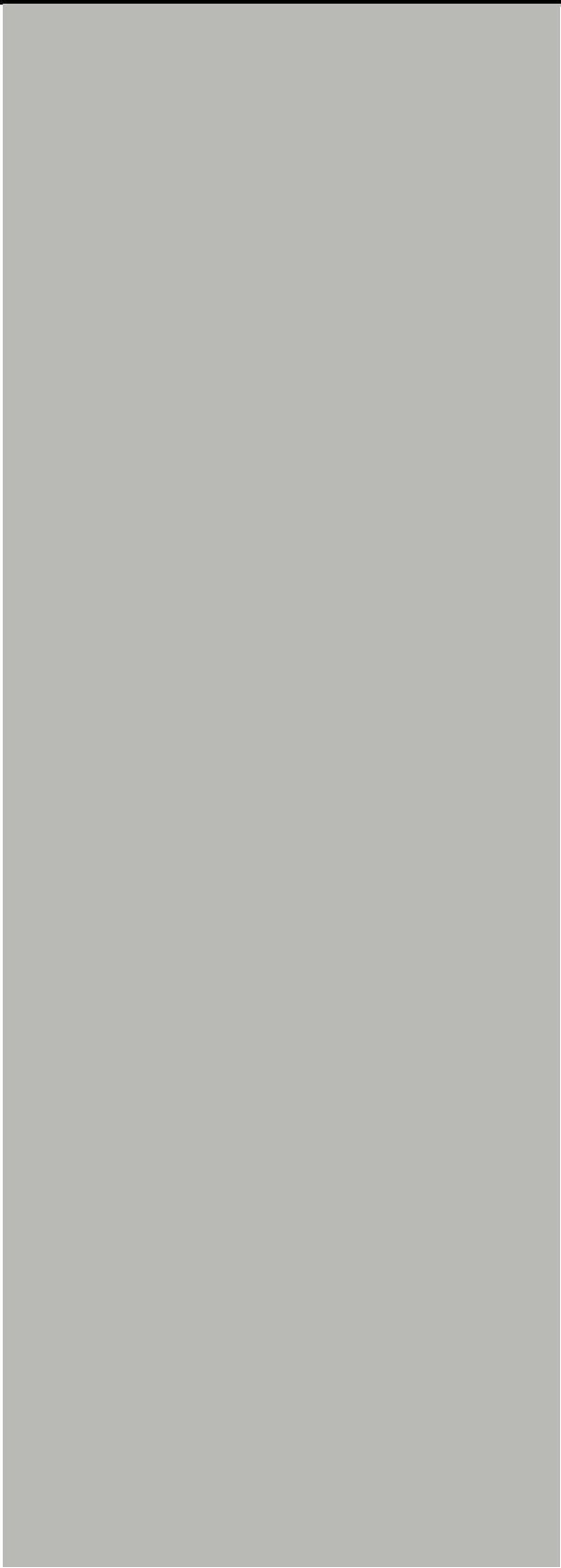
- (i) the minimum *net unit area* in the *Living Environment* including the *Living Environment (Harbour View)* but not including the *Living (L1) Environment* or *Living (L2) Environment* is 350 m²; or
- (ii) the minimum *net unit area* in the *Living (L1) Environment* is 400 m²; or
(see *Human Environment Maps*).

(c) any *Residential Activity* involving *medium density housing* or *apartments* located in the *Living (L5) Environment* which:

- (i) is established on a *site* with a minimum *net site area* of 1500m² and a minimum *street frontage* of 20 metres; and
- (ii) has a minimum density of 1 unit per 200m² of *net site area*;
- (iii) provides not greater than 70% of the *site* as impermeable surfaces; and
- (iv) for apartments can comply with the Performance Standards of the *City-Wide Rule 1 Apartment Design*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *density*, *design*, location, scale, *outdoor space*, *screening*, *landscape treatment* and provision for vehicles and pedestrians, and height and will be considered in accordance with Assessment Criteria 2(a)-2(g) and for apartments the Assessment Criteria of the *City-Wide Rule 1 Apartment Design*, or for Medium Density Housing will be considered in accordance with the “Medium Density Housing Criteria” Appendix to these rules.

(d) any *Residential Activity* involving *apartments* located in the *Living (L6) Environment* which:

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<p>(i) complies with the Performance Standards of the <i>City-Wide Rule 1 Apartment Design</i>, Performance Standards of the <i>City-Wide Noise Standard Rule 1.10 - Residential Activities - Noise Attenuation</i>; and</p> <p>(ii) provides not greater than 70% of the site as impermeable <i>surfaces</i>; and</p> <p>(iii) where located in the <i>New Lynn Town Centre</i>:</p> <p>(a) complies with the Performance Standards of Rule 7 2A.1: <i>New Lynn Urban Concept Plan of the Living Environment</i>;</p> <p>(b) locates habitable rooms more than 12 metres from any <i>site boundary</i> adjoining land within a <i>Working Environment (New Lynn)</i> except as it applies to Lot 2 DP 401320, Lot 18 DP 41000 and Lot 19 DP 41000 where it shall be 20 metres;</p> <p>(c) complies with <i>Living Environment Rule 5.1(ii)</i>; and</p> <p>(d) provides each individual <i>apartment</i> or the <i>apartment building</i> with a forced air mechanical ventilation system.</p> <p>Assessment of <i>Limited Discretionary Activity</i> applications made under this rule will be limited to the matters of density, <i>design</i>, location, scale, <i>outdoor space</i>, <i>screening</i>, <i>landscape treatment</i>, <i>amenity</i>, management of reverse sensitivity effects, and provision for vehicles and pedestrians, and will be considered in accordance with Assessment Criteria 2(a) to 2(g) and the assessment criteria of the <i>City-Wide Rule 1 Apartment Design</i>, <i>City Wide Noise Standard Rule 1.10 - Residential Activities - Noise Attenuation</i>, and 2A(a) to Rule 2A(e) of Rule 2A - <i>New Lynn Urban Concept Plan of the Living Environment</i></p> <p>2.3 Discretionary Activities</p> <p>Activities meeting the following Performance Standard are <i>Discretionary Activities</i>:</p> <p>(a) Any <i>Residential Activity</i> except in the <i>Living (4) Environment</i> not meeting the standards in Rules 2.1 or 2.2 (a) or (b).</p> <p><i>Discretionary Activity</i> applications made under this rule 2.3(a) will be assessed having regard to Assessment Criteria 2(a)-2(e) and, where relevant, the Medium Density Housing Criteria Appendix to these rules and any other matters which are relevant under section 104 of the <i>Act</i>.</p>	

RULE 2

RESIDENTIAL ACTIVITIES / DENSITY

- (b) Any *Residential Activity* involving *medium density housing* or *apartments* located in the *Living (L5) Environment* not meeting the performance standards in Rule 2.2(c).

Discretionary Activity applications made under Rule 2.3(b) will be assessed having regard to Assessment Criteria 2(a) to 2(g), and where relevant the Assessment Criteria of the *City-Wide Rule 1 Apartment Design*, or the “*Medium Density Housing Criteria*” *Appendix to these rules* and any other matters which are relevant under section 104 of the *Act*.

- (c) Any *Residential Activity* involving *apartments* located in the *Living (L6) Environment* not meeting the standards in Rule 2.2(d).

Discretionary Activity applications made under Rule 2.3(c) will be assessed having regard to Assessment Criteria 2(a) to 2(g), the Assessment Criteria of the *City-Wide Rule 1 Apartment Design*, *City Wide General Noise Standard Rule 1.10 Residential Activities - Noise Attenuation*, and Rule 2A of the *Living Environment* and any other matters which are relevant under section 104 of the *Act*.

- (d) *Minor household units* within the *Living 2 Environment* located between an existing *dwelling* and a *site* boundary with the *Transport Environment* (but excluding that part of the *Transport Environment* forming the rail corridor).

Discretionary Activity applications made under Rule 2.3(c) will be assessed having regard to Assessment Criteria 2(a) to 2(g), the Assessment Criteria of the *City-Wide Rule 1 Apartment Design*, *City Wide General Noise Standard Rule 1.10 - Residential Activities - Noise Attenuation*, and Rule 7A of the *Community Environment* and any other matters which are relevant under section 104 of the *Act*.

2.4 Non-Complying Activities

Any *Activity* that 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 the *Plan* and shall be a *Non-Complying Activity*.

2.5 Other Rules

Rules 2.2(d)(iii)(b), 2.2(d)(iii)(c) and assessment criterion 2(f) will not apply to the *Living (L6) Environment* interface with the *Monier (CSR) Special Area* from the date upon which notice is given in accordance with *Monier (CSR) Special Area Rule 28*.

RULE 2A

NEW LYNN URBAN CONCEPT PLAN - LIVING (L6) ENVIRONMENT - NEW LYNN TOWN CENTRE

2A.0 General

The following rules shall apply to *Any Activity or development* in the Living 6 Environment in the new Lynn Town Centre.

2A.2 Limited Discretionary Activities

Activities listed below are *Limited Discretionary Activities*:

- (a) Roads.
- (b) *Proposed Open Space*.
- (c) *Buildings* or *development* on a *site* which fronts a *street*, *proposed road*, *indicative street* or *indicative connection* identified on the *New Lynn Urban Concept Plan* as *Town Centre - Commercial Typology*³ or *Town Centre - Residential Typology* 7 of *City-Wide Rule 3: Building Design - Street Frontage*.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of *design*, infrastructure, provisions or roading and pedestrian networks and connectivity, *open space* location, shape, design and *amenity*, pedestrian *amenity*, *screening*, *landscape treatment* and *car parking* and access and will be considered in accordance with Assessment Criteria 3(a) to 3(i) of *City-Wide 3: Building Design - Street Frontage* and the assessment criteria listed in Rule 2A.

NOTES:

1. If any 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. The street typology for proposed road and indicative street are identified in Appendix XXI. Activities with Street Frontage to an indicative street or proposed road will be required to be considered against City Wide Rule 3 Building Design - Street Frontage.

Refer to:

Assessment Criteria 3(a) to 3(l), and the Policies and Resource Consent conditions of *City-Wide Rule 3: Building Design - Street Frontage*.

ASSESSMENT CRITERIA

2A(a)

Development shall provide the *proposed roads* shown on the *New Lynn Urban Concept Plan*. These *roads* shall be vested as public roads.

2A(b)

The *development* shall provide the *indicative streets* and *indicative connections* shown on the *New Lynn Urban Concept Plan*, with their alignment generally to be in accordance with the *New Lynn Urban Concept Plan*. *Indicative Streets* should provide for pedestrians and vehicles in a shared, low speed environment. *Indicative Connections* may be publicly or privately constructed and are to be formed as publicly accessed *streets*, lanes and accessways or where vehicle access is impractical, pedestrian connections.

2A(c)

Open spaces shall be provided generally in accordance with the location of the *proposed open space* shown on the *New Lynn Urban Concept Plan*. The *design* of *open spaces* shall ensure they have *street frontage*, and provide a high quality of *amenity* to the neighbourhood and are easily accessible.

2A(d)

Buildings and *development* fronting *roads* directly facing or adjoining *open spaces* should provide balconies, and *main glazing* overlooking these spaces, ensuring that they are safe for users.

2A(e)

Development should include appropriate low impact storm water techniques so that storm water runoff from all *impermeable surfaces* is attenuated and treated prior to entering the public storm water system.

Note: see also policies 4.3, 4.4, 10.1, 10.8, 11.15, 11.20, 11.46, 11.47, 11.48

(Policy Section of the Waitakere District Plan)

RULE 2A

NEW LYNN URBAN CONCEPT PLAN - LIVING (L6) ENVIRONMENT - NEW LYNN TOWN CENTRE

2A.3 Discretionary Activities

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

- (i) *buildings* or *development* not meeting the Performance Standards in Rule 2A.2(c).

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 3(a) to 3(l) of *City-Wide Rule 3: Building Design - Street Frontage*, the assessment criteria listed in Rule 2A 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. Conditions may include any one or more of the following matters:

- requiring alterations to *design* and/or location of *buildings* and *development*;
- requiring the provision of a *landscape treatment* plan and implementation of that plan within a given time;
- requiring the development of roading infrastructure and other transport infrastructure and where appropriate, its vesting as public road;
- requiring the development of reserves and open spaces and its vesting as public reserve;
- the imposition of a *bond* to ensure satisfaction of conditions of consent;
- requiring financial contributions in accordance with the *Plan*;
- requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset *adverse effects*;
- such other matters provided for in assessment criteria.

RULE 3

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

RULES

3.0 General

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

3.1 Permitted Activities

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

- (a) *buildings* and *development* which are not on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps;
- (b) decks less than 1.0 metre in height on land identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Area* maps;
- (c) additions or alterations to existing *buildings* or *development* on *land* identified as a *sensitive ridge* or headland/cliff/scarp on the *Natural Areas* Maps, provided that the additions or alterations:
 - do not increase the *height* of the *building* or *development* at any point, or increase the *building coverage* and/or enable development beyond the existing *building* bulk;
 - are not for the enclosure of a deck.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. A guideline to help determine which "roads" and "public places" a *building* may be visible from is kept by the Council.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area* Rules and the *City-Wide Rules* and, where relevant, the *Subdivision* Rules.
4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. The Council may have a guideline to help interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
8. Council officers may be able to give advice on designing *buildings* in natural landscape areas - check at the Council offices.

ASSESSMENT CRITERIA

3(a)

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

3(b)

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

3(c)

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

3(d)

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

3(e)

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

3(f)

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

See also Policies 2.8, 8.7, 9.3, 9.5, 9.12, 10.27, 11.7, 11.8, 11.9 (Policy Section of the Waitakere District Plan)

RULE 3

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

3.2 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 at any point, or increase the building coverage beyond the existing building bulk by more than 20m².*

Assessment of *Controlled Activity* applications made under this rule will be limited to matters of *height, location, design, landscape treatment*, and scale and will be considered in accordance with Assessment Criteria 3(a)-3(f).

3.3 Limited Discretionary Activities

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

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

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

3.4 Discretionary Activities

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

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

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

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
- 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*
- 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

BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS

3.5 Non-Complying Activities

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



living environment

RULE 4

BUILDING HEIGHT

RULES

4.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings*, except *dwellings* in a *medium density housing development*.

4.1 Permitted Activities

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

- *buildings* having a maximum *building height* not exceeding 8.0 metres in the *Living (L1), (L2), (L3) and (L4) Environments* (See diagram 4A);



Diagram 4A

- *buildings* in the *Living 2 Environment* having a maximum *building height* not exceeding 8.0 metres, except that where the *building* is to be located between an existing *dwelling* and a *site* boundary with the *Transport Environment* (but excluding that part of the *Transport Environment* forming the rail corridor), then the maximum *building height* is 5.0 metres;
- *buildings* for *medium density housing* or *apartments* having a maximum *building height* not exceeding 11.0 metres in the *Living (L5) Environment*;

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* 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*.

ASSESSMENT CRITERIA

4(a)

The extent to which the *height* of *buildings* will create adverse *effects* on **neighbourhood character**.

4(b)

The extent to which the *height* of *buildings* will **physically dominate** *adjoining sites*.

4(c)

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

4(d)

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

Note: See also Policies 1.15, 9.5, 10.5, 11.3, 11.8, 11.28, 11.28A, 11.46, 11.47, 11.48

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

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

RULE 4	BUILDING HEIGHT
<ul style="list-style-type: none">• <i>buildings</i> with a minimum <i>building height</i> of 4 <i>storeys</i>, and a maximum <i>building height</i> of 10 <i>storeys</i> in the <i>Living (L6) Environment</i>, except that in the <i>New Lynn Town Centre</i>;<ul style="list-style-type: none">(a) The minimum <i>building height</i> shall be 3 <i>storeys</i> and the maximum <i>building height</i> 10 <i>storeys</i> in the <i>Living (L6) Environment</i>;(b) The minimum <i>building height</i> for <i>sites</i> fronting those parts of the <i>streets</i> identified as <i>Town Centre -Residential Typology 7</i> and which are located opposite <i>proposed open space</i> as shown on the <i>New Lynn Urban Concept Plan</i> shall be 4 <i>storeys</i>;(c) A minimum of 50% of the <i>building coverage</i> on any <i>site</i> in the <i>Living (L6) Environment</i> shall be of 4 or more <i>storeys</i> in <i>height</i>;(d) for buildings over 20 metres in height Rules 6A and 6B of the <i>Community Environment</i> shall also apply. <p>4.2 Discretionary Activities</p> <p>Activities meeting the following Performance Standard are <i>Discretionary Activities</i>:</p> <ul style="list-style-type: none">• <i>buildings</i> not meeting the performance standards in Rules 4.1. <p><i>Discretionary Activity</i> applications made under this rule will be assessed having regard to Assessment Criteria 4(a)-4(d) and any other matters which are relevant under section 104 of the <i>Act</i>.</p>	

RULE 5 HEIGHT IN RELATION TO BOUNDARIES/SEPARATION OF BUILDINGS

RULES

5.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings*, except internal boundaries in a *medium density housing development* or *apartment development*.

5.1 Permitted Activities

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

(a) *buildings (except in the Living (L6) Environment)* which:

- (i) have ground floor windows of any *habitable rooms* located no less than 1.2 metres from a *site boundary* or from a *building* on the same *site*; and

- (ii) 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* (or, in the case of more than one *dwelling* on a *site*, the *unit area boundary*) adjoining *land* within a *Living Environment* or a *Bush Living Environment* or a *Waitakere Ranges Environment* or an *Open Space Environment* or a *Countryside Environment* (see diagram 5A), or a *Footbills Environment*, provided that:

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**.

5(d)

The extent to which privacy is safeguarded by the provision of *planting* or *screening*.

5(e)

The extent to which the *height*, location, scale and *design* of *buildings* will complement **amenity values** and **neighbourhood character**.

Note: See also Policies 1.15, 10.5, 10.6, 11.3, 11.8, 11.28, 11.28A, 11.46, 11.47, 11.48

(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* 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*.

RULE 5

HEIGHT IN RELATION TO BOUNDARIES/SEPARATION OF BUILDINGS

- gable ends may penetrate the *recession plane* by no more than one-third of the gable *height*;
- no account shall be taken of TV aerials, chimneys, and decorative features that do not extend more than 1.0 metre in any horizontal direction;
- no account shall be taken of solar panels. where a *site boundary* adjoins a legally established *driveway(s)* / *shared driveway(s)* serving a *rear dwelling* / *rear site*, the measurement shall either be taken from the farthest boundary of the *driveway(s)* / *shared driveway(s)*, or at a parallel line 3.2 metres from the *site boundary*, whichever is the lesser (See diagram 5B).

(b) buildings in the *Living (L6) Environment* which have:

- (i) the ground floor of any *building* located no less than 5 metres from a *site boundary* (except from a *road*);
- (ii) any floors at or above *ground level* located no less than 12 metres from the south eastern boundary of the *Monier (CSR) Special Area*.

Rule 5.1(b)(i) does not apply to any *proposed open space* boundary identified on the *New Lynn Urban Concept Plan* Appendix XXVI.

5.2 Limited Discretionary Activities

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

- ground floor windows of a *habitable room* within 1.2 metres of a *site boundary* or a *building* on the same *site*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *height*, location, *design*, *screening* and *planting* and will be considered in accordance with Assessment Criteria 5(c) and 5(d).

5.3 Discretionary Activities

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

- *buildings* projecting beyond the *recession plane* requirements set out in Rule 5.1(ii). (See 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
- such other matters provided for in section 108 of the *Act*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.

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/SEPARATION OF BUILDINGS

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

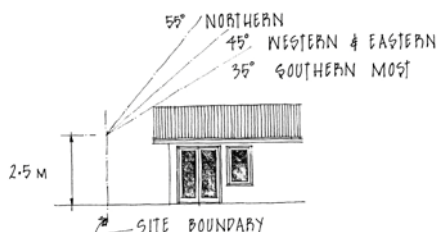


Diagram 5A

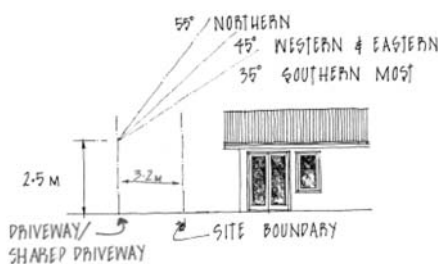


Diagram 5B

5.4 Other Rule

This Rule will not apply to the *Living (L6) Environment* interface with the *Monier (CSR) Special Area* from the date upon which notice is given in accordance with *Monier (CSR) Special Area* Rule 28.

RULE 6

FRONT YARDS

RULES

6.0 General

The following rules shall apply to *any activity (including apartments in the Living (L5) and (L6) Environments)* involving the erection or alteration of *buildings*, except *buildings in a medium density housing development or Scheduled Activities on Scheduled Sites*. Where there is any conflict in relation to the location of *building(s)* between the following rules and Rule 2A *new Lynn Urban Concept Plan - Living (L6) Environment -New Lynn Town Centre*, the later rules shall prevail.

6.1 Permitted Activities

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

- *buildings set back* from the *road boundary* by a minimum of 3.0 metres.
- *buildings in Penihana North set back* from the *road boundary* of Christian Road by a minimum of 6.0 metres.
- eaves which encroach 0.6 metres into the front yard.

6.2 Limited Discretionary Activities

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

- *buildings setback* less than 3.0 metres from by the road boundary.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of location, *screening* and *planting* and will be considered in accordance with Assessment Criteria 6(a) to 6(e).

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* 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*.

ASSESSMENT CRITERIA

6(a)

The extent to which the *setback* of a *building* from the *road boundary* will create any adverse *effects* on **amenity values** and **neighbourhood character**.

6(b)

The extent to which the *setback* of a *building* from the *road boundary* will maintain opportunities for lawn and tree *planting* in the front yard.

6(c)

The extent to which the *setback* of a *building* from the *road boundary* will allow for safe traffic movement on and off the *road* and parking and manoeuvring off the *road*.

6(d)

The extent to which a *building* closer to the *road boundary* would offer greater **safety** through surveillance, to pedestrians and other users of the *road*.

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, 10.5, 10.6, 10.27, 11.3, 11.8, 11.28, 11.28A, 11.46, 11.47, 11.48, 11.55

(Policy Section of the Waitakere District Plan)

RULE 6

FRONT YARDS

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 *road boundary*
- requiring provision of *screening* and/or *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- 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 7

BUILDING COVERAGE

RULES

7.0 General

The following rules shall apply to *Any Activity* involving the erection or alteration of *buildings*, except *buildings* in a *medium density housing development*, *apartment developments* or *Scheduled Activities* on *Scheduled Sites*.

7.1 Permitted Activities

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

- *buildings* resulting in a *building coverage* of no more than 35% of the *net site area* (including 20m² *building coverage* for a covered car space where a covered car space is not otherwise provided), (See diagram 7A)

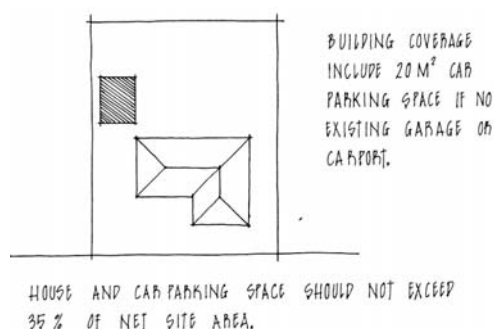


Diagram 7A

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. See also the *impermeable surfaces* standards in the *Natural Areas Rules*.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules* and the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. The Council may have a guideline to help interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
8. Applicants are to ensure that they have undertaken consultation with affected parties and relevant public bodies, prior to lodgement of applications to ensure a comprehensive assessment of effects.

ASSESSMENT CRITERIA

7(a)

The extent to which *building coverage* will create adverse *effects* on **amenity values** and **neighbourhood character**.

7(b)

The extent to which *building coverage* will maintain opportunities to provide for the planting of lawns and trees around *buildings*.

7(c)

The extent to which *building coverage* will maintain opportunities to provide for adequate *outdoor space* associated with *residential activities* on the *site*.

7(d)

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

7(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 10.4, 10.5, 10.6, 10.17, 10.27, 11.3, 11.8 (Policy Section of the Waitakere District Plan)

RULE 7

BUILDING COVERAGE

- decks less than 2.0 metres in *height*.

7.2 Discretionary Activities

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

- *buildings* resulting in a *building coverage* of over 35% of the *net site area*.

Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 7(a) - 7(e) 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 *building coverage*
- limiting *building bulk*
- requiring protection of existing *vegetation*
- requiring provision of a *landscape treatment* plan, and implementation of that plan within a given time
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

RULE 8

BUILDING LOCATION - PRIVACY/AMENITY

RULES

8.0 General

The following rules shall apply where relevant to *Non-Residential Activities* (except *Scheduled Activities* on *Scheduled Sites*), and also *buildings* for *Residential Activities* except *minor household units* and *dwellings* in a *medium density housing development*, or *apartment development*.

8.1 Permitted Activities

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

- (a) *Residential buildings*, except where the *main glazing* of the *main living room* is adjacent to a *Transport Environment* boundary or an *Open Space Environment* boundary, are located and designed so that the *main glazing* of the *main living room* is either;
 - separated by a minimum of 6.0 metres from the *site boundary* or, in the case of more than one *dwelling*, on a *site* from the *unit area boundary* of *adjoining sites*; or
 - screened from *adjoining sites*.
- (b) Any *Non-Residential Activities* which are screened from *adjoining sites* and the *road* provided that one vehicle associated with the *Non-Residential Activity* may be visible.
- (c) *Residential buildings* located in the *Living Environment (Harbour View)* which, in respect of noise generated by any service station on Lot 1 DP 140845, will be located so as to meet the noise standards outlined in the table below, measured at 1.0 metre from any wall of that *residential building*. An Acoustic Design report shall be obtained from a suitably qualified

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* 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*.

ASSESSMENT CRITERIA

8(a)

The extent to which **privacy** is maintained between the main indoor and outdoor living areas of *adjoining sites*.

8(b)

The extent to which *Non-Residential Activity* creates adverse visual effects on *adjoining sites* and the *road*.

8(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 10.5, 10.6, 10.27
(Policy Section of the Waitakere District Plan)

RULE 8

BUILDING LOCATION - PRIVACY/AMENITY

Acoustic Engineer confirming that any new *building* is *designed* to meet this Performance Standard.

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

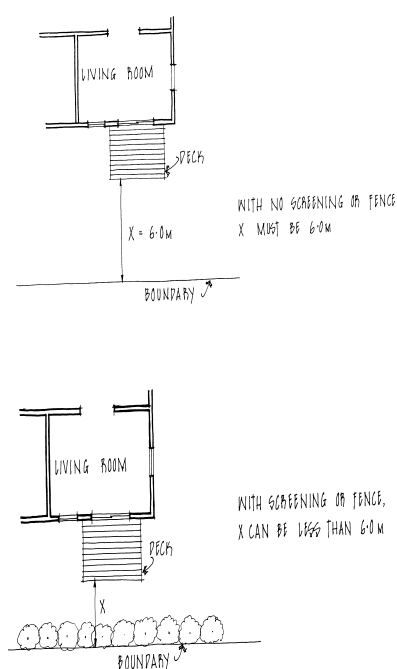
8.2 Discretionary Activities

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

- residential buildings* which do not meet the standards in Rule 8.1(a);
- any *Non-Residential Activities* not meeting the standards in Rule 8.1(b).

Discretionary Activity applications made under these rules will be assessed having regard to Assessment Criteria 8(a)-8(c) and any other matters that are relevant under section 104 of the *Act*. (See diagram 8A)

Diagram 8A



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 *buildings* and *site boundaries*
- requiring provision of a *landscape treatment plan*, and its implementation within a given time
- 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*.

RULE 9

OUTDOOR SPACE

RULES

9.0 General

The following rules shall apply to *Residential Activities* except *dwelling*s in a *medium density housing* development, or *apartment developments*.

9.1 Permitted Activities

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

- *dwelling*s and *minor household units* having provision for a minimum single area of *outdoor space*. *Dwelling*s and *minor household units* may share the same *outdoor space*, or they each may have a separate *outdoor space*. In either case, an *outdoor space* must:
 - (i) have an area totalling 25m² of *on-site outdoor space* per bedroom; and
 - (ii) have a minimum dimension of 3.0 metres; and
 - (iii) contain a circle with a diameter of 6.0 metres which is wholly contained within a bearing to the north of between 135° and 225° from the wall of the *dwelling* or *minor household unit* which abuts the required *outdoor space*; and
 - (iv) have a maximum slope over 75% of the required *outdoor space* area of 20% (1 in 5); and
 - (v) be accessible from within the *dwelling* or *minor household unit*, on foot, through a door on the same side of *dwelling* or *minor household unit* as the *outdoor space*,

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* 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*.

ASSESSMENT CRITERIA

9(a)

The extent to which the amount of *outdoor space* provided *on-site* is related to the likely number of occupants of the *dwelling* and any *minor household unit on-site*.

9(b)

The extent to which *outdoor space* is of a useable size and slope.

9(c)

The extent to which *outdoor space* is designed and located to meet the likely needs of the occupants of the *dwelling* and any *minor household unit on-site*.

9(d)

The extent to which the positioning of *outdoor space* allows for **reasonable daylight and sunlight access** to that *outdoor space*.

9(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*.

(9f)

The extent to which the outdoor space is accessible from the *main living room* of the *dwelling* and any *minor household unit on-site*.

Note: See also Policies 10.4, 10.27, 11.3
(Policy Section of the Waitakere District Plan)

RULE 9

OUTDOOR SPACE

dwelling or minor household unit, without any intervening dwelling or minor household unit.

Where a *dwelling* and *minor household unit* share the same *outdoor space*, then the bearing referred to in (iii) is to be taken from the *dwelling*. (See Diagram 9A)

9.2 Limited Discretionary Activities

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

- *residential buildings* with *outdoor space* not meeting the standards in Rule 9.1.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of location, scale, useability, daylight access, *design*, *screening* and *planting* and will be considered in accordance with Assessment Criteria 9(a)-9(f).

RESOURCE CONSENT CONDITIONS

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

- specifying the location, scale and *design* of *outdoor space*
- requiring provision of *screening* and/or *planting*
- 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.

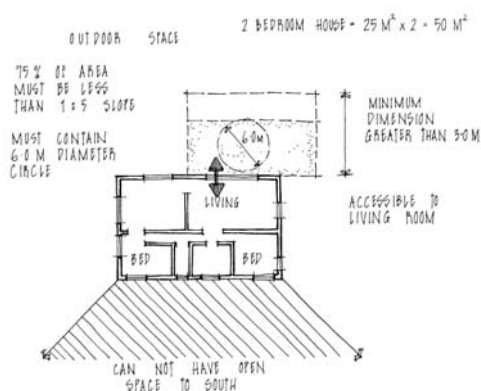


Diagram 9A

RULE 10

NON-RESIDENTIAL ACTIVITIES

RULES

10.0 General

The following rules shall apply to all *Non-Residential Activities* except for *Scheduled Activities* on *Scheduled Sites*.

10.1 Permitted Activities

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

- *home occupations* meeting the following requirements:
 - no more than five persons, except for *small brothels* that are limited to four persons, are engaged in the *home occupation*, at least one of whom resides on the *site*; and
 - the *home occupation* is carried out within an existing *building* which is clearly marked with the relevant street number in accordance with By-Law No. 4 Chapter 2 Public Places 1972 (Clause 244 as amended); and
 - the *home occupation* does not involve traffic generation involving a *heavy traffic vehicle* exceeding two *vehicle movements* per week; and
 - except where goods are primarily ordered by mail or electronic transaction and redistributed by post or courier, any *retail sales*

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* 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. *Scheduled Sites* are covered in a separate part of the *Plan*. Rules within that Part may allow *Non-Residential Activities* which are not provided for in the above rules.
8. Applications pursuant to Rule 10.2(b) and Rule 10.2(c) shall provide information on the total quantity of *non-residential activities* that remain available as a *limited discretionary activity* taking into account implemented and unimplemented *resource consent*.

ASSESSMENT CRITERIA

10(a)

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

10(b)

The extent to which the *effects* of *Non-Residential Activities* on *infrastructure* can be accommodated without the need for public upgrading.

10(c)

The extent to which *Non-Residential Activities* create adverse *effects* on the residential coherence and the **safety** of residents of the neighbourhood.

10(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*.

10(e)

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

(10f)

The *non-residential activities* proposed in the *Living (L6) Environment* within the *New Lynn Town Centre* should be compatible with the higher density residential character and amenity of the neighbourhood. Where located on the ground floor, the *non-residential activity* should front a *street* and have its main pedestrian entrance fronting the *street*. *Car parking* associated with the *non-residential activity* should not be located between the *building* and the *street* boundary. For *buildings* involving *non-residential activities*, the *development* should provide 50% transparency at the *street* level facade, through transparent door and window openings. Outdoor storage areas should be *screened* from the *street* and *adjoining sites* and *residential activities* and managed to ensure nuisance effects including odour and vermin, noise disturbances from deliveries and rubbish collection are avoided. The *non-residential activities* should not be associated with any outdoor activities except for *car parking*. It is preferable that *non-residential activities* are located on *sites* within the *Living (L6) Environment* where they provide a buffer between the *residential activities* and the adjoining *New*

RULE 10

NON-RESIDENTIAL ACTIVITIES

and *retail services* are confined to *front sites* with individual *driveway* access and are of goods produced *on-site* and the hours of operation are between 0700 and 1900 daily; and

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

10.2 Limited Discretionary Activities

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

- (a) *Non-Residential Activities* including *home occupations* not meeting the standards in Rule 10.1, but excluding *commercial sex activities* and *small brothels* that are a *home occupation* not meeting the standards in Rule 10.1, where:

- the activities are located within a *building* originally erected as a *dwelling* and there are no *retail sales*; or
- the activities are associated with an existing *Non-Residential Activity* on the *site*, do not involve *retail sales* and do not increase the *gross floor area* of *buildings* on the *site* to more than 250m².

- (b) any *Non-Residential Activities* (except a *home occupation*) located in the *Living (L6) Environment* in the *New Lynn Town Centre* (except on Lot 4 DP 122011 and any subsequent legal descriptions should this be modified) which meets the following Performance Standards:

- (i) the *non-residential activity* shall be located on the ground or first storey of a *building* and shall directly front and be accessed from the *street*, *except in the "Buffer Area"* adjoining the *Monier (CSR) Special Area* as identified on the *New Lynn Urban Concept Plan* where a *non-residential activity* may locate above the ground and first storey.
- (ii) *retail activities* are limited to *restaurants (food)* excluding drive throughs, *convenience shops* and *shops* selling food and beverages, provided that individual activities shall be no greater than 200m² of *gross floor area*, and in the case of *restaurants (food)*, the total area of any individual *restaurant* within the *Living (L6) Environment* shall be limited to 500m².

Lynn Working Environment and the Monier (CSR) Special Area (until such time as notice is given under *Monier (CSR) Special Area* Rule 28). In addition, *non-residential activities* in the *Living (L6) Environment* should concentrate on sites which front *proposed open space* as shown on the *New Lynn Urban Concept Plan* to provide active street frontages and deliver high amenity to the public realm.

10(g)

Non-residential activity in the *Living (L5) Environment* should be compatible with the medium density character of the neighbourhood. Activities should front a street and have its main pedestrian entrance directly accessible to the street. Car parking associated with the non-residential activity should not be located between the building and the street boundary. For buildings involving non-residential activities, the development should provide transparent door and window openings fronting the street. Outdoor storage areas should be screened from the street and adjoining sites and residential activities and managed to ensure nuisance effects including odour and vermin, noise disturbances from deliveries and rubbish collection are avoided. The non-residential activities should not be associated with any outdoor activities except for car parking.

10(h)

For any building in the Buffer Area identified on the *New Lynn Urban Concept Plan*, assessment criteria 3(a), 3(b), 3(c) and 3 (d) of the City Wide - Rule 3 Building Design Street Frontage shall apply.

Note: See also Policies 10.14, 10.27, 11.1, 11.8, 11.12, 11.18, 11.31, 11.44, 11.28, 11.28A, 11.46, 11.47, 11.48, 11.50

(Policy Section of the Waitakere District Plan - Note the policies on water, land and air)

RULE 10

NON-RESIDENTIAL ACTIVITIES

- (iii) total *floorspace* taken up by *non-residential activities* not involving *retailing activities* shall not exceed 10,000m² *gross floor area*. Of this total *floorspace*, a minimum of 9,500m² shall be located on Lot 2 DP 122011 (and any subsequent legal descriptions should this be modified);
- (iv) activities at *ground level* fronting those parts of the *streets* identified as *Town Centre - Residential Typology 7* which are located opposite *proposed open space* as shown on the *New Lynn Urban Concept Plan* shall be limited to *non-residential activity*
- (c) from the date that notice is given under *Monier (CSR) Special Area Rule 28* any *Non-Residential Activities* (except a *home occupation*) located in the *Living (L6) Environment* in the *New Lynn Town Centre* on the land identified as *Monier (CSR) special Area* which meets the following *Performance Standards*:
 - (i) the *non-residential activity* shall be located on the ground of first *storey* of a *building* and shall directly front and be accessed from the *street*;
 - (ii) *retail activities* are limited to *restaurants (food)* excluding drive throughs, *convenience shops* and *shops* selling food and beverages, provided that individual activities shall be no greater than 200m² of *gross floor area*, and in the case of *restaurants* the total area of any individual *restaurants* within the *Living (L6) Environment* shall be limited to 500m²;
 - (iii) total *floorspace* taken up by *non-residential activities* shall not exceed 2,000m² *gross floor area*;
 - (iv) activities at *ground level* fronting those parts of the *streets* is identified as *Town Centre - Residential Typology 7* which are located opposite *proposed open space* as shown on the *New Lynn Urban concept Plan* shall be limited to *non-residential activity*.
- (d) any *non-residential activities* (except a *home occupation*) located in the *Living (L5) Environment* which meet the following *Performance Standards*:
 - (i) a *non-residential activity* shall only be located on the ground floor of a *building* and shall directly front the *street*;

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*.

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

NON-RESIDENTIAL ACTIVITIES

- (ii) the gross floor area of each non-residential activity shall not exceed 150m²;
- (iii) no retail activities.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of scale, *design*, retention of *vegetation*, *screening* and *planting*, hours of operation and location and will be considered in accordance with Assessment Criteria 10(a)-10(e).

10.3 Discretionary Activities

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

- (a) *Non-Residential Activities* not meeting the standards in Rule 10.2, provided there are no *retail sales*; but excluding:
 - *home occupations* meeting the standards in Rule 10.1; and
 - *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 having regard to Assessment Criteria 10(a)-10(e) and any other matters that are relevant under section 104 of the *Act*.

Note: See limitations on front and rear sites under the Traffic Generation Rule 11.1.

10.4 Non-Complying Activities

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

RULE 11

TRAFFIC GENERATION (NON-RESIDENTIAL ACTIVITIES)

RULES

11.0 General

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

11.1 Permitted Activities

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

- (a) *Non-Residential Activities* on *front sites* in the *Living (L1), (L2), (L3), (L4) and (L5) Environment*, having traffic generation not exceeding 20 vehicle movements per day.
- (b) Traffic generated from *non-residential activities* which comply with Rule 10.2 on *front sites* in the *Living (L6) Environment* in the *New Lynn Town Centre*.

11.2 Limited Discretionary Activities

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

- *Non-Residential Activities* not meeting the standards in Rule 11.1 on *front sites* having traffic generation not exceeding 50 *vehicle movements* per day or 1% of the *road's* daily traffic volume, whichever is the greater.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *screening, landscape treatment*, retention of *vegetation*, road capacity, **safety**, duration, hours of operation and scale and will be considered in accordance with Assessment Criteria 11(a) and 11(b).

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* 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. 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*.

ASSESSMENT CRITERIA

11(a)

The effects of traffic generation on:

- the capacity of *roads* giving access to the *site*, having regard to the *road's* function in the *Roading Hierarchy*
- the *amenity* of residential *front sites* from traffic generated by the non-residential use of *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

11(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, 11.8, 11.12, 11.28, 11.28A,, 11.31, 11.46, 11.47, 11.48
(Policy Section of the Waitakere District Plan)

RULE 11

TRAFFIC GENERATION (NON-RESIDENTIAL ACTIVITIES)

11.3 Discretionary Activities

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

- *Non-Residential Activities* not meeting the standards in Rule 11.1 or 11.2.

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

RESOURCE CONSENT CONDITIONS

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

- limiting the size of *building* and/or scale of activity
- requiring alteration to the location and *design* of *car parking* and *driveways*
- requiring the retention of trees and/or other *vegetation*
- requiring mitigation measures in relation to vehicle noise and lights
- requiring mitigation measures in relation to pedestrian, cyclist and motor vehicle occupant **safety**
- requiring provision of a *landscape treatment* plan and its implementation within a specified time
- limiting the hours of operation
- limiting the duration of an 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 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 12

CARPARKING AND DRIVEWAY

RULES

12.0 General

The following rules apply to *Any Activity* (including *apartments* in the *Living (L5)* and *(Living (L6) Environments* except a *medium density housing development*.

12.1 Permitted Activities

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

- (a) *dwellings* where:
 - (i) 2 *on-site car parks* are provided for each *dwelling*; and
 - (ii) at least one required *car park* space 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 10.1 where one *on-site car park* is provided.
- (d) *apartments* or *dwellings* in the *Living (L5)* and *Living (L6) Environment* where a minimum of 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. *Vehicle crossings* require a consent from the Council - see Rule 7 in 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* and the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. The Council may have a guideline to help interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
8. See the Car Parking 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

12(a)

The extent to which *driveways* provide safe, maintenance-free, adequately drained, efficient, effective and visually attractive vehicular access from the *road* to *buildings*.

12(b)

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

12(c)

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

12(d)

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

Note: See also Policies 10.11, 10.16, 10.27, 11.3, 11.8, 11.10, 11.28, 11.28A, 11.46, 11.47, 11.48, 11.55.

(Policy Section of the Waitakere District Plan)

RULE 12

CARPARKING AND DRIVEWAY

car park is provided for each *apartment* or *dwelling*.

- (e) *non-residential activities* (except home occupations) in the *Living (L5) Environment* and *Living (L6) Environment* within the *New Lynn Town Centre* that provide car parks, loading and driveway access in accordance with Rule 14 Parking, Loading and Driveways of the *Community Environment*.

Provided that for each *car park* space required under (a), (b) and (c) above:

- (i) each *car park* space has dimensions of at least 2.5 metres by 5.0 metres and a slope not exceeding 6.25% (1 in 16).
- (ii) each *car park* space is connected to the *road* by a *driveway* which:
 - gives access to no more than one *dwelling* and one *minor household unit*; and
 - does not exceed a gradient of 20% (1 in 5) in any part; and
 - provides 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 park* space. (See diagram 12A)

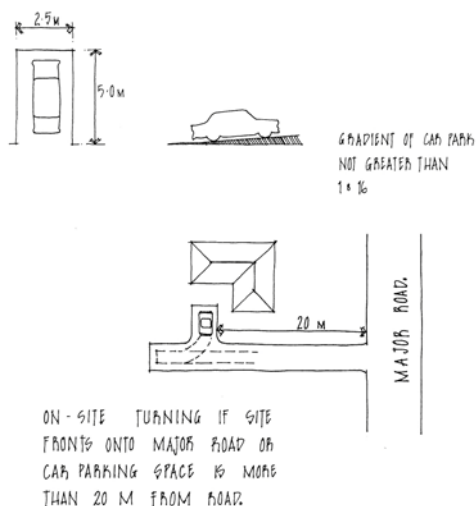


Diagram 12A

12.2 Controlled Activities

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

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 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 12

CARPARKING AND DRIVEWAY

- *shared driveways* serving more than one *dwelling* and/or *minor household unit* which are *designed* and *constructed* in accordance with the following standards:

(i)

Category	Total number of dwellings and/or minor household units served by the driveway	Carriageway width required (m)	Additional width of service strips required (m)
I	1-2 dwellings only	2.5m	0.7m
II	3-5 dwellings or minor household units or both	2.7m with passing bays	1.3m
III	6-10 dwellings or minor household units or both	3.5m with passing bays	1.5m

and

- (ii) the required passing bays in Category II are provided at an appropriate position along the course of the *driveway* at intervals not exceeding 50 metres; and
- (iii) the required passing bays in Category III are provided:
 - at the entrance to the *driveway*;
 - at an appropriate position along the *driveway* at intervals not exceeding 50 metres; and
- (iv) the *service strip* requirement includes a 0.3 metre strip (unobstructed) on one side of the *carriageway* for Category I *driveways*, and 0.6 metres on one side of the *carriageway* for Category II and III *driveways*. These strips are to be kept clear for power reticulation. The remaining aggregate width of *service strip* may be provided separate from the *carriageway*, provided that the aggregate width of *service strip* or *strips* in Category II can be reduced to not less than 0.96 metres for existing *rear sites* served by an existing *driveway* less than 4.0 metres in width; and
- (v) the furthestmost point of any *site* served by a *driveway* is within 135 metres of a fire hydrant; and
- (vi) all bends on a *carriageway* within a *driveway* have a minimum inside turning radius of 6.5 metres; and
- (vii) the minimum required *carriageway* width is unobstructed by the *buildings* from the ground upward to a *height* of 4.2 metres and is clear of *fences*, and

RULE 12

CARPARKING AND DRIVEWAY

- (viii) the *shared driveway* serves a *net site area* of no more than 10,000m² or a total of 10 *dwellings* and/or *minor household units*.

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *driveway design*, safety, efficiency, *driveway* capacity and method of *construction*, and be considered in accordance with matters set out in Criteria 12(a),(c) and (d). (See Diagram 12B - pg 36)

(Note: see also relevant "City-Wide Rules - Subdivisions")

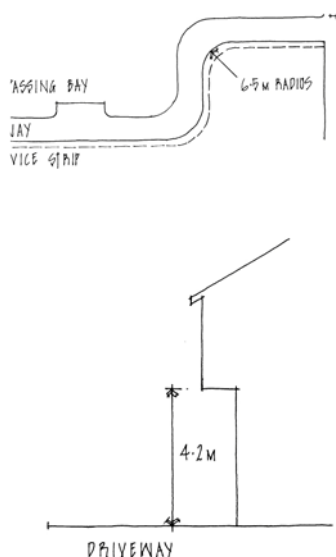


Diagram 12B

12.3 Limited Discretionary Activities

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

- (a) *Any Activity* not meeting the standards in Rule 12.1 or 12.2 including *car parking* and *driveways* associated with all *Non-Residential Activities* except *home occupations* meeting the standards in Rule 10.1.

Assessment of *Limited Discretionary Activity* applications made under the above rules will be limited to the matters of *design*, location, **safety**, efficiency, *driveway* capacity, number of *car parks*, *screening* and *planting* and will be considered in accordance with Assessment Criteria 12(a)-12(d).

- (b) *Apartment developments* in the *Living (L5)* and (*Living (L6)*) *Environments* where car parks from 10 or more *apartment dwellings* are proposed to access a *driveway* or *road*.

RULE 12	CARPARKING AND DRIVEWAY
<p>(c) Any <i>driveway</i> access directly to Christian Road in <i>Penihana North</i>.</p> <p>Assessment of <i>Limited Discretionary Activity</i> applications made under the above rule will be limited to the matters of <i>design</i>, visual appearance, neighbourhood character, location, safety, and will be considered in accordance with Assessment Criteria 12(a)-12(d).</p>	

RULE 13

NOISE (NON-RESIDENTIAL ACTIVITIES)

RULES

13.0 General

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

13.1 Permitted Activities

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

- *Non-Residential Activities* meeting the noise standards set out in the following table as measured in accordance with NZS 6801:1999 Acoustics - Measurement of Sound and NZS 6803:1999 Acoustics - Assessment of Environmental Sound at the appropriate part of a *site* (other than the *site* on which the activity is situated) within the *Living Environment*, *Foothills Environment*, *Open Space Environment*, *Bush Living Environment*, *Waitakere Ranges Environment* or *Countryside Environment*, *Hobsonville Base Village Special Area*.

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 45 dBA	L _{Max} N/A	L ₁₀ 40dBA	L _{Max} 70dBA

13.1 Discretionary Activities

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

- Any *Non-Residential Activity* not meeting the standards in Rule 13.1

Discretionary Activity applications made under this rule will be assessed in accordance with Assessment

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* 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. The Council may have a guideline to help interpret this rule - check at the Council Offices.

ASSESSMENT CRITERIA

13(a)

The extent to which background noise level (L₉₅) in the vicinity of the subject *site* affects the relevance of noise standards for *Permitted Activities*.

13(b)

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

13(c)

The extent to which the noise generated will meet the provisions of New Zealand Standard NZS6802:1999 Acoustics - Assessment of Environmental Sound.

13(d)

The extent to which more than minor adverse *effects* on the *environment* can be avoided, remedied or mitigated or off set 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 13	NOISE (NON-RESIDENTIAL ACTIVITIES)
<p>Criteria 13(a)-13(d) and any other matters as are relevant under Section 104 of the <i>Act</i>.</p>	

RULE 14

AIR DISCHARGES, ODOUR, DUST, GLARE AND VIBRATION RULES

RULES

14.0 General

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

14.1 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 curves 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.
- (c) *Any Activity* and *Temporary Activities* emitting artificial outdoor lighting which:

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules* 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. Relevant air discharge, vibration, lighting and *dust* standards will be consulted when considering any *resource consent* application.

ASSESSMENT CRITERIA

14(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*.

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

14(c)

The extent to which an odour or *dust* 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*.

14(d)

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

14(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 14

AIR DISCHARGES, ODOUR, DUST, GLARE AND VIBRATION RULES

- (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 14A)

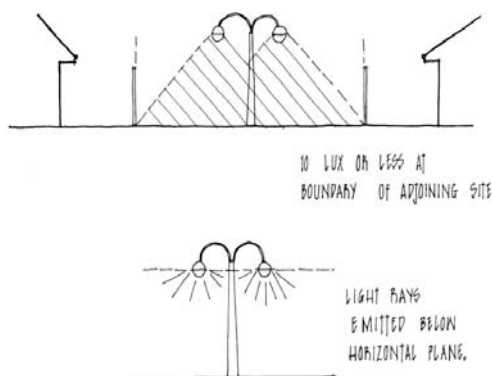


Diagram 14A

14.2 Limited Discretionary Activities

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

- *Any Activity* and *Temporary Activities* with lighting exceeding 10 lux spill up to an additional 15 lux and otherwise meeting the standards of Rule 14.1(c) (i), (ii) and (iii).

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of intensity, location, duration and direction of lighting and will be considered in

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
- the imposition of a charge to cover the costs of monitoring the activity
- 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 AIR DISCHARGES, ODOUR, DUST, GLARE AND VIBRATION RULES

accordance with Assessment Criteria 14(a)-14(b) and 14(e).

14.3 Discretionary Activities

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

- *Any Activity* and any *Temporary Activity* which do not meet the standards of Rules 14.1(a) or 14.1(b) or 14.1(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 14(a)-14(e) and any other matters that are relevant under section 104 of the *Act*.

14.4 Non-Complying Activities

Any Activity and *Temporary 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 this *Plan* and shall be a *Non-Complying Activity*.

RULE 15

SIGNS

RULES

15.0 General

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

15.1 Permitted Activities

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

- (a) *Any Activity* and *Temporary Activities* 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) *Any Activity* with a *temporary sign*.

15.2 Limited Discretionary Activities

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

- *Any Activity* and *Temporary Activities* with a *non-residential sign* (including *signs* associated with a *home occupation* meeting the standards of Rule 10.1), where the *sign* is located on the *site* to which it relates, has a maximum *sign area* of 1.5m², and is not 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 15(a)-15(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* 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. Where a proposed *sign* may affect the **safety** and efficiency of a State Highway or motorway, comments may be invited from Transit New Zealand regarding the **safety** of road users.
8. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted (subject to meeting all other legislation/Plans).

ASSESSMENT CRITERIA

15(a)

The extent to which *signs* are visually appropriate to **amenity values** and **neighbourhood character**.

15(b)

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

15(c)

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

15(d)

The extent to which more than minor adverse *effects* can be adequately remedied, mitigated or offset *on-site* or, if this is not possible, can be adequately remedied, mitigated or offset by a *financial contribution off-site*.

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

- altering the scale, *height* and/or location of *signs*
- specifying the *design* and wording of *signs*
- 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 15	SIGNS
<p>15.3 Non-Complying Activities</p> <p><i>Any Activity and any Temporary Activity 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.</i></p>	

RULE 16

RELOCATED BUILDINGS

RULES

16.0 General

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

16.1 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 16(a)-16(c).

ASSESSMENT CRITERIA

16(a)

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

16(b)

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

16(c)

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

Note: See also Policies 10.27, 11.3, 11.8
(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

- requiring alterations to the *building design* and/or *building* location on the *site*
- requiring the retention of trees and/or other *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* 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*.

RULE 17

INFRASTRUCTURE

RULES

17.0 General

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

17.1 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*).

- (b) *Any Activity* involving *infrastructure* which;

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. 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* and 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 Council.

ASSESSMENT CRITERIA

17(a)

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

17(b)

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

17(c)

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

17(d)

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

17(e)

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

17(f)

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

17(g)

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

17(h)

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

17(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.

17(j)

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

17(k)

The extent to which the *design* and capacity of the *wastewater treatment and disposal system* takes into

RULE 17

INFRASTRUCTURE

- (i) is an above-ground sewage, stormwater or water pipe and
 - has a *height* not exceeding 1.0 metre above *ground level*; and
 - a diameter not exceeding 300mm; and
 - extends for an above-ground distance not exceeding 25.0 metres at any one place;
- (ii) is any other *infrastructure* which has a *height* not exceeding 1.5 metres above *ground level* and covers an above ground area not exceeding 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.
- *connections* that have an above ground *height* of more than 12.0 metres, except as provided for by clause c(ii) above.

17.2 Controlled Activities

Activities meeting the following performance standards are Controlled Activities:

- *Any Activity* involving *infrastructure* not meeting the standards specified in Rule 17.1 where the

account any relevant feature of the *catchment*, including likely future *development*.

17(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*.

17(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.

17(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.

17(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.

RULE 17

INFRASTRUCTURE

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;

- (i) any stormwater pipe or wastewater pipe not operated by a *network utility operator*
- (ii) high pressure gaslines with a gauge pressure of more than 2000kPa
- (iii) *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, capacity, *construction*, location, health and **safety** and will be considered in accordance with Assessment Criteria 17(a)-17(t).

17.3 Limited Discretionary Activities

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

- telephone exchanges not exceeding 100m² in *gross floor area*

Assessment of *Limited Discretionary* applications made under this rule will be limited to matters of *design* and location and will be considered in accordance with Assessment Criteria 17(a)-17(j).

17.4 Discretionary Activities

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

- *Any Activity* involving *infrastructure* or *connections* not meeting the standards specified in Rules 17.1 or 17.2, provided that no new *infrastructure* having a *height* exceeding 12m may be located on a *sensitive ridgeline*, headland, cliff or scarp.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 17(a)-17(t) and any other matters that are relevant under Section 104 of the *Act*.

17.5 Non-Complying Activities

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

17(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*.

17(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.

17(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*.

17(s)

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

17(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*.

RULE 17	INFRASTRUCTURE
	<p data-bbox="852 349 1372 439">Note: See also Policies 1.14, 2.12, 3.5, 10.1, 10.9, 10.17, 10.18, 10.27, 11.4, 11.7 (Policy Section of the Waitakere District Plan)</p> <p data-bbox="852 472 1350 506">RESOURCE CONSENT CONDITIONS</p> <p data-bbox="852 517 1388 607">In granting a <i>resource consent</i> Council may impose conditions. Conditions may include any one or all of the following matters:</p> <ul data-bbox="852 613 1388 1211" style="list-style-type: none">• limiting the <i>height</i> and/or scale and/or location and/or bulk of the <i>infrastructure</i> or <i>connection</i>• requiring provision of <i>screening</i> and/or <i>planting</i>• specifying <i>design</i> parameters to be used in the construction of the <i>infrastructure</i> or <i>connection</i>• the imposition of a charge to cover costs of monitoring the activity• requiring the retention of trees and/or other <i>vegetation</i>• requiring the imposition of a <i>bond</i> to cover satisfaction of conditions of consent• requiring <i>financial contributions</i> in accordance with the <i>Plan</i>• specifying the location of the <i>infrastructure</i> or <i>connection</i>• requiring <i>on-site</i> or <i>off-site</i> works and services to avoid, remedy, mitigate or offset <i>adverse effects</i>• such other matters provided for in section 108 of the <i>Act</i>. <p data-bbox="852 1218 1388 1341">Provided that, in the case of <i>Controlled Activities</i>, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p>