

## GUIDELINE TO THE RULES

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

**“Residential Activity”** means the use of *land* or *buildings* by people for living accommodation (whether or not any person is subject to care or supervision), where the occupiers voluntarily live at the *site* for a period of one month or more and will generally refer to the *site* as their home and permanent address, and includes baches and other similar private holiday accommodation, but excludes a *temporary activity* and a *prohibited activity*.

➤ **“Non-Residential Activity”** means *any activity* not defined as a *Residential Activity* or a *Temporary Activity* or a *Prohibited Activity*.

➤ **“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 *Working Environment* Rules that may apply to a proposed activity.

The “City-Wide Rules” include rules on information for *resource consents*, *financial contributions*, *natural hazards*, *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” include standards on *vegetation alteration*, *earthworks*, *impermeable surfaces* and establishment of *vegetation*.

The “Subdivision Rules” cover all standards relating to the *subdivision* of *land* in the city - including those standards which specifically apply to the *Working 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 *Working Environment Rules* themselves.

The following procedure is a guideline to apply the *Plan* rules for an activity proposed within the *Working Environment*.

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

working environment



## PROCEDURAL GUIDELINE FOR THE RULES

### STEP 1

Locate the *site* on the *Human Environments* Maps. If the *site* is within the *Working Environment*, refer to this guideline. If the *site* is within another *Human Environment* refer to the other appropriate guideline. Refer to the relevant *General Natural Area* Rules. Note any other information from the *Human Environments* Maps which is relevant such as *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 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 *Working Environment* Rules. Note: The activity must comply with all relevant Rules to be permitted as of right. Rules which may apply to *Any Activity* include:

- Rule 1 General Rules
- Rule 2 Height in Relation to Boundaries
- Rule 3 Building and Development Location
- Rule 6 Air Discharges
- Rule 8 Noise
- Rule 9 Parking, Loading and Driveway Access
- Rule 10 Odour, Glare and Vibration

Rule 12 Infrastructure

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

Rule 4 Landscape Treatment

Rule 5 Retailing

Rule 11 Signs

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

Rule 7 Residential Activities

### 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 be necessary.

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

## RULES

### 1.0 General

The following Rules 1.1 and 2 to 12 apply to activities on land situated in the *Working Environment* including the *Lincoln Working Environment*.

### 1.1 Notification/Non-Notification

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 12 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

## HEIGHT AND HEIGHT IN RELATION TO BOUNDARIES

## RULES

**2.0 General**

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

**2.1 Permitted Activities**

Activities which meet the following Performance Standard are *Permitted Activities*:

- (a) *buildings* which do not project beyond the following *recession plane*:
  - *southernmost site boundary recession plane* 35°
  - all other *site boundaries recession plane* 45°
- (b) *buildings* and *structures* located on Lots 1, 2 and Part Lot 3 DP 72261 and any subsequent titles issued from them that do not exceed a *height* of 15.0m
- (c) *buildings* which do not project beyond a *recession plane* of 45° as measured from any relevant point 10 metres vertically above ground level on any site boundary adjoining land within the Living (L6) Environment within the New Lynn Town Centre.

as measured from any relevant point 2.5m vertically above *ground level* on any *site boundary* adjoining *land* within a *Living Environment* or an *Open Space Environment* or the *Hobsonville Village Centre Special Area Precinct C* or the *College Special Area* or the *Countryside Environment*, provided that for the *College Special Area* the *recession plane*:

- shall be measured from any relevant point 6.0m vertically above any *site boundary* relating to Lot 4 DP 120941 and/or Lot 2 DP 29916, and
- shall not apply in respect to the eastern boundary of Lot 4 DP 146207, the northern boundary of Lot 7 DP 118962 and the western boundary of Lot 10 DP 118962. (See Diagram 2A)

**2.2 Discretionary Activities**

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

- *buildings* not meeting the standards in Rule 2.1.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 2(a) and 2(b) and any other matters that are relevant under section 104 of the *Act*.

## ASSESSMENT CRITERIA

**2(a)**

The extent to which *buildings* on *sites* adjacent to a *Living Environment* or the *College Special Area* or an *Open Space Environment* are of a compatible profile with *buildings* within those *Environments*, and allow reasonable **daylight and sunlight access** to *buildings*.

**2(b)**

The extent to which, for any *buildings* not meeting the height in relation to boundary standard, there are adverse *effects* on nearby residential areas with particular regard to **health effects** and **physical domination** of the proposed *building* and the appearance of the proposed *building*.

Note: See also Policies 1.15, 10.1, 10.5, 10.6, 11.3, 11.10, 11.14, 11.15, 11.24, 11.46, 11.48, 11.49

(Policy Section of the Waitakere District Plan)

## RULE 2

## HEIGHT AND HEIGHT IN RELATION TO BOUNDARIES

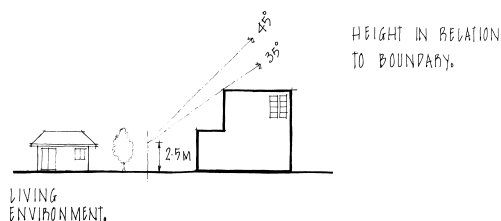


Diagram 2A

### RESOURCE CONSENT CONDITIONS

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

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

#### NOTES

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

## RULE 3

## BUILDING & DEVELOPMENT LOCATION

### RULES

#### 3.0 General

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

#### 3.1 Permitted Activities

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

(a) *development* in respect of which:

- *buildings* are located no less than 6.0 metres from either a *Living Environment* or an *Open Space Environment* or the *Countryside Environment* and no less than 3.0 metres from the *College Special Area* provided that no *setback* shall apply to the rear boundaries of the residues of Lot 4 DP 120491, the southern boundary of part Lot 2 DP 29916, the eastern boundary of Lot 4 DP 146207, the northern boundary of Lot 7 DP 118962, and the western boundary of Lot 10 DP 118962, and
- *buildings* have no vehicle access doors or loading doors, fans, air conditioning equipment or air discharge device within 20 metres of a *Living Environment* or the *Countryside Environment*, and
- *buildings* have no air conditioning equipment or air discharge device within 20 metres of the *College Special Area*, or *Precinct C* in the *Hobsonville Village Centre Special Area*
- there is a minimum 1.8 metres high *close boarded fence* and a minimum 1.0 metre wide *planted strip* along the *site boundary* of any *adjoining site* within a *Living Environment* or an

### ASSESSMENT CRITERIA

#### 3(a)

The extent to which *buildings* and *development* in the *Working Environment*

- (i) incorporate sufficient *building setback* from any *Living Environment* or the *College Special Area* to provide a buffer area.
- (ii) are *screened* from any *Living Environment*
- (iii) are *designed* and located to minimise adverse noise, odour, and visual effects on *Residential Activities* within the *Living Environment* and the *College Special Area*.

#### 3(b)

The extent to which any *outdoor storage areas* are *screened* so that they are not visible from *Residential Activities* within a *Living Environment* or an *Open Space Environment*.

#### 3(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 1.15, 10.1, 10.5, 10.6, 10.27, 11.3, 11.10, 11.14, 11.15, 11.24, 11.46, 11.48, 11.49

(Policy Section of the Waitakere District Plan)

#### NOTES

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

RULE 3	BUILDING & DEVELOPMENT LOCATION
<p><i>Open Space Environment</i>, or the <i>College Special Area</i> or the <i>Countryside Environment</i>, and</p> <ul style="list-style-type: none"><li>- any <i>outdoor storage area</i> is <i>screened</i> from other sites within a <i>Living Environment</i> or an <i>Open Space Environment</i> or the <i>Countryside Environment</i>.</li></ul> <p>(b) <i>buildings</i> and <i>structures</i> located on Lots 1, 2 and Part Lot 3 DP 72261 and any subsequent titles issued from them that are situated no less than 6.0m from the <i>road boundary</i>.</p> <p>(c) <i>buildings</i> on any <i>site</i> adjoining <i>land</i> within a <i>Living (L6) Environment</i> within the <i>New Lynn Town Centre</i> do not need to meet the requirements of 3.1 (a)-(b).</p> <p><b>3.2 Discretionary Activities</b></p> <p>Activities meeting the following Performance Standard are <i>Discretionary Activities</i>:</p> <ul style="list-style-type: none"><li>• <i>buildings</i> and <i>development</i> not meeting the standards in Rule 3.1.</li></ul> <p><i>Discretionary Activity</i> applications will be assessed having regard to Assessment Criteria 3(a)-3(c) and any other matters which are relevant under section 104 of the <i>Act</i>.</p>	<p><b>RESOURCE CONSENT CONDITIONS</b></p> <p>In granting a <i>resource consent</i>, Council may impose conditions. Conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"><li>• requiring a specific <i>setback</i> between the <i>buildings</i> and <i>boundaries</i></li><li>• limiting the <i>height</i> of the <i>building</i></li><li>• limiting the <i>building bulk</i></li><li>• requiring provision of <i>screening</i> and/or <i>planting</i></li><li>• requiring the alteration of window <i>design</i> or positioning</li><li>• requiring provision of a <i>landscape treatment plan</i> and its implementation within a given time</li><li>• the imposition of a <i>bond</i> to ensure satisfaction of conditions of consent</li><li>• requiring <i>financial contributions</i> in accordance with the <i>Plan</i></li><li>• requiring <i>on-site</i> or <i>off-site</i> works and services to avoid, remedy, mitigate or offset adverse <i>effects</i></li><li>• such other matters provided for in section 108 of the <i>Act</i>.</li></ul>

## RULE 4

## LANDSCAPE TREATMENT

### RULES

#### 4.0 General

The following rules shall apply to *Non-Residential Activities* involving the erection or alteration of *buildings* or *development* of a *site*.

#### 4.1 Permitted Activities

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

- *development* which:
  - for any *site* less than 2000m<sup>2</sup> in area incorporates *planting* to at least 30% of a 6.0 metre depth from a *road boundary* (see diagram 4(A) - page 9), and
  - for any *site* less than 2000m<sup>2</sup> in area with *carparking*, *driveway*, or manoeuvring areas between the *building* and the *road boundary*, incorporates a minimum 2.0 metre *planted strip* (excluding *driveways*) inside the *road boundary* of the *site*. (see diagram 4(B) - page 9)
- in respect of Lots 1, 2 and Part Lot 3 DP 72261 and any subsequent titles issued from them, no less than 50% of that part of the *site* between the *road boundary* and a parallel line 3.0m there from shall be landscaped, provided that where any front yard is to be utilised as an *outdoor storage area*, or for refuse disposal or *car parking* that area shall be screened by a solid wall along or parallel to the *road boundary* not less than 1.0m in *height*, densely planted behind with *vegetation* which will reach a *height* of not less than 2.0m.

#### 4.2 Controlled Activities

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

#### NOTES

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

### ASSESSMENT CRITERIA

#### 4(a)

The extent to which *sites* are landscaped in accordance with a *landscape treatment plan* to:

- soften the visual appearance of parking and manoeuvring areas
- break up and soften the visual appearance of large and/or continuous *building* frontages visible from *roads*.

#### 4(b)

The extent to which *planting* comprises mainly trees rather than shrubs or other low-profile *vegetation*.

#### 4(c)

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

Note: See also Policies 10.6, 10.27, 11.3, 11.10, 11.14, 11.15, 11.24

(Policy Section of the Waitakere District Plan)

RULE 4	LANDSCAPE TREATMENT
<ul style="list-style-type: none"><li>development of any site over 2000m<sup>2</sup> in area where the development incorporates planting of at least 10% of the net site area.</li></ul> <p>Assessment of <i>Controlled Activity</i> applications will be limited to the matters of <i>design</i> and location of <i>planting</i> and will be considered in accordance with Assessment Criteria 4(a)-4(c).</p> <p><b>4.3 Limited Discretionary Activities</b></p> <p>Activities meeting the following Performance Standard are <i>Limited Discretionary Activities</i>:</p> <ul style="list-style-type: none"><li>development of any site not meeting the standards in Rules 4.1 or 4.2.</li></ul> <p>Assessment of <i>Limited Discretionary Activity</i> applications will be limited to the matters of <i>design</i>, <i>landscape treatment</i> and location of <i>planting</i> will be considered in accordance with Assessment Criteria 4(a)-4(c).</p>	<p><b>RESOURCE CONSENT CONDITIONS</b></p> <p>In granting a <i>resource consent</i> Council may impose conditions. Conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"><li>requiring a <i>landscape treatment</i> plan and implementation of that plan within a given time</li><li>specifying the <i>design</i> and location of <i>planting</i></li><li>requiring <i>financial contributions</i> in accordance with the <i>Plan</i></li><li>imposition of a <i>bond</i> to ensure satisfaction of conditions of consent</li><li>requiring <i>on-site</i> or <i>off-site</i> works and services to avoid, remedy, mitigate or offset adverse <i>effects</i></li><li>such other matters provided for in section 108 of the <i>Act</i>.</li></ul> <p>Provided that, in the case of <i>Controlled Activities</i> and <i>Limited Discretionary Activities</i>, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p>

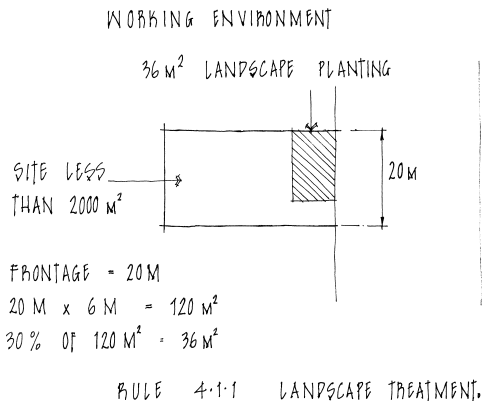


Diagram 4A

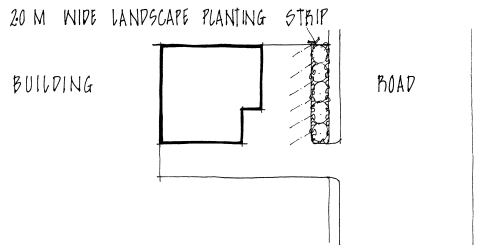


Diagram 4B

## RULE 5

## RETAILING

### RULES

#### 5.0 General

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

#### 5.1 Permitted Activities

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

- (a) *convenience shops* not exceeding 100m<sup>2</sup> in *retail floorspace*
- (b) *retail sales subsidiary* to a *manufacturing activity* on the same *site* occupying not more than 15% of the *gross floor area* of that part of the *building* which is occupied by the activity, or 100m<sup>2</sup> *retail floorspace* whichever is the lesser
- (c) *retail sales* not otherwise permitted by (a) and (b) involving *retail sales*:
  - of *takeaway food* and/or
  - *restaurant food and beverages* and/or
  - within *yard-based activities* and/or
  - at *service stations* and/or
  - automotive and marine products, parts and accessories and/or
  - beverages

#### 5.2 Discretionary Activities

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

*Retail Activity* where:

- there is a total of no more than 6750m<sup>2</sup> *retail floorspace* (including the proposal subject to the application but excluding all *retail floorspace* in the

#### NOTES

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

### ASSESSMENT CRITERIA

#### 5(a)

The extent to which the *development* is consistent with the objectives and policies of the *Plan*.

#### 5(b)

The extent to which the *retail activity*, or any cumulative *effects* arising from the *retail activity*, may lead to pressures for unplanned peripheral expansion of the City and/or a move away from consolidating urban activity in *town centres*.

#### 5(c)

The extent to which the role of any existing, or already planned, centre as a focal point for population intensification and the public and private transportation efficiencies which flow from such an urban land use pattern, is maintained.

#### 5(d)

The extent to which the *retail activity* has adverse *effects*, including cumulative *effects* on private and public transport patterns, and in particular the extent to which the proposed *retail activity*:

- results in a potential increase (or reduction) in overall travel distances
- encourages the use of or maintains the integrity of the public transport network.

#### 5(e)

The extent to which the *retail activity* may result in significant adverse *effects*, including cumulative *effects*, on the *amenity* values provided by the commercial and community services and facilities of any existing or already planned centre as a whole.

#### 5(f)

The extent to which there are opportunities within existing *town centres* to establish the proposed *retail activity* (in the same or different format as that proposed). If there are opportunities, whether the community would be better served by those opportunities rather than the location of the *retail activity* outside the *town centre* (having regard to the policies and explanation of policies in the *Plan*.)

#### 5(g)

The extent to which the *site* is accessible to *town centres*.

#### 5(h)

RULE 5	RETAILING
<p><i>Community Environment</i> and that <i>retail floorspace</i> in the <i>Working Environment</i> which enjoys permitted activity status) within a 500m radius of the centre of the <i>site</i> subject to any proposal;</p> <ul style="list-style-type: none"><li>the <i>retail floorspace</i> of any single shop shall not be less than 400m<sup>2</sup>.</li></ul> <p><i>Discretionary Activity</i> applications made under this rule will be assessed in accordance with Assessment Criteria 5(a)-5(k) and any other matters which are relevant under section 104 of the <i>Act</i>.</p> <p><b>5.3 Non-Complying Activities</b></p> <p><i>Any Activity</i> to which these rules apply which is not a <i>Permitted Activity</i> or a <i>Discretionary Activity</i> under the above rules shall be deemed to contravene a rule in this <i>Plan</i> and shall be a <i>Non-Complying Activity</i>.</p>	<p>The extent to which the <i>site</i> is of adequate size to accommodate the proposed <i>development</i>, together with <i>car parking</i> and <i>landscape treatment</i>.</p> <p><b>5(i)</b></p> <p>The extent to which the <i>site</i> can be developed in harmony with the character of the area in which it is to be located.</p> <p><b>5(j)</b></p> <p>The extent to which the <i>development</i> can be adequately served by <i>infrastructure</i> (especially <i>roads</i> and <i>drainage</i>).</p> <p><b>5(k)</b></p> <p>The extent to which the new <i>retail activity</i> will be integrated (where appropriate) with existing retail and other community resources and activities in the same area, including site and building <i>design</i> integration, and pedestrian and <i>road</i> linkages.</p> <p>Note: See also Policies 1.2, 1.3, 4.1, 11.17</p> <p>(Policy Section of the Waitakere District Plan)</p>

## RULE 6

## AIR DISCHARGES

### RULES

#### 6.0 General

The following rules shall apply to *Any Activity* and *Temporary Activities* involving processes which give rise to discharges of *contaminants* to air.

#### 6.1 Permitted Activities

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

- *Any Activity* involving a Part C process as listed in the Air Discharge Appendix, excluding *Intensive Livestock Farming* or a *Waste Management Facility*.

#### 6.2 Discretionary Activities

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

- *Any Activity* not meeting the standards in Rule 6.1 provided that the activity does not employ a Part A process as listed in the Air Discharge Appendix and provided further that this rule shall not apply in the *Lincoln Working Environment*, or the *Hobsonville Landing Special Area* or the *Massey North Employment Special Area*.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 6(a)-6(c) and other matters which are relevant under section 104 of the *Act*.

#### 6.3 Non-Complying Activities

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

#### NOTES

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

### ASSESSMENT CRITERIA

#### 6(a)

The extent to which activities that have the potential to affect health, **safety** or *amenity* from air discharges are separated from the *Living Environment*, community activities such as schools and other employment activities.

#### 6(b)

The extent to which activities are limited to those which will have only minor potential to cause air pollution in order to promote a high quality working environment suitable for *Non-Residential Activity* and, where relevant, *Residential Activity*.

#### 6(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 10.1, 10.3, 10.27

(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:

- limitations on the scale of the process affecting air quality
- limiting the location of air discharge devices
- specifying mitigation measures to reduce impacts on air quality
- limiting the duration of emissions to air
- requiring *financial contributions* in accordance with the *Plan*
- requiring a monitoring programme for air emissions
- 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*.

RULE 7	RESIDENTIAL ACTIVITIES
<p><b>RULES</b></p> <p><b>7.0 General</b></p> <p>The following rules shall apply only to <i>Residential Activities</i>.</p> <p><b>7.1 Permitted Activities</b></p> <p>Activities meeting the following Performance Standard are <i>Permitted Activities</i>:</p> <ul style="list-style-type: none"><li>• <i>dwelling</i> where the use of the <i>dwelling</i> is <i>subsidiary</i> to a <i>Non-Residential Activity</i> on the same <i>site</i>.</li></ul> <p><b>7.2 Limited Discretionary Activities</b></p> <p>Activities meeting the following Performance Standard are <i>Limited Discretionary Activities</i>:</p> <ul style="list-style-type: none"><li>• <i>Residential Activities</i> in the <i>Lincoln Working Environment</i> not meeting the standards in Rule 7.1.</li></ul> <p>Assessment of <i>Limited Discretionary Activity</i> applications will be limited to the matters of location, <i>design</i>, <i>landscape treatment</i> and <i>screening</i> and will be considered in accordance with Assessment Criteria 7(a)-7(d).</p> <p><b>7.3 Discretionary Activities</b></p> <p>Activities meeting the following Performance Standard are <i>Discretionary Activities</i>:</p> <ul style="list-style-type: none"><li>• <i>Residential Activities</i> except in the <i>Working Environment (New Lynn)</i> not meeting the standards of Rules 7.1 or 7.2</li></ul> <p><i>Discretionary Activity</i> applications will be assessed in accordance with Assessment Criteria 7(a)-7(d) and any other relevant matters under section 104 of the <i>Act</i>.</p> <p><b>7.4 Non Complying Activities</b></p> <p>Any <i>Residential Activity</i> in the <i>Working Environment (New Lynn)</i> which is not a <i>Permitted Activity</i> under the above rules shall be deemed to be contravening a rule in this <i>Plan</i> and shall be a <i>Non-Complying Activity</i>.</p>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>7(a)</b></p> <p>The extent to which <i>habitable rooms</i> are located to receive adequate daylight.</p> <p><b>7(b)</b></p> <p>The extent to which <i>outdoor space</i> and living rooms are protected from overlooking.</p> <p><b>7(c)</b></p> <p>The extent to which <i>development</i> promotes a safe environment for residents, including adequate lighting and location and <i>design</i> of entrances.</p> <p><b>7(d)</b></p> <p>The extent to which more than minor adverse <i>effects</i> can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the <i>site</i> and/or through payment or provision of a <i>financial contribution</i>.</p> <p>Note: See also Policies 1.1, 1.2, 1.14, 2.1, 3.1, 10.1, 10.4, 10.6, 10.17, 10.27, 11.1, 11.2, 11.24, 11.46, 11.48, 11.49</p> <p>(Policy Section of the Waitakere District Plan)</p> <p><b>RESOURCE CONSENT CONDITIONS</b></p> <p>In granting a <i>resource consent</i> Council may impose conditions. Conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"><li>• requiring alterations to the <i>building design</i> and/or <i>building location</i> on the <i>site</i></li><li>• requiring the retention of trees and/or other <i>vegetation</i></li><li>• requiring provision of a <i>landscape treatment plan</i> and its implementation within a given time</li><li>• requiring <i>financial contributions</i> in accordance with the <i>Plan</i></li><li>• the imposition of a <i>bond</i> to cover satisfaction of conditions of consent</li><li>• requiring <i>on-site</i> or <i>off-site</i> works and services to avoid, remedy, mitigate or offset adverse <i>effects</i></li><li>• such other matters provided for in section 108 of the <i>Act</i>.</li></ul> <p>Provided that, in the case of <i>Limited Discretionary Activities</i>, conditions may only be imposed in respect of the matters above to which the Council has restricted the exercise of its discretion.</p>

RULE 7

RESIDENTIAL ACTIVITIES

working 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*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.

3.

Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.

4.

Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.

5.

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

6.

For *resource consents* see the Information Requirements in the *City-Wide Rules*.

## RULE 8

## NOISE

## RULES

**8.0 General**

The following rules apply to *Any Activity*.

**8.1 Permitted Activities**

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

- *Any Activity* which
  - (a) *meets* the noise standards set out in the following table as measured in accordance with NZS 6801:2008 Acoustics - Measurement of Sound and NZS 6802:2008 Acoustics - Assessment of Environmental Sound at the appropriate part of any *site* within the *Living Environment, College Special Areas, Footballs Environment, Bush Living Environment, Rural Villages Environment* or *Countryside Environment*; and *Hobsonville Village Centre Special Area* Precinct C.

	7.00am-7.00pm Monday-Saturday		7.00pm-10.00pm Monday-Saturday 7.00am-10.00pm Sundays & Public Holidays		10.00pm-7.00am	
AreaA	L <sub>10</sub> 50dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 45dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 40dBA	L <sub>Max</sub> 70dBA
All Other Areas	55dBA	N/A	50dBA	N/A	45dBA	70dBA

## 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 General Noise Standards in the *City-Wide 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*, 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*.

## ASSESSMENT CRITERIA

**8(a)**

The extent to which the background noise level (L<sub>95</sub>) in the vicinity of the subject *site* affects the relevance of noise standards for *Permitted Activities*.

**8(b)**

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

**8(c)**

The extent to which the noise generated will meet the provisions of New Zealand Standard NZS 6802:1999 Acoustics - Assessment of Environmental Sound.

**8(d)**

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

**8(e)**

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

Note: See also Policies 10.2, 10.15, 10.27, 11.13, 11.24

(Policy Section of the Waitakere District Plan)

## RULE 8

## NOISE

- (aa) In recognition of the incremental nature of development and the potential for conflict between changing land uses, Rule (8.1(a)) does not apply to sites in the *Working Environment (New Lynn)* that adjoin sites in the *Living (L6) Environment* in the *New Lynn Town Centre*. In this instance, refer to Rule 8.1(b).

N.B. Area "A" comprises any part of the *College Special Area* bounding the northern boundaries of Lots 4 and 5 DP 146207 and Lots 10, 11, 12 and 14 DP 118962 and the southern boundaries of Lots 1 and 3 DP 168946.

- (b) meets the noise standards set out in the following table as measured at part of any *site* (other than the *site* on which the activity is situated) within the *Working Environment* (except the *Lincoln Working Environment*), *Hobsonville Village Centre Special Area Precinct A*, *Hobsonville Marine Industry Special Area*, *Hobsonville Landing Special Area*, *Community environment (New Lynn)* or the *Living (L5) Environment adjoining Rankin Avenue and Living (L6) Environment in the New Lynn Town Centre*; and

7.00am-7.00pm Monday-Saturday		7.00pm-10.00pm Monday-Saturday 7.00am-10pm Sundays & Public Holidays		10.00pm-7.00am	
L <sub>10</sub> 65dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 65dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 65dBA	L <sub>Max</sub> N/A

- (bb) Rules (8.1(b)) does not apply to the interface between Lot 12 DP 41000 (and subsequent legal descriptions should this property be modified) located in the *Working Environment (New Lynn)* and Lot 10 DP 41000 (and subsequent legal descriptions should this property be modified) located in the *Living (L6) Environment* in the *New Lynn Town Centre*. As Lot 10 DP 41000 was previously *Living (L2) Environment* rule 8.1(a) still applies.
- (c) meets the noise standards set out in the following table as measured at any part of any *site* within the *Lincoln Working Environment*, or the *Massey North Employment Special Area*

RULE 8

NOISE

7.00am-7.00pm Monday-Saturday		7.00pm-10.00pm Monday-Saturday 7.00am-10pm Sundays & Public Holidays		10.00pm-7.00am	
L <sub>10</sub> 60dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 60dBA	L <sub>Max</sub> N/A	L <sub>10</sub> 60dBA	L <sub>Max</sub> 80dBA

Note: This rule does not apply to sites in the *Working Environment* that adjoin sites in the *Living (L6) Environment* in the *New Lynn Town Centre*

- (d) where any existing or new *building* or part thereof is to be utilised for *Residential Activity*, has an acoustic design report from a suitably qualified and experienced person in acoustic design confirming that the *building* if constructed is designed to achieve the specified internal noise levels inside any *habitable room* not exceeding 35dBA L<sub>10</sub> between the hours of 10:00pm - 7:00am meeting the following Performance Standards at the time of application for either a building consent (in the case of a *Permitted Activity* for a *building* or *residential activity*) or resource consent for a *building* or *residential activity*.

**Required Internal Noise Performance Standards**

- (e) *Buildings* containing residential units shall be designed so that noise levels in *Habitable rooms* do not exceed:
- (i) An average level of 45dB LA<sub>eq</sub> at any time in all *habitable rooms* except *bedrooms* or studios;
  - (ii) An average level 45dB LA<sub>eq</sub> of between 0700-2200 and a level of 35dB LA<sub>eq</sub> (15 minutes) between 2200-0700 in *bedrooms* and studios;
- (f) where windows and doors must remain closed to achieve 8.1(e), mechanical ventilation shall be provided in accordance with the New Zealand Building Code.

**Internal Design**

- (g) Compliance with this rule shall be demonstrated by
- (i) The provision of an acoustic design report from a suitably qualified and

RULE 8

NOISE

- experienced person in acoustic design confirming that the *building* to be constructed is designed to achieve the specified internal noise levels;
- (ii) Acoustic design based on the assumption that the noise levels at the boundary of the site are at the levels specified in the table below:

Octave Band L <sub>eq</sub> Level (dB)							
	63	125	250	500	1k	2k	4k
All Hours	74	67	66	61	59	59	54

In demonstrating compliance with the above table, the noise source shall be located along a line running through the middle of the source site on the same axis as the common boundary and opposite the receiving building.

8.2 Discretionary Activities

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

- Any *Activities* not meeting the standards in Rule 8.1(a), (b), (c), (d), (e), (f) and (g).

*Discretionary Activity* applications made under this rule will be assessed in accordance with Assessment Criteria 8(a)-8(e) and any other matters which are relevant under Section 104 of the *Act*.

## RULE 9

## PARKING, LOADING & DRIVEWAY ACCESS

### RULES

#### 9.0 General

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

#### 9.1 Permitted Activities

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

- *dwellings* with 1 *on-site car park*
- *Retail Activities* with 1 *on-site car park* for every 20m<sup>2</sup> of *gross floor area*
- *Non-Residential Activities* other than *Retail Activities* with 1 *on-site car park* for every 35m<sup>2</sup> of *gross floor area*
- *Non-Residential Activities* with one *loading space* for every 5000m<sup>2</sup> of *gross floor area*
- disabled *car parks* are to be provided in accordance with NZS 4121 (1985) 'Design for Access and Use of Buildings and Facilities by Disabled Persons'. (Note: these car parks shall comprise part of the parking numbers requirement).

#### NOTES

8. 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.
9. *Vehicle Crossings* require consent from the Council - see Rule 7 of the *Transport Environment*.
10. Compliance with assessment criteria will be achieved by meeting the standards in the "Parking and Driveway Guidelines" (available from the Council).
11. 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*.
12. Word in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
13. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
14. The Council may have a guideline to help interpret this rule - check at the Council Offices.
15. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
16. 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

#### 9(a)

The extent to which adequate provision is made for the parking of vehicles generated by activities on the *site* having regard to:

- whether it can be demonstrated that a substantial number of people walk, cycle or take public transport to the activity
- whether activities on the same or nearby *sites* operate at different times and can share *car parking*
- there are special or unusual characteristics to the parking demands of the activity, such as most parking being associated with pick up or drop off.

#### 9(b)

The extent to which provision can be made for the safe movement of pedestrians from *car parks* to the *building* or *activity* the *car parking* serves.

#### 9(c)

The extent to which *loading spaces* are provided of a sufficient number to serve the loading needs of activities proposed or likely on the *site*.

#### 9(d)

The extent to which all *car parking*, *loading spaces* and *driveways* are *screened* from any *Residential Activity* within the *Living Environment*.

#### 9(e)

The extent to which *car parking* and *loading spaces* are located to allow efficient and safe access to the activity for which that *car parking* or *loading space* is provided, including separate provision for pedestrians.

#### 9(f)

The extent to which *car parking* and *loading spaces* and *driveway* access to them are of a dimension and location to allow efficient and safe access by motor vehicles.

#### 9(g)

The extent to which *car parking* is constructed of maintenance-free materials, adequately drained and well marked out.

#### 9(h)

The extent to which provision is made for *on-site* turning of vehicles to avoid reverse movement between the *car parking* or loading area and the *road*

## RULE 9

Provided that for all of the above each *car park* shall have dimensions of at least 2.5metres by 5.0 metres, a slope not exceeding 6.25%, *on-site turning* and access by *driveway* to a *road*.

### 9.2 Limited Discretionary Activities

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

- *Any Activity* 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 number of *car park* spaces, and *design, construction* and location of *car parking* and *driveways* and will be considered in accordance with the matters set out in Assessment Criteria 9(a)-9(l).

## PARKING, LOADING & DRIVEWAY ACCESS

where the reverse movement will disrupt the safe and efficient functioning of the *road*.

### 9(i)

The extent to which *driveway* access from the road is located and *designed* to allow safe and efficient movement on and off the *road*, including safe and efficient sight distances.

### 9(j)

The extent to which activities generating a high number of traffic movements and their access arrangements adversely affect the safe and efficient functioning of the adjacent *road* network, including the capacity of adjacent intersections, taking into account the function of the *road* in the Roding Hierarchy.

### 9(k)

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

### 9(l)

The extent to which provision made for *car parking* has regard to the parking capacity of adjacent *roads*, and the *road's* function in the Roding hierarchy.

Note: See also Policies 10.11, 10.16, 10.27, 11.3, 11.10, 11.14, 11.15, 11.24

(Policy Section of the Waitakere District Plan)

## RESOURCE CONSENT CONDITIONS

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

- requiring a specified number of *car park* and *loading spaces*
- limiting the scale of the activity
- specifying *design* parameters to be used in the method of construction of *driveways*, pedestrian ways, *car parking* and *loading spaces*
- specifying the number and location of access points onto and off the *road*
- requiring the provision of *screening* or *planting*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent

RULE 9	PARKING, LOADING & DRIVEWAY ACCESS
	<ul style="list-style-type: none"><li>• requiring <i>on-site</i> or <i>off-site</i> works and services to avoid, remedy, mitigate or offset adverse <i>effects</i></li><li>• such other matters provided for in section 108 of the <i>Act</i>.</li></ul> <p>Provided that, in the case of <i>Limited Discretionary Activities</i>, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p>

## RULE 10

## ODOUR, GLARE, VIBRATION

## RULES

**10.0 General**

The following rules apply to *Non-Residential Activity*, *Temporary Activities* and *Any Activities* producing artificial light.

**10.1 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"; and

- (b) *Any Activity* and *Temporary Activities* emitting artificial outdoor lighting which:
- (i) has not more than 20 lux spill (horizontal and vertical) of light as measured at the *site boundary* of any *adjoining site* or at the edge of the *Coastal Marine area* adjoining the *Hobsonville Landing Special Area*, provided that:
    - it does not cause an added illuminance in excess of 10 lux (horizontal and

**NOTES**

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

## ASSESSMENT CRITERIA

**10(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.

**10(b)**

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

- glare from the light is not directed into *adjoining sites* (other than the *Working Environment*)
- glare is not aimed in a random direction
- reflective glare is controlled to the extent that this is practicable.

**10(c)**

The extent to which an odour or vibration from an activity is or is likely to be noxious, dangerous, offensive or objectionable, due to its frequency, intensity (odour), 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*.

**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*.

Note: See also Policies 10.1, 10.10, 10.21, 10.27, 11.24

(Policy Section of the Waitakere District Plan)

## RULE 10

## ODOUR, GLARE, VIBRATION

vertical) at the windows of any *dwelling* within the *Working Environment*; and

- it does not cause an added illuminance in excess of 10 lux (horizontal and vertical) at the *site boundary* of any *adjoining site* within the *Living, Waitakere Ranges, Bush Living, Foothills and Countryside Environments*, and the *College Special Area*; the *Hobsonville Landing Special Area*, the *Hobsonville Marine Industry Special Area*, the *Hobsonville Village Centre Special Area*; 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*:
  - subject to the second bullet point below, does not produce more than 1,000 candelas per square meter for *sign areas* less than 10 m<sup>2</sup> and not more than 800 candelas per square metre for *sign areas* equal to or greater than 10m<sup>2</sup>;
  - any *sign* the face of which is at a 90 degree axis to the *road* or within 20 metres of a *road* and 20 degrees of the drivers line of sight, or at *road* intersections, shall not produce more than 600 candelas per square metre for *sign areas* less than 10m<sup>2</sup> and not more than 400 candelas per square metre for areas equal to or greater than 10m<sup>2</sup>;
  - with the exception of neon *signs*, the light source used to light any *sign* shall not be visible from an *adjoining site* including all *roads*.

(See Diagram 10A - page 24)

## RESOURCE CONSENT CONDITIONS

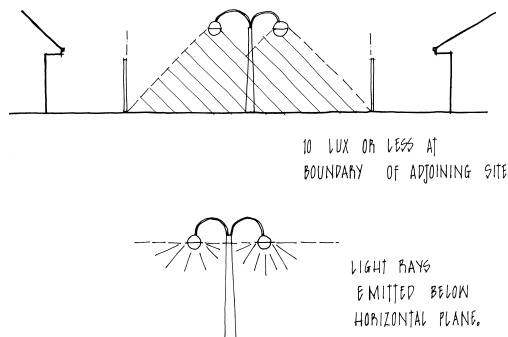
In granting a *resource consent* Council may impose conditions. The conditions may include one or more of the following matters:

- 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
- 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 10

## ODOUR, GLARE, VIBRATION



**Diagram 10A**

### 10.2 Limited Discretionary Activities

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

- *Any Activity* and *Temporary Activities* with lighting exceeding 20 lux spill up to an additional 15 lux which otherwise meet the standards in Rule 10.1(b) (i), (ii) (iii) and (iv).

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matter of intensity, location, duration and direction of lighting and will be considered in accordance with Assessment Criteria 10(a)-10(d).

### 10.3 Discretionary Activities

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

- *Any Activity* and *Temporary Activities* which do not meet the standards of Rules 10.1(a) or 10.1(b).

*Discretionary Activity* applications made under this rule will be assessed having regard, as relevant, to Assessment Criteria 10(a)-10(d) and any other matters that are relevant under section 104 of the *Act*.

## RULE 11

## SIGNS

### RULES

#### 11.0 General

The following rules apply to *Non-Residential Activities* and *Temporary Activities* involving the erection of *signs*.

#### 11.1 Permitted Activities

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

- (a) any *signs* which:
- do not protrude above or beyond the outline of a *building* or which are located below the verandah (*canopy*); and
  - which are not, flashing or moving; and
  - which are not freestanding; and
  - which are illuminated only where the *sign* is not adjacent to a site in the *Bush Living Environment*, *Coastal Villages Environment*, *Countryside Environment*, *Foothills Environment*, *Living Environment*, *Open Space Environment*, *Rural Villages Environment*, or *Waitakere Ranges Human Environments*.
- (b) any *temporary sign*.

#### 11.2 Limited Discretionary Activities

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

- any *sign* which does not meet the standards in Rule 11.1.

#### 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. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Where a proposed sign may affect the **safety** and efficiency of a State Highway or motorway, comments may be invited from Transit New Zealand regarding the **safety** of road users.
8. If an activity is not a controlled or restricted in any way by any part of the *Plan* it is permitted (subject to meeting all other legislation/Plans).

### ASSESSMENT CRITERIA

#### 11(a)

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

#### 11(b)

The extent to which *signs* should not create a situation hazardous to the safe movement of traffic.

#### 11(c)

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

#### 11(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, 11.10, 11.11, 11.14, 11.24

(Policy Section of the Waitakere District Plan)

RULE 11

SIGNS

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to the matters of *design*, location and **safety** and will be considered in accordance with Assessment Criteria 11(a)-11(d).

RESOURCE CONSENT CONDITIONS

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

- altering the scale, *height*, shape and/or location of *signs*
- specifying the *design* and wording of *signs*
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, 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

## INFRASTRUCTURE

### RULES

#### 12.0 General

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

#### 12.1 Permitted Activities

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

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

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

#### NOTES

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

### ASSESSMENT CRITERIA

#### 12(a)

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

#### 12(b)

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

#### 12(c)

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

#### 12(d)

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

#### 12(e)

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

#### 12(f)

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

#### 12(g)

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

#### 12(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*.

#### 12(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.

#### 12(j)

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

#### 12(k)

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

## RULE 12

## INFRASTRUCTURE

- (b) *Any Activity* involving *infrastructure* which;
- (i) is an above-ground sewage, stormwater or water pipe and
    - has a *height* not exceeding 1.0 metre above *ground level*; and
    - a diameter not exceeding 300mm; and
    - extends for an above-ground distance not exceeding 25.0 metres at any one place;
  - (ii) - telephone exchanges not exceeding 100m<sup>2</sup> in *gross floor area*
    - *telecommunications* and *radiocommunications infrastructure* not exceeding a height of 1.6 metres outside the profile of an existing *non-residential building*,
    - other *telecommunications* and *radiocommunications infrastructure* exceeding a height of 1.6m outside the profile of an existing *non-residential building* but limited to 100mm in diameter
  - (iii) is any other *infrastructure* which has a *height* not exceeding 8.0 metres above *ground level* and covers an above ground area not exceeding 50m<sup>2</sup> provided that this rule shall not allow:
    - any stormwater pipe or wastewater pipe not operated by a *network utility operator* or otherwise not covered by clause (c) below
    - high pressure gaslines with a gauge pressure of more than 2000kPa
    - *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.
- (c) *Connections*, provided that the *connection* is provided in accordance with any *network utility operator* requirements; and
- (i) where the *connection* involves any *line* or pipe, the *line* or pipe is located underground, or
  - (ii) where the *connection* involves any above ground *line*, the *connection* is an additional *connection* to an existing *building* which is already supplied from an above ground *line*.

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

### 12(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*.

### 12(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.

### 12(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.

### 12(o)

The extent to which the *stormwater treatment and disposal system* is *designed* having regard to the natural upstream *catchment* area, including likely future

## RULE 12

## INFRASTRUCTURE

Provided that this rule shall not allow connections to:

- 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
- *connections* that have an above ground *height* of more than 12.0 metres, except as provided for in the clause c(ii) above.

### 12.2 Controlled Activities

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

- *Telecommunications* and *radiocommunications infrastructure* not meeting the standards in Rule 12.1.

Assessment of *Controlled Activity* applications will be limited to the matters of *design* and location and will be considered in accordance with Assessment Criteria 12(a)-12(j).

### 12.3 Discretionary Activities

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

- *Any Activity* involving *infrastructure* or *connections* not meeting the standards specified in Rule 12.1, provided that no new *infrastructure* having a height exceeding 12.0 metres may be located on a *sensitive ridgeline*, headland, cliff or scarp.

*Discretionary Activity* applications will be assessed having regard to Assessment Criteria 12(a)-12(t) and any other matters that are relevant under Section 104 of the *Act*.

### 12.4 Non-Complying Activities

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

*development* and any adverse *effects* it may have on the downstream system.

#### 12(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*

#### 12(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.

#### 12(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*.

#### 12(s)

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

#### 12(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 12

## INFRASTRUCTURE

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)

### RESOURCE CONSENT CONDITIONS

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

- limiting the *height* and/or scale and/or location and/or bulk of the *infrastructure* or *connection*
- requiring provision of *screening* and/or *planting*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- specifying *design* parameters to be used in the construction of the *infrastructure* or *connection*
- the imposition of a charge to cover costs of monitoring the activity
- requiring the retention of trees and/or other *vegetation*
- requiring the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- specifying the location of the *infrastructure* or *connection*
- such other matters provided for in section 108 of the *Act*.