

# Waitakere City District Plan

## Plan Change 36

### Rural Activities and Social, Cultural and Economic Wellbeing of the People and Communities in the Waitakere Ranges Heritage Area

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Additions are underlined and deletions are ~~struckthrough~~.

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Insert a new Section 5B.4 to the District Plan as follows:

## **5B.4 WELLBEING OF PEOPLE AND COMMUNITIES IN THE WAITAKERE RANGES HERITAGE AREA**

### **5B.4.1 Issue**

Failure to provide for appropriate non-residential activities in the Waitakere Ranges Heritage Area will adversely affect the social, cultural, economic and environmental wellbeing of the people and communities of the Area.

Failure to manage the scale, intensity and character of non-residential activities may result in adverse effects on the heritage features of the Waitakere Ranges Heritage Area and/or lead to activities locating in the area that are more appropriately located in the metropolitan urban limits of Auckland.

Failure to provide for future uses of rural land may result in dereliction of rural land, inefficient supply of food from local resources, pressure for urbanisation or countryside living and decline of rural character in the rural areas of the Waitakere Ranges Heritage Area.

Failure to provide opportunities for nature, rural and wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland will not assist Aucklanders' and other New Zealanders' access, enjoyment and use of the area and their wellbeing.

### **5B.4.2 Objective**

**To provide for appropriate local and small scale social, cultural and economic non-residential activities that benefit the people and communities of, and visitors to, the Waitakere Ranges Heritage Area. These activities shall be clearly connected to the wellbeing of those people and communities, or to the enjoyment, protection or enhancement of the natural and rural character and amenity of the Waitakere Ranges Heritage Area.**

### **5B.4.3 Policy**

**To enable the people of the Waitakere Ranges Heritage Area to provide for their social, economic, cultural and environmental wellbeing in a way that is compatible with and/or enhances the heritage features and character of the area. The scale, intensity, context and character of activities will seek to retain and/or enhance a rural or natural character or cultural association with the area. This is achieved by:**

#### **In the Waitakere Ranges Heritage Area:**

- i. ensuring activities protect, restore and enhance heritage features (section 5B.1.2.1);**
- ii. ensuring activities contribute to the achievement of the desired future character and amenity of a local area (as specified in section 5B.3);**
- iii. avoiding activities that because of their scale, intensity and characteristics are contrary to the long term goals for the area (as specified in section 5B.1 and 5B.3), and/or are more appropriately located within the metropolitan urban limits of Auckland;**
- iv. avoiding the development of activities that do not rely on or support the productive use and capacity of rural land, or the character, amenity, communities, recreational or attributes of the Waitakere Ranges Heritage Area and coast;**
- v. limiting any commercial and office activities to home occupations and activities that support the area's distinctive communities, creating opportunities for local business support and innovation;**
- vi. limiting any commercial overnight accommodation to that associated with home occupation activities;**
- vii. providing for small scale local convenience retail and services in appropriate locations to support the wellbeing of the area's distinct communities and help reduce the need for travel outside of the area;**

- viii. encouraging creative endeavour, creative industries and arts and crafts;
- ix. providing opportunities for the appropriate expansion of existing activities to ensure they continue to provide for the wellbeing of the community and/or the quality of the visitor experience;
- x. enabling nature, rural and wilderness experiences, outdoor recreation and pursuits, and relaxation activities that are compatible with, and appropriate to, the amenity of the area and the natural and rural environment;
- xi. encouraging the reuse of existing buildings that relate to the historic and/or rural character of the area and controlling the design, scale and location of new buildings, structures and development to ensure they are appropriate to the area, avoid adverse effects on road and/or streetscape, and are subservient to the natural and/or rural landscapes of the area;
- xii. avoiding activities that result in inappropriate earthworks and vegetation removal;
- xiii. avoiding activities that result in adverse noise, lighting and odour effects on adjoining properties;
- xiv. avoiding, remedying or mitigating adverse amenity effects on adjoining properties;

**And in the Foothills Environment:**

- xv. enabling a diversity of small-scale rural business activities with a focus on food production, eating and drinking, history, culture, creative endeavour and innovation, festivals and events, outdoor recreation activity and activities focused on health and wellbeing that have a clear and genuine connection with the resources, communities or the character and amenity of the rural areas of the Waitakere Ranges Heritage Area;
- xvi. enabling greenhouse activities provided that their adverse effects on the environment can be avoided, remedied or mitigated;
- xvii. limiting any industrial activities to those that support the productive use of rural land and/or provide services to rural activities, and involve the manufacturing of goods from, or processing of agricultural and horticultural produce;
- xviii. limiting any storage activities to those that are ancillary to home occupations, rural activities or the manufacture or processing of agricultural and horticultural produce;
- xix. encouraging the on-going maintenance and enhancement of rural landscapes and rural character by enabling rural business activities that maintain connections with the foothills' productive past, including retaining and maintaining orchards, vineyards and shelterbelts, and designing landscape elements in new activities to reflect the area's history and rural production;
- xx. requiring rural business activities to contribute to rural character and amenity through the re-establishment or continued management of agricultural or horticultural activities on site;
- xxi. developing Oratia Rural Village as a distinct rural community and service centre, different from the metropolitan urban limits of Auckland (refer section 5B.3.1);
- xxii. limiting retail activities outside of the Oratia Rural Village to small scale home occupations, nurseries, garden centres, creative endeavour, food and beverages and agricultural and horticultural produce;
- xxiii. maintaining a clear visual boundary and contrast between metropolitan Auckland and the Foothills Environment and reinforcing the metropolitan urban limit boundary through design and location of rural business activities and associated infrastructure on the rural side of the boundary, to reinforce rural character and amenity; and
- xxiv. locating buildings to retain a rural road character and roadscape distinct from urban residential or commercial streets.

*Explanation:*

*In 2005, more than 21,000 people lived in the Waitakere Ranges Heritage Area (outside the Regional Park), mostly in forest dominated urban, rural, or coastal communities (Bush Living, Waitakere Ranges, Coastal Village and Foothills Environments). The objective and policy provides for these people and communities to provide for their wellbeing through the provision of appropriately scaled activities.*

*The policy creates two distinctions about the appropriateness of non-residential activities in the Waitakere Ranges Heritage Area. The first is that activities need to relate to the communities they*

are located within, to the recreation amenity of the Waitakere Ranges Heritage Area, to creative endeavour or to rural character and the productive use of rural land.

As there are distinctive communities within the Waitakere Ranges Heritage Area, including rural communities, the policy recognises that these communities need many of the convenience retail, services and community facilities that are found at the neighbourhood level in metropolitan Auckland. In the distinctive communities of the Waitakere Ranges Heritage Area definitions of urban and rural activities are not clear cut.

The second policy approach is to manage non-residential activities by avoiding activities that because of their scale, intensity, context and characteristics are contrary to the long term goals for the area and are more appropriately located within the metropolitan urban limits of Auckland.

Waitakere Ranges Heritage Area has a high proportion of residents working from home, drawn to the lifestyle and/or opportunities to work on the land, while retaining ease of access to urban facilities and services. Opportunities for home occupations enable business services, business innovation and the incubation of new business activities. The majority of business activities in the Waitakere Ranges Heritage Area will comprise home occupations, some of which cater for the visitor market through the provision of commercial overnight accommodation. These activities, as they are home based occur at a small-scale and are appropriate to the Waitakere Ranges Heritage Area.

There are a wide range of existing non-residential activities in the Waitakere Ranges Heritage Area, including retail, services, commercial overnight accommodation, restaurants and community facilities and community-based groups. These existing activities provide for the wellbeing of people and the community and are an existing resource. The policy provides for limited expansion of these activities in appropriate circumstances so that they may continue to provide wellbeing to people and communities.

The Waitakere Ranges Heritage Area is appreciated by people seeking rest, respite and recreation within a natural and rural environment. The value of the area for appropriate recreation is recognised as a matter of national significance. The Waitakere Ranges Heritage Area, and particularly the Foothills Environment, provide opportunities for people to connect with and experience nature, rural, wilderness, history, food, wine, creative endeavour, culture, gardens and the outdoors. The policy supports existing activities and the establishment of a diverse range of new and innovative activities focussed on rural production, creative endeavour and visitor experiences (particularly visitors from metropolitan Auckland).

It is also recognises that the Waitakere Ranges Regional Park is an important community resource which protects natural and historic resources for their intrinsic worth and for the benefit, use and enjoyment of the people and communities of Auckland and New Zealand. The Waitakere Ranges Regional Park is under pressure from visitors and the approach of the policy is to provide alternative visitor and recreation experiences to draw visitors away from the Park, particularly towards the Foothills Environment.

The establishment of a diverse range of new and innovative rural business activities in the Foothills Environment will provide for the future use of rural land in order to retain a rural character and a worked-in landscape. These will be small-scale activities with an intensity, character and context appropriate for a rural area, and that will enhance the community's wellbeing and/or the productive use of rural land. The policy focuses on the rejuvenation of rural land through requiring many non-residential activities to be directly associated with rural activities such as farming, orchards and vineyards, and for their continued management to provide food and rural context and landscapes. Provision is also made for greenhouses to support the growing of food in close proximity to Auckland.

The policy provides for the wellbeing of rural producers by allowing small scale manufacturing, processing and retail sales of agricultural and horticultural produce. The policy seeks to support economic vitality by enabling activities that to add value to agricultural and horticultural produce through various levels or stages of production and marketing, often on the same site. In so doing, it allows people to better provide for their wellbeing by reducing their reliance on commodities as

being their primary (or even sole) source of income. As an example, integration of the wine industry involves the location of wine making activities and cellar door sales and in some cases associated restaurants/cafes, on the same site as a vineyard (hence the integration of primary production, wine production, retailing and visitor activities).

Rules for non-residential activities should not be considered as part of any permitted baseline comparison with residential activities or subdivision in the Waitakere Ranges Heritage Area.

For objectives and policies for Oratia Rural Village refer to section 5B.3.1. For objectives and policies for Titirangi village refer to section 5B.3.3.

Refer also to the objectives and policies within section 5.

### **Methods**

- District Plan Rules
- Monitoring the effectiveness of this policy on at least a 5 yearly basis;

**Amend** the definition of “Intensive Livestock Farming” in the Definitions Section of the City-wide rules of the District Plan as follows:

**Intensive Livestock Farming** means the raising of animals in artificially controlled conditions including, but not limited to, pig farming, poultry farming (excluding free range poultry farming) and rabbit farming where these activities take place substantially within *buildings*, and shall be assessed in accordance with this *Plan* as a *Non-Residential Activity*.

Add the following definitions to the Definitions Section of the City-wide rules of the District Plan:

**Greenhouse** means a *building* (including glasshouses, shade houses and *buildings* covered with transparent materials) designed and primarily used for the commercial production of horticultural crops grown in a controlled environment. This excludes domestic greenhouses ancillary to *residential activities*.

**Arts and craft/s** means those goods produced by hand, by the use of hand tools, or the use of mechanical appliances where such appliances:

- Do not produce goods in a repetitive manner through the use of jigs, templates, moulds, patterns, dies, jolleys or other similar devices, except that such devices may be used to produce the original or first unit; or
- Do not produce the goods other than through the direct control of the operator; or
- The person producing such goods shall have complete control over the production of every piece and stage of production.

**Garden Centre** means the use of land and/or *buildings* for the *retail sale* of plants, garden accessories and landscaping products.

**Outdoor Recreation Activity** means an organised commercial recreation activity undertaken entirely outdoors with *buildings* limited to structures ancillary to the activity, or use for public shelter, toilet facilities, information and ticketing. *Outdoor Recreation Activity* excludes activities involving motorsport and gun clubs, and does not include *temporary activities, home occupations* or walkways.

**Amend** the title of Rule 8 Non-Residential Activities for the Foothills Environment to read:

Rule 8 Non-Residential Activities located in areas outside of the Waitakere Ranges Heritage Area

**Insert** a new Rule 8A Non-Residential Activities within the Waitakere Ranges Heritage Area for the Foothills Environment as follows:

<u>Rule 8A</u>	<u>NON-RESIDENTIAL ACTIVITIES WITHIN THE WAITAKERE RANGES HERITAGE AREA</u>
<p><b><u>RULES</u></b></p> <p><b><u>8A.0 General</u></b>  <u>The following rules shall apply to all Non-Residential Activities located within the Waitakere Ranges Heritage Area (refer Human Environments Maps) except for Non-Residential Activities on scheduled sites and Non-Residential Activities within the Oratia Rural Village Non-Residential Activity Overlay (refer Rule 8B of the Foothills Environment).</u></p> <p><b><u>8A.1 Permitted Activities</u></b>  <u>a) The following activities are Permitted Activities:</u></p> <p>i) <u>Rural activities;</u>            ii) <u>Retail sales of trees and plants produced on the site in a nursery;</u>            iii) <u>Markets provided that:</u></p> <p style="margin-left: 20px;"><u>(a) the activity shall be carried out on the site for a maximum of one day each week; and</u>  <u>(b) retail sales are limited to beverages, food, arts and crafts; and</u>  <u>(c) the activity occurs on a site with a net site area greater than 2 hectares.</u></p> <p><u>b) Activities meeting the following Performance Standard are Permitted Activities:</u></p> <p>i) <u>home occupations meeting with the following requirements:</u></p> <ul style="list-style-type: none"> <li><u>- 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</u></li> <li><u>- commercial overnight accommodation activities are restricted to a total of 10 persons inclusive of those that reside on the site; and</u></li> <li><u>- 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</u></li> <li><u>- the home occupation does not involve traffic generation involving a heavy traffic vehicle exceeding two vehicle</u></li> </ul>	<p><b><u>ASSESSMENT CRITERIA</u></b></p> <p><b><u>8A(a)</u></b>  <u>The extent to which Non-Residential Activities contribute to, or compromise rural character.</u></p> <p><b><u>8A(b)</u></b>  <u>The extent to which Non-Residential Activities involving outdoor recreation activities depend on, or are appropriate to the rural environment and the Waitakere Ranges Heritage Area and limit the scale and intensity of building and structures, and avoid adverse noise, lighting and amenity effects on adjoining properties.</u></p> <p><b><u>8A(c)</u></b>  <u>The extent to which Non-Residential Activities contribute to and enhance the ongoing productive use of rural land, and the restoration of degraded terrestrial and aquatic ecosystems.</u></p> <p><b><u>8A(d)</u></b>  <u>Where rural activities are proposed in association with Non-residential Activities, the extent to which the proposal provides adequate consideration of the implementation and/or ongoing management of those rural activities in a manner that creates a clear and genuine connection between Non-Residential Activities and rural activities.</u></p> <p><b><u>8A(e)</u></b>  <u>The extent to which Non-Residential Activities involving retail sales of, or the manufacturing and processing of agricultural or horticultural produce have a connection with rural activities in New Zealand.</u></p> <p><b><u>8A(f)</u></b>  <u>The extent to which Non-Residential Activities involving retail sales of arts and crafts have a connection with creative endeavour in the Waitakere Ranges Heritage Area and/or New Zealand.</u></p> <p><b><u>8A(g)</u></b>  <u>The extent to which the scale of Non-Residential Activities is appropriate to the size of the site and the activity includes the appropriate provision of onsite infrastructure to manage water, wastewater, storm water (detention, quality, mitigation plantings and reuse) and solid waste associated with the activity.</u></p> <p><b><u>8A(h)</u></b>  <u>The extent to which, where available, non-Residential Activities reuse existing buildings</u></p>

- movements per week; and
- except where goods are primarily ordered by mail or electronic transaction and distributed by post or courier, any retail sales and services are of goods, agricultural and horticultural produce produced on the 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.

### **8A.2 Controlled Activities**

Activities meeting the following Performance Standard are a Controlled Activity:

- Filming Activities not requiring the construction of any building.

Assessment of Controlled Activity applications made under this rule will be limited to the matters of design, layout and operation (including hours and duration) of Filming Activities and will be considered in accordance with Assessment Criteria 8A(a)-8(n).

### **8A.3 Limited Discretionary Activities**

Activities meeting the following Performance Standard are Limited Discretionary Activities:

- i) Home occupations not meeting the standards in Rule 8A.1 but excluding commercial sex activities and small brothels that are a home occupation not meeting the standards in Rule 8A.1, provided that:
  - the total floor space occupied by the Non-Residential Activity does not exceed 250 m<sup>2</sup>; or
  - the activity involves retail sales of goods produced on site where the retail floor space does not exceed 75m<sup>2</sup>;
- ii) Non-Residential Activities involving increase in scale and/or intensity of an existing lawfully established non-residential activity provided there are no retail sales except for restaurant (food), agricultural and horticultural produce or arts and crafts;
- iii) Restaurant (food) excluding drive through activities provided that the activity is associated with an existing rural activity or proposes to establish a rural activity (excluding pastoral farming) on a site with a net site area greater than 2 hectares;
- iv) Retail sales of agricultural and horticultural

located on the site.

#### **8A(i)**

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

#### **8A(j)**

The extent to which buildings, structures and development for non-residential activities:

- (i) have a scale, intensity, context and character of activities that retains or enhances a rural or natural character;
- (ii) are compatible with the scale and appearance of buildings in a rural environment;
- (iii) are subservient to rural landscapes; and
- (iv) contribute to rural character, and/or the wellbeing of the community, and/or the productive or outdoor recreational use of rural land.

#### **8A(k)**

The extent to which the activity would lead, on an individual or cumulative basis, to pressure for urban expansion and the fragmentation of rural character and amenity.

#### **8A(l)**

The extent to which greenhouses are appropriately located, screened and avoid, remedy or mitigate adverse effects on the visual appearance of the dramatic backdrop of the Waitakere Ranges, the rural foothills, and the western skyline of Auckland.

#### **8A(m)**

The extent to which the activity manages adverse effects on the amenity of adjoining properties.

#### **8A(n)**

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

#### **8A(o)**

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.

#### **8A(p)**

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

Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31, 11.50, 5B.1, 5B.3, 5B.4

(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 design, scale and/or



<p><u>produce (excluding a home occupation meeting the standards in Rule 8A.1) where the retail floor space does not exceed 100 m<sup>2</sup> and the activity is associated with a rural activity or proposes to establish a rural activity on a site with a net site area greater than 2 hectares;</u></p> <p>v) <u>Manufacturing and/or processing activities (excluding a home occupation meeting the standards in Rule 8A.1) are limited to the manufacture, sorting or processing of goods from agricultural or horticultural produce, exclude Part A and B processes as listed in the Air Discharge Appendix, and are associated with a rural activity or proposal to establish a rural activity on a site with a net site area greater than 2 hectares;</u></p> <p>vi) <u>Filming Activities requiring the construction of a building(s);</u></p> <p>vii) <u>Any activity involving greenhouse(s) located within the general natural area;</u></p> <p>viii) <u>Any activity involving a Garden Centre;</u></p> <p>ix) <u>Retail sales of arts and crafts where the retail floor space does not exceed 100 m<sup>2</sup>; and</u></p> <p>x) <u>Any activity involving an outdoor recreation activity (excluding home occupations).</u></p> <p><u>Assessment of Limited Discretionary Activity applications made under this rule will be limited to matters of the appropriateness of the activity in a rural area, scale and intensity, retention of vegetation, screening, landscape treatment, duration, hours of operation, design and location, car parking and access, sustainable land management practices, infrastructure, provision of rural activities and will be considered in accordance with Assessment Criteria 8A(a)-(p).</u></p> <p><b><u>8A.4 Discretionary Activities</u></b></p> <p><u>Activities meeting the following Performance Standards are Discretionary Activities:</u></p> <p>i) <u>Activities involving intensive livestock farming;</u></p> <p>ii) <u>Non-Residential Activities identified in Rule 8A.3 on sites with the minimum net site area less than the standard of 2 hectares, provided that retail sales meet the standards in Rule 8A.3; and</u></p> <p>iii) <u>Non-residential activities not provided for in Rules 8A.1, 8A.2 or 8A.3 provided that there are no retail sales or Part A and B processes as listed in the Air Discharge</u></p>	<p><u>location of buildings, development, driveways and car parking on the site</u></p> <ul style="list-style-type: none"> <li>• <u>requiring the retention or planting of trees and/or other vegetation, and/or fencing of streams where animals are present</u></li> <li>• <u>limiting the range of products sold from the site</u></li> <li>• <u>limiting the scale of the development or use</u></li> <li>• <u>limiting the duration of the activity</u></li> <li>• <u>limiting hours of operation</u></li> <li>• <u>requiring the provision of screening</u></li> <li>• <u>requiring provision of a landscape treatment plan and its implementation within a given time</u></li> <li>• <u>requiring the implementation and management of rural activities associated with Non-Residential Activities</u></li> <li>• <u>water, wastewater and stormwater infrastructure and solid waste management</u></li> <li>• <u>the imposition of a charge to cover costs of monitoring the activity</u></li> <li>• <u>the imposition of a bond to cover satisfaction of conditions of consent</u></li> <li>• <u>requiring financial contributions in accordance with the Plan</u></li> <li>• <u>requiring on-site or off-site works and services to avoid, remedy, mitigate or offset adverse effects</u></li> <li>• <u>such other matters provided for in section 108 of the Act.</u></li> </ul> <p><u>Provided that, in the case of a Controlled Activity 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.</u></p>
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<p><u>Appendix.</u></p> <p><u>Discretionary Activity applications made under this rule will be assessed having regard to Assessment Criteria 8A(a)-8(p) and any other matters which are relevant under section 104 of the Act.</u></p> <p><b>8A.5 Non-Complying Activities</b>  <u>Non-Residential Activities to which these rules apply which are not a Permitted Activity, a Controlled Activity, 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.</u></p>	
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**Amend** Rule 3 Earthworks of the General Natural Area as follows:

Rule 3.3 Limited Discretionary Activities

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

e) earthworks associated with greenhouses in the Foothills Environment not provided for as permitted or controlled activities in Rules 3.1 or 3.2.

Amend Rule 6 Outdoor Storage of the Foothills Environment as follows:

**6.1 Permitted Activities**

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

- outdoor storage areas not exceeding 200m<sup>2</sup> in area and 3.0 metres above the ground, which are screened from any road or any dwelling on an adjoining site. Outdoor storage areas shall not include activities for motor vehicle repairs, wrecking of motor vehicles, bottle or scrap metal sorting storage or rehandling, rubbish collection storage or rehandling services.

**Amend** Rule 7 Building Coverage of the Foothills Environment as follows:

**7.1 Permitted Activities**

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

- buildings resulting in a building coverage of no more than 300m<sup>2</sup> or 1% of the net site area, whichever is the greater (provided that the standard of 1% of the net site area does not apply to non-residential activities except for rural activities). (See diagram 7A)

**7.2 Limited Discretionary Activities**

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

i) buildings having a building coverage not meeting the standards in Rule 7.1 where buildings have non-reflective surfaces; provided that the building coverage does not exceed 25% of the net site area and the activity proposed is for a Residential Activity or a Rural Activity. or

ii) greenhouses having a building coverage not meeting the standards in Rule 7.1 provided that the building coverage does not exceed 25% of the net site area. or

iii) building(s) accommodating non-residential activities (except home occupations, greenhouses and rural activities) not meeting the standards in Rule 7.1 where the total building coverage on site accommodating non-residential activities does not exceed 1.5% of the net site area.

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

**Amend** Rule 7 Building Coverage of the Foothills Environment as follows:

*Any Activity* to which these rules apply which is not a *Permitted Activity* or a *Limited Discretionary Activity* under the above rules shall be assessed as a *Discretionary Activity* and will be considered in accordance with Assessment Criteria 7(a)-7(ef) and any other matters that are relevant under section 104 of the *Act*.

**Amend** Rule 7 Building Coverage of the Foothills Environment by inserting three new assessment criteria and consequently renumber the assessment criteria and references to assessment criteria in the Limited Discretionary Activity and Discretionary Activity matters of discretion:

**7(d)**

The extent to which *buildings* and structures for *non-residential activities*

- (i) have a scale, intensity, context and character of activities that retains or enhances a rural or natural character;
- (ii) are compatible with the scale and appearance of *buildings* in a rural environment;
- (iii) are subservient to rural landscapes; and
- (iv) contribute to rural character, and/or the wellbeing of the community, and/or the productive or outdoor recreational use of rural land.

**7(e)**

The extent to which *greenhouses* are appropriately located, screened and avoid, remedy or mitigate adverse effects on the visual appearance of the dramatic backdrop of the Waitakere Ranges and rural foothills to the western skyline of Auckland.

**7(f)**

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

**Amend** Rule 7 Building Coverage of the Foothills Environment by inserting additional policy references to the Policy Section of the Waitakere District Plan as follows:

5B.1, 5B.3, 5B.4

Amend Rule 9 Traffic Generation, Access & Car Parking of the Foothills Environment as follows:

Rule 9	TRAFFIC GENERATION, ACCESS & CAR PARKING
<p><b>RULES</b></p> <p><b>9.0 General</b> The following rules apply to all <i>Non-Residential Activities</i> <del>except Rural Activities</del>.</p> <p><b>9.1 Permitted Activities</b> <u>Vehicle movements associated with the following activities are Permitted Activities:</u></p> <p>i) <u>rural activities;</u> ii) <u>greenhouses;</u> iii) <u>Home occupations permitted by Rule 8.1 or 8A.1 of the Foothills Environment;</u> iv) <u>Non-Residential Activities permitted by Rule 8A.1 of the Foothills Environment provided that the operators of a market implement a Council approved Traffic Management Plan; and</u> v) <u>Non-Residential Activities permitted by Rule 8B.1 of the Foothills Environment within the Oratia Rural Village Non-Residential Activity Overlay.</u></p> <p>Or</p> <p>Activities meeting the following Performance Standard are <i>Permitted Activities</i>:</p> <p>i) <del>Non-Residential Activities on front sites having traffic generation not exceeding 20 vehicle movements each day, and where driveway access is not gained from a major road.</del></p> <p><b>9.2 Controlled Activities</b> Activities meeting the following Performance Standard are <i>Controlled Activities</i>:</p> <ul style="list-style-type: none"> <li>• <i>Filming Activities</i> not involving the construction of any buildings</li> </ul> <p>Assessment of <i>Controlled Activity</i> applications made under this rule will be limited to matters of duration, scale, <b>safety</b>, hours of operation and the number of <i>vehicle movements</i> and will be considered in accordance with the matters set out in Assessment Criteria 9(a)-9(ef).</p> <p><b>9.3 Limited Discretionary Activities</b> Activities meeting the following Performance Standard are <i>Limited Discretionary Activities</i>:</p> <p>i) <del>• Non-Residential Activities (except for those permitted in Rule 9.1) having traffic generation not exceeding 50 vehicle movements per day or 2% of the road’s daily traffic volume, whichever is the greater, on a front site; or</del></p>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>9(a)</b> The effects of traffic generation on:</p> <ul style="list-style-type: none"> <li>• the capacity of roads giving access to the sites having regard to the road’s function in the Roding Hierarchy <u>and the hourly, daily and weekly pattern of traffic generation.</u></li> <li>• the <b>safety</b> of road users, including cyclists and pedestrians.</li> <li>• the extent to which trips from the urban area are generated by activities that may be more appropriately located in the urban area.</li> <li>• <b>rural landscape and amenity values.</b></li> </ul> <p><b>9(b)</b> The sufficiency of <i>car parking</i> provided and the standard and <b>safety</b> of <i>driveway</i> access.</p> <p><b>9(c)</b> <u>The extent to which car parking is available on the road in the Oratia Rural Village Non-Residential Activity Overlay.</u></p> <p><b>9(d)</b> <u>The extent to which an activity generates new traffic on the road or relies on existing through traffic.</u></p> <p><b>9(e)</b> <u>The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p> <p><b>9(e)(f)</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 <i>financial contribution</i>.</p> <p>Note: See also Policies 10.11, 10.14, 10.16, 10.27, 11.10, 11.12, 11.30, 11.31, 5B.1, 5B.3, 5B.4 (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. These conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"> <li>• limiting the size of <i>building</i> and/or scale of activity</li> <li>• requiring alteration to the scale, location and <i>design</i> of <i>car parking</i> and <i>driveways</i></li> <li>• <u>provision of car parking</u></li> <li>• requiring the retention of trees and/or other</li> </ul>

ii) The development of buildings within the Oratia Rural Village Non-Residential Activity Overlay (refer Rule 8B of the Foothills Environment); or

iii) Non-residential activities (except for those permitted in Rule 9.1) provided that traffic generation from retail sales is limited to those activities in Rule 8A.3 of the Foothills Environment.

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

#### 9.4 Discretionary Activities

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

- *Non-Residential Activities* not meeting the standards in Rule 9.1, 9.2 or 9.3.

*Discretionary Activity* applications made under this rule will be assessed having regard to Assessment Criteria 9(a)-9(ef) and any other matters that are relevant under section 104 of the Act.

#### NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is *permitted*, but may require consents under other legislation/plans.
2. *Vehicle Crossings* require consent from the Council - see Rule 7 of the *Transport Environment*.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.
8. See the Traffic Generation Section of the Parking and Driveway Guideline (available from the Council) for interpretation of this Rule and guidance in traffic generated by different *land uses*.
9. See the Parking and Driveway Guideline (available from the Council) for guidance on *car parking* and *driveways*. Satisfaction with criterion 9(b) will be achieved by meeting standards in the Guideline.
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.

#### 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 the activity
- the imposition of a charge to cover costs of monitoring the activity
- 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 *Controlled Activity* 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.

<p>11. Council will exercise discretion as to whether a Traffic Impact Assessment is required with the application on the basis of the scale and characteristics of traffic generation associated with the activity.</p> <p>12. 20 working days prior to the commencement of a market activity the operator shall submit a Traffic Management Plan for Council approval. Council can liaise with the market operator regarding the matters the Traffic Management Plan needs to consider.</p>	
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Amend Rule 12 Signs of the Foothills Environment as follows:

Rule 12	SIGNS
<p><b>RULES</b></p> <p><b>12.0 General</b> The following rules apply to <i>Any Activity</i> and <i>Temporary Activities</i> involving the erection of signs.</p> <p><b>12.1 Permitted Activities</b> Activities meeting the following Performance Standards are <i>Permitted Activities</i>:</p> <p>(a) <i>Any Activity</i> and <i>Temporary Activities</i> with a sign where the <i>maximum sign area</i> does not exceed <u>0.3 0-4m<sup>2</sup></u> and the <i>sign</i> is not illuminated, flashing or moving and is located on the <i>site</i> to which the <i>sign</i> relates; <del>and</del> <u>or</u></p> <p>(b) <u>Any non-residential activity that is a permitted activity in Rule 8A.1 of the Foothills Environment (except home occupations) where:</u></p> <p style="margin-left: 20px;">(i) <u>the maximum sign area does not exceed 1.0m<sup>2</sup>;</u></p> <p style="margin-left: 20px;">(ii) <u>has a maximum height of 2.5 metres;</u></p> <p style="margin-left: 20px;">(iii) <u>the sign is not illuminated, flashing or moving; and</u></p> <p style="margin-left: 20px;">(iv) <u>the sign is located within the site to which the sign relates; or</u></p> <p>(c) <u>Any non-residential activity within the Oratia Rural Village Non-Residential Activity Overlay (refer Rule 8B of the Foothills Environment) where</u></p> <p style="margin-left: 20px;">(i)<u>the maximum sign area does not exceed 1.5 m<sup>2</sup> for each activity;</u></p> <p style="margin-left: 20px;">(ii) <u>has a maximum height of 2.5 metres;</u></p> <p style="margin-left: 20px;">(iii) <u>the sign is not illuminated, flashing or moving; and</u></p> <p style="margin-left: 20px;">(iv) <u>is located in the site to which the sign relates; or</u></p> <p>(d) <i>temporary signs.</i></p>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>12(a)</b> The extent to which <i>signs</i> are visually appropriate to <b>amenity values</b> and <b>neighbourhood character</b>.</p> <p><b>12(b)</b> The extent to which <i>signs</i> create a situation hazardous to the safe movement of traffic.</p> <p><b>12(c)</b> The extent to which <i>signs</i> are of a <i>height</i> which avoids the <i>sign</i> dominating the neighbourhood and nearby structures.</p> <p><b>12(d)</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 <i>site</i> and/or through payment or provision of a <i>financial contribution</i>.</p> <p><b>12(e)</b> <u>The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p> <p>Note: See also Policies 10.3, 10.27, 11.8, 11.11, 5B.1, 5B.3, 5B.4 (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. The conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"> <li>• altering the scale, <i>height</i>, shape and/or location of <i>signs</i></li> <li>• specifying the <i>design</i> and wording of <i>signs</i></li> <li>• <i>financial contributions</i> in accordance with the <i>Plan</i></li> <li>• the 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 effects</li> <li>• such other matters provided for in section 108 of the Act.</li> </ul>

### 12.2 Limited Discretionary Activities

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

- (a) *Any Activity and Temporary Activities with a non-residential sign not being a permitted activity* (including *signs* associated with a *home occupation* meeting the standards of Rule 8.1), where the *sign* is located on the *site* to which it relates, has a maximum *sign area* of 1.5m<sup>2</sup>, a maximum height of 2.5 metres, and is not flashing or moving; and
- (b) *Any Activity and Temporary Activities with a residential sign not being a permitted activity*, where the *sign* is located on the *site* to which it relates and has a maximum *sign area* of 0.5m<sup>2</sup>.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *design*, scale, location and **safety** and will be considered in accordance with Assessment Criteria 12(a)-12(~~de~~).

### 12.3 Discretionary Activities

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

- *Any Activity and Temporary Activities with a sign* not meeting the standards in Rule 12.1 or 12.2.

*Discretionary Activity* applications made under this rule will be assessed having regard, as relevant, to Assessment Criteria 12(a)-12(~~de~~) and any other matters that are relevant under Section 104 of the *Act*.

#### NOTES

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

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.

## Waitakere Ranges Environment Rules

Amend Rule 7 Non-Residential Activities of the Waitakere Ranges Environment as follows:

Rule 7	NON-RESIDENTIAL ACTIVITIES
<p><b>RULES</b></p> <p><b>7.0 General</b> The following rules shall apply to all <i>Non-Residential Activities</i> except for <i>Rural Activities</i> (excluding pastoral farming) and <i>Non-Residential Activities</i> on <i>scheduled sites</i>.</p> <p><b>7.1 Permitted Activities</b> Activities meeting the following Performance Standard are <i>Permitted Activities</i>:</p> <ul style="list-style-type: none"> <li>• <i>home occupations</i> meeting with the following requirements: <ul style="list-style-type: none"> <li>- no more than five persons, except for <i>small brothels</i> that are limited to four persons, are engaged in the <i>home occupation</i> at least one of whom resides on the <i>site</i>; and</li> <li>- <u>commercial overnight accommodation activities are restricted to a total of 8 persons inclusive of those that reside on the site; and</u></li> <li>- the <i>home occupation</i> is carried out within an existing <i>building</i> which is clearly marked with the relevant number in accordance with By-Law No.4 Chapter 2 Public Places 1972 (Clause 244 as amended); and</li> <li>- the <i>home occupation</i> does not involve traffic generation involving a <i>heavy traffic vehicle</i> exceeding two <i>vehicle movements</i> per week, and</li> <li>- the <i>home occupation</i>, apart from the parking of one vehicle, is <i>screened</i> from <i>adjoining sites</i> and the <i>road</i>; and</li> <li>- except where goods are primarily ordered by mail or electronic transaction and redistributed by post or courier, any <i>retail sales</i> and <i>services</i> are of goods produced on <i>site</i> <del>and from buildings on site</del> and the hours of operation are between 0700 and 1900 daily.</li> </ul> </li> </ul> <p><b>7.2 Controlled Activities</b> Activities meeting the following Performance Standard are a <i>Controlled Activity</i>:</p> <ul style="list-style-type: none"> <li>• <i>Filming Activities</i> not requiring the construction of any <i>building</i></li> </ul> <p>Assessment of <i>Controlled Activity</i> applications made under this rule will be limited to the matters of <i>design</i>, layout and operation (including hours and duration) of <i>Filming Activities</i> and will be considered in accordance with the matters set out in criteria 7(a)-7(gj).</p>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>7(a)</b> The extent to which the character, scale, hours of operation and intensity of <i>Non-Residential Activities</i> are compatible with <b>amenity values, neighbourhood character, and the natural landscape.</b></p> <p><b>7(b)</b> The extent to which <i>Non-Residential Activities</i> compromise the <i>rural character</i>.</p> <p><b>7(c)</b> The extent to which purpose built <i>buildings</i> are compatible with the scale and appearance of other <i>buildings</i> in the neighbourhood.</p> <p><b>7(d)</b> The extent to which <i>Non-Residential Activities</i> create adverse <i>effects</i> on water quality, <i>native vegetation</i> and fauna habitat.</p> <p><b>7(e)</b> The extent to which the activity would lead, on an individual or cumulative basis, to pressure for urban expansion and the fragmentation of rural character and <i>amenity</i>.</p> <p><b>7(f)</b> The extent to which <i>Non-Residential Activities</i> create adverse <i>effects</i> on the residential coherence and the <b>safety</b> of residents of the neighbourhood.</p> <p><b>7(g)</b> 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><b>7(h)</b> The extent to which regard has been given to section 15 of the Prostitution Reform Act 2003.</p> <p><b>7(i)</b> <u>The extent to which the proposal achieves the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p> <p>Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 9.8, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.11, 11.17, 11.18, 11.30, 11.31, 11.50, <u>5B.1, 5B.3, 5B.4</u> (Policy Section of the Waitakere District Plan)</p>



### **7.3 Limited Discretionary Activities**

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

- i) Non-Residential Activities (excluding Home occupations meeting the standards in Rule 7.1) involving an increase in scale and/or intensity of an existing lawfully established non-residential activity provided that:
- (a) any building(s) or additions to existing building(s) associated with the activity comply with Rule 6 of the Waitakere Ranges Environment; and
  - (b) retail sales are limited to arts and crafts or restaurant(s) food and beverages.
- ii) Non-Residential Activities involving retail sales of arts and crafts (excluding Home occupations meeting the standards in Rule 7.1) provided that:
- (a) retail sales of arts and crafts are from a retail floor space area no greater than 100 m<sup>2</sup>; and
  - (b) any new building(s) or additions to existing building(s) associated with the activity comply with Rule 6 of the Waitakere Ranges Environment.

Assessment of Limited Discretionary Activity applications made under this rule will be limited to matters of appropriateness of the scale and intensity of the activity for the location, retention and maintenance of vegetation, screening, landscape treatment, duration and hours of operation, design and location, noise, vehicle access and car parking and will be considered in accordance with Assessment Criteria 7(a)-(i).

### **7.34 Discretionary Activities**

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

- i) Non-Residential Activities, including home occupations, not meeting the standards of Rule 7.1, 7.2 or 7.3 provided that building(s) associated with the activity comply with Rule 6 of the Waitakere Ranges Environment and 7.2 where the activities are located within a building originally erected as a dwelling and there are no retail sales are limited to restaurants (food) and beverages from a gross floor area no greater than 300 m<sup>2</sup> but excluding commercial sex activities and small brothels that are a home occupation not meeting the standards in Rule 10.1.

### **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
- provision of car parking
- outdoor lighting
- requiring the retention or addition of trees and/or other *vegetation*
- limiting the scale of the *development* or use
- limiting the duration of the activity
- 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 *Controlled Activity* 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.

*Discretionary Activity* Applications will be assessed with regard to the matters set out in Assessment Criteria 7(a)-7(gj) and any other matters that are relevant under section 104 of the Act.

**7.45 Non-Complying Activities**

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

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. *Scheduled sites* are noted on the *Human Environments Maps* and referred to in a separate part of the *Plan*.
8. Under the Wild Animal Control Act (1977) parts of the *Waitakere Ranges Environment* are a deer free area.

**Amend** Rule 8 Traffic Generation (Non-Residential Activities) of the Waitakere Ranges Environment as follows:

Rule 8	TRAFFIC GENERATION (NON-RESIDENTIAL ACTIVITIES)
<p><b>RULES</b></p> <p><b>8.0 General</b> The following rules apply to all <i>Non-Residential Activities</i>.</p> <p><b>8.1 Permitted Activities</b> Activities meeting the following Performance Standard are <i>Permitted Activities</i>:  <ul style="list-style-type: none"> <li>• <del>Non-Residential Activities on front sites having traffic generation not exceeding 20 vehicle movements per day.</del></li> <li>i) <u>Home occupations permitted by Rule 7.1 of the Waitakere Ranges Environment.</u></li> </ul> </p> <p><b>8.2 Controlled Activities</b> Activities meeting the following Performance standard are <i>Controlled Activities</i>:  <ul style="list-style-type: none"> <li>• <i>Filming Activities</i> not involving the construction</li> </ul> </p>	<p><b>ASSESSMENT CRITERIA</b></p> <p>ASSESSMENT CRITERIA  <b>8(a)</b>  The effects of traffic generation on:</p> <ol style="list-style-type: none"> <li>(i) the <b>characteristic level of quiet, privacy and darkness</b> in the area;</li> <li>(ii) the capacity of <i>roads</i> giving access to the <i>site</i>, having regard to the <i>road's</i> function in the Roding Hierarchy <u>and the hourly, daily and weekly pattern of traffic generation</u>;  <ul style="list-style-type: none"> <li>• <del>the amenity of front sites due to traffic generated by the non-residential use of any rear sites</del></li> </ul> </li> <li>(iii) • the <b>safety</b> of <i>road</i> users, including cyclists and pedestrians;</li> <li>(iv) • the extent to which trips from the urban area are generated by activities that may be more appropriately located in the urban area;</li> <li>(v) • the <b>landscape character</b>.</li> </ol>

of any buildings.

Assessment of *Controlled Activity* applications made under this rule will be limited to matters of duration, scale, **safety**, hours of operation and the number of *vehicle movements* and will be considered in accordance with the matters set out in Assessment Criteria 8(a)-8(8e).

### 8.3 Limited Discretionary Activities

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

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

i) Traffic generation from *Non-Residential Activities* (excluding *Home occupations* meeting the standards in Rule 8.1):

- (a) involving an increase in vehicle trips to and from an existing lawfully established *non-residential activity* (where the activity meets the standards of Rule 7.3 of the *Waitakere Ranges Environment*); or
- (b) involving *retail sales of arts and crafts* meeting the standards of Rule 7.3 of the *Waitakere Ranges Environment*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of *screening*, retention of *vegetation*, road capacity, *design*, **safety**, duration, hours of operation and *landscape treatment* and will be considered in accordance with Assessment Criteria 8(a) and 8(8f).

### 8.4 Discretionary Activities

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

- *Non-Residential Activities* not meeting the standards in rule 8.1, 8.2, or 8.3.

*Discretionary Activity* applications made under this rule will be assessed having regard to Assessment Criteria 8(a) and 8(8f) and any other matters that are relevant under section 104 of the *Act*.

#### NOTES

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

8(b) The extent to which an activity generates new traffic on the road or relies on existing through traffic.

8(c) The extent to which the activity provides appropriate driveway access.

8(d) The extent to which the scale and intensity of traffic generation from the activity is appropriate to the distinctive harmony, pleasantness, and coherence of the rural and forested areas of the *Waitakere Ranges Environment*.

#### 8(e)

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

#### 8(8)(f)

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

Note: See also Policies 10.14, 10.27, 11.12, 11.30, 11.31, 5B.1, 5B.3, 5B.4 (Policy Section of the Waitakere District Plan)

## 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*
- provision of car parking
- requiring the retention of trees and/or other *vegetation*
- requiring mitigation measures in relation to vehicle noise and lights
- requiring mitigation measures in relation to pedestrian, cyclist and motor vehicle occupant **safety**
- requiring provision of a *landscape treatment* plan and implementation of that plan within a given time
- limiting the hours of operation
- limiting the duration of the activity
- the imposition of a charge to cover costs of monitoring the activity
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects
- such other matters provided for in section 108 of the *Act*.

<p>2. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a <i>resource consent</i>. Check all other rules in this <i>Human Environment</i> and also the <i>Natural Area Rules</i>, the <i>City-Wide Rules</i> and, where relevant, the <i>Subdivision Rules</i>.</p> <p>3. Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i>.</p> <p>4. Words in <b>bold</b> are explained - see the Explanations part of the Introduction to the Rules.</p> <p>5. For <i>resource consents</i> see the Information Requirements in the <i>City-Wide Rules</i>.</p> <p>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 <i>land uses</i>.</p> <p>7. Council will exercise discretion as to whether a Traffic Impact Assessment is required with the application on the basis of the scale and characteristics of traffic generation associated with the activity.</p>	<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>
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**Amend** Rule 9 Car Parking and Driveways of the Waitakere Ranges Environment as follows:

### **9.3 Limited Discretionary Activities**

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

- i) Any Activity not meeting the standards in Rule 9.1 or 9.2; or
- ii) Any Non-Residential Activity requiring limited discretionary activity resource consent for an increase in scale and/or intensity of an existing lawfully established non-residential activity pursuant to Rule 7 of the *Waitakere Ranges Environment*.

**Amend** Rule 12.1 Signs of the Waitakere Ranges Environment by inserting additional text to 12.1(a) as follows:

### **12.1 Permitted Activities**

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

- (a) Any Activity, and any Temporary Activity with a residential sign where the maximum sign area does not exceed 0.3 0.4m<sup>2</sup> and the sign is and is not illuminated, flashing or moving and is located on the site to which the sign relates, and

**Amend** Rule 12.2 Limited Discretionary Activity Signs of the Waitakere Ranges Environment (discretions) by inserting additional assessment criteria reference as follows:

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 12(a)-(de).

**Amend** Rule 12 Signs of the Waitakere Ranges Environment by inserting additional assessment criteria as follows:

### **12(e)**

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

**Amend** Rule 12 Signs of the Waitakere Ranges Environment by inserting additional policy references to the Policy Section of the Waitakere District Plan as follows:

5B.1, 5B.3, 5B.4

## Bush Living Environment

**Amend** Rule 8 Non-Residential Activities of the Bush Living Environment as follows:

[Note: Plan Change 37 Titirangi Village also amends Rule 8 of the Bush Living Environment (Rule 8.3(i), 8.4(ii), 8.5, assessment criteria 8(j))]

Rule 8	NON-RESIDENTIAL ACTIVITIES
<p><b>RULES</b></p> <p><b>8.0 General</b> The following rules shall apply to all <i>Non-Residential Activities</i> except for <i>Non-Residential Activities</i> on <i>Scheduled Sites</i>.</p> <p><b>8.1 Permitted Activities</b> Activities meeting the following Performance Standard are <i>Permitted Activities</i>:</p> <ul style="list-style-type: none"> <li>• <i>home occupations</i> meeting the following requirements: <ul style="list-style-type: none"> <li>- no more than five persons, except for <i>small brothels</i> that are limited to four persons, are engaged in the <i>home occupation</i> at least one of whom resides on the <i>site</i>; and</li> <li>- <u>commercial overnight accommodation activities are restricted to a total of 8 persons inclusive of those that reside on the site; and</u></li> <li>- the <i>home occupation</i> is carried out within an existing <i>building</i> 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</li> <li>- the <i>home occupation</i> does not involve traffic generation involving a <i>heavy traffic vehicle</i> exceeding two <i>vehicle movements</i> per week; and</li> <li>- except where goods are primarily ordered by mail or electronic transaction and redistributed by post or courier, any <i>retail sales</i> and services are confined to <del>front</del> sites with individual <i>driveway</i> access and a minimum <i>net site area</i> of 450m<sup>2</sup> and are of goods produced on the <i>site</i> and the hours of operation are between 0700 and 1900 daily; and</li> <li>- the <i>home occupation</i>, apart from the parking of one vehicle, is screened from the <i>adjoining sites</i> and the <i>road</i>; and</li> <li><del>- retail sales are conducted from buildings on the site.</del></li> </ul> </li> </ul> <p><b>8.2 Controlled Activities</b> <u>Activities meeting the following Performance Standard are a <i>Controlled Activity</i>:</u></p> <p>i) <u><i>Filming Activities</i> not requiring the construction of any <i>building</i></u></p>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>8(a)</b> The extent to which the character, scale, hours of operation and intensity of <i>Non-Residential Activities</i> are compatible with <b>amenity values, neighbourhood character,</b> and the <b>natural landscape.</b></p> <p><b>8(b)</b> <u>The extent to which any development is of an appropriate character, scale and intensity to avoid, remedy or mitigate its adverse effects (including cumulative adverse effects) on the distinctive harmony, pleasantness, and coherence of the low-density residential areas located in regenerating and increasingly dominant forest settings.</u></p> <p><b>8(bc)</b> The extent to which <i>Non-Residential Activities</i> <u>and the design of buildings and site development</u> complement the <b>visual amenity</b> of the neighbourhood.</p> <p><b>8(d)</b> <u>The extent to which the proposal complies with the <i>building bulk</i> performance standards of the <i>Bush Living Environment</i>.</u></p> <p><b>8(ee)</b> The extent to which <i>Non-Residential Activities</i> create adverse <i>effects</i> on water quality, <i>native vegetation</i> and fauna habitat.</p> <p><b>8(ef)</b> The extent to which <i>Non-Residential Activities</i> create adverse <i>effects</i> on the residential coherence and <b>safety</b> of residents of the neighbourhood.</p> <p><b>8(eg)</b> 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><b>8(fh)</b> The extent to which regard has been given to section 15 of the Prostitution Reform Act 2003.</p> <p><b>8(i)</b> <u>The extent to which the proposal achieves the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p>

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, layout and operation (including hours and duration) of *Filming Activities* and will be considered in accordance with the matters set out in criteria 8(a)-8(i).

### **8.3 Limited Discretionary Activities**

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

i) *Non-Residential Activities* (excluding *Home occupations* meeting the standards in Rule 8.1) involving an increase in scale and/or intensity of an existing lawfully established *non-residential activity* provided that:

- (a) any *building(s)* or additions to existing *building(s)* associated with the activity comply with Rule 7 of the *Bush Living Environment* (except that on Pt Allot 7A DP 3530 Waipareira and Lot 4 DP 370123 the maximum building coverage shall be no greater than 10% of the building coverage existing on 8 December 2009); and
- (b) *retail sales* are limited to *arts and crafts, restaurant(s) food and beverages*.

ii) *Non-Residential Activities* involving *retail sales of arts and crafts* (excluding *Home occupations* meeting the standards in Rule 8.1) provided that:

- (a) *retail sales of arts and crafts* are from a retail floor space no greater than 100 m<sup>2</sup>; and
- (b) any new *building(s)* or additions to existing *building(s)* associated with the activity comply with Rule 7 of the *Bush Living Environment*.

Assessment of *Limited Discretionary Activity* applications made under Rule 8.3 (ii) and (iii) will be limited to matters of appropriateness of the scale and intensity of the activity for the location, retention and maintenance of *vegetation, screening, landscape treatment, duration and hours of operation, design* and location, noise, vehicle access and car parking and will be considered in accordance with Assessment Criteria 8(a)-(i).

Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 9.8, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.11, 11.17, 11.18, 11.30, 11.31, 11.50, 5B.1, 5B.3, 5B.4 (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 *design* and/or location of *buildings* on the *site*
- requiring alteration to the *car park/ access design* and/or location
- provision of car parking
- outdoor lighting
- 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*.

### **8.24 Discretionary Activities**

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

i) ▪ *Non-Residential Activities, including and home occupations, not meeting the standards in Rule 8.1, 8.2 or 8.3 provided that building(s) associated with the activity comply with Rule 7 of the Bush Living Environment where the activities are located within a building originally erected as a dwelling and there are no retail sales are limited to restaurants (food) and beverages from a gross floor area no greater than 300 m<sup>2</sup>; but excluding*

- ~~Home occupations meeting the standards in Rule 8.1;~~
- *Commercial Sex Activities, and small brothels that are a home occupation not meeting the standards in Rule 8.1.*

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

### **8.35 Non-Complying Activities**

*Non-Residential Activities* to which these rules apply which are not a *Permitted Activity, Controlled Activity or 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*.

#### 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. *Scheduled sites* are noted on the *Human Environment Maps* and referred to in a separate part of the *Plan*.

**Amend** Rule 9 Traffic Generation (Non-Residential Activities) of the Bush Living Environment as follows:

Rule 9	TRAFFIC GENERATION (NON-RESIDENTIAL ACTIVITIES)
<p><b>RULES</b></p> <p><b>9.0 General</b> The following rules apply to all <i>Non-Residential</i> Activities.</p> <p><b>9.1 Permitted Activities</b> <u>Activities meeting the following Performance Standard are <i>Permitted Activities</i>:</u> (i) <u><i>Home occupations</i> permitted by Rule 8.1 of the <i>Bush Living Environment</i>.</u></p> <p><b>9.2 Controlled Activities</b> <u>Activities meeting the following Performance standard are <i>Controlled Activities</i>:</u> • <u><i>Filming Activities</i> not involving the construction of any buildings.</u></p> <p><u>Assessment of <i>Controlled Activity</i> applications made under this rule will be limited to matters of <i>duration, scale, safety, hours of operation and the number of vehicle movements</i> and will be considered in accordance with the matters set out in Assessment Criteria 9(a)-9(e).</u></p> <p><b>9.43 Limited Discretionary Activities</b> Activities meeting the following Performance Standard are <i>Limited Discretionary Activities</i>: • <del><i>Non-Residential Activities</i> having traffic generation not exceeding 20 <i>vehicle movements</i> per day or 1% of the <i>road's</i> daily traffic volume, whichever is the greater.</del></p> <p>(i) <u>Traffic generation from <i>Non-Residential Activities</i> (excluding <i>Home occupations</i> meeting the standards in Rule 9.1):</u></p> <p>(a) <u>involving an increase in vehicle trips to and from an existing lawfully established <i>non-residential activity</i> (where the activity meets the standards of Rule 8.3 of the <i>Bush Living Environment</i>); or</u></p> <p>(b) <u>involving <i>retail sales of arts and crafts</i> meeting the standards of Rule 8.3 of the <i>Bush Living Environment</i>.</u></p> <p><u>Assessment of <i>Limited Discretionary Activity</i> applications made under this rule will be limited to matters of <i>screening, retention of vegetation, road capacity, design, safety, duration, hours of operation and landscape treatment</i> and will be considered in accordance with Assessment Criteria 9(a)- 9(he).</u></p> <p><b>9.4 Discretionary Activities</b> <u>Activities meeting the following Performance Standard are <i>Discretionary Activities</i>:</u></p>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>9(a)</b> The effects of traffic generation on:</p> <p>(a) the <b>characteristic level of quiet, privacy and darkness</b> in the area;</p> <p>(b) the capacity of <i>roads</i> giving access to the <i>site</i>, having regard to the <i>road's</i> function in the <i>Roading Hierarchy</i> and the <i>hourly, daily and weekly pattern</i> of traffic generation;</p> <p>(c) the <b>safety</b> and efficiency of <i>road</i> intersections; • <del>the amenity of <i>front sites</i> due to traffic generated by the non-residential use of any <i>rear sites</i></del></p> <p>(d) the safety of <i>road</i> users, including cyclists and pedestrians;</p> <p>(e) the reduction of overall levels of traffic and encouragement of other, less polluting forms of transport such as walking, cycling and public transport; and</p> <p>(f) the <b>neighbourhood character</b>.</p> <p><b>9(b)</b> <u>The extent to which an activity generates new traffic on the road or relies on existing through traffic.</u></p> <p><b>9(c)</b> <u>The extent to which the scale and intensity of traffic generation from the activity is appropriate to the distinctive harmony, pleasantness, and coherence of the low density residential areas.</u></p> <p><b>9(d)</b> <u>The extent to which the proposal achieves the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p> <p><b>9(he)</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 <i>site</i> and/or through payment or provision of a <i>financial contribution</i>.</p> <p>Note: See also Policies 10.14, 10.27, 11.12, 11.30, 11.31, 5B.1, 5B.3, 5B.4 (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</p>



<p>• <u>Non-Residential Activities</u> not meeting the standards in rule 9.1, 9.2 or 9.3.</p> <p><u>Discretionary Activity</u> applications made under this rule will be assessed having regard to Assessment Criteria 9(a) - 9(e) and any other matters that are relevant under section 104 of the Act.</p> <p><b>9.2 Non-Complying Activities</b>  <del>Non-Residential Activities to which these rules apply which are not a Limited Discretionary Activity under the above rules shall be deemed to contravene a rule in this Plan and shall be a Non-Complying Activity.</del></p> <p>NOTES</p> <p>1. If an activity is not controlled or restricted in any way by any part of the <i>Plan</i> it is permitted, but may require consents under other legislation/ plans.</p> <p>2. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a <i>resource consent</i>. Check all other rules in this <i>Human Environment</i> and also the <i>Natural Area Rules</i>, the <i>City-Wide Rules</i> and, where relevant, the <i>Subdivision Rules</i>.</p> <p>3. Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i>.</p> <p>4. Words in <b>bold</b> are explained - see the Explanations part of the Introduction to the Rules.</p> <p>5. For <i>resource consents</i> see the Information Requirements in the <i>City-Wide Rules</i>.</p> <p>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 <i>land uses</i>.</p> <p>7. <u>Council will exercise discretion as to whether a Traffic Impact Assessment is required with the application on the basis of the scale and characteristics of traffic generation associated with the activity.</u></p>	<p>conditions. These conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"> <li>• limiting the size of <i>building</i> and/or scale of activity</li> <li>• requiring alteration to the location and <i>design</i> of <i>car parking</i> and <i>drive ways</i></li> <li>• <u>provision of car parking</u></li> <li>• requiring the retention of trees and/or other <i>vegetation</i></li> <li>• requiring mitigation measures in relation to vehicle noise and lights</li> <li>• requiring mitigation measures in relation to pedestrian, cyclist and motor vehicle occupant <b>safety</b></li> <li>• requiring provision of a <i>landscape treatment</i> plan and implementation of that plan within a given time</li> <li>• limiting the hours of operation</li> <li>• limiting the duration of the activity</li> <li>• the imposition of a charge to cover costs of monitoring the activity</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 specified above to which the Council has restricted the exercise of its discretion.</p>
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**Amend** Rule 10 Car Parking and Driveways of the Bush Living Environment as follows:

**10.3 Limited Discretionary Activities**

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

- i) ~~Any Activity~~ not meeting the standards in Rule 10.1 or 10.2; ~~or~~
- ii) Any Non-Residential Activity requiring limited discretionary activity resource consent for an increase in scale and/or intensity of an existing lawfully established non-residential activity pursuant to Rule 8.3 of the Bush Living Environment.

**Amend** Rule 13.1 Signs of the Bush Living Environment by inserting additional text to 13.1(a) as follows:

**13.1 Permitted Activities**

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

- (a) *Any Activity*, and any *Temporary Activity* with a *sign* where the *maximum sign area* does not exceed 0.3 0.4m<sup>2</sup> and the *sign* is not illuminated, flashing or moving and is located on the *site* to which the *sign* relates; and

**Amend** Rule 13.2 Limited Discretionary Activity Signs of the Bush Living Environment (discretions) by inserting additional assessment criteria reference as follows:

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

**Amend** Rule 13 Signs of the Bush Living Environment by inserting additional assessment criteria as follows:

**13(e)**

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

**Amend** Rule 13 Signs of the Bush Living Environment by inserting additional policy references to the Policy Section of the Waitakere District Plan as follows:

5B.1, 5B.3, 5B.4

## Coastal Villages Environment

Amend Rule 8 Non-Residential Activities of the Coastal Village Environment as follows:

Rule 8	NON-RESIDENTIAL ACTIVITIES
<p><b>RULES</b></p> <p><b>8.0 General</b> The following rules shall apply to all <i>Non-Residential Activities</i> except for <i>Non-Residential Activities</i> on <i>scheduled sites</i>.</p> <p><b>8.1 Permitted Activities</b> Activities meeting the following Performance Standard are <i>Permitted Activities</i>:</p> <p>i) <i>home occupations</i> meeting with the following requirements:</p> <ul style="list-style-type: none"> <li>- no more than five persons, except for <i>small brothels</i> that are limited to four persons, are engaged in the <i>home occupation</i>, at least one of whom resides on the <i>site</i>; and</li> <li>- <u>commercial overnight accommodation activities are restricted to a total of 8 persons inclusive of those that reside on the site; and</u></li> <li>- the <i>home occupation</i> is carried out within an existing <i>building</i> 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</li> <li>- the <i>home occupation</i> does not involve traffic generation involving a <i>heavy traffic vehicle</i> exceeding two <i>vehicle movements</i> per week; and</li> <li>- the <i>home occupation</i>, apart from the parking of one vehicle, is <i>screened</i> from <i>adjoining sites</i> and the <i>road</i>; and</li> <li>- except where goods are primarily ordered by mail or electronic transaction and redistributed by post or courier, any <i>retail sales</i> and services are confined to <del><i>front sites</i></del> with individual <i>driveway</i> access and a minimum <i>net site area</i> of 450m<sup>2</sup>, are of goods produced on the site and the hours of operation are between 0700 and 1900 daily; and</li> <li>- <del><i>retail sales</i> are conducted from <i>buildings</i> on the <i>site</i>.</del></li> </ul>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>8(a)</b> The extent to which the character, scale, hours of operation and intensity of <i>Non-Residential Activities</i> are compatible with <b>amenity values, neighbourhood character</b>, and the <b>natural landscape</b>.</p> <p><b>8(b)</b> <u>The extent to which any development is of an appropriate character, scale and intensity to avoid, remedy or mitigate its adverse effects (including cumulative adverse effects) on the individual identity and character of the coastal village and its distinctive scale, containment, intensity, and amenity.</u></p> <p><b>8(bc)</b> The extent to which <i>Non-Residential Activities</i> and the design of buildings and site development complement the <b>visual amenity</b> of the neighbourhood.</p> <p><b>8(d)</b> <u>The extent to which the proposal complies with the building bulk performance standards of the Coastal Villages Environment.</u></p> <p><b>8(ee)</b> The extent to which <i>Non-Residential Activities</i> create adverse effects on water quality, <i>native vegetation</i> and fauna habitat.</p> <p><b>8(df)</b> The extent to which <i>Non-Residential Activities</i> create adverse effects on the residential coherence and the <b>safety</b> of residents of the neighbourhood.</p> <p><b>8(eg)</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 <i>site</i> and/or through payment or provision of a <i>financial contribution</i>.</p> <p><b>8(fh)</b> The extent to which regard has been given to section 15 of the Prostitution Reform Act 2003.</p> <p><b>8(i)</b> <u>The extent to which the proposal achieves the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p>

## **8.2 Controlled Activities**

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

i) *Filming Activities* not requiring the construction of any building

Assessment of *Controlled Activity* applications made under this rule will be limited to the matters of *design*, layout and operation (including hours and duration) of *Filming Activities* and will be considered in accordance with the matters set out in criteria 8(a)-8(i).

## **8.3 Limited Discretionary Activities**

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

(i) *Non-Residential Activities* (excluding *Home occupations* meeting the standards in Rule 8.1) involving an increase in scale and/or intensity of an existing lawfully established *non-residential activity* provided that:

- (a) any new *building(s)* or additions to existing *building(s)* associated with the activity comply with Rule 7 of the *Coastal Villages Environment*; and
- (b) *retail sales* are limited to *arts and crafts, convenience shop(s), restaurant(s) food and beverages*.

(ii) *Non-Residential Activities* involving *retail sales of arts and crafts* (excluding *Home occupations* meeting the standards in Rule 8.1) provided that:

- (a) *retail sales of arts and crafts* are from a retail floor space no greater than 100 m<sup>2</sup>; and
- (b) any new *building(s)* or additions to existing *building(s)* associated with the activity comply with Rule 7 of the *Coastal Villages Environment*.

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of appropriateness of the scale and intensity of the activity for the location, retention and maintenance of *vegetation, screening, landscape treatment*, duration and hours of operation, *design* and location, noise, vehicle access and car parking and will be considered in accordance with Assessment Criteria 8(a)-(i).

Note: See also Policies 1.2, 1.3, 1.18, 4.1, 4.7, 9.8, 10.1, 10.3, 10.14, 10.27, 11.1, 11.8, 11.10, 11.11, 11.17, 11.18, 11.30, 11.31, 11.50, 5B.1, 5B.3, 5B.4 (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 *design* and/or location of *buildings* on the *site*
- requiring alteration to the *car park/ access design* and/or location
- provision of car parking
- outdoor lighting
- 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*.

### **8.24 Discretionary Activities**

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

- (i) *Non-Residential Activities*, including *home occupations* not meeting the standards in Rule 8.1, provided that *building(s)* associated with the activity comply with Rule 7 of the *Coastal Villages Environment* where the activities are located within *building* originally erected as a *dwelling* and there are no *retail sales*, but excluding *commercial sex activities* and *small brothels* that are a *home occupation* not meeting the standards in Rule 10.1.

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

### **8.35 Non-Complying Activities**

*Non-Residential Activities* to which these rules apply which are not a *Permitted Activity*, *Controlled Activity*, *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*.

#### 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. *Scheduled sites* are noted on the *Human Environment* Maps and referred to in a separate part of the *Plan*.

**Amend** Rule 9 Traffic Generation (Non-Residential Activities) of the Coastal Village Environment as follows:

Rule 9	TRAFFIC GENERATION (NON-RESIDENTIAL ACTIVITIES)
<p><b>RULES</b></p> <p><b>9.0 General</b> The following rules apply to all <i>Non-Residential Activities</i>.</p> <p><b>9.1 Permitted Activities</b> <u>Activities meeting the following Performance Standard are Permitted Activities:</u> (i) <u>Home occupations permitted by Rule 8.1 of the Coastal Villages Environment.</u></p> <p><b>9.2 Controlled Activities</b> <u>Activities meeting the following Performance standard are Controlled Activities:</u> (i) <u>Filming Activities not involving the construction of any buildings.</u></p> <p><u>Assessment of Controlled Activity applications made under this rule will be limited to matters of duration, scale, safety, hours of operation and the number of vehicle movements and will be considered in accordance with the matters set out in Assessment Criteria 9(a)-9(e).</u></p> <p><b>9.34 Limited Discretionary Activities</b> Activities meeting the following Performance Standard are <i>Limited Discretionary Activities</i>: <del>• Non-Residential Activities having traffic generation not exceeding 20 vehicle movements per day or 1% of the road's daily traffic volume, whichever is the greater.</del> (i) <u>Traffic generation from Non-Residential Activities (excluding Home occupations meeting the standards in Rule 9.1):</u>     (a) <u>involving an increase in vehicle trips to and from an existing lawfully established non-residential activity (where the activity meets the standards of Rule 8.3 of the Coastal Villages Environment); or</u>     (b) <u>involving retail sales of arts and crafts meeting the standards of Rule 8.3 of the Coastal Villages Environment.</u></p> <p><u>Assessment of Limited Discretionary Activity applications made under this rule will be limited to matters of screening, retention of vegetation, road capacity, design, safety, duration, hours of operation and landscape treatment and will be considered in accordance with Assessment Criteria 9(a) and 9(b).</u></p> <p><b>9.4 Discretionary Activities</b> <u>Activities meeting the following Performance</u></p>	<p><b>ASSESSMENT CRITERIA</b></p> <p><b>9(a)</b> <u>The effects of traffic generation on:</u>     (a) the <b>characteristic level of noise</b> in the area;     (b) the capacity of <i>roads</i> giving access to the <i>site</i>, having regard to the <i>road's</i> function in the <i>Roading Hierarchy</i> and the <i>hourly, daily and weekly pattern of traffic generation</i>;     <del>• the amenity of front sites due to traffic generated by the non-residential use of any rear sites</del>     (c) the <b>safety</b> and efficiency of <i>road</i> intersections;     (d) the <b>safety</b> of <i>road</i> users, including cyclists and pedestrians; and     (e) the reduction of overall levels of traffic and encouragement of other, less polluting forms of transport such as walking, cycling and public transport</p> <p><b>9(b)</b> <u>The extent to which an activity generates new traffic on the road or relies on existing through traffic.</u></p> <p><b>9(c)</b> <u>The extent to which the scale and intensity of traffic generation from the activity is appropriate to the individual identity and character of the coastal village and its distinctive scale, containment, intensity, and amenity.</u></p> <p><b>9(d)</b> <u>The extent to which the proposal achieves the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.</u></p> <p><b>9(b)(e)</b> <u>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.</u></p> <p>Note: See also Policies 10.14, 10.27, 11.12, 11.30, 11.31, 5B.1, 5B.3, 5B.4 (Policy Section of the Waitakere District Plan)</p> <p><b>RESOURCE CONSENT CONDITIONS</b></p>

<p><u>Standard are <i>Discretionary Activities</i>:</u></p> <ul style="list-style-type: none"> <li>• <u><i>Non-Residential Activities</i> not meeting the standards in Rules 9.1, 9.2 or 9.3.</u></li> </ul> <p><u><i>Discretionary Activity</i> applications made under this rule will be assessed having regard to Assessment Criteria 9(a) and 9(e) and any other matters that are relevant under section 104 of the Act.</u></p> <p><b>9.2 Non-Complying Activities</b>  <del><i>Non-Residential Activities</i> to which these rules apply which are not a <i>Limited 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>.</del></p> <p>NOTES</p> <ol style="list-style-type: none"> <li>1. If an activity is not controlled or restricted in any way by any part of the <i>Plan</i> it is permitted, but may require consents under other legislation/ plans.</li> <li>2. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a <i>resource consent</i>. Check all other rules in this <i>Human Environment</i> and also the <i>Natural Area Rules</i>, the <i>City-Wide Rules</i> and, where relevant, the <i>Subdivision Rules</i>.</li> <li>3. Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i>.</li> <li>4. Words in <b>bold</b> are explained - see the Explanations part of the Introduction to the Rules.</li> <li>5. For <i>resource consents</i> see the Information Requirements in the <i>City-Wide Rules</i>.</li> <li>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 <i>land uses</i>.</li> <li>7. <u>Council will exercise discretion as to whether a Traffic Impact Assessment is required with the application on the basis of the scale and characteristics of traffic generation associated with the activity.</u></li> </ol>	<p>In granting a <i>resource consent</i> Council may impose conditions. These conditions may include any one or more of the following matters:</p> <ul style="list-style-type: none"> <li>• limiting the size of <i>building</i> and/or scale of activity</li> <li>• requiring alteration to the location and <i>design</i> of <i>car parking</i> and <i>driveways</i></li> <li>• <u>provision of car parking</u></li> <li>• requiring the retention of trees and/or other <i>vegetation</i></li> <li>• requiring mitigation measures in relation to vehicle noise and lights</li> <li>• requiring mitigation measures in relation to pedestrian, cyclist and motor vehicle occupant <b>safety</b></li> <li>• requiring provision of a <i>landscape treatment</i> plan and implementation of that plan within a given time</li> <li>• limiting the hours of operation</li> <li>• limiting the duration of the activity</li> <li>• the imposition of a charge to cover costs of monitoring the activity</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 specified above to which the Council has restricted the exercise of its discretion.</p>
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**Amend** Rule 10 Car Parking and Driveways of the Coastal Village Environment by inserting a new standard to 10.3 Limited Discretionary Activities as follows:

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

- i) ~~• Any Activity~~ not meeting the standards in Rule 10.1 or 10.2; ~~or~~
- ii) Any *Non-Residential Activity* requiring *limited discretionary activity* resource consent for an increase in scale and/or intensity of an existing lawfully established *non-residential activity* pursuant to Rule 8.3 of the *Coastal Villages Environment*.

**Amend** Rule 13.1 Signs of the Coastal Village Environment by inserting additional text to 13.1(a) as follows:

**13.1 Permitted Activities**  
 Activities meeting the following Performance Standards are *Permitted Activities*:  
 (a) *Any Activity* and any *Temporary Activity* with a *residential sign* where the *maximum sign area* does not exceed 0.3 ~~0.4~~m<sup>2</sup> and the *sign* is and is not illuminated, flashing or moving ~~and is~~ located on the *site* to which the *sign* relates; and

**Amend** Rule 13.2 Limited Discretionary Activity Signs of the Coastal Villages Environment (discretions) by inserting additional assessment criteria reference as follows:

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

**Amend** Rule 13 Signs of the Coastal Village Environment by inserting additional assessment criteria as follows:

**13(e)**

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

**Amend** Rule 13 Signs of the Coastal Village Environment by inserting additional policy references to the Policy Section of the Waitakere District Plan as follows:

5B.1, 5B.3, 5B.4