



Subdividing In The Oratia Structure Plan Area

Introduction

Landowners in the Oratia Structure Plan (OSP) Area have begun making subdivision applications to the Council following the resolution of all District Plan References (Appeals). The following information has been prepared to assist land owners who are contemplating subdividing and/or developing their property in the OSP Area.

The Environment Court Decision

The Environment Court made an interim decision on the references to the Council's OSP on 6 March 2000. The Court determined that a structure plan is appropriate for the development of this environmentally sensitive catchment. The key amendments to the proposed OSP are that:

- Subdivision in general accordance with indicative lot boundaries within the OSP Area (as marked on the District Plan Maps) is a limited discretionary activity;
- Subdivision of any particular property that is proposing different lot boundaries (while having the same number of lots as indicated on the OSP map), or a different house or services location is a limited discretionary activity;
- Subdivision to a greater density (i.e. more lots) than that shown on the OSP is a discretionary activity; and
- Certain specific properties that were not initially included in the OSP Area are now included.

The Environment Court decision has established new policies, rules and methods for subdivision under the Operative District Plan.

The law allows for applications for subdivision to be made at any time. However any application must be assessed by the Council in relation to the policies and rules that apply at the time the application is lodged. In the case of the OSP, the policies and rules are now finalised.

However, for any applications made prior to the Court's final decision, regard will be given to the interim decision, which - as outlined above - sets out a clear direction for how subdivision in the OSP Area is to be assessed.

Human Environment And Natural Area Rules That Apply To The Oratia Structure Plan Area

The Foothills Human Environment and Subdivision rules apply to the OSP Area. Please refer to the Operative District Plan Maps to obtain the correct Natural Area identification, to ascertain which Natural Area Rules apply to your property.

Indicative Lot Boundaries

The location of lot boundaries in the OSP Area map are indicative only. These boundaries may be amended once the assessment of environmental effects arising from subdivision and development is made. For example, the indicative lot boundaries may present problems with the location of storm water or waste water disposal fields, the stability of land on the site, or revegetation opportunities. If these issues arise in your subdivision proposal, you may have to support your application with information that has been prepared by geo-technical and drainage engineers, and ecologists.

The number of lots has been determined by the overall capacity of the OSP Area to absorb more development. Due to flooding problems in lower parts of the Oratia catchment, any proposals to increase the number of lots over and above that provided in the OSP will be subject to a rigorous assessment by the Council.

Bush Protection And Revegetation

The OSP Map identifies Bush Protection Areas and Enhancement Areas. The Proposed District Plan seeks to ensure that these Areas are encompassed within proposed sites in a manner which best provides for their future maintenance and protection. This may include permanent fencing to exclude stock, and weed and pest control. The extent to which these Areas are to be planted with species appropriate to the landscape and ecology will be considered.

Pre-Application Meeting with the Council

Applicants for subdivision in the OSP Area are encouraged to meet with a Resource Planner before lodging their application. Other Council staff who will be involved in processing the consent application may also attend this meeting. Applicants are encouraged to have a draft or concept plan available for discussion. This should include landscape and natural features (especially areas of bush) currently on the site, existing access ways and contours, indicative boundaries shown on the OSP, and any proposed changes to those boundaries.

There is a cost associated with these meetings. However, cost savings are made as a result of having such meetings, since suggestions for change can be incorporated at an early stage, thus avoiding the need to rework plans at later stages. This can cause both time delays and increase costs. A pre-application meeting is an opportunity to:

- Discuss the approach to development taken in the OSP Area;
- Have a general discussion of your subdivision (and development) proposal;
- Discuss what information will be required as part of the application;
- Discuss requirements where a joint subdivision and land use consent application is being proposed; and
- Arrange a site meeting.

Please give the Council at least five working days notice of your desire to have a pre-application meeting, so we can ensure that all the relevant staff are available to meet with you. Ideally the information relating to the development proposal will be provided to the Council prior to the pre-application meeting, so that the staff have time to become familiar with the proposal.

Notification Thresholds

Applications that are consistent with the number of lots specified in the OSP will generally be processed on a non-notified basis, under section 94 of the Resource Management Act 1991.

Subdivision applications that seek a greater number of lots than are indicated in the OSP will generally be publicly notified as a discretionary activity.

Notification will be determined once an application has been received. These applications will only be publicly notified once all information has been provided. This enables members of the public who wish to make a submission to be fully informed about the environmental effects arising from the proposal. Publicly notified applications require a hearing at the Council, are more expensive than non-notified applications, and will take longer to process.

Information requirements

When applying for a subdivision resource consent, you will need to provide all the details requested on the application form(s) and pay the appropriate fees. Resource consent application forms, fee schedules and other information is available from the Council. If you submit an application that has insufficient information, the Council will request that you supply the missing information before the processing of the application can begin.

The completed application forms provide the basic information the Council requires. However, to enable the Council to make a comprehensive assessment of the environmental effects of the subdivision application, the following engineering and planting information will also be required.

Depending on the circumstances of your proposal, other information may also be required. These information requirements may increase the cost of preparing an application. However, if your application is in accordance with the OSP, then consent is likely to be granted subject to conditions.

Engineering information

A preliminary engineering assessment is required. This should include:

- The location of specific but non-binding building platform area(s) and vehicle access;
- The geotechnical suitability of the proposed building sites and identification of any other stability issues, such as stream erosion and the location of retention ponds;
- The location of the 20m wide esplanade reserve, if streams on the property are greater than 3m wide at their annual fullest flow;
- The suitability of the lots for waste water disposal;
- The grades of all shared access ways, and details of any watercourse crossings; and
- A report from a registered engineer (or suitably qualified person), that demonstrates how storm water will be kept to pre-development levels (flow and volume) for two, five, 10 and 100 year storms, with no direct discharges into rivers, streams or watercourses or onto roads. It is envisaged storm water volumes will be mitigated by replanting and re-use for toilets and laundries. Other means may also be suitable for mitigating storm water runoff, depending upon topography. Ecowater has developed a Code of Practice to assist with the above.
- You may also pay an amount of money into Ecowater's Twin Streams project to avoid having to plant extensive areas of your subdivided properties. Please discuss this with Ecowater.

Planting information

Planting information should detail any Bush Protection Areas and/or Enhancement Areas identified on the OSP Map.

A planting plan should be provided and include the following:

- The areas that are to be planted;
- The species composition;
- The size of plants and plant spacing within these areas;
- A written discussion of the proposed planting in terms of the existing vegetation of the subject site and/or adjoining properties;
- Location (or written discussion where necessary) of the proposed types of planting areas, in terms of landscape mitigation, storm water and waste water mitigation, ecological restoration and revegetation; and
- A planting and maintenance program (includes planting dates, weed and pest control, fencing details, mulching, and post planting fertilization).

Please identify any areas required to be planted for storm water and waste water treatment, and specify the types of planting, if necessary, for the identified building platform areas. All planting must be fenced with stock proof fencing.

You should consult the Council's **"Guide for Planting and Restoring the Nature of Waitakere City"** for assistance in developing your planting and maintenance programme.

Please refer to the **"Information Requirements for Resource Consents"** in the City Wide Rules of the District Plan, for further detail about what information will be required.

Please also refer to the Catchment Management Plan that has been developed by Ecowater (Ph (09) 835 0290).

Parks and reserves

Development in the Oratia Structure Plan area is likely to eventually triple the number of people who are living in the OSP Area. This brings pressure to establish open space and park land areas in Oratia, to provide passive and active recreation opportunities for Oratia residents. The plan for the Parks and Reserves Network in the Oratia Structure Plan Area has not been finalised. Consultation about this Plan is occurring in the first half of 2003.

The development of a Parks and Reserves network in the OSP area could affect your development in the following ways:

20 Metre Esplanade Reserves

These are taken without compensation under the Resource Management Act 1991, where the stream is greater than 3m Mean (average) Annual Fullest Flow.

Scenic bush reserves

Some of the high quality bush in the catchment has been identified for inclusion in the Waitakere City's Park Network. Most of these areas will be acquired at the time of development in lieu of a reserve contribution or via direct purchase. Most of these parks will be adjacent to esplanade reserves.

Access strips/easements

To allow public access to esplanade reserves and scenic bush reserves, access strips or easements will be established in some locations. The width and nature of these will be negotiated at the time of subdivision in lieu of a reserve contribution or via direct purchase.

Oratia Local Domain

The Council's Parks Strategy signals that all rural and coastal communities should have a local domain for passive recreation, community events, and a place to site community buildings. This matter will be considered as part of the consultation on the Parks and Reserves Network for Oratia.

Auckland Regional Council involvement

The Auckland Regional Council (ARC) has requested that it have the opportunity to view both notified and non-notified applications. This is in order to carry out a technical evaluation of the stormwater mitigation proposals, to ensure that any on and off-site cumulative effects (i.e. the effects that are generated by many properties) can be successfully resolved. Your application will therefore be forwarded to the ARC.

You may also be required to obtain resource consents from the ARC.

Environmental Site Assessment

Applicants for resource consent (both land use and subdivision) where industrial, commercial or horticultural processes may have occurred and within rural areas of the City are being asked to provide an initial Environmental Site Assessment (ESA) of their site. This will establish if soil testing will be required as part of the information used to assess their application. The rural areas include land within structure plans, and all other rural areas where structure plans are not yet in place.

An ESA is required to establish if the site has been used for industrial, commercial or horticultural activities that could have potentially caused contamination of the land.

Where the site has been used for horticulture in the past, soil samples and analysis is required to determine if there is contamination. The ARC's draft Soil Sampling Protocol for Horticultural Sites gives guidance on the minimum chemical compounds and elements to analyse during an initial ESA.

Where contamination is identified, the Council will require evidence from the applicant and their contamination expert(s) that the property can and will be remediated if the contamination has a negative impact on the environment and/or on human health. A validation report will also be required once remediation is completed.

Resource consent conditions you can expect

Some of the conditions that might be attached to your approved subdivision/and or resource consent include the following: notice. The Council will require planting prior to release of the section 224(c) certificate for subdivisions;

- A storm water catchment contribution for each new lot. This contribution is used for channel maintenance purposes;
- Planting required for landscape enhancement and storm water mitigation purposes will be protected by consent
- Detailed engineering information will be required as a condition of consent;
- Power and telephone reticulation should be provided underground, and where sites are served from a common access way the infrastructure should be reticulated to the net site area;
- Road and farm bridge upgrading contributions will be required;
- Reserves contributions will be required;
- A monitoring fee for compliance with the conditions of any resource consents will be required;
- A maintenance bond for planting will be required;
- Consent notices for maintaining and certifying the effectiveness of on-site storm water management; and
- Consent notices for geotechnical matters.

Other conditions might be imposed, depending on the environmental effects of your development proposal.

This information is only a guide to subdividing and developing in the Oratia Structure Plan Area. The current Rules are found in Volumes One and Two of the Rules Section of the Operative District Plan. If you have any queries, or require further information please ask the Civic Centre Counter Staff or telephone the Council Call Centre on (09) 839 0400.

This guideline brochure complements a more general brochure on the Oratia Structure Plan that is available from the Council.