



Subdividing In The Living Environment

Introduction

The Resource Management Act 1991 and the Council's Operative District Plan control subdivision in Waitakere City. An application for subdivision consent (a type of resource consent), must be made for any proposed subdivision that alters legal boundaries. The most common type of subdivision is freehold, which involves the creation of individual titles. The Council encourages freehold subdivision rather than other types such as cross leasing or unit titles, though the opportunity to create such titles still exists. (See Section 4 below).

The Operative District Plan has two main categories of freehold subdivision in the Living Environment. These are:

Infill - subdivision of existing sites of either up to one hectare (10,000m²) net site area or a subdivision that creates nine or fewer new sites; and
Greenfields - subdivision of existing sites over one hectare in area, or the creation of ten or more new sites.

Most subdivisions in the Living Environment are Infill Subdivisions. Under the Resource Management Act 1991, the Council has an obligation to ensure all land (where subdivision into new lots is proposed) is suitable for building and that any hazards can be adequately mitigated.

Operative District Plan Requirements For Subdividing In The Living Environment

Size Of Property

To gain a subdivision consent, dwelling sites must have a minimum net site area of 450m², excluding common areas, shared driveways or driveways to rear sites. However, you can apply for a land use resource consent under the density rules of the Living Environment to reduce the minimum areas, as outlined in the table below.

Environment	Each Residential Unit Must Have
Living Environment	Not less than 350m ² net site area
Living (L1) Environment	Not less than 400m ² net site area
Living (L2) Environment	Not less than 450m ² net site area

A land use resource consent application for these minimum net site areas is generally non-notified. This can be applied for at the same same time as a subdivision consent application. An application for sites smaller than those listed generally requires affected parties consents or public notification. Advice on the minimum area applicable to your property can be gained by calling the Council's Call Centre Ph (09) 839 0400.

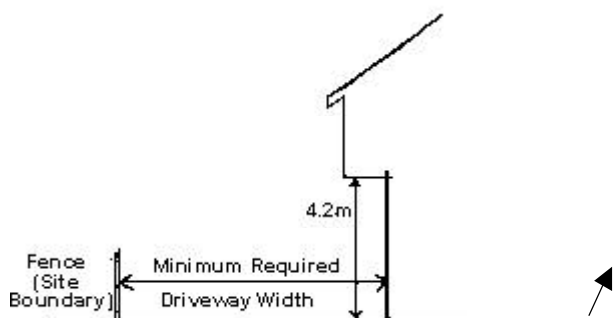
Not more than 50 percent of the proposed site can be within the Operative District Plan's Green Network. This is land within the Riparian Margins, Protected, Managed, Restoration, and Coastal Natural Areas. If it is, then the minimum site needs to be increased, possibly to 1000m² or more. Please discuss this matter with Council planning staff.

Land Use Resource Consent Applications For Sites Between 350m² And 449m²

Details and plans of a proposed new dwelling, including its design, and placement on the proposed new site must be presented as part of the application. The location of the new site boundary and details of whether the existing dwellings comply with Operative District Plan rules (e.g. Height to Boundary) must also be provided. The assessment of the application is based on the consistency of the proposed dwelling and site with the existing neighbourhood character and amenity values. Because the site will be below the minimum 450m² site size, the Council wants to ensure that placement of a dwelling will not affect the amenity values of the neighbourhood, and that satisfactory on-site services and appropriately sized living courts can be achieved.

Once a land use resource consent is approved, the subdivision and building can only proceed as already outlined in the resource consent application. Any changes, including changes to house design and the placement of the house on the site, will require a further resource consent.

Position Of Existing House And Vehicle Access

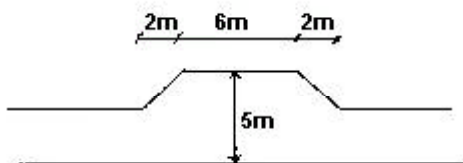


You need to provide adequate vehicle access past an existing house to a new lot. Depending on the number of lots you are creating, there is a minimum driveway width required to ensure practical vehicle access and the placement of all services underground. This driveway width is made up of the carriageway along which vehicles travel and a service strip in which underground water, power and telephone services are laid. The service strip must remain unobstructed.

The carriageway must be formed, paved and drained to Council standards and its width unobstructed (i.e. clear of the eaves of the existing house) to 4.2m high. It must also be clear of fences and hedges. Any bends must have a minimum inside turning radius of 6.5m.

No. of Dwellings	Total Net Area Served	Carriageway Width (m)	Service Strip Width (m)	Total Driveway Width
1-2	0-1049m ²	2.5m	0.7m	3.2 ⁽¹⁾
3-5	1050-2999m ²	2.7m with passing bays ⁽²⁾ at 50m intervals	1.3m	4.0 ⁽³⁾
6-10	3000-10,000m ² ⁽⁴⁾	3.5m with passing bays at the entrance and at 50m intervals	1.5m	5.0

- (1) For 1-2 dwellings, the minimum clear space for a driveway should be at least 2.8m provided the service strip can be located along another portion of the site.
- (2) Passing bays are to be constructed in accordance with the following diagram.



- (3) For 3-5 dwellings, the service strip can be reduced to 0.96m for existing rear sites having a 3.66m wide driveway.
- (4) Shared driveways can usually serve sites with a combined net site area of no more than 10,000m² or 10 dwellings, whichever is the lesser. If it is larger than that, the driveway may need to become a public road and be constructed to more stringent standards. The subdivision also moves into the Greenfields category.

Shape Factors

Proposed sites are to be of a useable shape with a suitable building area of 15m x 15m. This does not apply where resource consent has already been granted for a site at odds with this shape factor requirement.

Drainage – Stormwater And Wastewater

Council can provide copies of the public and private drainage systems that are serving your property. The design, location and construction of storm water and wastewater disposal systems must be capable of serving the whole of each site, as well as the natural upstream catchment area. This must include storm water and wastewater generated by any likely future development. You may also be required to pay an upgrading contribution for one or all of these services.

If you are developing your site to below the permitted 450m² then you will be required to pay upgrading contributions for waste water disposal or install low flow water reduction measures to both the proposed dwelling and the existing house. Consult Ecowater (Ph 835 0290) about these matters early in your subdivision process.

Service Connections

You will have to provide underground telephone and power services and a water connection for each new lot. In some cases you may have to upgrade services to the existing dwelling by putting them underground.

Fire Hydrants

The furthestmost points of all new residential sites must be within 135m of a fire hydrant. If there is no existing fire hydrant within this range, (see Council public drainage records), you will need to pay for one to be installed.

Earthworks And Vegetation Alteration

All earthworks must be undertaken with sediment control measures in accordance with the Erosion/ Sediment Control Measures Appendix of the Operative District Plan.

Depending on the Natural Area in which your property is located, earthworks and tree removal for the building platform or formation of the driveway



may also require a land use consent application. The conditions imposed upon the application could affect the ability of the new lot to contain a suitable building platform or access there to. The land use consent is usually processed in conjunction with the subdivision consent. The most common natural area associated with the Living Environment is the General Natural Area. Other Natural Areas, which may be found in the Living Environment, include the Managed Natural Area and the Restoration Natural Area. The table below sets out the extent of bush clearance and earthworks allowed as a permitted activity. If the earthworks or tree clearance extend outside these parameters, (for example the formation of a driveway), then a land use consent will be required.

Check the Natural Area rules and maps relevant to your site. If more than 50 percent of the site is within the Green Network, then the minimum site size needs to be increased, possibly to 1000m².

	General Natural Area	Managed Natural Area	Restoration Natural Area
Earthworks Allowed As A Permitted Activity	Within an approved building platform, as long as it is not on a sensitive ridge. Earthworks outside the building platform are permitted up to: <ul style="list-style-type: none"> • 50m³ max volume • 100m² max area • 1.5m max fill depth • 1.5m max cut height • within 1m of boundary • outside 1 percent of AEP Floodplain • outside open natural water course • not on a sensitive ridge 	Within approved building platform only, so long as not on a sensitive ridge/cliff/headland/scarp Land use consent required for earthworks for driveway and infrastructure formation	Within approved building platform only, so long as not on a sensitive ridge/cliff/headland/scarp Land use consent required for earthworks for driveway and infrastructure formation
Vegetation Alteration Allowed As A Permitted Activity	<ul style="list-style-type: none"> • Native vegetation <6m in height and <600mm in girth (measured at 1.4m above the ground) • Exotic vegetation <6m in height and <600mm in girth (measured at 1.4m above the ground) • Vegetation in Removable Vegetation and Environmentally Damaging Plants Appendix Any clearance should not exceed 500m ²	<ul style="list-style-type: none"> • Pruning native vegetation • All exotic vegetation • Any clearance should not exceed 500m² • Native vegetation <6m high and <600mm in girth within 3m from the edge of a dwelling • Vegetation in Environmentally Damaging Plants Appendix 	<ul style="list-style-type: none"> • Pruning native vegetation and exotic vegetation • Clearance of exotic vegetation <6m in height and <600mm in girth. Any clearance should not exceed 500m² • Native vegetation <6m high and <600mm in girth within 3m from the edge of a dwelling

Streams, Water Courses And The Coastline

The presence of a stream on your property or if your property adjoins the coast usually indicates a Riparian Margins Natural Area. Any earthworks or clearance of native vegetation within a Riparian Margins/Coastal Edge Natural Area requires a land use consent. You can clear exotic vegetation less than six metres in height provided the cleared area doesn't exceed ten (10) percent of the Riparian Margin Natural Area on the site.

Any works within a watercourse or in the Coastal Marine Area (below Mean High Water Springs), or discharging into the Coastal Marine Area, may also require a consent from the Auckland Regional Council.

Esplanade Reserves

In addition to the Riparian Margin rules of the Operative District Plan, the Council has an obligation under the Resource Management Act 1991 to require esplanade reserves or strips for public access along the coast and river. If the property you want to subdivide adjoins the coastline or a riverbed with an average width of three metres or more (measured at annual fullest flow), you will have to set aside an area 20 metres wide from the Mean High Water Springs, or the edge of the river, as an esplanade reserve. This will vest in Council and become part of Council's parks and reserves network. It cannot be included in the area of any new site, and the value of it cannot be used to reduce any reserve contribution required as part of the subdivision consent.

Please note that in some instances, the area to be set aside may be reduced or waived. Please ask Council planning staff about this.

Hazards

Before subdivision consent can be approved, the council must be satisfied that natural hazards, such as instability, flooding, erosion, or other hazards such as chemical contamination, can be avoided or mitigated. Properties with known hazards will be recorded on a Council Land Information Memoranda (LIM) or Project Information Memoranda (PIM). Please contact the Council to obtain a LIM or PIM.

If your subdivision involves land recorded as being subject to one or more of these hazards, you will be asked to provide a report from an expert. This must outline mitigating measures to ensure the land is safe and suitable for subdivision. Conclusions from the report such as minimum floor levels, areas in floodplain not suitable for building, or specific foundation design, may be imposed on the new title by way of a consent notice.

You will be required to pay all legal costs for Council solicitors to prepare the consent notice, as well as costs incurred by your own solicitor to place the consent notice on the title.

What if i can't subdivide?

If you are unable to subdivide your property due to its inadequate size, there are other options available. These include building a minor household unit (maximum size of 65m²) or developing with a neighbouring property or making a notified application. Further inquiries regarding this can be made at the Council Call Centre Ph (09) 839 0400.

Freehold or cross lease?

It is recommended that subdivisions be freehold rather than cross lease. Before 1991 cross lease used to be the preferred title for small subdivisions, mainly because it was the cheaper option. Technically it was not a "subdivision," so it did not incur a reserves contribution and engineering works did not have to meet the freehold subdivision standards. The Resource Management Act 1991 changed this and cross leases are now included in the definition of "subdivision" and now incur similar costs to freehold subdivision.

Cross leasing can actually be more expensive in the longer term. If any new buildings are erected on the cross lease land or external additions made to existing buildings, the leases have to be altered and a new "Flats Plan" completed. This will involve a new subdivision application to the Council and may also involve considerable legal costs.

If a Flats Plan is not updated, you could have problems when you come to sell your cross-lease property. Buyers' solicitors will check that what is being purchased is strictly in accordance with the existing Flat Plan and the lease for your unit. If this is not the case, issues can arise and the prospective buyer may not be prepared to wait while a new Flats Plan is prepared.

Further Information

This brochure is only a guide to the Subdivision Rules. The complete Subdivision Rules are found in Volume 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.