

## RULE 7

## FOOTHILLS ENVIRONMENT

### RULES

#### 7.0 General

The following rules shall apply to the *subdivision of land* in the *Foothills Environment*.

#### 7.1 Controlled Activities

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

- (a) the minimum *site area* for each *proposed site* (other than a *proposed site* located in the *Penihana South Land*) is 4ha; and
- (aa) the minimum *site area* for each *proposed site* in the *Penihana South Land* is 7000m<sup>2</sup> provided that the average *site area* for *proposed sites* in a subdivision is not less than 1ha; and

#### NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. *Subdivisions* must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other *subdivision* rules and also the *Natural Areas Rules*, the relevant *Human Environment Rules* and the *City-Wide Rules*.
3. A *Structure Plan* Guideline has been prepared for the Oratia Area (available from the Council).
4. Words in *Italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. The Council may have a guideline to help interpret this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
8. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.
9. Reference should be made to the Auckland Regional Council Environment Technical Publication Number 58 2nd Edition 1994 "On-site wastewater disposal from households and institutions" when designing wastewater treatment systems.
10. With respect to the Birdwood Structure Plan, reference should be made to the Birdwood Structure Plan report and accompanying technical information available at Council offices.
11. Ongoing obligations under subdivision consents in the Swanson Structure Plan area will normally be secured by way of consent notice under section 221 of the RMA and/or via a bond in favour of the Council prior to the issue of a certificate under section 224 of the Act.
12. With respect to subdivision of Lots 1 and 2 DP 49129, and Lot 5 DP 59154 as shown on Appendix XXX, Policy 11.53 and Foothills Subdivision Rule 7.2(e), and Rule 7.4(e) apply to the first and all subsequent subdivisions of all or part thereof of the land showing in Appendix XXX.

### ASSESSMENT CRITERIA

#### 7(a)

The extent to which the *subdivision design* avoids *development* within the *Green Network*, retains or links significant *vegetation* and fauna habitat areas, avoids *development* on *natural landscape elements* and *heritage* features, gives regard to **natural character**, minimises soil erosion, encourages *on-site* water retention, avoids *development* on floodplains and uses drainage methods that protect and enhance streams.

#### 7(b)

The extent to which *sites* have practical vehicle access, including emergency vehicle access, to a *road*, with passing bays if necessary.

#### 7(c)

The extent to which *sites* are of a useable shape.

#### 7(d)

The extent to which the *subdivision design* enables efficient provision of *infrastructure*.

#### 7(e)

The extent to which the *subdivision design* integrates with the surrounding landscape character.

#### 7(f)

The extent to which the *design* and placing of *roads* and *driveways* minimise alteration to landform, avoid visible scars on the landscape and take advantage of natural drainage systems.

#### 7(g)

The extent to which *carriageways* of *roads* and *shared driveways* are constructed of materials and to a *design* strength sufficient to carry the likely wheel loads of travelling and parked vehicles, and which enable the carriage of vehicles at a minimum future maintenance cost.

#### 7(h)

The extent to which *carriageways* on *roads* and *shared driveways* are of a *design* quality and durability that provide for the safe passage of motor vehicles, cyclists and pedestrians, maintenance of comfortable riding quality and discharge of stormwater.

#### 7(i)

The extent to which edges of *road* and *shared driveway carriageways* are appropriately *designed* and constructed to:

- (b) each *proposed site* has practical and legal motor vehicle access to a *road*; and
- (c) each proposed *rear site* or *shared driveway* has a *driveway* which:
  - (i) has a *driveway* width of not less than 3.5 metres at any point; and
  - (ii) serves no more than 4 *rear sites*, and
  - (iii) is provided with a *carriageway* of not less than 2.5 metres in width; and
  - (iv) has a *carriageway* designed so as to accommodate the 90 percentile two-axled truck tracking curve (see the Parking and Driveways Guideline); and
  - (v) includes an unobstructed strip of *land*, not less than 1.0 metre in width, alongside the *carriageway* for the purpose of underground reticulation of *infrastructure*; and
  - (vi) if serving more than two *sites*, contains passing bays at intervals not exceeding 50 metres.

Assessment of *Controlled Activity* applications will be limited to the matters of:

- the *design*, location, *construction* and *alignment* of *driveways* and *roads*;
  - the *design*, scale and location of *sites*;
  - provision for *landscape treatment*;
  - protection of *natural features*;
  - the location, *design* and *construction* of *infrastructure*;
- and will be considered in accordance with Assessment Criteria 7(a)-(z).

## 7.2 Limited Discretionary Activities

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

- (a) Any *subdivision* not meeting the standards of Rule 7.1(a) where the *subdivision* creates *sites* generally coinciding with the location of proposed *lot* boundaries or in accordance with the densities identified for each existing *lot* shown on a *structure plan* (other than the *Swanson Structure Plan*) forming part of the *Plan* (see *Structure Plan Area(s)* on the Resource Management Maps) provided that:
  - (i) any Protection and **Enhancement** Areas shown on the *structure plan* will have the required *planting* established and are protected by way of covenant, encumbrance or *consent notice*; and

- avoid edge fretting
- adequately delineate the edge for *driveway* or *road* users
- allow safe and ready access to *adjoining sites* at appropriate locations.

### 7(j)

The extent to which the *design* of any *roads* incorporates and provides for *amenity* features including *planting*.

### 7(k)

The extent to which materials used in the construction of any *road* and *road* markings, complement the surrounding environment.

### 7(l)

The extent to which the *road* reserve and *carriageway* width and *alignment* allows for the safe and efficient movement of pedestrians, cyclists and motor vehicles, the provision of *infrastructure*, and *planting*.

### 7(m)

The extent to which *construction* works within any *road* including:

- carriageways
- drainage works and other *infrastructure* works
- *driveway construction* between *road carriageways* and individual *sites*

are *designed* to minimise the necessity for *earthworks* and *clearance* and constructed of materials that are visually and aurally appropriate to the **neighbourhood character**.

### 7(n)

The extent to which, wherever relevant, *design*, *construction* and location and provision of any *infrastructure* owned by *network utility operators* (if provided):

- ensure sufficient capacity to provide services to potential *development* within the *subdivision* and to any further *development* which may occur outside the *subdivision*
- ensure sufficient capacity for firefighting, including provision of fire hydrants
- are of a sufficient standard and compatibility with existing systems to minimise maintenance costs
- ensure sufficient water quality and water pressure is available for likely needs
- provide for water metering
- ensure *public water supply* mains are watertight

## RULE 7

## FOOTHILLS ENVIRONMENT

- (b) Any *subdivision* in the *Swanson Structure Plan* Area not meeting the standards of Rules 7.1(a) but where the subdivision creates new *sites* in accordance with the number shown on the *Swanson Structure Plan* for an existing *site* provided that the following performance standards are met:

### Ecological Requirements

- 1) In order to protect, restore or enhance the native fauna and flora and the wetlands and streams of the *Swanson Structure Plan* Area:

#### Fencing and Removal of Stock

- (i) no new *fence* is to be within any *Protected* or *Managed Natural Area*, or *Riparian Margin* as shown on the *Swanson Structure Plan* except to isolate *stock* crossings; and
- (ii) either all *stock* has been removed from the *site* permanently; or

All stock has been removed from any *Indicative Enhancement Area* to be planted and from any *Protected* or *Managed Natural Area* or *Riparian Margin* shown on the *Swanson Structure Plan* and these areas provided with an *adequate fence* (for the purpose of preventing *stock* from entering these areas).

#### Control of Weeds

- (iii) All weeds have been (or will be) removed from any *Indicative Enhancement Area* to be planted, *Riparian Margin* and *Protected* or *Managed Natural Area* as shown on the *Swanson Structure Plan*.
- (iv) The landowner and any future landowner will maintain any *Indicative Enhancement Area* and *Riparian Margin* to be planted and all *Protected* or *Managed Natural Areas* as shown on the *Swanson Structure Plan* substantially weed-free for 10 years.

#### Planting

- (v) Any *Indicative Enhancement Area* or *Riparian Margin* has planting of vegetation as shown on the *management plan* over an area of 0.125m<sup>2</sup> per 1m<sup>2</sup> of the *site* (excluding any *Protected* or *Managed Natural Area*) as shown on the *Swanson Structure Plan* but not less than any area required for

- ensure that there are no more than minor adverse *effects* on *natural features* and other *infrastructure*
- ensure that continued access is made available to *network utility operators* to ensure maintenance can be undertaken.

#### 7(o)

The extent to which the *design*, *construction* and location of *stormwater treatment and disposal systems*:

- ensure maintenance of water quality in receiving natural waters
- do not result in flooding on or downstream of the *site*

within any *Structure Plan Area*, ensure that the amount of impervious surface is minimised to the greatest extent practicable and that stormwater discharge mimics natural over land flow conditions by any appropriate method. An engineer's report shall be required to demonstrate how the stormwater runoff from the *buildings* and *impermeable* surfaces will be managed and/or contained.

#### 7(p)

Having regard to the requirements of any comprehensive catchment resource consent issued by the Auckland Regional Council, the extent to which the *stormwater treatment and disposal system* is *designed*, constructed and located to:

- serve the whole of the natural upstream *catchment area*, including potential future *development*
- ensure maintenance of minimum standards of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants* and enhancement of riparian areas
- ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the *subdivision* and future *development*
- ensure adequate measures are taken to screen out litter, silt and other contamination
- be of a sufficient standard and compatibility with existing stormwater disposal systems to minimise maintenance costs
- ensure no more than minor adverse *effects* on other *infrastructure* or potential *building development*
- provide for stormwater disposal from all of the *land* within each *site*
- avoid flooding on or downstream of the *site*.

#### 7(q)

The extent to which the *design* of stormwater systems incorporates measures to reduce run-off

hydrological reasons which shall form part of the area calculated above;

- (vi) If the sum of the Indicative *Enhancement Area* or *Riparian Margin* is less than the area to be required to be planted the difference shall be made up by planting on an area within the *site* identified as *General Natural Area*; and

- (vii) Any *planting* which dies prior to effective canopy closure shall be replaced.

#### **Minor Household Units**

2)The *subdivision* of any *site* in the *Swanson Structure Plan Area* that contains a *minor household unit* located greater than 15 metres from a *dwelling* on the same *site* ensures that either the *minor household unit* is placed on a separate proposed *site* to the existing *dwelling* or it is removed or demolished.

#### **Formation of Indicative Public Walkway Linkages**

3)Any *proposed subdivision* must include the formation of a public walkway in general accordance with the indicative public walkways shown on the *Swanson Structure Plan* map forming part of the *Plan* and protected by registered right of way as an easement in gross.

#### **Site Specific Rules**

4)The subdivision of any *site* meets the standards of any *site* specific rules listed in the *Swanson Structure Plan - Schedule of Site Specific Rules* attached to the Foothills Environment Subdivision rules.

- (c) any *subdivision* in the *Oratia Structure Plan Area* not meeting the standards of Rules 7.1(a) or 7.2(a) which has the same or fewer number of lots as is shown in the *Oratia Structure Plan* for the site concerned, but with different *lot* boundaries.
- (d) any *subdivision* which is otherwise a *Controlled Activity* not meeting the standards in Rule 7.1(c).
- (e) Any subdivision of Lots 1 and 2 DP 49129 and Lot 5 DP59154 (the land shown in Appendix XXX) provided that:
- (i) the minimum lots size is 2.0 hectares;

rates where there may be damage caused to natural waterway systems.

#### **7(r)**

The extent to which the *design, construction* and location of the *wastewater treatment and disposal system* has regard to the upstream *catchment* and effect on the downstream *catchment*, including likely future *development*.

#### **7(s)**

The extent to which the *design, construction* and location of *wastewater treatment and disposal systems*:

- ensure sufficient capacity and treatment to provide for the safe and efficient disposal of wastewater to be generated by *development* likely on each *site*, having particular regard to human health and water quality
- ensure adequate measures to avoid leakage, entry of stormwater and penetration by plant roots
- are constructed so that there are no more than minor adverse *effects* on *natural features*
- give sufficient regard to suitability in respect of topography, soils, water tables and proximity to natural water courses or water bodies

#### **7(t)**

The extent to which *easements* and *consent notices* are applied to protect the integrity of *wastewater treatment and disposal systems*.

#### **7(u)**

For any *subdivision* within a *structure plan area*, the extent to which:

- protection and enhancement areas are encompassed within *proposed sites* in a manner which best provides for their future maintenance and protection
- protection and enhancement areas are permanently *fenced*, if necessary, to exclude stock
- *subdivision* boundaries are positioned so that there is no more than one *dwelling* per *site*.

#### **7(v)**

The extent to which *subdivision* adversely affects the historical, cultural or spiritual significance of any site or *waahi tapu* of significance to *maori* and the *maori* (life force) of water, *native vegetation*, and fauna habitat and *land*.

#### **7(w)**

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or

## RULE 7

## FOOTHILLS ENVIRONMENT

- (ii) calculated across the entire land area, the average lot size must be no less than 4.0 hectares;
  - (iii) subdivision of the total land area is limited to 24 lots;
  - (iv) for each subdivision application, the ability to comply with the 4.0 hectare average lot size must be demonstrated to the Council's satisfaction;
- (f) In respect to Lot 14 DP 86225 and Lot 1 DP 63568 within the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road (known as the Holdens Triangle), *subdivision* where:
- (i) the *subdivision* of Lot 14 DP 86225 and Lot 1 DP 63568 is limited to 5 *lots* in total (i.e. three additional *lots*) excluding any joint access *lots*;
  - (ii) the area within Lot 14 DP 86225 (as marked in blue hatching on the plan contained in Appendix XIV) that is adjacent to Pine Avenue and which is located outside of the Waitakere Ranges Heritage Area may be subdivided into one *site* with an area of less than 1 hectare;
  - (iii) the minimum size of any other new *lot* shall be 1 hectare, excluding any joint access *lots*;
  - (iv) there shall be no new *road*;
  - (v) each proposed *site* shall have practical and legal access to a *road*;
  - (vi) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres;
  - (vii) any *subdivision* shall ensure that no new *buildings* are located within 25 metres of the Holdens Road frontage along the southern boundary of Lot 1 DP 63568; as shown in Appendix XIV;
  - (viii) no new *buildings* are located within 40 metres of the Holdens Road frontage along the eastern boundary of Lot 14 DP 86225 and Lot 1 DP 63568 as shown in Appendix XIV;
  - (ix) access from Holdens Road to any new *sites* created by the *subdivision* of Lot 1 DP 63568 shall provide a maximum of one additional *driveway*;

offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

### 7(x)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands and for any public walkway linkages shown on the *Swanson Structure Plan*.

### 7(y)

The extent to which measures have been incorporated into the *subdivision* proposal which avoid, remedy or mitigate any threat to the *Green Network* that could arise from the introduction of animals as a result of the *subdivision*.

### 7(z)

(i) For any *subdivision* within a *structure plan* area, the extent to which:

- Enhancement Areas are, or will be, planted with species appropriate to the landscape and ecology of the area
- Enhancement Areas that are identified as *Ecological Linkage Opportunities* or *Restoration Natural Areas* are, or will be, planted with *native* species

Bush Improvement Areas are, or will be, planted using *native* species.

(ii) In addition for any *subdivision* of any *site* within the *Swanson Structure Plan* Area the extent to which a *management plan* provide for:

- areas of vegetation to be removed;
- the number, location, grade, size and species of plants to be *planted*;
- weed control measures;
- replacement of any *planting* which dies prior to effective canopy closure;
- the management of natural regeneration.

### 7(za)

The extent to which any Enhancement Areas shown on any *Structure Plan* have *planting* established and protected by way of *covenant*, *encumbrance* or *consent notice*.

### 7(zb)

In the *Oratia Structure Plan Area*, the extent to which it can be shown that the proposal avoids, remedies



## RULE 7

## FOOTHILLS ENVIRONMENT

- (x) any *subdivision* shall ensure that landscaping strips no less than five metres in depth are provided along the Holdens Road boundary as shown in Appendix XIV (with the exception of a vehicle access as provided by Rule (ix);
- (xi) the landscaping strips shall consist of densely planted *vegetation* including species that reach a height of no less than 3 metres and may incorporate the existing shelter belt;
- (xii) the landscaping strips required by rule (x) shall have the required planting established in accordance with rule (xi) prior to the issue of a certificate under section 224 of the *Act*;
- (xiii) the landscaping strips shall be maintained at a minimum height of 3 metres and be protected by way of a covenant, encumbrance or *consent notice* on the title; and
- (xiv) the application is lodged on the basis that a *consent notice* will be registered against the titles to all parts of the *land* (excluding the area referred to in Rule (ii) above, which immediately abuts Pine Avenue), to record that:
  - (a) the density of *subdivision* provided for under Rule 7.2(d)(i) has been utilised in full; and
  - (b) there will be no further *subdivision* undertaken of the *land* previously comprised of Lot 14 DP 86225 and Lot 1 DP 63568. Should any application be made under Section 221(3) of the *Resource Management Act 1991* to vary or cancel the condition specified in the *consent notice*, the Waitakere Ranges Protection Society Incorporated will be considered an affected party and will be served notice of any application to vary or cancel the *consent notice*.
- (g) Subdivision of Lots 1 and 2 DP49129 and Lot 5 DP59154 (the land shown in Appendix XXX) is subject to the following requirements:

or mitigates any adverse *effects* generated by any change in lot boundaries on:

- landscape character
- amenity values
- natural features
- protection and/or enhancement of *vegetation* generally as shown on the *Oratia Structure Plan*
- access
- *native vegetation* and ecological corridors
- streams and the quality of water they contain
- the ability of each *proposed site* to treat and dispose of stormwater and wastewater
- *heritage* sites, *buildings* and trees.

### 7(zc)

In the *Oratia Structure Plan Area*, the extent to which it can be shown that the proposal avoids, remedies or mitigates any adverse *effects* (including any cumulative adverse *effects*) generated by an increase in the number of *proposed sites* on:-

- landscape character
- amenity values
- natural features
- protection and/or enhancement of *vegetation* generally as indicated on the *Oratia Structure Plan*
- access
- *native vegetation* and ecological corridors
- streams and the quality of water they contain
- the ability of each *proposed site*, and the entire *Structure Plan catchment* affected by any increase in the number of *proposed sites*, to treat and dispose of stormwater
- the ability of each *proposed site* to treat and dispose of wastewater
- *heritage* sites, *buildings* and trees.

### 7(zd)

The extent to which the storm water and waste water treatment and disposal systems avoid adverse effects on *land* stability erosion, slippage and inundation within each *proposed site* and on any other properties.

### 7(ze)

Whether the proposed *subdivision* identifies a stable *building platform* and stable vehicle access within each proposed *lot*, and whether these proposals are or are likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source.

## RULE 7

## FOOTHILLS ENVIRONMENT

- (a) an ecological assessment and a landscape assessment identifying areas of ecological and landscaping opportunity and enhancement, and any areas where buildings are not to be constructed;
- (b) a planting plan taking into account the site's ecological and landscape assessments and identifying revegetation in ecological linkage opportunity areas, enhancement (including weed management) of existing Managed Natural Areas, and planting for storm water mitigation, visual amenity and privacy; and
- (c) a public walking trail shall be provided connecting Forest Hill Road and Gum Road, at the time of the first subdivision of Lots 1 and 2 DP49129 and Lot 5 DP59154 (the land shown in Appendix XXX).

Assessment of *Limited Discretionary Activity* applications will:

1) be limited to the matters of:

- the *design*, location, *construction* and *alignment* of *driveways* and *roads*;
- the *design* and scale of and the location of building platforms on *proposed sites*;
- provision for *landscape treatment*;
- provision for protection and enhancement of *vegetation* (in respect of the *Oratia Structure Plan* and the *Swanson Structure Plan*, generally as indicated on those *Structure Plan*) and other drainage works and other *infrastructure* works;
- *driveway construction* between *road carriageways* and individual *sites*; and
- the location of *building platforms* on Lot 14 DP 86225 and Lot 1 DP 63568.

2) in the *Swanson Structure Plan* Area also be restricted to the matters of:

- the details of, and information in, the *management plan* (to be lodged with any subdivision application);
- the precise delineation of any *Protected* or *Managed Natural Area* and *Indicative Enhancement Area* within the site;
- the location of *fence* lines;
- planting and the management and removal of weeds in any *Protected* or *Managed Natural Area* and *Indicative Enhancement Area* within the *site*;

### 7(zf)

Whether any subsequent use that is likely to be made of the *land* is likely to accelerate, worsen, or result in material damage to that *land*, other *land*, or *structure*, by erosion, falling debris, subsidence, slippage or inundation from any source.

### 7(zg)

In the *Swanson Structure Plan* Area, the extent to which any proposed *subdivision*:

- Avoids, mitigates or remedies any impact on the landscape arising from the existing or future establishment of multiple clusters of *buildings*, and associated accessways.
- Avoids the potential for further development of existing *building* areas that are established in visually sensitive landscapes.
- Retains the rural character of the environment, taking into account any cumulative effects arising in association with existing *buildings* on the *site* and on surrounding *sites*.
- Retains the characteristic open spaciousness of the rural environment, rural amenity and the amenity of neighbours;
- Locates any new residential buildings (assessed by having regard to criteria above) in a more appropriate location than any existing *minor household unit* or proposes to remove any existing poorly placed *minor household unit* and any other buildings.

### 7(zh)

In the *Swanson Structure Plan* Area where any proposed subdivision creates fewer lots than the allocation shown on the *structure plan* map, that subdivision ensures that an appropriate design layout is provided which;

- anticipates future subdivision up to the full allocation shown on the *structure plan* map;
- provide for the future location of building platforms;
- establishes the size of any *proposed site(s)* appropriate to the landscape character of the area;
- limits the area of *impermeable surface(s)* through the use of shared driveways;
- provides for the protection of any *Protected* or *Managed Natural Area* and the establishment of any required planting in any *Indicative Enhancement Area(s)* over the whole *site*;
- provides for the management of stormwater runoff over the whole *site*;
- provides for any indicative walkway linkages

## RULE 7

## FOOTHILLS ENVIRONMENT

- the mitigation of impacts on landscape and amenity values that may arise as a result of the future establishment of buildings;
- the location and formation of indicative public walkway linkages shown on the *Swanson Structure Plan* map;
- the design and location of proposed *building platforms*; and
- the possible removal or relocation of any existing *minor household unit* or other accessory buildings; and

in addition to the above matters the following also apply in respect of Lots 1 and 2 DP49129 and Lot 5 DP59154 (the land shown in Appendix XXX)

- (i) provision for protection and enhancement of *vegetation*, drainage works and other *infrastructure* works;
  - (ii) provision for re-vegetation and/or protection of any ecological linkage opportunity areas from the establishment of any new *buildings* or *groups of buildings*;
  - (iii) the mitigation of potential effects on landscape, amenity values and rural character that may arise as a result of the future establishment of buildings or *groups of buildings*. This mitigation includes constraints on where *buildings* can be established and their scale;
  - (iv) Provision for a public walkway through the site using a walking trail or trails.
- 3)
- in respect of Rule 7.2(a) will be considered in accordance with Assessment Criteria 7(a)-7(za), and 7(zc) - 7(zf);
  - in respect of Rule 7.2(b) will be considered in accordance with Assessment Criteria 7(a)-7(za) and 7(zd) - 7(zh);
  - in respect of Rule 7.2(c) will be considered in accordance with Assessment Criteria 7(a) - 7(zb); and
  - in respect of Rule 7.2(d) will be considered in accordance with Assessment Criteria 7(b), 7(d), 7(f), 7(g), 7(h) and 7(i);
  - in respect of Rule 7.2(d) will be considered in accordance with Assessment Criteria 7(a)-7(za), 7(zd), 7(zc), 7(zf), 7(zh) and 7(zl).

shown in the *Swanson Structure Plan* map forming part of the Plan.

### 7(zi)

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.

### 7(zj)

In the *Oratia Local Area*, the extent to which subdivision:

- (i) in the *General Natural Area* retains and/or enhances rural character and a productive landscape through the management of remnant vegetation, and/or new plantings of exotic vegetation (except environmentally damaging weed species) including the pattern of shelter belts, vines and fruit trees;
- (ii) in the *General Natural Area* retains and/or enhances rural character through the innovative location of lots and building platforms to retain larger areas of land in rural production;
- (iii) locates building platforms in a manner that maintains spacious rural views in areas identified as rural view shafts in the *Oratia Local Area* (refer Policy Map 5B.3.1.2);
- (iv) where pedestrian and cycle trails are identified on Policy Map 5B.3.1.3, contributes to the provision of land to support the implementation of the trails;
- (v) avoids new building platforms locating in a ribbon-like pattern along *roads*; and
- (vi) avoids transportation infrastructure of an urban scale and character.

### 7(zk)

In the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road (known as the Holdens Triangle), the extent to which subdivision:

- (i) addresses the assessment criteria applying to subdivision in the *Oratia Structure Plan*;
- (ii) addresses the assessment criteria applying to the *Oratia Local Area*;
- (iii) locates building platforms away from roads to maintain rural road-scapes;
- (iv) maintains rural character; and
- (v) protects, restores and enhances heritage features, streams, wetlands and indigenous vegetation within the *site*.



## RULE 7

## FOOTHILLS ENVIRONMENT

**7.3 Discretionary Activities**

- 1) Activities meeting the following Performance Standards are *Discretionary Activities*:
  - (a) any *subdivision* not meeting the standards in Rule 7.1(a) or 7.2(a) where the *subdivision* creates *sites* at a density within *site(s)* boundaries existing as at 14 October 1995 not exceeding that shown on a *structure plan* forming part of this *Plan* provided that:
    - (i) any Protection and Enhancement Areas shown on the *structure plan* have required *planting* established prior to the issue of a certificate under section 224 of the *Act* and are protected by way of covenant, encumbrance or *consent notice*.
  - (b) any *subdivision* in the *Oratia Structure Plan* Area not meeting the standards of Rule 7.1(a) or 7.2(a) or 7.2(c) where the *subdivision* creates *sites* at a density exceeding that shown on the *Oratia Structure Plan*.
  - (c) any *subdivision* of:
    - (i) Lot 4 DP 62243 (43 Sunnyvale Road)
    - (ii) Lot 2 DP 173199 (30 Crows Road)
    - (iii) Lot 2 DP 78994 (43 O'Neills Road)
    - provided that the performance standards in rule 7.2(b) are met.
  - (d) any *subdivision* of Pt Lot 3 DP 124026 (27-37 Crows Road) which creates a *site(s)* within the discretionary building area shown on the site plan attached to the Swanson Structure Plan - Schedule of Site Specific Rules.
  - (e) Any *subdivision* within the *Oratia Rural Village Non-Residential Activity Overlay* provided that the subdivision relates to an existing building, its curtilage, landscaping and infrastructure or where a land use consent has been granted for a building and associated development, landscaping, curtilage and infrastructure.
  - (f) In respect to any *site* within the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road (known as the Holdens Triangle), *subdivision* where:
    - (i) the average *net site area* is no less than 1.6 ha for each additional *site* created and the minimum *net site area* is 400m<sup>2</sup>;
    - (ii) there shall be no new *road*;

**7(zl)**

In the area bounded by Holdens Road, Forest Hill Road, Pine Avenue and Parrs Cross Road (known as the Holdens Triangle), the extent to which the *subdivision* of Lot 14 DP 86225 and Lot 1 DP 63568 as shown in Appendix XIV:

- (i) addresses the assessment criteria applying to *subdivision* in the *Oratia Structure Plan*;
- (ii) addresses the assessment criteria applying to the *Oratia Local Area*;
- (iii) locates any proposed *building(s)* away from Holdens Road so as to protect the rural character of the area and avoid blurring the boundary between the metropolitan area and the rural landscape;
- (iv) retains the rural character of the environment, taking into account any cumulative *effects* arising in association with existing *buildings* on the *site*;
- (v) proposes *plantings* which *screen* proposed *building(s)* from Holdens Road; and
- (vi) protects, restores and enhances *heritage* features, streams, wetlands and indigenous *vegetation* within the *site*.

**7(zm)**

On Lots 1 and 2 DP49129 and Lot 5 DP59154 (the land shown in Appendix XXX) the extent to which any subdivision of the land:

- can be completed in accordance with Rule 7.2(e);
- in the General Natural Area maintains or enhances rural character through the retention of opportunities for grazing, protection of existing indigenous vegetation and establishment of new planting;
- retains and/or enhances rural character through the pattern of subdivision and location of buildings platforms;
- locates buildings in a manner that maintains spacious rural views and the rural landscape;
- provides for a public walking trail between Forrest Hill Road and Gum Road and for the potential of other walking trails by the manner in which the subdivision is designed;
- implements infrastructure, including roads and driveways that have a rural scale and character

See also Policies 1.1, 1.4, 1.7, 1.10, 1.14, 1.15, 1.17, 1.20, 2.1, 2.2, 2.3, 2.13, 3.1, 3.4, 3.5, 3.6, 4.3, 4.4, 5.2, 5.4, 5.5, 6.1, 6.3, 7.1, 7.2,

- (iii) each *proposed site* shall have practical and legal access to a *road*; and
- (iv) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres.
- (g) Any *subdivision* of Lot 14 DP 86225 and Lot 1 DP 63568 complying with the density in rule 7.2 (d)(i), but that does not meet some or all of the standards within 7.2 (d) (ii)-(xiii)
- 2) *Discretionary Activity* applications will be assessed in accordance with Assessment Criteria 7(a)-7(z<sub>a</sub>) and 7(z<sub>c</sub>) - 7(z<sub>h</sub>) and any other relevant matters under section 104 of the *Act*.

#### 7.4 Non-Complying Activities

Any *subdivision*:

- (a) of Lot 4, DP58379 that involves the creation of one site in addition to the total number of possible lots identified for the existing Lot 4 DP 58379 in the Birdwood Structure Plan;
- (b) of PT Sec.13.Blk XIV, Waitemata Survey District (7.4108ha) that involves the creation of one site in addition to the total number of possible lots identified for the existing PT.Sec.13 Blk XIV, Waitemata Survey District (7.4108ha) in the Birdwood Structure Plan;
- (c) which occurs in an area which is not within a *structure plan area* and where the *site area* for each *proposed site* is less than 4ha;
- (d) in the *Swanson Structure Plan Area* not meeting the standards of Rule 7.1(a) or 7.2(b) or 7.3(c) provided that the *subdivision* creates *sites* at a *density* within *site boundaries* existing at 27 February 2002 not exceeding that shown on the *Swanson Structure Plan*
- (e) of Lots 1 and 2 DP49129 and Lot 5 DP59154 (the land shown in Appendix XXX) not meeting the standards in 7.2(e)
- (f) *Subdivision* of Lot 14 DP 86225 and Lot 1 DP 63568 meeting the standards of Rule 7.2 (d) (i)-(xiii) but not meeting the standard in Rule 7.2 (d) (xiv)
- (g) *Subdivision* of Lot 14 DP 86225 and Lot 1 DP 63568 exceeding the maximum number of lots provided for in Rule 7.2 (d)(i)

shall be deemed to contravene a rule in this *Plan* and be a *Non-Complying Activity*.

7.3, 8.3, 8.5, 9.1, 9.2, 9.3, 9.6, 9.7, 9.9, 9.14, 10.4, 10.7, 10.8, 10.9, 10.13, 10.15, 10.16, 10.17, 10.18, 10.20, 10.22, 10.23, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.29, 12.4, 12.8. 5B.1, 5B.3  
(Waitakere District Plan Policy Section)

#### RESOURCE CONSENT CONDITIONS

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

- altering the scale, *design* and location of *sites*
- requiring alteration in the *design*, *alignment* and location of *roads* and *driveways*
- specifying *construction* materials and methods to be used for *driveways* and *infrastructure*
- provided that, in the case of *Controlled Activities* and *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion
- requiring any stock on the property to be permanently *fenced* out of Protection and Enhancement Areas shown on a *structure plan*
- requiring an ongoing programme of weed and pest control to be carried out in Protection and Enhancement Areas
- requiring a site plan and a management plan to be prepared, indicating the boundaries of Protection and Enhancement Areas shown on a *structure plan*, and the management plan to be implemented for these areas
- requiring the protection of Protection Areas shown on a *structure plan* as a condition of a *consent notice*
- requiring specific provision to be made in the *subdivision design* for the efficient provision of *infrastructure* including, but not limited to:
  - providing for a specified *design* life for stormwater and wastewater treatment and disposal, *public water supply* and *driveways* and *roads*
  - ensuring sufficient capacity for all *development* likely to be served by the *infrastructure*
  - providing ease of access to *infrastructure* for maintenance purposes
  - ensuring *infrastructure* is sensitively placed to avoid environmental damage, such as *earthworks* and *clearance*
- specifying the location of *infrastructure*
- restricting the number of *sites* to be served by a *driveway*
- restricting the amount of *earthworks* and *pruning* and *clearance*

## RULE 7

## FOOTHILLS ENVIRONMENT

### 7.5 Prohibited Activities

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

- requiring through appropriate *design* the satisfaction of specified water quality standards (having regard to standards or rules within any Regional Plan)
  - limited alteration to existing landform and water bodies
  - requiring monitoring systems to ensure sediment or *contaminants* are not discharged to ground or natural water
  - requiring the provision of a *landscape treatment* plan and its implementation within a given time
  - the imposition of a *bond* to ensure satisfaction of conditions of consent
  - requiring the provision of *easements, consent notices, covenants* or encumbrances
  - the imposition of a charge to cover costs of monitoring
  - requiring *financial contributions* in accordance with the *Plan*
  - such other matters provided for in sections 220 and 108 of the *Act*
  - requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.
  - conditions addressing the *design* of storm water and waste water treatment and disposal systems.
  - conditions addressing the effects of storm water and waste water treatment and disposal systems on land stability, and on erosion, slippage and inundation within each *proposed site* and on any other property
  - requiring *on-site* or *off site planting* of protection and enhancement areas identified in the *Swanson Structure Plan* map; and the permanent protection of any such *planting* through the use of a covenant, encumbrance, easement or *consent notice*
  - requiring the prevention of any future *subdivision* through the use of a *consent notice*
  - requiring the formation of a public walkway linkage as indicated on the *Swanson Structure Plan* map
  - requiring *on-site planting* of ecological linkage opportunities areas as identified in any ecological assessment of landscape assessment for Lots 1 and 2 DP49129 and Lot 5 DO59154 (the land shown in appendix XXX).
  - requiring the permanent protection of *planting on 'the Land'* through the use of a covenant, encumbrance, easement or *consent notice*.
- 2) In addition, in the *Swanson Structure Plan* area, conditions may also include:

- requiring amendment of the site plan and *management plan*;
- for all *Protected* or *Managed Natural Areas* and *Indicative Enhancement Areas* shown on the *structure plan*, requiring:
  - (a) any stock on the property to be permanently *fenced* out of those areas;
  - (b) an ongoing programme of weed and pest control to be carried out in those areas;
  - (c) the protection of those areas as a conditions of a *consent notice*;
  - (d) *on-site planting* (subject to the exception in Rule 7.2(b)(i)(vi)) and the permanent protection of any such *planting* through the use of a covenant, encumbrance, easement or *consent notice*;
  - (e) the prevention of any future *subdivision* through the use of a *consent notice*;
  - (f) the formation of a public walkway linkages as indicated on the *Swanson Structure Plan* map;
  - (g) removal or relocation of *minor household units*.

### INFORMATION REQUIREMENT

For subdivision in the *Swanson Structure Plan* area a *management plan* including a topographic site map - is also required to accompany an application for resource consent. The *management plan* must show:

- the contours of the site surveyed to one metre intervals;
- all existing buildings and an indication whether they are to be retained, removed or relocated onto new lots;
- indicating the boundaries of any *Protected* or *Managed Natural Area* and *Indicative Enhancement Area* provided that first if there is any ambiguity or uncertainty in the District Plan's maps as to the location and/ or area of the *Enhancement Areas* or the *Natural Areas* (other than the *General Natural Areas*) then by covering letter the applicant must explain why and how the areas shown on the *management plan* has been chosen by reference to the vegetation and topography of the site; and secondly if there is any formed track running through a proposed *Enhancement Area*, the track may be excluded from any planting requirements;
- areas of vegetation to be removed;
- the number, location, grade, size and species of plants to be planted;
- the areas of planting (calculated under the Planting standard); and
- all existing and proposed internal fences.

## Swanson Structure Plan - Schedule of Site Specific Rules

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.1	37 Awhiorangi Promenade	<p>(a) Any <i>subdivision</i> shall ensure that any existing pine trees (<i>pinus sp</i>) and wattle trees (<i>Acacia sp.</i>) are removed from the site in accordance with an approved management plan prior to the issue of a certificate under section 224 of the Act.</p> <p>(b) Any subdivision shall ensure there are no further <i>residential building(s)</i> (other than replacements) constructed on the site containing the existing <i>minor household unit</i>.</p>	<p>(i) The extent to which any <i>approved management plan</i> provided for the complete removal of any existing Pine trees (<i>pinus sp</i>) and Wattle trees (<i>Acacia sp</i>) from the <i>site</i>.</p>
2.2	49-73 Birdwood Road Refer to District Plan Map Appendix XIV (vi)	<p>(a) Any <i>subdivision</i> shall ensure that any proposed <i>residential buildings</i> are located within the permitted building area shown on the site plan attached to this schedule.</p> <p>(b) Any <i>subdivision</i> shall ensure that access to any <i>proposed dwelling(s)</i> is from the existing <i>driveway</i>.</p>	<p>(i) The extent to which any proposed <i>residential buildings</i> are located so that the rural character of the western part of the <i>site</i> is protected and remains free of any residential building(s)</p> <p>(ii) The extent to which any <i>subdivision</i> utilises the existing <i>driveway</i> to access any proposed <i>residential building(s)</i></p>
2.3	144 Candia Road	<p>(a) Any <i>subdivision</i> shall ensure that no less than one hectare of the south west corner of the site is <i>planted</i> and <i>fenced</i>.</p> <p>(b) Any <i>subdivision</i> shall ensure that there are no further <i>residential building(s)</i> on the site within the <i>sensitive ridge</i> shown on the <i>Natural Area map(s)</i> and this shall be ensured in perpetuity by way of an encumbrance, covenant or consent notice.</p>	<p>(i) The extent to which the required area to be planted, is <i>planted</i> with species appropriate to the landscape and ecology of the area, fenced and maintained <i>weed</i> free until canopy closure.</p>



# RULE 7

# FOOTHILLS ENVIRONMENT

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.4	27-37 Christian Road 28 Tram Valley Road  Refer to District Plan Map Appendix XIV (v)	<p>(a) For the purposes of these rule <i>site</i> includes both 27 Christian Road and 28 Tram Valley Road (as shown on the site plan attached to this Schedule).</p> <p>(b) Any <i>subdivision</i> shall ensure that:</p> <ul style="list-style-type: none"> <li>(i) no <i>dwelling</i> is situated in the north-east corner of the <i>site</i> (<i>i.e above the 80 metres above sea level contour</i>);</li> <li>(ii) no <i>dwelling</i> is situated within 30 metres of the Christian Road <i>road boundary</i> in the south-east corner of the <i>site</i>;</li> <li>(iii) no <i>dwelling(s)</i> are located on the central ridges and slopes of the <i>site(s)</i> as shown on the site plan attached to this Schedule;</li> <li>(iv) a strip not less than 30 metres wide is <i>planted</i> along the road boundary in the south-east corner of the <i>site</i> and protected by way of covenant, encumbrance or consent notice;</li> <li>(v) that no less than 0.5 metres hectares of <i>planting</i> is provided on the <i>site(s)</i> for every proposed <i>dwelling(s)</i>;</li> </ul> <p>(c) Any <i>subdivision</i> shall ensure that rights of way are created as easements in gross in favour of the Council and formed to its satisfaction which provide for:</p> <ul style="list-style-type: none"> <li>(i) A public walkway on the site along Christian Road boundary until near the boundary with 25 Christina Road (where the road reserve is wide enough for a walkway so that pedestrians and cyclists can stay off the road).</li> </ul>	<ul style="list-style-type: none"> <li>(i) The extent to which proposed <i>dwelling</i> in the south-east corner of the <i>site</i> is set sufficiently back from; and screened from, Christian Road so as to minimise any adverse visual and landscape effects on the surrounding neighbourhood.</li> <li>(ii) The extent to which a safe and stable <i>building platform</i> can be identified no less than 30 metres from the south-east corner of the <i>site</i>.</li> <li>(iii) The extent to which access to any proposed <i>site</i> in the south-east corner of the <i>site</i> is from the existing farm gate.</li> <li>(iv) The extent to which any proposed <i>dwelling(s)</i> are situated on the western terraces close to Tram Valley Road, or on the low spur in the centre of the <i>site</i> and within the permitted building area as shown on the site plan attached to this Schedule.</li> <li>(v) The extent to which any proposed <i>dwelling(s)</i> are situated to avoid the central ridges and slopes on the <i>site</i>.</li> </ul>

# RULE 7

# FOOTHILLS ENVIRONMENT

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.5	32 Christian Road	<p>(a) Any <i>subdivision</i> shall include a <i>fenced</i>, 20 metre wide <i>planted</i> strip incorporating a public walkway linkage as shown on the <i>Swanson Structure Plan</i> map along the northern boundary of the <i>site</i> which is protected by a registered right of way as an easement in gross.</p> <p>(b) Any <i>subdivision</i> shall ensure that any <i>proposed site</i> has vehicle access from the existing <i>driveway</i>.</p>	(i) The extent to which a 20 metre wide <i>planted</i> strip is established along the northern boundary of the site establishing a buffer between the SSP area and the adjoining land to the north.
2.6	42 Christian Road Refer to District Plan Map Appendix XIV (i)	<p>(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> is located within the permitted building area shown on the site plan attached to this Schedule.</p> <p>(b) Any <i>subdivision</i> shall ensure that vehicle access to any new dwelling is from O'Neills Road and is protected by a registered right of way as an easement in gross or other appropriate legal mechanism.</p>	
2.7	46 Christian Road	<p>(a) Any <i>subdivision</i> shall ensure that any proposed <i>site</i> is located in the south-east corner of the <i>site</i> having vehicle access from O'Neills Road.</p> <p>(b) The management plan for any <i>subdivision</i> shall provide for the complete removal of any monkey-apple trees (<i>Acmena smithii</i>), conifers (<i>Pinus sp.</i>) and wattles (<i>Acacia sp.</i>).</p>	(i) The extent to which any proposed <i>dwelling</i> is located in such a way as to avoid any adverse effects on the visual or aural amenity of any adjacent or surrounding <i>sites</i> .
2.8	56 Christian Road	(a) Any <i>subdivision</i> shall ensure that the existing <i>dwelling</i> and studio are on separate lots.	

# RULE 7

# FOOTHILLS ENVIRONMENT

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.9	33-35 Coulter Road Refer to District Plan Map Appendix XIV (iii)	(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> is located within the permitted building area shown on the site plan attached to this Schedule.	(i) The extent to which the location of any proposed <i>dwelling(s)</i> avoids the visible face above Coulter Road between the <i>road boundary</i> and the eastern edge of the <i>sensitive ridge</i> , the area within the <i>sensitive ridge</i> and the area west of the <i>Streamside Enhancement Area</i> .
2.10	40 Coulter Road	(a) Any <i>subdivision</i> shall ensure that vehicle access to any proposed <i>site</i> is from the existing <i>driveway</i> . (b) Any <i>subdivision</i> shall ensure that under the required <i>management plan</i> all Monkey Apple ( <i>Acmena spp</i> ) trees shall be removed from the site.	(i) The extent to which vehicle access to any existing or proposed <i>site</i> uses the existing <i>driveway</i> .
2.11	54 Coulter Road Refer to District Plan Map Appendix XIV (i)	(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> is located within the permitted building area shown on the site plan attached to this Schedule.	· The extent to which any proposed <i>driveway</i> avoids the <i>Streamside</i> and <i>Revegetation Enhancement Areas</i> shown on the <i>Swanson Structure Plan map</i> .

# RULE 7

# FOOTHILLS ENVIRONMENT

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.12	61 Coulter Road Refer to District Plan Map Appendix XIV (iv)	<p>(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> is located within the permitted building area shown on the site plan attached to this Schedule.</p> <p>(b) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> has a maximum <i>gross floor area</i> (excluding any garaging for motor vehicles) of 150m<sup>2</sup>. This requirement shall be ensured in perpetuity by way of an encumbrance, covenant or consent notice.</p> <p>(c) Any <i>subdivision</i> shall prohibit the establishment of any <i>minor household units</i> on the site(s) and this shall be ensured in perpetuity by way of an encumbrance, covenant or consent notice.</p>	
2.13	70 Coulter Road	<p>(a) Any proposed <i>dwelling</i> shall be set back from the Coulter Road boundary and located outside the area shown as <i>sensitive ridge</i> on the <i>Natural Area Map(s)</i>.</p> <p>(b) Any <i>subdivision</i> shall provide for the complete removal, demolition, or relocation of the existing <i>minor household unit</i>:</p> <p>(i) unless the written consent of the neighbours at 66 Coulter Road is obtained; and</p> <p>(ii) prior to the construction of any new <i>dwelling</i>.</p>	<p>· The extent to which any proposed dwelling in the south-western part of the <i>site</i> is set sufficiently back from the Coulter Road boundary to be clear of the sensitive ridge and avoids adverse effects on the visual and aural amenity of the neighbours at 66 Coulter Road.</p>

# RULE 7

# FOOTHILLS ENVIRONMENT

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.14	78 Coulter Road	<p>(a) Any <i>subdivision</i> shall ensure that there is no net increase in the area of existing building coverage on the <i>site</i>.</p> <p>(b) Any <i>subdivision</i> shall ensure that no further <i>minor household unit</i> is established in association with the development of any proposed <i>site</i> containing the existing <i>minor household unit</i> and that this is provided for by way of covenant, encumbrance or <i>consent notice</i>.</p> <p>(c) The location of any replacement <i>residential building(s)</i> shall be restricted to the area adjacent to Coulter Road above the 90 metre contour line.</p> <p>(d) No further <i>residential building(s)</i> (other than replacements) or MHU's shall be constructed on the site or the resulting two lots after subdivision.</p>	<ul style="list-style-type: none"> <li>The extent to which there is no net increase in the existing <i>building coverage</i> on the <i>site</i> resulting from any <i>subdivision</i>.</li> </ul>
2.15	15 Crows Road Refer to District Plan Map Appendix XIV (ii)	<p>(a) Any <i>subdivision</i> shall ensure that any proposed <i>dwelling</i> associated with any proposed <i>site</i> which does not contain the existing <i>dwelling</i> or the <i>minor household unit</i> is located in the western part of the <i>site</i> close to Crows Road shown as permitted building area on the site plan attached to this Schedule.</p>	<ul style="list-style-type: none"> <li>The extent to which any proposed <i>site</i> not containing the existing <i>dwelling</i> or <i>minor household unit</i> avoids adverse effects on the sensitive ridge by locating any proposed <i>dwelling</i> close to the <i>road boundary</i> in the western part of the <i>site</i>.</li> </ul>
2.16	33 Crows Road Refer to District Plan Map Appendix XIV (ii)	<p>(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling(s)</i> on any proposed <i>site(s)</i> within the permitted building area as shown on the site plan attached to this Schedule.</p>	<ul style="list-style-type: none"> <li>The extent to which the central, pastoral area of the site remains clear of any proposed <i>dwelling(s)</i> so as to protect the rural character of this site</li> </ul>

*subdivision*



# RULE 7

# FOOTHILLS ENVIRONMENT

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.17	26 Mudgeways Road	(a) Any subdivision shall provide for the existing remote MHU to remain on the same site as the existing <i>dwelling</i> and any new <i>dwelling</i> to be located in the northern part of the site provided that written approval from the neighbour at 24 Mudgeways Road is obtained.	
2.18	43 O'Neills Road	(a) Any subdivision shall include a <i>fenced</i> , 20 metre wide <i>planted</i> strip incorporating the public walkway linkage as shown on the <i>Swanson Structure Plan</i> map along the northern boundary of the <i>site</i> which shall be protected by a registered right of way as an easement in gross.	<ul style="list-style-type: none"> <li>The extent to which a 20 metre wide <i>planted</i> strip is established along the northern boundary of the site establishing a buffer between the SSP area and the adjoining land to the north.</li> </ul>
2.19	163 Simpson Road	(a) Any <i>subdivision</i> shall ensure that: <ul style="list-style-type: none"> <li>(i) there is no further <i>residential building(s)</i> within the <i>sensitive ridge</i> on the <i>site</i>.</li> <li>(ii) the existing <i>minor household unit</i> shall be placed on the same <i>site</i> as the existing dwelling.</li> <li>(iii) Access to the proposed <i>site</i> is from the existing vehicle crossing at Simpson Road in the north eastern part of the site.</li> </ul>	<ul style="list-style-type: none"> <li>The extent to which further residential building within the <i>sensitive ridge</i> is avoided and protected by way of covenant, encumbrance or <i>consent notice</i>.</li> <li>The extent to which vehicle access to any proposed site avoids any</li> <li><i>Streamside Enhancement Area</i> shown on the <i>Swanson Structure Plan</i> map.</li> </ul>
2.20	43 Sunnyvale Road	(a) If a public walkway on LOT 5 DP 62243 (39 Sunnyvale Road) is already formed and protected by registered right of way as an easement in gross, then Foothills Environment Subdivision Rule 7.2(b)(3) shall not apply.	

# RULE 7

# FOOTHILLS ENVIRONMENT

Rule Number	Address	Site Specific Rule	Site Specific Assessment Criteria
2.21	73 Sunnyvale Road Refer to District Plan Map Appendix XIV (iii)	(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> is located within the permitted building area shown on the site plan attached to this Schedule.	· The extent to which any proposed <i>dwelling(s)</i> on any <i>proposed site(s)</i> are located south of the existing dwelling and avoid locations along the northern boundary of the <i>site</i> .
2.22	780 Swanson Road Refer to District Plan Map Appendix XIV (iv)	(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> is located within the permitted building area shown on the site plan attached to this Schedule.	· The extent to which the subdivision of any <i>proposed site</i> retains the rural character of the western part of the <i>site</i> and any new dwelling is screened from Swanson Road.
2.23	790 Swanson Road 792 Swanson Road	(a) Any <i>subdivision</i> of 790 and 792 shall require these two sites to have been amalgamated prior to subdivision.	
2.24	40 Tram Valley Road Refer to District Plan Map Appendix XIV (v)	(a) Any <i>subdivision</i> shall ensure that any new <i>dwelling</i> is located within the permitted building area shown on the site plan attached to this Schedule.	· The extent to which any proposed <i>dwelling(s)</i> within any <i>proposed site(s)</i> are located within the cleared areas south of the existing <i>minor household unit</i> .
2.254	20 Yelash Road	(a) Any <i>subdivision</i> shall ensure that there are no proposed <i>residential building(s)</i> or <i>earthworks</i> within the <i>sensitive ridge</i> area shown on the <i>Natural Area map(s)</i> .	· The extent to which any subdivision does not result in earthworks or further residential buildings within the sensitive ridge shown on the <i>Natural Area Map(s)</i> .