**RULE 4**

**ASSESSMENT CRITERIA**

**GREENFIELDS SUBDIVISION**

**RULES**

4.0 General

The following rules shall apply to the subdivision of land situated in the Living Environment where the subdivision is of existing sites either over 1ha in net site area or creating 10 or more new sites.

4.1 Limited Discretionary Activities

Subdivisions meeting the following Performance Standards are Limited Discretionary Activities:

- subdivision of existing sites either over 1ha in net site area or creating 10 or more proposed sites, provided that the site to be subdivided shall not be larger than 3ha, or:
- subdivision of land included within an urban concept plan which has been incorporated into the Plan, and

(a) the minimum net site area for each proposed site, provided that subdivision will not require or lead to development in a Protected or Managed Natural Area:

(i) is 1000m² where more than 50% of a proposed site is within a Managed Natural Area, Coastal Natural Area, Protected Natural Area or Riparian Margins/Coastal Edge Natural Area as shown on the Natural Area Maps except in the Living (4) Environment, or

**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. If there is a resource consent for a housing development the minimum net site area for subdivision purposes will be determined by that resource consent.
3. 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.
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.

4(a)

The extent to which the subdivision design and likely future development made possible by the subdivision will adversely affect the overall resilience, biodiversity and integrity of the Green Network.

4(b)

The extent to which the subdivision design recognises the natural qualities of the land and encourages strong and positive amenity values and neighbourhood character through:

- having regard to the existing and future development of adjacent land
- retaining natural characteristics of the land including landform
- avoiding future building development on natural landscape elements
- responding to landmarks and views
- having regard to the Natural Area applying to the land, recognising the natural values of streams, vegetation and fauna habitat, and linkages between these areas
- providing continuity, coherence and focal points through the use of road and open space networks.

4(c)

The extent to which a variation in site sizes is provided:

- to avoid uniformity in site size
- to provide larger sites capable of comprehensive housing development
- to provide larger sites to protect natural features or heritage
- to provide for schools and other community services and facilities next to or near focal points and public transport nodes.

4(d)

The extent to which proposed sites are large enough and practically designed to ensure that future buildings
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(ii) is 450m² in the Living, Living (L1) and Living (L2) Environments and the Living Environment (Harbour View); or

(iii) is 600m² (minimum) except where the site is located in Area A of the Living 2 Environment (Pernihna North); or

(iv) is 1200m² in Area A identified on the Pernihna North Urban Concept Plan; or

(v) is 2000m² in the Living Environment (Peninahan North); or

(vi) is 800m² (average minimum) and 650m² (minimum) in the Living (3) Environment (provided that any reserve to be vested within that land may be added to that area calculated in the average minimum); or

(vii) comprises the net unit area specified in a resource consent; or

(b) the minimum site area of any proposed site is 2000m² (average minimum) and 1250m² (minimum) in the Living 4 Environment (provided that any reserve to be vested within that land may be added to that area calculated in the average minimum); and

c) driveways serve a net site area of no more than 1 ha or 10 dwellings whichever is the lesser, and comply with the standards set out in (infill subdivision) Rule 3.1(c); and

d) provision can be and is made for the treatment and disposal of stormwater from all proposed sites; and

e) for all proposed sites capable of accommodating buildings provision can be and is made for the treatment and disposal of wastewater; and

(f) for all proposed sites containing or capable of accommodating buildings provision can be and is made, where available, for water, electricity, gas and telecommunications connections; and

(g) for all proposed sites immediately adjacent to any boundary with Pt Lot 3 DP 19157, Pt Lot 1 DP 15929, Pt Lot 2 DP 15929, Pt Lot 1 DP 51240 a planted buffer of no less than 3m in width is to be provided along that boundary, comprising of trees spaced 1.5m apart which will attain a height of no less than 6 metres.

can comply with the likely standards of the Plan for buildings and development.

4(e)
The extent to which proposed sites enable efficient provision of infrastructure.

4(f)
The extent to which site orientation and site dimension facilitates the siting and design of dwellings which can maximise use of passive solar energy.

4(g)
The extent to which the subdivision design minimises necessity for earthworks, avoids development on flood plains and encourages on-site water retention.

4(h)
The extent to which the design and location of roads and driveways minimises alteration to landform, avoids long-term visible scars on the landscape and takes advantage of natural drainage systems.

4(i)
The extent to which the subdivision design takes account of personal safety concerns.

4(j)
The extent to which open space is provided in convenient locations, having considered:

• the accessibility and adequacy of the scale and linkages between open space for intended users

• having sites and roads facing toward open space rather than backing on to open space

• the quality of the open space in terms of protecting or linking natural features

• the quality of the open space for passive or active recreational use

• the relationship of the open space to the road, such that personal safety, amenity and ease of use is encouraged

• the presence of other open space in the vicinity (ie if there is sufficient open space already a cash contribution rather than land may be preferred)

• any Parks Strategy adopted by the Council.

MOVEMENT NETWORK

For the purposes of the Movement Network the following classifications are relevant:

Driveway

is a private vehicle access serving no more than 10 dwellings.
As part of the resource consent application for the first subdivision, provides one or more combined cycleway and pedestrian pathway connections from the subdivision, that provide access to the key pedestrian linkage (shown indicatively on the Penihana Urban Concept Plan and described as ‘key pedestrian linkage between rail overbridge and secondary road link upon Penihana North land incorporating a combined cycleway and pedestrian pathway’), or to an alternative rail corridor linkage point, to be designed and formed to the satisfaction of Council and be available for use by the public,

(i) for all proposed sites in Penihana North with a road boundary to Christian Road:
- the minimum width of the proposed site’s road boundary to Christian Road shall be no less than 20 metres; and
- the proposed site shall not be designed to rely on Christian Road for driveway access unless resource consent had been granted pursuant to rule 12.3(c) of the Living Environment.

Assessment of Limited Discretionary Activity applications will be limited to the matters of:
• the design, location, construction and alignment of driveways and roads and pedestrian linkages;
• the design, scale and location of sites;
• provision for landscape treatment;
• avoidance of flooding on or downstream of the site;
• provision made for open space;
• protection of natural features;
• the location, design and construction of infrastructure;
• avoidance of stream erosion;
• avoidance of unstable land by proposed buildings, services or accessways, or adverse effects on stability of surrounding land;
• the extent and effect of impermeable surfaces;
• density
• provision of features identified on an Urban Concept Plan forming part of the Plan;
• In respect of the Babich Urban Concept Plan area
  • provision of stream margin restoration and revegetation
  • minimising alteration of existing landform
  • avoidance of adverse effects on groundwater systems
and will be considered in accordance with Assessment Criteria 4(a) - 4(ax).
4.2 Discretionary Activities

Subdivisions meeting the following Performance Standards are Discretionary Activities:

- subdivision, except as otherwise provided for by an urban concept plan, that will require or lead to development in a Protected Natural Area or Managed Natural Area not otherwise provided for in the Managed Natural Area by Vegetation Alteration Rules 2.1, 2.2 and 2.3 and Earthworks Rules 3.1, 3.2 and 3.3; or
- any subdivision of existing sites 3 ha or more in net site area where:
  a) the minimum net site area for each proposed site:
    i) is 1000m² where more than 50% of a proposed site is within a Managed Natural Area, Coastal Natural Area, Protected Natural Area or Riparian Margins/Coastal Natural Area as shown on the Natural Area Maps except in the Living (4) Environment; or
    ii) is 450m²; in the Living, Living (L1), Living (L2) Environments and in the Living Environment (Harbour View); or
    iii) is 800m² (average minimum) and 650m² (minimum) in the Living (3) Environment (provided that any reserve to be vested within that land may be added to that area calculated in the average minimum); or
    iv) comprises the net unit area specified in a resource consent; or
  b) the minimum site area of any proposed site is 2000m² (average minimum) and 1250m³ (minimum) in the Living 4 Environment (provided that any reserve to be vested within that land may be added to that area calculated in the average minimum); and
  c) driveways serve a net site area of either no more than 1 ha or 10 dwellings and comply with the standards set out in Rule 3.1(c); and
  d) provision can be and is made for the treatment and disposal of stormwater from all proposed sites; and
  e) for all proposed sites capable of accommodating buildings provision can be and is made for the treatment and disposal of wastewater; and

4(q) The extent to which materials used in the construction of roads, and road markings, complement the surrounding area.

4(r) The extent to which the road reserve width and road alignment allows for the safe and efficient movement of pedestrians, cyclists and motor vehicles, parked vehicles, and for the provision of infrastructure and planting.

4(s) The extent to which the carriageway width is sufficient for motor vehicles and cyclists and, where necessary, pedestrians, to move safely and roads are designed to allow safe stopping distances.

4(t) The extent to which sufficient lighting is provided to provide light for safety purposes on public pedestrian accessways, open space entrances and pathways, road intersections and road junctions and all roads.

4(u) The extent to which provision is made for vehicle turning, particularly on no-through roads.

4(v) The extent to which provision is made for retaining existing trees, and incorporation of prominent trees as features within the subdivision.

4(w) The extent to which carriageways will be constructed of materials and to a design strength sufficient to carry the likely wheel loads of travelling and parked motor vehicles, and which enable the carriage of vehicles at a minimum maintenance cost.

4(x) The extent to which carriageways will be of a design quality and durability that provides for the safe passage of motor vehicles, cyclists and pedestrians, maintenance of comfortable riding quality and discharge of stormwater.

4(y) The extent to which construction works within roads including:
  a) carriageways
  b) footpaths
  c) drainage works and other infrastructure works
(f) for all proposed sites containing or capable of accommodating buildings, provision can be and is made, where available, for water, electricity, gas and telecommunications connections; and

(g) for all proposed sites immediately adjacent to any boundary with Pt Lot 3 DP 19157, Pt Lot 1 DP 15929, Pt Lot 2 DP 15929, Pt Lot 1 DP 51240 a planted buffer of no less than 3m in width is to be provided along that boundary, comprising of trees spaced 1.5m apart which will attain a height of no less than 6 metres.

- subdivision in Penihana North not meeting the standards of Rule 4.1 (except proposed sites not meeting the minimum net site area in Area A on the Penihana North Urban Concept Plan).

Discretionary Activity applications will be assessed having regard to Assessment Criteria 4(a)-4(ax) and any other matters that are relevant under section 104 of the Act.

4.3 Non-Complying Activities

Any subdivision to which these rules apply which is not a Limited Discretionary Activity or a the case of maintenance of open space Discretionary Activity under the above rules shall be deemed to contravene a rule in this Plan and shall be a Non-Complying Activity.

4(z)
The extent to which edges of carriageways are designed to:
- avoid edge fretting
- adequately delineate the edge for road users
- allow safe and ready access to adjoining sites at appropriate locations.

4(aa)
The extent to which, wherever relevant the design, construction and location of infrastructure owned by network utility operators:
- 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 that water mains are watertight
- ensure there are no more than minor adverse effects on other infrastructure
- ensure that continued access is made available to network utility operators to ensure maintenance can be undertaken.

4(ab)
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 likely 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
**RULE 4 GREENFIELDS SUBDIVISION**

- 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 treatment and disposal systems to minimise maintenance costs
- ensure no more than minor adverse effects on other infrastructure or likely building development
- provide for stormwater disposal from all of the land within each site
- avoid flooding on or downstream of the site.

4(ac)  
The extent to which consideration has been given to the use of riparian margins, ponds and open natural waterway systems for stormwater disposal. (In such cases the open natural waterway system should be capable of efficiently accommodating the stormwater generated by the subdivision in a manner which allows for adequate long term maintenance, and with no more than minor adverse effects on the natural systems or downstream system.)

4(ad)  
The extent to which the design of stormwater systems incorporates measures to reduce run-off rates where there may be damage caused to natural waterway systems.

4(ae)  
The extent to which, where a connection is proposed or required to a public stormwater system, there is sufficient capacity within that system to accommodate the proposed and future planned development.

4(af)  
The extent to which sufficient secondary flow paths are provided to avoid adverse effects from damage in flood conditions, and, if over private land, are protected by appropriate easements and consent notices.

4(ag)  
The extent to which the design and capacity of the wastewater treatment and disposal system give regard to the upstream catchment and effect on the downstream catchment, including likely future development.

4(ah)  
The extent to which the design, construction and location of the wastewater treatment and disposal system:
• ensure sufficient capacity and treatment to provide for the safe and efficient disposal of wastewater to be generated by development likely on 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
4(ai)
• are of a sufficient standard and compatibility with existing wastewater disposal systems to minimise maintenance costs
• will be constructed so that there are no more than minor adverse effects on other infrastructure or potential or likely buildings.
• where wastewater disposal is to be provided for on-site, gives sufficient regard to suitability in respect of topography, soils, water tables and proximity to natural water courses or water bodies.
4(aij)
The extent to which gravity systems are utilised to dispose of wastewater.
4(ak)
The extent to which easements and consent notices may be applied to protect the integrity of wastewater treatment and disposal systems.
4(al)
The extent to which subdivision adversely affects the historical, cultural or spiritual significance of any site or wāahi tapu of significance to iwi and the mauri (life-force) of water, native vegetation and fauna habitat, and land.
4(am)
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.
4(an)
The extent to which subdivisions design and layout takes into account the potential adverse effects from neighbouring vineyard activities, and seeks to avoid or mitigate these effects.
4(ao)
The extent to which the subdivision, where relevant, provides for public access to and alongside the
coast, streams, lakes and wetlands.

4(ap)
The extent to which an appropriate landscaped buffer is provided between any residential activity and vineyard/winery activities.

4(aq)
The extent to which proposed sites in the Babich Urban Concept Plan area are able to accommodate development in a way which minimises alteration to existing landform and results in land stable for development and avoids alteration to stream systems such as the alteration of stream profiles or stream erosion, or through alteration of groundwater systems.

4(ar)
In the Babich Urban Concept Plan area the extent to which Low Impact Design stormwater management systems have been utilised.

4(as)
In the Babich Urban Concept Plan area the extent to which restoration and revegetation of stream margins is provided for.

4(at)
Subdivision occurring within the New Lynn Town Centre shall recognise and provide for all proposed roads and proposed reserves shown on the New Lynn Urban Concept Plan. Subdivision should also provide the indicative streets and connections

4(au)
The extent to which the features identified on any Urban Concept Plan forming part of the Plan have been considered and incorporated into the subdivision design and layout.

4(av)
The extent to which the design and location of building platforms, accessways and stormwater and wastewater treatment and disposal systems avoid adverse effects on land stability, erosion, slippage and inundation within each proposed site and on any other sites.

4(aw)
The extent to which proposed sites in the Living 4 Environment can accommodate sufficient development area (including impermeable surfaces)

4(ax)
In Penihana North, the extent to which:
(i) any proposed subdivision is consistent with the Penihana North Urban Concept Plan (Appendix XXXI) and the Subdivision Design Criteria for Penihana North.
(ii) low impact design stormwater treatment and disposal systems are to be utilised.
(iii) the revegetation and restoration of the stream margins are provided for.
(iv) the design of sites and roads in the Living Environment (Penihana North) support the integration of land use and transport in proximity to the Swanson railway station and Swanson Town Centre.
(v) the subdivision design and site dimensions for sites over 2000m² provide for the development of medium density housing.

Note: See also Policies1.1, 1.10, 1.14, 1.15, 2.1, 2.3, 2.13, 3.1, 3.4, 3.5, 4.2, 4.3, 4.4, 5.2, 5.4, 6.1, 6.3, 7.1, 7.2, 7.3, 8.3, 8.5, 9.1, 9.3, 9.6, 9.7, 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, 11.55, 12.4, 12.8

(Waitakere District Plan Policy Section)

**RESOURCE CONSENT CONDITIONS**

In granting a resource consent Council may impose conditions including any one or more of the following matters:

- altering the scale, design and location of sites
- requiring alteration to the design, alignment, pattern and location of roads and driveways specifying construction materials and methods to be used for driveways and infrastructure
- requiring specific provision to be made in the subdivision design for the efficient provision of infrastructure, including, but not limited to:
  - requiring 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 clearance of vegetation
  - 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 clearance of vegetation
RULE 4 • specifying the location of infrastructure
• restricting the number of dwellings or sites to be served by a driveway
• restricting or requiring the specific provision of driveways
• restricting the amount of earthworks and pruning or clearance
• requiring, through appropriate design, the satisfaction of specified water quality standards (having regard to standards or rules within any Regional Plan)
• requiring monitoring systems to ensure sediment or contaminants are not discharged to ground or natural water
• limiting alteration of existing landform and water bodies
• requiring specific provision for pedestrians and cyclists
• requiring specific provision for lighting or other means of responding to personal safety concerns
• requiring provision for car parking
• requiring provision for buses in the road design
• the imposition of a bond and/or consent notice to cover satisfaction of conditions of consent
• the imposition of a charge to cover the cost of monitoring
• requiring financial contributions in accordance with the Plan
• such other matters provided for in sections 220 and 108 of the Act.
• requiring onsite or offsite works and services to avoid, remedy, mitigate or offset adverse effects
• requiring the provision of roads and connections. [A2017]

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.