

subdivision

GUIDELINES TO THE RULES

This part of the *Plan* contains rules relating to the *subdivision* of *land*. Other rules in the *Plan* also need to be referred to, including the following:

- The “City-Wide Rules” cover requirements on information needed on application for *resource consents*, *financial contributions*, *natural hazards*, *hazardous substances*, and *contaminated sites* and *heritage*. *Prohibited Activities* and *Temporary Activities*. Definitions of terms used in the *Plan* also appear in the *City-Wide Rules*.
- The “Natural Areas Rules” cover requirements on *vegetation clearance*, *earthworks*, *impermeable surfaces*, environmentally damaging plants and some structures.
- The “Human Environment Rules” cover a number of standards relating to *buildings* and activities.

The following procedure is a guideline to apply the *Plan* rules relating to *subdivision*.

Note that a *resource consent* from the Auckland Regional Council may be necessary in addition to these rules.



PROCEDURAL GUIDELINE FOR THE RULES

STEP 1

Check the *Human Environment* Maps to see what the relevant *Human Environment* is.

STEP 2

Check the *Natural Area* Maps and the *Human Environment* Maps for other relevant information relating to the *site*. This may include *sensitive ridges* or other *natural landscape elements*, *heritage* notations or *designations*. If any of these do apply to the *site*, refer to the relevant part of the *Plan* for extra rules which apply (see the Index at the front of the Rules Section). Check to see whether the area is included in a *structure plan* area or an *urban concept plan* area (see appendices to the Maps).

Check to see whether the area is included in a *structure plan* area or an *urban concept plan* area (see appendices to the Maps).

STEP 3

Refer to the *Natural Hazards* information (available from the Council). If the *subdivision* contains a *natural hazard* see the relevant requirements in the *City-Wide Rules*.

STEP 4

Refer to the *Roading Hierarchy* map. Note any requirements that apply to the *site*, or the area in which the *site* is located.

STEP 5

Check all the General Rules for *Subdivision* - Rules 1 and 2. These cover rules applying to all *subdivisions*.

STEP 6

Check the other *subdivision* rules applying to the relevant *Human Environment* as follows:

Rules 1 & 2	General
Rule 3	Living Environment Infill Subdivision, up to 1ha or 9 new sites
Rule 4	Living Environment - Greenfields Subdivision, over 1ha or new sites
Rule 5	Working Environment and Community Environment
Rule 6	Countryside Environment
Rule 7	Foothills Environment
Rule 8	Rural Villages Environment
Rule 9	Coastal Villages Environment
Rule 10	Bush Living Environment
Rule 10A	Titirangi-Laingholm

Rule 11

Waitakere Ranges Environment

STEP 7

Under each of the relevant rules the *subdivision* proposed will be either a *Permitted Activity*, a *Controlled Activity*, a *Limited Discretionary Activity*, a *Discretionary Activity*, or a *Non-Complying Activity*. A *resource consent* is required for all activities other than *Permitted Activities*. If, under a particular rule, the *subdivision* is a *Permitted Activity*, then there is no need for a *resource consent* application in terms of that Rule. However there may be a need for a *resource consent* on respect of another rule on the *Plan*. Refer to the relevant rule page and the “Resource Consents” (part of the Introduction to the Rules) for guidance of *resource consent* applications. Note that compliance with some of the Assessment Criteria for *resource consents* can be achieved by meeting standards of the Waitakere City *Code of Practice*.

STEP 8

Once it has been established that all relevant Rules are met, or *resource consents* have been granted, and the other requirements of the *Plan* are also satisfied then the *subdivision* may proceed. Note that approvals under other legislation, eg the issuing of a discharge consent from the Auckland Regional Council, may be necessary.

RULES

1.0 General

The following Rules 1.1 and 2 to 11 apply where relevant to all *subdivision of land*.

1.1 Notification/Non-Notification

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 11, applications for consent need not be notified and the written approvals of affected persons will not be required, nor in terms of limited notification under the *Act*, will notice to adversely affected persons need to be served.

RULE 2

GENERAL

RULES

2.0 General

The following rules shall apply, where relevant, to all *subdivision* of land.

2.1 Permitted Activities

- (a) *Subdivisions* meeting the following Performance Standards are *Permitted Activities* (other *subdivision* rules do not need to be complied with):
 - (i) *proposed sites* for *open space*, or a *Marae Special Area* provided that the balance of the *land* not being for *open space*, or a *Marae Special Area* meets the *subdivision* standards applying to the relevant *Human Environment*;
 - (ii) *proposed sites* for any *designation* shown on the *Human Environment* Maps provided that the balance of *land* not being for the *designation* meets the *subdivision* standards applying to the relevant *Human Environment*.

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. Words in *italics* are defined - see the Definitions part of the *City-Wide* Rules.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the *Rules*.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide* Rules.
7. Criteria relating to engineering matters can be met by satisfying standards in the *City Code of Practice* - check with the Council.
8. The Transit New Zealand Act 1989 requires that Transit New Zealand be notified of *subdivision* of *land* which has access to the State Highway Network in order that their approval be obtained, with or without conditions and, in the case of proposed access within areas declared Limited Access Roads, a Minister's notice issued.
9. Council will have regard to the Passenger Transport Supportive *Land Use* Guidelines for guidance on *subdivision design* principles that are supportive of passenger transportation.

ASSESSMENT CRITERIA

2(a)

The extent to which each *proposed site* is capable of accommodating likely *building* and other *development* in accordance with other relevant rules of the *Plan*.

2(b)

The extent to which *subdivisions* next to *High Noise Routes* are *designed* to minimise the impact of traffic noise.

2(c)

The extent to which *esplanade reserves* or *esplanade strips* or a combination thereof, with a width greater than 20 metres should be provided having regard to:

- potential demand for public access, or
- potential demand for public recreational use associated with the adjacent *sea*, harbour, *river* or *lake*, where the use is compatible with conservation values, or
- the protection of conservation values, and in particular:
 - maintaining or enhancing the natural functioning of the adjacent *sea*, harbour, *river* or *lake*; or
 - maintaining or enhancing water quality or
 - protecting *natural features*; or
 - mitigating *natural hazards*; or
 - protecting or conserving *land* significant for archaeological or cultural purposes.

Note:

1. Esplanade protection in the form of an *esplanade strip* may be considered in accordance with section 232 and the 10th schedule to the *Act*, in the following circumstances:
 - where the site is in the *Foothills Environment* or *Countryside Environment*; or
 - where the *site* adjoins the coast; or
 - where the *site* adjoins a **water body** whose margins are subject to considerable change from erosion and accretion processes, except in instances such that:
 - a number of *esplanade reserves* exist in the immediate vicinity and additional *land* is required to contribute to a continuous linkage of reserves; or
 - private ownership of the strip is considered to impede its purpose.
2. Where an *esplanade reserve* or *esplanade strip* with a width greater than 20m is set aside on

RULE 2

GENERAL

(b) *Subdivisions* meeting the following Performance Standards are *Permitted Activities* provided that the *subdivision* meets all other relevant *subdivision* rules in the *Plan*:

(i) *proposed sites* in an *Urban Human Environment* where *connections* are capable of being made to *reticulated* systems, provided that the *reticulated* system shall have sufficient capacity to allow for a *connection* and provided further that in the case of water supply, that capacity shall be sufficient to provide for firefighting purposes;

(ii) *proposed sites* in any *Human Environment* which is not an *Urban Human Environment* where provision can be and is made for the treatment and disposal of stormwater and wastewater from each *proposed site* and for all *proposed sites* capable of accommodating *buildings*, provision can be and is made, where available, for water, electricity, gas and *telecommunications connections*;

(iii) *proposed sites* containing existing *buildings* where those *buildings* will meet the *Permitted Activity* standards applicable to the *Human Environment* within which the *proposed site* is to be located;

(iv) *proposed sites* subject to a *building line* for *road* widening purposes or a proposed service lane or a proposed *road* as shown on the *Human Environment Maps* where the *designated land* will be vested with the Council;

(v) *subdivisions* involving *infrastructure* which is:

(a) an above-ground sewage, stormwater or water pipe and

- has a *height* not exceeding 1.0 metre above *ground level*; and
- a diameter not exceeding 300mm; and
- extends for an above-ground distance not exceeding 25.0 metres at any one place; or

(b) any other *infrastructure* which has a *height* not exceeding 1.5 metres above *ground level* and covers an above ground area not exceeding 6m² provided that this rule shall not allow:

- any stormwater pipe or wastewater pipe not operated by a *network utility*

subdivision, then Council will pay compensation in accordance with section 237E of the *Act*, unless an agreement is made otherwise with the landowner.

3. Where an *esplanade reserve* or *esplanade strip* is set aside on the creation of a *site* of 4ha or greater, Council will pay compensation in accordance with section 237F of the *Act*, unless agreement is made otherwise with the landowner.

2(d)

The extent to which any application for a reduction in *esplanade reserve* or *esplanade strip* width is necessary for the reasons that it would be unreasonable or inappropriate to provide the full width, for instance because of existing complying *development*, and the extent to which the reduction will compromise the mitigation of *natural hazards* or the protection of conservation values of riparian margins or aquatic ecosystems, or provision for public access.

Note: where an application for *subdivision* proposes to waive or reduce the width of an *esplanade reserve*, where one is required, the application may be publicly notified.

2(e)

The extent to which *infrastructure height* adversely affects **amenity values** and **neighbourhood character**.

2(f)

The extent to which *infrastructure height* **physically dominates** *adjoining sites*.

2(g)

The extent to which *infrastructure height* intrudes on the **privacy** of *adjoining sites*.

2(h)

The extent to which *infrastructure height* interrupts **views** from *sites* in the vicinity.

2(i)

The extent to which the area covered by *infrastructure* and the bulk of *infrastructure* adversely affects **neighbourhood character**.

2(j)

The extent to which opportunities are maintained to provide for the *planting* of lawns and trees around *infrastructure*.

RULE 2

GENERAL

operator or otherwise not covered by clause (c) below

- high pressure gaslines with a gauge pressure of more than 2000kPa
- *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.

(c) *Connections*, provided that the *connection* is provided in accordance with any *network utility operator* requirements; and

- where the *connection* involves any *line* or pipe, the *line* or pipe is located underground, or where the *connection* involves any aboveground *line*, the *connection* is an additional *connection* to an existing *building* which is already supplied from an aboveground *line*.

provided that this rule shall not allow:

- *connections* involving high pressure gaslines with a gauge pressure of more than 2000kPa
- *connections* involving *lines* and associated *structures* conveying electricity with a voltage over 110kV and a capacity exceeding 100MVA.

2.2 Controlled Activities

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

- (a) *proposed sites* for any purpose other than for *road*, *open space* or a *designation* where a *building platform* is identified on the plan of *subdivision*. The *building platform* shall be designed to allow for *development* likely in the relevant *Human Environment* Rules.

Assessment of *Controlled Activity* applications will be limited to the matters of *design*, location and *construction* and will be considered in accordance with Assessment Criterion 2(a).

- (b) *proposed sites* adjacent to a *High Noise Route* where the application for *subdivision* consent is accompanied by an assessment showing that the *subdivision* is set out in a manner which ensures that the potential *effects* of traffic noise on future residential *developments* are avoided or substantially mitigated.

Assessment of *Controlled Activity* applications will be limited to the matters of *design* and method of *construction* and will be considered in accordance with Assessment Criterion 2(b).

- (c) *Proposed sites* adjoining the *Coastal Marine Area* or a *river* or *lake* where an *esplanade reserve* is provided being not less than 20.0 metres in

2(k)

The extent to which *infrastructure* location adversely affects safe traffic movement on the *road* and *car parking* and manoeuvring off the *road*.

2(l)

The extent to which *infrastructure* is constructed and will be maintained to meet all relevant **safety** standards relating to that *infrastructure*.

2(m)

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*.

2(n)

The extent to which *boundary adjustments* enable better use to be made of *land*

2(o)

The extent to which an *esplanade reserve* or *esplanade strip* alone provides for adequate public access, and if it does not, the extent to which public access can be adequately provided for by the provision of an *easement* for an access strip to the *esplanade area*.

2(p)

The extent to which sufficient distance is allowed between *building platforms* and high voltage transmission *lines* designed to operate at or over 110kV. (NB the NZ Electrical Code of Practice for Electrical Safety Distances (NZECP 34,1993) will be used as a guide in assessments made under this criterion).

2(q)

The extent to which a *site* created for the purpose of *infrastructure* and not meeting the minimum requirements for the relevant *Human Environment* can be amalgamated with the balance *site* when the *infrastructure site* is no longer required.

2(r)

The extent to which any *subdivision* adversely effects the integrity and/or context of listed *heritage items*, *archaeological sites* or *waahi tapu* on the *site* or on *adjoining sites*.

2(s)

The extent to which sufficient distance is allowed between *building platforms* and high voltage transmission lines or distribution lines, and electric

RULE 2

GENERAL

width, as measured from the mark of mean high water springs or the bank of the *river*.

Assessment of *Controlled Activity* applications will be limited to the matters of provision for *esplanade reserves* or *esplanade strips*, width and *development*, and will be considered in accordance with Assessment Criterion 2(c) and 2(o).

- (d) *Subdivisions* involving *infrastructure* meeting the requirements of Rule 2.1 (b) (v) where the *subdivision* creates a *site* that does not meet the *subdivision* rules of the relevant *Human Environment*.

Assessment of *Controlled Activity* applications will be limited to the matters of *subdivision design* and the extent to which the *site* can be amalgamated with the balance *site* in accordance with Assessment Criteria 2(q)

2.3 Limited Discretionary Activities

- (a) Activities meeting the following Performance Standards are *Limited Discretionary Activities* (no other *subdivision* rules need to be complied with)
- (i) boundary adjustments where no existing lot is adjusted in site area by more than 10% if:
- the subject titles prior to the boundary adjustment are all contained within the same Human Environment or Special Area; and
 - any existing on site connection to infrastructure is not affected or is replaced with a new connection

Assessment of *Limited Discretionary 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;
- the provision of landscape treatment;
- protection of natural features and heritage features;
- the location, design and construction of infrastructure;
- cumulative effects that arise from successive boundary adjustments to the same property.

And will be considered in accordance with Assessment Criteria 2(a), 2(m), 2(n), 2(t)-2(~~za~~)

2.4 Discretionary Activities

Activities meeting the following Standards are *Discretionary Activities* (no other *subdivision* rules need to be complied with)

lines or distribution lines and electric lines of a lesser voltage (NB - the New Zealand Code of Practice for Electrical Safety Distances NZECP 34, 2001 will be used as a guide in assessments made under this criterion.)

2(t)

The extent to which the *subdivision* addresses amenity values and neighbourhood character by:

- retaining natural characteristics of the land including landform;
- responding to landmarks and views;
- recognising the natural values of streams, vegetation and fauna habitat;
- avoiding or minimising any development within the Green Network;
- creating a lot size that is appropriate for the local amenity and character values.

2(u)

The extent to which *subdivision* is provided with practical access to a road.

2(v)

The extent to which *subdivision* is located and designed to enable efficient provision of infrastructure.

2(w)

The extent to which *subdivision* and subsequent land use adversely affects the historical, cultural or spiritual significance of any *site* or *waahi tapu* of significance to *Iwi*.

2(x)

Whether the *subdivision* identifies a stable *building platform* and stable vehicle access, 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.

2(y)

the extent to which formal/legal protection will be achieved for the elements of the Green Network, and areas of outstanding natural features or outstanding native vegetation.

2(z)

The extent to which the *subdivision* is designed to accommodate potential or existing development in accordance with other relevant rules of the Plan made possible by the boundary adjustment.

RULE 2

GENERAL

- (a) provision for *esplanade reserves* and *esplanade strips* not meeting the standards of Rule 2.2(c).

Discretionary Activity applications will be assessed in accordance with Assessment Criterion 2(d) and 2(o) such other matters as are considered relevant under section 104 of the *Act*.

- (b) *infrastructure* not meeting the standards in Rule 2.1(b)(v).

Discretionary Activity applications will be assessed in accordance with Assessment Criteria 2(e)-2(m), 2(p) and 2(q) and such other matters as are considered relevant under section 104 of the *Act*.

- (c) boundary adjustments not meeting the standards in Rule 2.3 (a)(i)

Discretionary Activity applications will be assessed in accordance with Assessment Criteria 2(a), 2(m), 2(n), 2(t) - 2(~~za~~) and any other matters that are considered relevant under section 104 of the *Act*.

2.5 Non-Complying Activities

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

Note: Any *Activity* or *Temporary Activity* involving the grazing of animals on *esplanade reserves* or *esplanade strips* shall be a *Non-Complying Activity*.

2(za)

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.

Note: See Also Policies 1.1, 1.10, 1.14, 1.15, 1.16, 1.20, 2.1, 2.3, 2.13, 3.1, 3.4, 3.5, 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, 10.7, 10.8, 10.9, 10.13, 10.15, 10.16, 10.17, 10.18, 10.20, 10.22, 10.23, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.51, 12.4, 12.8, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

- limiting the *height* and/or scale and/or location of the *infrastructure*
- requiring the retention of trees and/or other *vegetation*
- requiring provision of *screening*, earth bunding and/or *planting*
- specifying location and *design* of *building platforms*
- requiring the provision of an *esplanade reserve* or *esplanade strip*
- specifying *esplanade reserve* or *esplanade strip* width requiring *development* within or protection of an *esplanade reserve* or *esplanade strip*
- the imposition of a *bond* to cover satisfaction of conditions of consent
- requiring the provision of *easements* or *consent notices*
- requiring *financial contributions* in accordance with the *Plan*
- such other matters provided for in sections 220 and 108 of the *Act*

requiring an *easement* for an access strip where an *esplanade reserve* or *esplanade strip* is established for the purposes of public access and does not achieve that purpose

- requiring the maintenance, within the same *site*, of any *land* closely associated with the value or significance of a *heritage item* or *archaeological site*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.

Provided that, in the case of *Controlled Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion

RULE 3

INFILL SUBDIVISION

RULES

3.0 General

The following rules shall apply to the *subdivision* of land situated in the *Living Environment* where the *subdivision* is of existing *sites* either up to 1ha in *net site area* or which creates 9 or fewer new *sites*.

Where *proposed sites* traverse the boundary of *Area A* of the *Living 2 Environment* (Penihana North) in the *Penihana North Urban Concept Plan* area, the *subdivision rules* relating to the majority (over 50%) part of that *proposed site* shall apply, provided that no such *site* shall have a *net site area* exceeding 2,000m².

3.1 Controlled Activities

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

- except in *Penihana North* and the *Living 4 Environment*, *subdivision* of existing *sites* either up to 1ha in *net site area* or up to 9 new *sites* created, where the *proposed site* or *sites* have practical and legal motor vehicle access to a *road*, provided that *subdivision* will not require or lead to *development* in any *Protected* or *Managed Natural Area*; and
- Except in *Penihana North* and the *Living 4 Environment*, *subdivision* of existing *sites* either up to 1ha *net site area* or up to 9 new *sites* created; and
 - (a) the minimum *net site area* for each *proposed site*.

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.
1. 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*.
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. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the *Rules*.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.

ASSESSMENT CRITERIA

General

3(a)

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

- retaining natural characteristics of the *land* including landform
- 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
- avoiding any *building* within the *Green Network*
- providing for sufficient *open space*.

3(b)

The extent to which *proposed sites* are large enough to ensure that future *buildings* can comply with the likely requirements for *buildings* and *development*.

3(c)

The extent to which *proposed sites* have a *driveway* of appropriate width, grade and alignment to provide practical vehicle access to a *road*.

3(d)

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

3(e)

The extent to which *proposed sites* give an area a strong and positive identity, by responding to natural characteristics of the *land*, setting, landmarks and **view**.

3(f)

The extent to which *proposed sites* are located and *designed* to enable efficient provision of *infrastructure*.

3(g)

The extent to which *proposed sites* integrate well with the surrounding urban area.

3(h)

The extent to which *driveway carriageways* will be constructed of materials and to a *design* strength sufficient to carry the likely wheel loads of motor vehicles, and which enables the carriage of motor vehicles at a minimum maintenance cost.

RULE 3

INFILL SUBDIVISION

- (i) is 1000m² where more than 50% of a *proposed site* is within a *Green Network Natural Area* as shown on the *Natural Area Maps*; or
 - is 450m² in the *Living, Living (L1), Living (L2) and the Living Environment (Harbour View)*; or
 - 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
 - comprises the *net unit area* specified in a *resource consent*; and
- (b) each proposed *site* contains a minimum shape factor of 15.0 metres by 15.0 metres including up to 3.0 metre width of any *driveway* and *service strip* used by the same *site*, except where a *resource consent* has already been granted for a unit situated on a unit site area that does not contain a 15m x 15m shape factor, and
- (c) each proposed *rear site* is provided with a *carriageway* and *service strip* in accordance with the following standards:

Category	No. of sites served	Total net area served	Carriageway width required	Width of service strip or strips
I	1-2	0-1049m ²	2.5m	0.7m
II	3-5	1050-2999m ²	2.7m with passing bays	1.3m
III	6-10	3000m ² -10,000m ²	3.5m with passing bays	1.5m

and

- (ii) the required passing bays in Category II shall be provided at an appropriate position along the course of the *driveway* at intervals not exceeding 50 metres, and
- (iii) the required passing bays in Category III shall be provided:
 - at the entrance to the *driveway*
- (iv) the *service strip* shall include a 0.3 metre strip (unobstructed) on one side of the *carriageway* for Category I *drivenways* and 0.6 metres on one side of the *carriageway* for Category II and III *drivenways*. These strips are to be kept clear for power reticulation.

3(i)

The extent to which *driveway carriageways* will be of a *design* quality and durability that provides for the safe passage of motor vehicles, cyclists and pedestrians, and the discharge of stormwater.

3(j)

The extent to which edges of *driveway carriageways* are appropriately *designed* and will be constructed to:

- avoid edge fretting
- allow safe and ready access to *adjoining sites* at appropriate locations.

3(k)

The extent to which the *design*, location and *construction* of public water supply mains.

- ensure sufficient capacity to provide water 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 water mains are watertight.

3(l)

The extent to which, having regard to the requirements of any comprehensive *catchment resource consent* issued by the Auckland Regional Council, 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 water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*
- ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the *subdivision* and possible future *development*

RULE 3

INFILL SUBDIVISION

The remaining aggregate width of *service strip* may be provided

- (v) separate from the *carriageway*, provided that the aggregate width of *service strip* or strips in Category II can be reduced to not less than 0.96 metres for existing *rear sites* served by an existing *driveway* less than 4 metres in width; and
- (vi) the furthestmost point of any *site* served by a *driveway* shall be within 135 metres of a fire hydrant; and
- (vii) all bends on a *carriageway* within a *driveway* shall have a minimum inside turning radius of 6.5 metres; and
- (viii) the minimum required *carriageway* width shall be unobstructed by *buildings* from the ground upward to a *height* of 4.2 metres and shall be clear of *fences*; and
- (ix) a *shared driveway* may serve *sites* within a combined *net site area* of no more than 10,000m² or 10 *dwellings* whichever is the lesser; 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.

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

- the *design*, location, method of *construction* and *alignment* of *driveways*
- the *design*, scale and location of *sites*
- provision for *landscape treatment*
- protection of *natural features*

- ensure adequate measures are taken to screen out litter, silt and other contamination
- is of a sufficient standard and compatibility with existing stormwater disposal systems to minimise maintenance costs
- ensure there are no more than minor adverse *effects* on other *infrastructure* or likely *development*
- provide for stormwater disposal from all of the *land* within each *site*, having regard to upstream and downstream systems and capacities, including likely future *development*.

3(m)

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 systems.)

3(n)

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.

3(o)

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*.

3(p)

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/or *consent notices*.

3(q)

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*.

3(r)

The extent to which the *design*, *construction* and location of the *wastewater treatment and disposal system*.

RULE 3

INFILL SUBDIVISION

- the location, *design* and *construction* of *infrastructure* and will be considered in accordance with Assessment Criteria 3(a)-3(zg).

3.2 Limited Discretionary Activities

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

- Except in the *Living 4 Environment*, any *subdivision* of an existing *site* either up to 1ha in *net site area* or up to 9 new *sites* created, not meeting the standards in Rules 3.1(a)-(c); and
 - where the *proposed site* or *sites* have practical and legal motor vehicle access to a *road*; and;
 - the minimum net site area for each *proposed site* is 450m² including where more than 50% of the *proposed site* is within a *Restoration Natural Area* as shown on the *Natural Area Maps*; or
- 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,
- In the *Living 4 Environment*, *subdivision* of a site up to 1ha in *site area* where the minimum *site area* of any *proposed site* is 2000m² (average minimum) and 1250m² (minimum) (provided that any reserve to be vested within that *land* may be added to that area calculated in the average minimum).
- In the *Living Environment (Penibana North)* any *subdivision* of an existing *site* either up to 1ha in *net site area* or up to 9 *sites* created where standards 3.1(c) through 3.1(f) are met and where the minimum *net site area* is 2000m² or comprises the *net unit area* specified in a resource consent, and:
 - 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 *Penibana North*

- 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 of plants roots
- are of a sufficient standard and compatibility with existing wastewater disposal systems to minimise maintenance costs
- ensure there are no more than minor adverse *effects* on other *infrastructure* or potential or likely *buildings*
- where wastewater disposal is to be provided *on-site*, give sufficient regard to suitability in respect of topography, soils, water tables and proximity to natural water courses or **water bodies**.

3(s)

The extent to which gravity systems to dispose of wastewater are used.

3(t)

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

3(u)

The extent to which *subdivision* adversely affects the historical, cultural or spiritual significance of any site or *maahi tapu* of significance to *iwi*.

3(v)

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*.

3(w)

The extent to which *subdivision design* and layout takes into account the potential adverse *effects* from neighbouring vineyard activities, and seeks to avoid or mitigate these *effects*.

3(x)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands.

3(y)

The extent to which the *design* of *roads* incorporates and provides *amenity* features including street trees,

RULE 3

INFILL SUBDIVISION

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 and

- (ii) 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* has been granted pursuant to rule 12.3(c) of the *Living Environment*.

- (e) In the *Living 2 Environment (Penihana North)* any *subdivision* of an existing *site* either up to 1ha in *net site area* or up to 9 new *sites* created where standards 3.1(b) through 3.1(f) are met and where the:

- minimum *net site area* for each *proposed site* is 600m², except where the site is located in Area A of the *Living 2 Environment (Penihana North)* of the *Penihana North Urban Concept Plan* or
- minimum *net site area* for each *proposed site* is 1200m² in Area A of the *Living 2 Environment (Penihana North)* identified on the *Penihana North Urban Concept Plan*, and

- (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* has been granted pursuant to rule 12.3(c) of the *Living Environment*.

other *planting* and linking significant *vegetation* or ecological areas.

3(z)

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

3(za)

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.

3(zb)

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

3(zc)

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

3(zd)

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*.

3(ze)

The extent to which the features identified on any *Urban Concept Plan* forming part of the *Plan* have been considered and where appropriate incorporated into the *subdivision design* and layout.

3(zf)

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

3(zg)

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

RULE 3

INFILL SUBDIVISION

Assessment of Limited Discretionary Activity applications will be limited to the matters of:

- the design, location, construction and alignment of driveways;
- the design, scale and location of sites;
- provision for landscape treatment;
- avoidance of flooding on or downstream of the site;
- 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

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 3(a)-3(zh).

3.3 Non-Complying Activities

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

3(zh)

In *Penihana North*, the extent to which:

- any proposed *subdivision* is consistent with the *Penihana North Urban Concept Plan* (Appendix XXXI) and the Subdivision Design Criteria for *Penihana North*.
- low impact design *stormwater treatment and disposal systems* are to be utilised.
- the *revegetation* and *restoration* of the stream margins are provided for.
- 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.
- the *subdivision design* and *site* dimensions for sites over 2000m² provide for the development of *medium density housing*.

Note: See also Policies 1.1, 1.10, 1.14, 1.15, 1.20, 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, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.55, 12.4, 12.8

(Policy Section of the Waitakere District Plan)

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 *driveways*
- specifying *construction* materials 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:
 - providing for a minimum 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 *pruning* or *clearance*
- specifying the location of *infrastructure*

RULE 3	INFILL SUBDIVISION
	<ul style="list-style-type: none">• restricting the number of <i>dwelling</i>s or <i>sites</i> to be served by a <i>driveway</i>• restricting the amount of <i>earthworks</i> and <i>pruning</i> and <i>clearance</i>• requiring through appropriate <i>design</i> the satisfaction of specified water quality standards (having regard to standards or rules in any Regional Plan)• requiring monitoring systems to ensure sediment or <i>contaminants</i> are not discharged to ground or natural water• requiring the provision of a <i>landscape treatment</i> plan and its implementation within a given time• the imposition of a <i>bond</i> to ensure satisfaction of conditions of consent requiring the provision of <i>easements</i> or <i>consent notices</i>• the imposition of a charge to cover the costs of monitoring• requiring <i>financial contributions</i> in accordance with the <i>Plan</i>• such other matters provided for in sections 220 and 108 of the <i>Act</i>• requiring <i>onsite</i> or <i>offsite</i> works and services to avoid, remedy, mitigate or offset adverse <i>effects</i>• requiring the provision of roads and connections• the imposition of the requirements of any comprehensive catchment resource consent issued by the Auckland Regional Council. <p>Provided that, in the case of <i>Controlled Activities</i> and <i>Limited Discretionary Activities</i>, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p>

RULE 4

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.

ASSESSMENT CRITERIA

General Note

Subdivision of *sites* exceeding 1ha in area should be carried out in accordance with an outline *development plan* and accompanying report addressing the following criteria and other relevant standards of the *Plan*.

Site Design and Layout

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*

RULE 4

GREENFIELDS SUBDIVISION

- (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 (Peninabna North)*; or
- (iv) is 1200m² in Area A identified on the *Penihana North Urban Concept Plan*; or
- (v) is 2000m² in the *Living Environment (Peninabna 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*

RULE 4

GREENFIELDS SUBDIVISION

- (h) 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).

Access Place

is a *road* where the residential environment is dominant and the number of *dwellings* does not exceed 30

Local Street

is a *road* where the residential *environment* is dominant and the number of *dwellings* does not exceed 150

Collector Road

is a *road* which collects traffic from the above and carries, or is expected to carry traffic volumes of over 3000 vehicles per day

Major Road

is a *road* being part of the arterial network for the city carrying or expected to carry traffic volumes of over 6000 vehicles per day.

4(k)

The extent to which the movement network is *designed* to provide *driveways* and *roads* which recognise the function of the *driveway* or *road* in the movement network, which are safe, convenient, efficient movers of traffic, are visually attractive and have minimum *effect* on *natural features*, particularly landform and water quality.

4(l)

The extent to which the movement network provides for as many *sites* as possible to be served directly from a *road*.

4(m)

The extent to which the movement network provides for as many *connections* between *roads* as possible, including motor vehicle and pedestrian *connections*.

4(n)

The extent to which the *road* network provides for efficient and accessible bus routes.

4(o)

The extent to which the *design* of access places and local streets recognises the dominance of the residential environment by encouraging slow traffic speeds.

4(p)

The extent to which the *design* of *roads* incorporates and provides for *amenity* features including street trees, other *planting* and linking significant *vegetation* or ecological areas.

RULE 4

GREENFIELDS SUBDIVISION

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 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) *drivenways* serve a *net site area* of either no more than 1ha 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:

- *carriageways*
- *footpaths*
- *drainage* works and other *infrastructure* works

RULE 4

GREENFIELDS SUBDIVISION

- (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 *Penibana North* not meeting the standards of Rule 4.1 (except *proposed sites* not meeting the minimum *net site area* in Area A on the *Penibana 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 ease 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*.

- *berm development*
- *driveway construction* between *road carriageways* and individual *sites* are *designed* to minimise the necessity for *earthworks* and *clearance* and will be constructed of materials that are visually and aurally appropriate to the surrounding **neighbourhood character**.

4(z)

The extent to which edges of *carriageways* are appropriately *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*.

RULE 4

GREENFIELDS SUBDIVISION

- 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(aj)

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 *waahi tapu* of significance to *whi* 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

RULE 4

GREENFIELDS SUBDIVISION

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:

RULE 4

GREENFIELDS SUBDIVISION

- (i) any proposed *subdivision* is consistent with the *Penibana North Urban Concept Plan* (Appendix XXXI) and the Subdivision Design Criteria for *Penibana 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 (Penibana 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 Policies 1.1, 1.10, 1.14, 1.15, 1.20, 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, 10.27, 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

GREENFIELDS SUBDIVISION

- specifying the location of *infrastructure*
- restricting the number of *dwelling*s 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.

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

RULES

5.0 General

The following rules shall apply to the *subdivision* of *land* situated in the *Community Environment* and the *Working Environment*.

5.1 Controlled Activities

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

- (a) *proposed sites* having practical and legal motor vehicle access to a *road*, and
- (b) proposed *rear sites* or *shared driveways* having a *driveway* which:
 - (i) has a width of not less than 6.5 metres at any point; and
 - (ii) does not exceed 70 metres in length and
 - (iii) serves no more than two *rear sites*, and
 - (iv) is provided with a *carriageway* of not less than 5.5 metres in width; and
 - (v) has a *carriageway* gradient of not more than 15%, aligned so as to accommodate the 90 percentile two-axled truck tracking curve. (See the Parking and Driveway Guideline); and
 - (vi) includes an unobstructed strip or strips of *land*, that in aggregate are not less than 1.0 metre in width, alongside the *carriageway* for the purpose of under-ground reticulation of *infrastructure*; and
- (c) provision can be and is made for the treatment and disposal of stormwater from all *proposed sites*;

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. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.

ASSESSMENT CRITERIA

5(a)

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:

- retaining natural characteristics of the *land*, including landform
- 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
- providing continuity, coherence and focal points through the use of *road* and *open space* networks.

5(b)

The extent to which *proposed sites* are large enough and practically *designed* to ensure that future *buildings* can comply with the likely standards of the *Plan* for *buildings* and *development*.

5(c)

The extent to which *proposed sites* enable efficient provision of *infrastructure*.

5(d)

The extent to which the *subdivision design* minimises the necessity for *earthworks*, avoids *development* on floodplains and encourages *on-site* water retention.

5(e)

The extent to which the *design* and location of *roads* and *driveways* minimises alteration to landform, avoids visible scars on the landscape and takes advantage of natural drainage systems.

5(f)

The extent to which lots are designed to take account of personal safety concerns by ensuring that there is the potential for informal surveillance of public spaces within or adjacent to the *development* from nearby *buildings* or *roads*.

5(g)

The extent to which *open space* is provided in convenient locations, having considered:

- the accessibility and adequacy of scale of the *open space* for intended users
- the quality of the *open space* in terms of protecting *natural features* and/or providing for passive or active recreational use
- provision being made for *open space* to front on to *sites* and *roads*

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

- (d) for all *proposed sites* capable of accommodating *buildings*, provision can be and is made for the treatment and disposal of wastewater;
- (e) 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*.

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

- 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 5(a)-5(ah).

5.2 Limited Discretionary Activities

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

- any *subdivision* not meeting the standards of Rule 5.1 (b).

Assessment of *Limited Discretionary 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 5(a)-5(ah).

5.3 Non-Complying Activities

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

- the relationship of the *open space* to the *road*, such that personal safety, *amenity* and ease of use is encouraged
- the ease of maintenance of *open space*
- 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.

5(h)

The extent to which the movement network is *designed* to provide *driveways* and *roads* which recognise the function of the *driveway* or *road* in the movement network, which are safe, convenient, efficient movers of traffic, are visually attractive and have minimum *effect* on *natural features*, particularly landform and water quality.

5(i)

The extent to which the *subdivision* provides for as many *sites* as possible to be served directly from a *road*.

5(j)

The extent to which the *subdivision* provides for as many *connections* between *roads* as possible, including motor vehicle and pedestrian *connections*.

5(k)

The extent to which the *road* network provides for efficient and accessible bus routes.

5(l)

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

5(m)

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

5(n)

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

5(o)

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.

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

5(p)

The extent to which sufficient lighting is provided for **safety** purposes on public pedestrian accessways, *open space* entrances and pathways, *road* intersections and *road* junctions and all *roads*.

5(q)

The extent to which adequate provision is made for vehicle turning, particularly on no-through *roads*.

5(r)

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

5(s)

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.

5(t)

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.

5(u)

The extent to which *construction* works within *roads*, including:

- carriageways
- footpaths
- drainage works and other *infrastructure* works
- berm *development*
- *driveway construction* between *road carriageways* and individual *sites* are *designed* to minimise the necessity for *earthworks* and *clearance*, and will be constructed of materials that are visually appropriate to the surrounding **neighbourhood character**.

5(v)

The extent to which edges of *carriageways* are appropriately *designed* and will be constructed to:

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

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

5(w)

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 watermains are watertight
- ensure that 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.

5(x)

Having regard to the requirements of any comprehensive *catchment resource consent* obtained by the Council from the Auckland Regional Council, the extent to which the Effects on Water, Native Vegetation and Fauna Habitat, Land, Air Quality, Ecosystem Stability, Natural Character, Mauri, Amenity Values, Neighbourhood Character, Health & Safety and Heritage continued *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 water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*
- 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 the existing *stormwater treatment and disposal system* to minimise maintenance costs
- ensure there are 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*

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

- avoid flooding on or downstream of the *site*.

5(y)

The extent to which consideration should be given to the use of 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 systems.)

5(z)

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.

5(aa)

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*.

5(ab)

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

5(ac)

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

5(ad)

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
- are of a sufficient standard and compatibility with existing wastewater disposal systems to minimise maintenance costs

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

- will be constructed so that there are no more than minor adverse *effects* on other *infrastructure* or potential or likely *buildings*.

5(ae)

The extent to which *subdivision* adversely affects the historical, cultural or spiritual significance of any site or *waahi tapu* of significance to *whānau*, and the **mauri** (life-force) of water.

5(af)

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*.

5(ag)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands.

5(ah)

Subdivision occurring with 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*. {A211}

Note: See also Policies 1.1, 1.10, 1.14, 1.15, 1.20, 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, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 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* 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*

subdivision

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

- providing ease of access to *infrastructure* for maintenance purposes
- ensuring *infrastructure* is sensitively placed to avoid environmental damage, such as *clearance of vegetation*
- specifying the location of *infrastructure*
- restricting the number of *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 the retention of existing trees and/or other *vegetation*
- requiring specific provision to be made in the *subdivision design* for the efficient provision of *infrastructure*
- requiring the provision of a *landscape treatment* plan and its implementation within a given time
- requiring altered positioning or *design* of *roads*
- requiring specified *construction* standards for *roads*
- requiring the provision of roads and connections.
- 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 *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.

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

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

which the Council has restricted the exercise of its discretion.

subdivision

RULE 6

COUNTRYSIDE ENVIRONMENT

RULES

6.0 General

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

6.1 Controlled Activities

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

- (a) the minimum *site area* for each *proposed site* except within the Ldn 65 noise contour shown on the Airbase Noise Map is 4ha; and
- (b) each *proposed site* has practical and legal motor vehicle access to a *road*; and
- (c) each proposed *rear site* or *shared driveways* has a *driveway* which:
 - (i) has a total shared frontage and *driveway* width of not less than 3.5metres; 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.

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. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
6. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.

ASSESSMENT CRITERIA

6(a)

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

6(b)

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

6(c)

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

6(d)

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

6(e)

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

6(f)

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

6(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.

6(h)

The extent to which *carriageways* of *roads* and *shared driveways* are 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.

6(i)

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

- avoid edge fretting

RULE 6

COUNTRYSIDE ENVIRONMENT

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 6(a)-6(y).

6.2 Limited Discretionary Activities

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

- any *subdivision* not meeting the standards in Rule 6.1(c).
- any *subdivision* not meeting the standards of Rule 6.1(a), except within the Ldn 65 noise contour shown on the Airbase Noise Map, where the *subdivision* creates *sites* generally coinciding with the location of proposed *lot* boundaries shown on a *structure plan* forming part of the *Plan* (see *Structure Plan Area(s)* on the Resource Management Maps) provided that 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*.

Assessment of *Limited Discretionary 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 6(a)-6(y)

6.3 Discretionary Activities

Activities meeting the following performance Standards are *Discretionary Activities*:

- any *subdivision* not meeting the standards in Rule 6.1(a) or 6.2(b), except within the Ldn 65 noise contour shown on the Airbase Noise Map, 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*.

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

6(j)

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

6(k)

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

6(l)

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

6(m)

The extent to which *construction works* within any *roads* 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**.

6(n)

The extent to which, where relevant the *design*, *construction* and location 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
- ensure that there are no more than minor adverse effects on *natural features* and other *infrastructure*

RULE 6

COUNTRYSIDE ENVIRONMENT

Discretionary Activity applications will be assessed in accordance with Assessment Criteria 6(a)-6(u) and any other relevant matters under section 104 of the *Act*.

6.4 Non-Complying Activities

Any *subdivision* to which these rules apply which is not a *Controlled Activity* or a *Limited Discretionary Activity*, or a *Discretionary Activity* under the above rule shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*. (Note: this includes any *subdivision* within the Ldn 65 noise contour shown on the Airbase Noise Map except that permitted in (General) Rule 2.1(a).

- ensure that continued access is made available to *network utility operators* to ensure maintenance can be undertaken

6(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*

6(p)

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

6(q)

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

6(r)

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**

6(s)

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

6(t)

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

RULE 6

COUNTRYSIDE ENVIRONMENT

6(u)

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

6(v)

The extent to which formal/legal protection will be achieved for the elements of the *Green Network*, including Riparian Margins, and areas of outstanding *natural features* or outstanding native *vegetation*.

6(w)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands

6(x)

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

6(y)

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

Note: 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, 4.3, 4.4, 5.2, 5.4, 5.5, 7.1, 6.4, 7.1, 7.2, 7.3, 8.3, 8.5, 9.1, 9.2, 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, 10.25, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.29, 12.4, 12.8
(Waitakere District Plan Policy Section)

subdivision

RULE 6

COUNTRYSIDE ENVIRONMENT

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 to the *design, alignment* 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:
- 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* of *vegetation*
- specifying the location of *infrastructure*
- restricting the number of *sites* to be served by a *driveway*
- restricting the amount of *earthworks* and *vegetation pruning* and *clearance*
- requiring through appropriate *design* the satisfaction of specified water quality
- standards (having regard to standard or rules within any Regional Plan)
- limiting 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* or *consent notices*
- the imposition of a charge to cover the costs of monitoring
- requiring *financial contributions* in accordance with the *Plan*
- such other matters provided for in sections 220 and 108 of the *Act*

RULE 6	COUNTRYSIDE ENVIRONMENT
	<ul style="list-style-type: none">• requiring any stock on the property to be permanently <i>fenced</i> out of Protection and Enhancement Areas shown on a <i>structure plan</i>• requiring an ongoing programme of weed and pest control to be carried out in Protection and Enhancement Areas• requiring a <i>site</i> plan and a management plan to be prepared, indicating the boundaries of Protection and Enhancement Areas shown on a <i>structure plan</i>, and the management plan to be implemented for these areas• requiring the protection of protection Areas shown on a <i>structure plan</i> as a condition of a <i>consent notice</i>• requiring <i>on-site</i> or <i>off-site</i> works and services to avoid, remedy, mitigate or offset adverse <i>effects</i> <p>Provided that, in the case of <i>Controlled Activities</i> and <i>Limited Discretionary Activities</i>, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p>

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 7000m² 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 0.125m² per 1m² 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.

subdivision

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 400m²;
 - (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_a) and 7(z_c) - 7(z_h) 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>	(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> .
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>	(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.

subdivision

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"> (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>); (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>; (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; (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; (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>; <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"> (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). 	<ul style="list-style-type: none"> (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. (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>. (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. (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. (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>.

subdivision

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 150m². 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"> 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>.
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"> 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>.
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"> 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

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"> · 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.
2.19	163 Simpson Road	(a) Any <i>subdivision</i> shall ensure that: <ul style="list-style-type: none"> (i) there is no further <i>residential building(s)</i> within the <i>sensitive ridge</i> on the <i>site</i>. (ii) the existing <i>minor household unit</i> shall be placed on the same <i>site</i> as the existing dwelling. (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. 	<ul style="list-style-type: none"> · 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>. · The extent to which vehicle access to any proposed site avoids any · <i>Streamside Enhancement Area</i> shown on the <i>Swanson Structure Plan</i> map.
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> .

subdivision

RULE 8

RURAL VILLAGES ENVIRONMENT

RULES

8.0 General

The following rules shall apply to the *subdivision* of land situated in the *Rural Villages Environment*.

8.1 Controlled Activities

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

- (a) the minimum *net site area* for each *proposed site* is:
 - (i) for *sewered* areas - 800m²,
 - (ii) for *unsewered* areas - 4000m²; provided that the area of any *site* in the *subdivision* may be reduced to not less than 3,000m² where the average of all *sites* not exceeding 5,000m² is not less than 4,000m², and
- (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 total shared frontage and *driveway* width of not less than 3.5 metres, 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

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. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.

ASSESSMENT CRITERIA

8(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, minimises soil erosion, encourages *on-site* water retention, avoids development on floodplains and uses drainage methods that protect and enhance streams.

8(b)

The extent to which *sites* are large enough to ensure that future *buildings* meet the relevant standards of the *Plan*.

8(c)

The extent to which *sites* are provided with practical vehicle access to a *road*, with passing bays where necessary.

8(d)

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

8(e)

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

8(f)

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

8(g)

The extent to which the *site* orientation and *site* dimensions facilitate the siting and *design* of *dwelling*s which minimise fossil fuel use and maximise use of passive solar energy.

8(h)

The extent to which the *design* and location of *driveways* and *building platforms* minimise alterations to landform, avoid visible scars on the landscape and take advantage of natural drainage systems.

8(i)

The extent to which *driveway carriageways* are constructed of materials and to a *design* strength sufficient to carry the likely wheel loads of vehicles, and which enables the carriage of motor vehicles at a minimum future maintenance cost.

RULE 8

RURAL VILLAGES ENVIRONMENT

(vi) if serving more than two *sites*, has passing bays at intervals not exceeding 50 metres.

(d) no new *roads* are created by the *subdivision*.

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

- the *design*, location, *construction* and *alignment* of *driveways*;
 - 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 8(a)-8(v).

8.2 Limited Discretionary Activities

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

(a) Any *subdivision* not meeting the standards of Rule 8.1(c).

Assessment of Limited Discretionary Activity applications will be limited to the matters of:

- the *design*, location and *construction* of *driveways*;
 - the *design*, scale and location of *proposed sites*;
 - provision for *landscape treatment*;
 - the location, *design* and *construction* of *infrastructure*;
- and will be considered in accordance with Assessment Criteria 8(a)-8(v).

8.3 Non-Complying Activities

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

8(j)

The extent to which edges of *driveway carriageways* are appropriately *designed* and will be constructed to:

- avoid edge fretting
- allow safe and ready access to *adjoining sites* at appropriate locations.

8(k)

The extent to which, where relevant, *design*, *construction* and location and provision of *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
- are located and *constructed* so 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.

8(l)

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

- serve the whole of the natural upstream *catchment* area having regard to likely future *development*
- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*
- 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 any existing *stormwater treatment and disposal system* to minimise maintenance costs
- ensure there are no more than minor adverse *effects* on other *infrastructure* or likely *building development*

RULE 8

RURAL VILLAGES ENVIRONMENT

- provide for stormwater treatment and disposal from all of the *land* within each *site*
- avoid flooding on or downstream of the *site*.

8(m)

The extent to which consideration is given to the use of riparian margins, ponds and open natural waterway systems for stormwater disposal (in such cases the open natural water 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 systems).

8(n)

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.

8(o)

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*.

8(p)

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*.

8(q)

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

8(r)

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

RULE 8

RURAL VILLAGES ENVIRONMENT

- are of a sufficient standard and compatibility with existing *wastewater treatment and disposal systems* to minimise maintenance costs
- are constructed so that there are no more than minor adverse *effects* on *natural features*, on other *infrastructure* or potential or likely *buildings*
- where wastewater disposal is to be provided for *on-site*, give sufficient regard to suitability in respect of topography, soils, water tables and proximity to natural water courses or water bodies.

8(s)

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

8(t)

The extent to which *subdivision* adversely affects the historical, cultural or spiritual significance of any site or *waahi tapu* of significance to *whi*, and the **mauri** (life-force) of water.

8(u)

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

8(v)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands.

Note: See also Policies 1.1, 1.10, 1.14, 1.15, 1.20, 2.1, 2.3, 2.13, 3.1, 3.4, 3.5, 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, 10.25, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 12.4, 12.8

(Policy Section of the Waitakere District Plan)

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*

RULE 8

RURAL VILLAGES ENVIRONMENT

- requiring specific provision to be made in the *subdivision design* for the efficient provision of *infrastructure* including, but not limited to:
 - 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 *pruning* and *clearance* of *vegetation*
- specifying the location of *infrastructure*
- restricting the number of *dwellings* or *sites* to be served by a *driveway*
- restricting the amount of *earthworks* and *vegetation pruning* and *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
- 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* or *consent notices*
- the imposition of a charge to cover the 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*.

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.

RULE 9

COASTAL VILLAGES ENVIRONMENT

RULES

9.0 General

The following rules apply to the *subdivision* of land situated in the *Coastal Villages Environment*.

9.1 Limited Discretionary Activities

Subdivisions meeting the following Performance Standards are *Limited Discretionary Activities*:

- (a) the minimum *net site area* for each *proposed site* is 4000m²; and
- (b) a *building platform* is available within each *proposed site* on an area cleared of *native vegetation* as at 14 October 1995 (note: the Council has maps showing areas of *native vegetation* and cleared areas in the City); and
- (c) each *proposed site* has practical and legal motor vehicle access to a *road*; and
- (d) no new *roads* are created by the *subdivision*.

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

- the *design*, location, *construction* and *alignment* of *driveways*;
- the *design*, scale and location of *sites*;
- provision for *landscape treatment*;
- protection of *natural features*;
- the location, *design* and *construction* of *infrastructure*;

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. Approval is required under the *Plan* for any *vegetation clearance* - check the *Natural Area 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.

ASSESSMENT CRITERIA

9(a)

The extent to which the *subdivision design* retains or links significant *vegetation* and fauna habitat areas, avoids *development* on *natural landscape elements* and *heritage* features, gives regard to natural character, involves the *planting* of *native vegetation* on any land within a *Restoration Natural Area*, minimises soil erosion, encourages *on-site* water retention, avoids *development* on floodplains and uses drainage methods that protect and enhance streams.

9(aa)

The extent to which the *subdivision design* has regard to coastal character.

9(b)

The extent to which *sites* are large enough to ensure that future *buildings* meet the relevant standards of the *Plan*.

9(c)

The extent to which *sites* are provided with practical vehicle access to a *road*, with passing bays where necessary.

9(d)

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

9(e)

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

9(f)

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

9(g)

The extent to which the *subdivision design* recognises the policies and rules relating to *Natural Areas* on each *proposed site*.

9(h)

The extent to which the *design* and location of *driveways* and *building platforms* minimise alterations to landform, avoid visible scars on the landscape and take advantage of natural drainage systems.

9(i)

The extent to which *driveway carriageways* are constructed of materials and to a *design* strength sufficient to carry the likely wheel loads of vehicles,

RULE 9

COASTAL VILLAGES ENVIRONMENT

and will be considered in accordance with Assessment Criteria 9(a)-9(x).

9.2 Non-Complying Activities

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

and which enable the carriage of motor vehicles at a minimum future maintenance cost.

9(j)

The extent to which edges of *driveway carriageways* are appropriately *designed* and will be constructed to:

- avoid edge fretting
- allow safe and ready access to *adjoining sites* at appropriate locations.

9(k)

The extent to which, wherever relevant, *design, construction, location and provision of 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
- 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.

9(l)

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

- serve the whole of the natural upstream *catchment* area, having regard to likely future *development*
- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*
- 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 any existing *stormwater treatment and disposal system* to minimise maintenance costs

RULE 9

COASTAL VILLAGES ENVIRONMENT

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

9(m)

The extent to which consideration is given to the use of riparian margins, ponds and open natural waterway systems for stormwater disposal (in such cases the open natural water 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 systems).

9(n)

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.

9(o)

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*.

9(p)

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*.

9(q)

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

9(r)

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

RULE 9

COASTAL VILLAGES ENVIRONMENT

- ensure adequate measures to avoid leakage, entry of stormwater and penetration by plant roots
- are of a sufficient standard and compatibility with existing *wastewater treatment and disposal systems* to minimise maintenance costs
- are constructed so that there are no more than minor adverse *effects* on *natural features*, on other *infrastructure* or potential or likely *buildings*
- where wastewater disposal is to be provided for *on-site*, give sufficient regard to suitability in respect of topography, soils, water tables and proximity to natural water courses or **water bodies**.

9(s)

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

9(t)

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

9(u)

The extent to which *subdivision* adversely affects the historical, cultural or spiritual significance for *whānau* of *sensitive ridges*.

9(v)

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*.

9(w)

The extent to which formal/legal protection will be achieved for the elements of the *Green Network*, including Riparian Margins, and areas of outstanding *natural features* or outstanding *native vegetation*.

9(x)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands.

Note: See also Policies 1.1, 1.10, 1.14, 1.15, 1.20, 2.1, 2.3, 2.13, 3.1, 3.4, 3.5, 4.3, 4.4, 5.2, 5.4, 6.1, 6.4, 7.1, 7.2, 7.3, 8.3, 8.5, 9.1, 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,

RULE 9

COASTAL VILLAGES ENVIRONMENT

10.18, 10.20, 10.22, 10.23, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 12.4, 12.8

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

- requiring the *planting* of *native vegetation*
- altering the scale, *design* and location of *sites*
- requiring alteration in the *design, alignment* and location of *roads* and *driveways*
- 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 *pruning* and *clearance* of *vegetation*
- specifying the location of *infrastructure*
- restricting the number of *dwellings* or *sites* to be served by a *driveway*
- restricting the amount of *earthworks* and *vegetation pruning* and *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
- 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* or *consent notices*
- the imposition of a charge to cover the 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*.

RULE 9

COASTAL VILLAGES ENVIRONMENT

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.

RULES

10.0 General

The following rules apply to *Subdivision of land* within the *Bush Living Environment* except that area identified as Titirangi Subdivision Area 1 and Titirangi-Laingholm Subdivision Area 2 as shown on Appendix XI to the Planning Maps (see Rule 10A).

10.01 Limited Discretionary Activities

- (a) A *subdivision*, which incorporates the total area of the *existing site* contained within 35 Turanga Road (Certificate of Title 1887/99) and creates one (1) additional lot to contain a future *dwelling*. The *building platform* for the new *dwelling* will be identified through this application, and will be located in the *Managed Natural Area*, utilising the area of degraded *vegetation*. The *subdivision* will also include a *boundary adjustment* between the subject *site* and adjacent Auckland Regional Council parkland.

Assessment of *Limited Discretionary Activity* applications will be limited to matters of

- The *design*, scale and location of *sites*;
- Provision for *landscape treatment* and restoration planting;
- Protection of natural features and native *vegetation*, including the use of protective covenants;

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. Approval is required under the *Plan* for any *vegetation alteration* - check the *Natural Areas Rules*.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Environment* and also the *Natural Area 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.

ASSESSMENT CRITERIA

General

10(a)

The extent to which the *subdivision design* avoids the need for *clearance* of *native vegetation*, retains or links significant *vegetation* and fauna habitat areas contains proposals to plant *native vegetation* on areas of the *site* not necessary for *Residential Activities* permitted by the *Plan*, avoids *development* on *natural landscape elements* and *heritage* features, minimises soil erosion, encourages *on-site* water retention, avoids *development* on floodplains and uses drainage methods that protect and enhance streams.

10(b)

The extent to which formal/legal protection will be achieved for the elements of the *Green Network*, including Riparian Margins, areas of outstanding natural features or outstanding *native vegetation*

10(c)

The extent to which *sites* are large enough to ensure that future *buildings* meet the relevant standards of the *Plan*.

10(d)

The extent to which *sites* are provided with practical vehicle access to a *road*, with passing bays where necessary.

10(e)

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

10(f)

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

10(g)

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

10(h)

The extent to which the *site* orientation and *site* dimensions facilitate the siting and *design* of *dwellings* which minimise fossil fuel use and maximise use of passive solar energy.

10(i)

The extent to which the *design* and location of *driveways* and *building platforms* minimise alterations to landform, avoid visible scars on the landscape and take advantage of natural drainage systems.

RULE 10

- The location, *design* and *construction* of *infrastructure*;
 - The *design*, location, *construction* and alignment of *driveways*;
 - The location of the *building platform*, particularly in relation to effects on protected *vegetation*
- And will be considered in accordance with Assessment Criteria 10(a)-10(ae).

10.1 Discretionary Activities

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

- (a) the minimum *net site area* of any *proposed site*:
 - (i) averages 4000m² over the *net site area* of the *site* existing as at October 14 1995 with a minimum *net site area* of 2000m² for each individual *proposed site*, provided that each *proposed site* must be able to contain a *building platform* situated within a *General Natural Area* or a *Restoration Natural Area* as shown on the *Natural Areas Maps*; or
 - is 8000m² where a *building platform* is situated within the *Managed Natural Area* where there is no more than one new *site* created per *site* existing as at October 14 1995, and each *proposed site* will be provided with a *connection* to a *reticulated* wastewater disposal system; or
 - (ii) where (i), and (ii) above do not apply, is 4ha; and
 - (iii) in respect of (i), (ii) ,and (iii) above, *subdivision* will not lead to any *development* on *land* within a *Protected Natural Area* or a *Coastal Natural Area* or a *Riparian Margins Natural Area*;
- (b) each *proposed site* has practical and legal motor vehicle access to a *road*.

10.2 Prohibited Activities

Any *subdivision* to which these rules apply which is not a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Prohibited Activity*.

BUSH LIVING ENVIRONMENT

10(j)

The extent to which shared accessways are to be used, where appropriate

10(k)

The extent to which *driveway carriageways* are constructed of materials and to a *design* strength sufficient to carry the likely wheel loads of vehicles and which enables the carriage of motor vehicles, at a minimum future maintenance cost.

10(l)

The extent to which edges of *driveway carriageways* are appropriately *designed* and will be constructed to:

- avoid edge fretting
- allow safe and ready access to *adjoining sites* at appropriate locations.

10(m)

The extent to which, where relevant, *design*, *construction* and location and provision of *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
- 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.

10(n)

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

- serve the whole of the natural upstream *catchment* area having regard to likely future *development*
- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants* 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 any existing *stormwater treatment and disposal system* to minimise maintenance costs
- ensure no more than minor adverse *effects* on other *infrastructure* or likely *building development*
- provide for stormwater treatment and disposal from all of the *land* within each *site*
- avoid flooding on or downstream of the *site*.

10(o)

The extent to which consideration is given to the use of riparian margins, ponds and open natural waterway systems for stormwater disposal (in such cases the open natural water 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 systems).

10(p)

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.

10(q)

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*.

10(r)

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*.

10(s)

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

RULE 10

BUSH LIVING ENVIRONMENT

10(t)

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 of a sufficient standard and compatibility with existing *wastewater treatment and disposal systems* to minimise maintenance costs
- ensure that there are no more than minor adverse *effects* on *natural features*, on other *infrastructure*, or potential or likely *buildings*
- where wastewater disposal is to be provided for *on-site*, give sufficient regard to suitability in respect of topography, soils, water tables and proximity to natural water courses or water bodies.

10(u)

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

10(v)

The extent to which *subdivision* adversely affects the **mauri** (life-force) of water, *native vegetation* and fauna habitat and *land*.

10(w)

The extent to which *subdivision* adversely affects the historical, cultural or spiritual significance of any site or *naahi tapu* of significance to *inwi*.

10 (x)

The extent to which *subdivision* adversely affects the visual, historical, cultural and spiritual significance for *inwi* of *sensitive ridges*.

10(y)

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*.

10(z)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands.

10(aa)

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*.

10(ab)

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.

10(ac)

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*.

10(ad)

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.

10(ae)

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

- (i) retains and enhances the forested character and landscape **values** of Waiaatarua;
- (ii) located building platforms to reduce their visibility from a *road*;
- (iii) avoids establishment of reticulated wastewater infrastructure; and

RULE 10

BUSH LIVING ENVIRONMENT

(iv) avoids transportation infrastructure of an urban scale and character.

Note: 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, 4.3, 4.4, 5.2, 5.4, 5.5, 6.1, 6.3, 7.1, 7.2, 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, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.29, 12.4, 12.8, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

- requiring the *planting* of *native vegetation* 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*
- 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 *cutting* and *clearance* of *vegetation*
- specifying the location of *infrastructure*
- restricting the number of *dwellings* or *sites* to be served by a *driveway*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.
- restricting the amount of *earthworks* and *pruning* and *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
- 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* or *consent notices*
- the imposition of a charge to cover the costs of monitoring
- requiring *financial contributions* in accordance with the *Plan*
- 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*
- such other matters provided for in sections 220 and 108 of the *Act*.

RULE 10A

TITIRANGI-LAINGHOLM

RULES

10A.0 General

The following rules apply to *subdivision* of *land* within the *Bush Living Environment* and the *Waitakere Ranges Environment* within that area identified as Titirangi Subdivision Area 1 and Titirangi-Laingholm Subdivision Area 2 as shown on Appendix XI to the Planning Maps

10A.1 Discretionary Activities

Subdivisions meeting the particular Performance Standards set out in any one of Rules 10A.1 (a) to (1) are *Discretionary Activities*:

Titirangi Subdivision Area 1

- (a) In respect of any *existing site* in Titirangi Subdivision Area 1 as shown on Appendix XI

NOTES:

1. If any 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. Where an area is marked on the Natural Area Maps as "Managed Natural Area" but does not contain *native vegetation* meeting the *plan* criteria for Managed Natural Areas, and that is a situation which has arisen due to an error in mapping, that error can be resolved through the granting of a resource consent pursuant to Rule 2.3 of the *Managed Natural Area* rules.
3. Approval is required under the *Plan* for any *vegetation alteration* - check the *Natural Areas* Rules.
4. Words in *italics* are defined - see the Definitions part of the *City - Wide Rules*
5. The Council may have a guideline to help interpret this rule - check at the Council offices.
6. For resource consents see the Information Requirements in the *City - Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.
8. In respect of concepts for possible future subdivision of a *site*, the concept should show possibilities for future lot layout, positioning of development areas and any further bush protection and replanting that may be proposed. It is not envisaged that detailed investigations will be necessary to produce the concept.
9. See Policy Maps in Section 3 of the Policy Section of the *Plan* for information on important resources.
10. The Council has a number of background reports on environmental issues in this area which will assist in the preparation and assessment of applications (refer Appendix A of the Policy Section of the *Plan*).
11. Resource consents may be required from the Auckland Regional Council - check the relevant regional plans.

ASSESSMENT CRITERIA

Assessment of any application for *subdivision* will include consideration of the following (note - while all assessment criteria are important, particular attention should be given to criteria 10A(a)-10A(h)):

10A(a)

Whether the *subdivision* sufficiently recognises key *landscape features* including **outstanding coastal areas** and **outstanding natural landscapes** in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor. Consideration should be given to direct effects on all of the land included within the *subdivision*, as well as broader landscape and landform effects (such as visual fragmentation of intact landscapes).

10A(b)

Whether the *subdivision* sufficiently recognises ecological systems in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor. Consideration should be given to direct effects on all of the land included within the *subdivision*, as well as broader ecological effects, effects on relatively intact ecosystems and the means proposed to minimise clearance and fragmentation of *native vegetation*, including the potential use of existing cleared areas; and the extent to which and manner in which *nominated development areas* intrude in to *native vegetation*.

10A(c)

Whether the *subdivision* sufficiently recognises land stability in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor, including direct effects on all of the land included within the *subdivision*, as well as wider catchment effects, if relevant.

10A(d)

Whether the *subdivision* sufficiently recognises stormwater disposal matters in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor. Consideration of these matters shall include direct effects on all of the land included within the *subdivision*, as well as broader stormwater disposal effects.

RULE 10A

TITIRANGI-LAINGHOLM

of the Planning Maps, *subdivision* where the entire *nominated development area* is located in a *General Natural Area* or a *Restoration Natural Area* or that part of a *Managed Natural Area* within which *vegetation alteration* is permitted by the *plan*, or allowed by a *resource consent* which has been granted pursuant to *Managed Natural Area* Rule 2.3 to correct any *Natural Areas* maps error, provided that:-

- (i) the average *net site area* of all *proposed sites*, calculated from the *existing site area*, is a minimum of 2,000m²; and
 - (ii) where 50% or more of the *existing site area* is in a *General Natural Area* and/or a *Restoration Natural Area*, for every *nominated development area* there is to be at least an equivalent area on the *existing site* permanently planted with *native vegetation*; and
 - (iii) all of the *Managed Natural Area* and *Protected Natural Area* on the *proposed site* and all of the planted area required under Rule 10A.1(a)(ii) is to be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
 - (iv) each *proposed site* has practical and legal motor vehicle access to a *road*.
- (b) In respect of any *existing site* in Titirangi Subdivision Area 1 as shown on Appendix XI of the Planning Maps, *subdivision* where any part of the *nominated development area* is located in a *Managed Natural Area*, provided that:-
- (i) where *subdivision* does not meet the standards of Rule 10A.1(a) the minimum *net site area* created around an *existing dwelling* is 2,000m², provided that the *existing site* has a minimum *site area* of 6,000m² and there is no more than one additional *site* created which is less than 4,000m² in *net site area*; and
 - (ii) after allowing for any *subdivision* provided for by Rule 10A.1(a) and Rule 10A.1(b)(i)

10A(e)

Whether, having regard to 10A(a) to 10A(d) above, the proposed subdivision design and number of lots proposed recognises the need for development to complement rather than compromise the natural and physical environment.

10A(f)

Whether, having regard to 10A(a) to 10A(e) above, it is possible to promote sustainable management of the natural and physical environment through appropriate methods to manage natural and physical resources, and defined protection and/or enhancement actions or processes.

10A(g)

Whether the *subdivision* proposal sufficiently avoids, remedies or mitigates any cumulative *effects* that might arise on the *site* and/or in the surrounding area, including in particular any *effects* that might arise with respect to the matters raised in 10A(a) to 10A(f) above.

10A(h)

Whether there are any positive effects on the *environment* that might arise on the *site* and/or in the surrounding area, that mitigate any adverse effects of the proposed *subdivision*.

10A(i)

Whether the *subdivision* proposal relates to the whole *site* and, if it does not, the extent to which it is shown in concept (but not necessarily in detail) how *subdivision* of the balance of the *site* can be completed in accordance with the *plan* policy and provisions.

10A(j)

Whether each new *site* provides adequately for a future *dwelling* and associated *development* meeting the relevant standards of the *Plan*.

10A(k)

Whether each new *site* is provided with practical and safe vehicle access (including emergency vehicle access) to a *road*, with passing bays where necessary, and of minimum safe width to minimise *earthworks* and *vegetation alteration*.

10A(l)

Whether the proposal maximises the use of shared *driveways*, where practicable, as a means of reducing *earthworks* and *vegetation alteration*.

RULE 10A

TITIRANGI-LAINGHOLM

there shall be an average *net site area* of no less than 4,000m² for each *proposed site*; and

- (iii) *native vegetation alteration* required for any *nominated development area* shall not exceed 500m² for every additional *site* created; and
- (iv) all of the *native vegetation* area of the *proposed site* not otherwise required for *nominated development areas* shall be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
- (v) there shall be no new *road*; and
- (vi) each *proposed site* shall have practical and legal access to a *road*
- (vii) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres; and
- (viii) *subdivision* will not lead to any *development* on *land* within a *Protected Natural Area* or any *building platform* within a *Riparian Margins Natural Area*.

Titirangi/Laingholm Subdivision Area 2

- (c) In respect of any *existing site* in Titirangi/Laingholm Subdivision Area 2 as shown on Appendix XI of the Planning Maps, *subdivision* where the entire *nominated development area* is located in a *General Natural Area* or a *Restoration Natural Area* or that part of a *Managed Natural Area* within which *vegetation alteration* is permitted by the *plan* or allowed by a *resource consent* which has been granted pursuant to *Managed Natural Area* Rule 2.3 to correct any *Natural Areas* maps error, provided that:-
 - (i) the average *net site area* of all *proposed sites*, calculated from the *existing site area*, is a minimum of 4,000m²; and
 - (ii) where an *existing site* area of all *proposed sites* contains a combination of *General Natural Area* or *Restoration Natural Area* and *Managed Natural Area* each *new site* must contain a minimum of 1,000m² of its

10A(m)

Whether *driveway carriageways* are constructed of materials and to a design strength sufficient to carry the likely wheel loads of vehicles and which enables the carriage of motor vehicles.

10A(n)

Whether edges of *driveway carriageways* are appropriately *designed* and will be constructed to:

- avoid edge fretting
- reduce runoff into potentially unstable areas

10A(o)

Where relevant, whether the *design, construction* and location of any *infrastructure* to be 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 supply mains that are watertight
- ensure that there are no more than minor adverse *effects* on *natural features* and other *infrastructure*
- ensure that continued access is made available to utility network operators to ensure maintenance can be undertaken

10A(p)

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

- provide, wherever practicable, for hydrological neutrality over the land to be subdivided

required average *net site area* in a *General Natural Area* or a *Restoration Natural Area*; and

- (iii) where 50% or more of the *existing site area* is in a *General Natural Area* and/or a *Restoration Natural Area*, for every *nominated development area* there is to be at least an equivalent area on the *existing site* permanently planted with *native vegetation*, and
- (iv) all of the *Managed Natural Area* and/or *Protected Natural Area* on the *proposed site* and all of the planted area required under Rule 10A.1(c)(iii) is to be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
- (v) *subdivision* will not lead to any *development* on *land* within a *Protected Natural Area* or any *building platform* within a *Riparian Margins Natural Area*; and
- (vi) each *proposed site* has practical and legal motor vehicle access to a *road*; and
- (vii) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres.

(d) In respect of any *existing site* in Titirangi/Laingholm Subdivision Area 2 as shown on Appendix XI of the Planning Maps, *subdivision* where any part of a *nominated development area* is located in a *Managed Natural Area*, provided that:-

- (i) where *subdivision* does not meet the standards of Rule 10A.1(c) the minimum *net site area* created around an *existing dwelling* is 4,000m², provided that the *existing site* has a minimum *net site area* of 1.4ha and there is no more than one additional *site* created which is less than 1ha in *net site area*; and
- (ii) after allowing for any *subdivision* provided for by Rule 10A.1(c) and Rule 10A.1(d)(i)

- serve the whole of the natural upstream catchment area having regard to likely future *development*
- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*
- ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the *subdivision* and future *development*
- not create or contribute to ground instability
- ensure adequate measures are taken to screen out litter, silt and other contamination
- be of a sufficient standard and compatibility with any existing stormwater treatment and disposal system to minimise maintenance costs
- ensure no more than minor adverse *effects* on other *infrastructure* or likely *building development*
- provide for stormwater treatment and disposal from all of the land within each *site*
- avoid flooding on or downstream of the *site*

10A(q)

Whether, 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*.

10A(r)

Whether 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*.

10A(s)

Whether an adequate connection can be made to a wastewater disposal system

10A(t)

Whether the *subdivision* adversely affects the *mauri* (life-force) of water, *native vegetation*, fauna habitat and natural character values.

10A(u)

Whether the *subdivision* adversely affects the historical, cultural or spiritual significance of any site or *waahi tapu* of significance to *iwi*.

RULE 10A

TITIRANGI-LAINGHOLM

there shall be an average *net site area* of no less than 1ha for each additional *site* created; and

- (iii) *native vegetation alteration* required for any nominated *development area* and *driveway* shall not exceed 500m² for every additional *site* created; and
- (iv) all of the *native vegetation* area of the *proposed site* not otherwise required for nominated *building platforms* and *driveways* shall be permanently protected from further *vegetation alteration* by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
- (v) there shall be no new *road*; and
- (vi) each *proposed site* shall have practical and legal access to a *road*
- (vii) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres; and
- (viii) *subdivision* will not lead to any development on land within a *Protected Natural Area* or any building platform within a *Riparian Margins Natural Area*.

Specific Sites

- (e) For any *subdivision* which incorporates the total area of *existing sites* contained within 170 and 190 - 198 Huia Road (Certificates of Title 129C/80, 131C/621 and 131C/623) *subdivision* to a total of 17 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (f) For any *subdivision* which incorporates the total area of *existing sites* contained within 333 Laingholm Drive (Certificate of Title 91D/282) *subdivision* to a total of 22 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (g) For any *subdivision* which incorporates the total area of *existing sites* contained within 293B Titirangi Road and 31 Woodfern Crescent (Certificates of Title 118D/755 and 118D/756)

10A(v)

Whether the *subdivision* will adversely affect *heritage* values.

10A(w)

Whether the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, lakes and wetlands.

10A(x)

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

Note: See also Policies 1.1, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.14, 1.16, 1.19, 1.20, 2.1, 2.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.12, 2.13, 2.14, 2.15, 3.1, 3.2, 3.4, 5.1, 5.4, 5.6, 5.7, 6.1, 6.2, 6.3, 7.1, 7.2, 7.3, 7.4, 7.6, 7.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.7, 9.1, 9.3, 9.6, 9.9, 9.11, 9.12, 9.14, 10.4, 10.7, 10.8, 10.9, 10.11, 10.13, 10.14, 10.16, 10.17, 10.18, 10.20, 10.22, 10.23, 10.27, 11.1, 11.2, 11.3, 11.5, 11.7, 11.9, 12.4, 12.8.

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

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

- Limiting the number or amending the size, location, *design* and shape of, *proposed sites* and *nominated development areas*
- Requiring the *planting* of *native vegetation*, including within *General Natural Areas* and *Restoration Natural Areas* (note: it is generally expected that all available *Restoration Natural Areas* will be replanted as a condition of subdivision consent)
- Requiring the permanent protection of areas of *native vegetation*
- Requiring provision to be made for weed management
- In circumstances where there is more than one *nominated development area* for a *proposed site*, requiring measures to ensure alternatives for *nominated development areas* are adequately managed, including making future provision, as relevant, for the legal protection of, and/

RULE 10A

TITIRANGI-LAINGHOLM

subdivision to a total of 5 lots (including any existing lot and balance lot but excluding any reserve or access lot).

- (h) For any *subdivision* which incorporates the total area of *existing sites* contained within 323A Huia Road (Certificates of Title 2094/12 and 1812/58) *subdivision* to a total of 11 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (i) For any *subdivision* which incorporates the *existing site* at 41 Landing Road (CT 135C/773) *subdivision* to a total of 12 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (j) For any *subdivision* which incorporates the *existing site* at 51 Rimutaka Place (CT 14B/395) *subdivision* to a total of 7 lots (including any existing lot and balance lot but excluding any reserve or access lot).

Provided that (in respect of 10A.1(e)-10A.1(j))above:-

- where 50% or more of the *existing site area* is in a *General Natural Area* and/or a *Restoration Natural Area*, for every *nominated development area* there is to be at least an equivalent area on the *existing site* permanently planted with *native vegetation*; and
- all of the *Managed Natural Area* and/or *Protected Natural Area* on the *proposed site* and any required planted area is to be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
- each *proposed site* has practical and legal motor vehicle access to a *road*; and
- no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres; and
- *subdivision* will not lead to any *development* on *land* within a *Protected Natural Area* or any *building platform* within a *Riparian Margins Natural Area*.

- (k) In respect of 205A Godley Road (CT 1994/5) *subdivision* to a total of 4 lots (including any

or the replanting of, *nominated development area* alternatives which are not utilised

- Requiring compliance with safety standards
- Specifying construction materials, *design* and methods to be used for *drivenways* and *infrastructure*
- 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 *drivenways* and *road* 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 *cutting and clearance of vegetation*
 - specifying the location of *infrastructure*
- Requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset adverse *effects*
- Managing the adverse *effect* of and restricting the amount of *earthworks* and *vegetation alteration*
- Requiring monitoring of conditions of *resource consent*.
- Requiring, through appropriate *design*, the satisfaction of specified water quality standards in respect of stormwater disposal
- Requiring the provision of management plans to ensure satisfaction of conditions of *resource consent*
- Requiring the provision of *easements* or *consent notices* or other appropriate legal mechanisms (including covenants for bush protection and for areas to be free of *development*) to ensure satisfaction of conditions of *resource consent*
- The imposition of a charge to cover the costs of monitoring
- Requiring *financial contributions* in accordance with the *Plan*
- Such other matters provided for in sections 220 and 108 of the *Act*.

subdivision

RULE 10A	TITIRANGI-LAINGHOLM
<p>balance lot but excluding any reserve or access lot), provided that any <i>development</i> made possible by the <i>subdivision</i> is to be located within a <i>General Natural Area</i>.</p> <p>(l) In respect of 175A Laingholm Drive (CT 37B/ 232) <i>subdivision</i> to a total of 3 lots (including any balance lot but excluding any reserve or access lot), provided that <i>native vegetation alteration</i> required for any <i>nominated development area</i> shall not exceed 300m² for every lot created excluding that area included in the existing <i>driveway</i>, and provided further that all of the <i>Managed Natural Area</i> on the <i>proposed site</i> is to be permanently protected by appropriate legal mechanism, excluding any <i>vegetation alteration</i> allowed by a <i>resource consent</i>.</p> <p>All <i>Discretionary Activity</i> applications will be assessed having regard to Assessment Criteria 10A(a) - 10A(x) and any other relevant matter under section 104 of the <i>Act</i>.</p> <p>10A.2 Non-Complying Activities</p> <p>Any <i>subdivision</i> to which these rules apply which is not a <i>Discretionary Activity</i> under the above rules shall be deemed to contravene a rule in this <i>Plan</i> and shall be a <i>Non-Complying Activity</i>.</p>	

RULE 11

WAITAKERE RANGES ENVIRONMENT

RULES

11.0 General

The following rules apply to the *subdivision* of land in the *Waitakere Ranges Environment* except that area identified as Titirangi Subdivision Area 1 and Titirangi-Laingholm Subdivision Area 2 as shown on Appendix XI to the Planning Maps (see Rule 10A).

11.1 Discretionary Activities

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

- *proposed sites*, averaging 4ha over the *net site area* of the *site* existing as at October 14 1995, with a minimum 2ha for each individual *proposed site*, provided that:

NOTES:

1. If any 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. Where an area is marked on the Natural Area Maps as "Managed Natural Area" but does not contain *native vegetation* meeting the *plan* criteria for Managed Natural Areas, and that is a situation which has arisen due to an error in mapping, that error can be resolved through the granting of a resource consent pursuant to Rule 2.3 of the *Managed Natural Area* rules.
3. Approval is required under the *Plan* for any *vegetation alteration* - check the *Natural Areas Rules*.
4. Words in *italics* are defined - see the Definitions part of the *City - Wide Rules*
5. The Council may have a guideline to help interpret this rule - check at the Council offices.
6. For resource consents see the Information Requirements in the *City - Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.
8. In respect of concepts for possible future subdivision of a *site*, the concept should show possibilities for future lot layout, positioning of development areas and any further bush protection and replanting that may be proposed. It is not envisaged that detailed investigations will be necessary to produce the concept.
9. See Policy Maps in Section 3 of the Policy Section of the *Plan* for information on important resources.
10. The Council has a number of background reports on environmental issues in this area which will assist in the preparation and assessment of applications (refer Appendix A of the Policy Section of the *Plan*).
11. Resource consents may be required from the Auckland Regional Council - check the relevant regional plans.

ASSESSMENT CRITERIA

11(a)

The extent to which the *subdivision design* avoids the need for *clearance* of *native vegetation*, retains or links significant *vegetation* and fauna habitat areas, contains proposals to plant with *native vegetation* those areas of the *site* within the *Restoration Natural Area*, avoids *development* on *natural landscape elements* and *heritage* features, minimises soil erosion, encourages *on-site* water retention, avoids *development* on floodplains and uses drainage methods that protect and enhance streams.

11(aa)

The extent to which the *subdivision design* has regard to coastal character.

11(b)

The extent to which formal/legal protection will be achieved for the elements of the *Green Network*, including Riparian Margins, areas of outstanding natural features or outstanding *native vegetation*

11(c)

The extent to which *sites* are large enough to ensure that future *buildings* can comply with the relevant standards of the *Plan*.

11(d)

The extent to which *sites* are provided with practical vehicle access to a *road*.

11(e)

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

11(f)

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

11(g)

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

11(h)

The extent to which shared accessways are to be used, where appropriate.

11(i)

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

RULE 11

WAITAKERE RANGES ENVIRONMENT

- (i) no *roads* are created by a *subdivision*; and
- (ii) each *site* has practical and legal motor vehicle access to a *road*; and
- (iii) the *subdivision* will not lead to any *development* on *land* within a *Protected Natural Area* or a *Coastal Natural Area* or a *Riparian Margins Natural Area*.

Discretionary Activity applications will be assessed in accordance with Assessment Criteria 11(a)-11(⌘) and other relevant matters under section 104 of the *Act*.

11.2 Non-Complying Activities

Any *subdivision* to which these rules apply which is not a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*, provided that:-

- (i) the site is located within the Oratia Subdivision Area identified on Appendix XVI to the Planning Maps, and
- (ii) on each *proposed site* a *nominated development area* can be located in a *General Natural Area*, and
- (iii) on each *proposed site* a *nominated development area* can be located outside and outstanding landscape area (refer policy Map 3.6(B)).

11.3 Prohibited Activities

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

- serve the whole of the natural upstream *catchment area* having regard to likely future *development* and *effects* on the downstream system
- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of *contaminants*
- 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 any existing *stormwater treatment and disposal system* to minimise maintenance costs
- ensure there are no more than minor adverse *effects* on other *infrastructure* or likely *building development*
- provide for stormwater treatment and disposal from all of the *land* within each *site*
- avoid flooding on or downstream of the *site*.

11(j)

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.

11(k)

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

11(l)

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 of roots
- are of a sufficient standard and compatibility with existing *wastewater treatment and disposal systems* to minimise maintenance costs
- ensure that there are no more than minor adverse *effects* on *natural features*, on other *infrastructure* or potential or likely *buildings*
- where wastewater disposal is to be provided for *on-site*, give sufficient regard to suitability in respect of topography, soils, water tables and

subdivision

RULE 11

WAITAKERE RANGES ENVIRONMENT

proximity to natural water courses or water bodies.

11(m)

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

11(n)

The extent to which *subdivision* adversely affects the **mauri** (life-force) of *natural features*.

11(o)

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

11(p)

The extent to which *subdivision* adversely affects the visual, historical, cultural and spiritual significance for *inwi* of *sensitive ridges*.

11(q)

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*.

11(r)

The extent to which the *subdivision*, where relevant, provides for public access to and alongside the coast, streams, *lakes* and wetlands.

11(s)

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*.

11(t)

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

RULE 11

WAITAKERE RANGES ENVIRONMENT

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

11(u)

The extent to which *design, construction* and location and provision of public water supply mains (if provided):

- ensure sufficient capacity to provide water 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
- ensure that there are no more than minor adverse *effects* on *natural features* and other *infrastructure*

11 (v)

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*.

11(w)

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.

11(x)

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

- retains and enhances the forested character and landscape **values** of Waiatarua;
- located building platforms to reduce their visibility from a *road*;
- avoids establishment of reticulated wastewater infrastructure; and
- avoids transportation infrastructure of an urban scale and character.

RULE 11

WAITAKERE RANGES ENVIRONMENT

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, 4.3, 4.4, 5.2, 5.4, 5.5, 6.1, 6.3, 7.1, 7.2, 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, 10.27, 11.1, 11.2, 11.5, 11.6, 11.9, 11.29, 12.4, 12.8, 5B.1, 5B.3
(Policy Section of the Waitakere District Plan)

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*
- 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 *dwelling*s or *sites* to be served by a *driveway*
- restricting the amount of *earthworks* and *vegetation* and *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
- 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* or *consent notices*
- the imposition of a charge to cover the costs of monitoring
- requiring *financial contributions* in accordance with the *Plan*

RULE 11

WAITAKERE RANGES ENVIRONMENT

- 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*
- 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*.

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.