

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:

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- (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(vx) 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

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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 *iwi* 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 *iwi* 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

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- 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.

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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*

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- 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.