



Subdividing In The Birdwood Structure Plan Area

The following information has been prepared to assist landowners who are contemplating subdividing and/or developing their property in the Birdwood Structure Plan Area.

The Council's Decision

The Birdwood Structure Plan (Variation 87) now forms part of the Waitakere City District Plan. Council issued its decision on submissions made on the Birdwood Structure Plan in May 2002. The Council has received three references (appeals) to the Environment Court against those decisions. One of these relates to a specific site within the Birdwood Structure Plan Area. The other two relate to general District Plan Rules including the subdivision rules for the Foothills Environment.

The Resource Management Act 1991 (RMA) allows for subdivision applications to be made at any time unless subdivision is a prohibited activity. The Council will assess applications in terms of District Plan policies and rules that apply at the time the application is lodged.

In the case of the Birdwood Structure Plan, the policies and rules are not yet operative as there are outstanding references. Any application for subdivision will be considered in terms of both the Proposed and Transitional District Plans and will be processed as a non-complying activity. Once the structure plan becomes operative (i.e. no outstanding references), subdivision in accordance with the density shown on the structure plan map will be processed as a 'limited discretionary activity'.

Human Environment And Natural Area Rules That Apply To The Birdwood Structure Plan Area

The Foothills Human Environment and Subdivision Rules apply to the Birdwood Structure Plan Area. Reference should be made to the District Plan Maps to obtain the correct Natural Area identification and to ascertain which Natural Area Rules apply to your property.

Subdivision Potential Under the Birdwood Structure Plan

The subdivision potential of land within the Birdwood Structure Plan Area is shown on the Birdwood Structure Plan Map. This map can be found in the appendices to the Maps section of the District Plan. The subdivision densities for the Birdwood Structure Plan Area are identified on a site-by-site basis using a number. For example, if the property has a number "4" on the Birdwood Structure Plan Map, that means that there is potential for the existing site (i.e. as shown on the structure plan map) to be subdivided into four new sites. Where there is no number shown, this means that there is no provision for further subdivision below the minimum 4 hectare site size.

The number of sites has been determined by the overall capacity of the Birdwood Structure Plan Area to absorb more development. This capacity is based on a number of natural and physical constraints including land stability, ecological values, landscape and rural character, stormwater and wastewater management and local heritage sites. The Council has detailed information about each of these constraints and how they apply to individual sites within the Birdwood Structure Plan Area. This information should be referred to when preparing an application for subdivision consent.

Bush Protection and Enhancement Areas

In addition to subdivision densities, the Birdwood Structure Plan also identifies Bush Protection, Revegetation and Streamside Enhancement Areas. These areas are key to the Council's objective to improve the overall health and protection of remnant native bush areas, important stream networks within the Foothills Environment as well as ensuring privacy between new sites that are created under the Structure Plan.

The District Plan seeks to ensure that these Areas are encompassed within proposed sites in a manner that best provides for their future maintenance and protection. This will include planting, and may include permanent fencing to exclude stock, and weed and pest control. Permanent protection (such as covenants) will be required to protect existing bush areas identified on the Structure Plan Map.

The extent to which these Areas are to be planted with species appropriate to the landscape and ecology will be considered as part of the subdivision application.

Pre-Application Meeting With The Council

Applicants for subdivision in the Birdwood Structure Plan Area are encouraged to meet with a Resource Planner before lodging their application. Other Council staff who will be involved in processing the consent application may also attend this meeting. Applicants are encouraged to have a draft or concept plan available for discussion. This should include the proposed site layout, existing natural features such as site contours, bush and streams, and existing and proposed accessways.

There is a cost associated with pre application meetings. However, cost savings are able to be made, as suggestions for change can be incorporated at an early stage, thus avoiding the need to rework survey plans at later stages. Such additional work can cause both time delays and increase applicant's costs.

A pre-application meeting is also an opportunity to:

- Discuss the approach to development taken in the Birdwood Structure Plan Area;
- Have a general discussion of your subdivision (and development) proposal;
- Discuss what information will be required as part of the application;
- Discuss requirements where a joint subdivision and land use consent application is being proposed; and
- Arrange a site meeting.

Please give the Council at least five working days notice of your desire to have a pre-application meeting, so that we can ensure that all the relevant staff are available to meet with you and your consultants. The Resource Planner would appreciate receiving the information relating to the development proposal prior to the pre-application meeting, so that the relevant staff have time to become familiar with the proposal.

Notification Thresholds

Applications that are consistent with the number of lots specified in the Birdwood Structure Plan will generally be processed on a non-notified basis, under section 94 of the RMA.

Subdivision applications that seek a greater number of lots than shown on the Birdwood Structure Plan Map will generally be publicly notified and processed as a non-complying activity.

It should be noted that the Rule that specifies the non-complying status of this form of subdivision has been referred to the Environment Court. This reference (appeal) seeks that subdivision involving more sites than the number shown on a structure plan map be a prohibited activity.

Notification will be determined once an application has been received. A decision about whether or not an application will be publicly notified will only be made once all information has been provided. The public notification of subdivision applications enables members of the public who wish to make a submission on that particular application to do so. Having all the relevant information enables the public to be fully informed about the environmental effects arising from the proposal. Publicly notified applications usually require a hearing at the Council, are more expensive than non-notified applications, and will take longer to process.

Information Requirements

When applying for a resource consent for subdivision, you will need to provide all the details requested on the application form(s) and pay the appropriate base fees. Resource consent application forms, fee schedules and other information are available from the Council. If you submit an application that has insufficient information, the Council will request that you supply that information before the processing of the application can begin.

The completed application forms provide the basic information the Council requires. However, to enable the Council to fully consider the environmental effects of your subdivision application, the following information will be required.

Engineering Information

An engineering assessment from a suitably qualified engineer is required. This should include:

- The location of specific building platform area(s) and vehicle access;
- The geo-technical suitability of the proposed building sites, and identification of any other stability issues, such as larger land subsidence and stream erosion;
- Requirements and location of any esplanade reserves, if streams on the property are greater than 3m wide at their mean annual fullest flow;
- The proposed treatment and disposal of wastewater within each new site;

- The grades of all shared access ways, and details of any stream crossings; and
- A report from a registered engineer (or suitably qualified person), that demonstrates how storm water will be kept to pre-development levels (flow and volume) for two, five, 10 and 100 year storms, with no direct discharges into rivers, streams, watercourses, wetlands or onto roads. It is envisaged storm water volumes will be mitigated by replanting and re-use for toilets and laundries. Other means may also be suitable for mitigating storm water runoff, depending upon topography.

Planting Information

Planting information should detail any Revegetation or Streamside Enhancement Areas identified on the Birdwood Structure Plan Map.

A planting plan should be provided and include the following:

- The areas that are to be planted;
- The species composition;
- The size of plants and plant spacing within these areas;
- A written discussion of the proposed planting in terms of the existing vegetation of the subject site and/or adjoining properties;
- Location (or written discussion where necessary) of the proposed types of planting areas, in terms of landscape mitigation, storm water and waste water mitigation, ecological restoration and revegetation; and
- A planting and maintenance program (including planting dates, weed and pest control, fencing details, mulching, and post planting fertilization).

Please identify any areas required to be planted for storm water and wastewater treatment, and specify the types of planting, if necessary, for around the identified building platform areas. All planting must be fenced with stock proof fencing.

You should consult the Council's "Guide for Planting and Restoring the Nature of Waitakere City" for assistance in developing your planting and maintenance programme.

Please refer to the "Information Requirements for Resource Consents" in the City Wide Rules of the District Plan, for further detail about what information will be required.

20 Metre Esplanade Reserves

These are taken without compensation under the RMA, where the stream is greater than three metres wide at Mean Annual Fullest Flow. (Mean here refers to average).

Access Strips/Easements

To allow public access to esplanade reserves and other reserve areas, access strips or easements will be established on some properties. The width and nature of these will be negotiated at the time of subdivision in lieu of a reserve contribution or via direct purchase.

Auckland Regional Council Involvement

You may also be required to obtain resource consents from the ARC.

Resource Consent Conditions You Can Expect

Some of the conditions that might be attached to your approved subdivision/and or resource consent include the following:

- A storm water catchment contribution for each new lot. This contribution is used for channel maintenance purposes;
- Planting required for landscape enhancement and storm water mitigation purposes will be protected by consent notice. The Council will require planting prior to release of the section 224(c) certificate for subdivisions;
- Power and telephone reticulation should be provided underground, and where sites are served from a common access way the infrastructure should be reticulated to the net site area;
- Road upgrading contributions will be required;
- Reserves contributions will be required;
- A monitoring fee for compliance with the conditions of any resource consents will be required;
- A maintenance bond for planting will be required;
- Consent notices for maintaining and certifying the effectiveness of on-site storm water management; and
- Consent notices for geotechnical matters.

Other conditions might be imposed, depending on the environmental effects arising from your development proposal.

This brochure is only a guide to subdividing and developing in the Birdwood Structure Plan Area. The current Rules are found in Volumes One and Two of the Rules Section of the District Plan. If you have any queries, or require further information please ask the Civic Centre Counter Staff or telephone the Council Call Centre on (09) 839 0400.