



## 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.

# Subdivision



## 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).

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### 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 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.

**NOTE: This Rule is subject to an outstanding reference (appeal A135) seeking additions to the Rule.**

## 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:

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- (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;

- 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 *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.

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(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 6m<sup>2</sup> provided that this rule shall not allow:

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

**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).

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**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 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(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 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*.

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**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(z)

**2.4 Discretionary Activities**

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

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

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.

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.

(Policy Section of the Waitakere District Plan)

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*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(z) 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*.

## 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