

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 1000m<sup>2</sup> 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.

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- (ii) is 450m<sup>2</sup> in the Living, Living (L1) and Living (L2) Environments and the Living Environment (Harbour View); or
- (iii) is 800m<sup>2</sup> (average minimum) and 650m<sup>2</sup> (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 2000m<sup>2</sup> (average minimum) and 1250m<sup>2</sup> (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 *dwelling*s 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.

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*;
- avoidance of flooding on or downstream of the *site*;

**4(d)**

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*.

**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 *dwelling*s 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

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- 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;
- 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(ay).

**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 1000m<sup>2</sup> 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 450m<sup>2</sup>; in the *Living*, *Living (L1)*, *Living (L2) Environments* and in the *Living Environment (Harbour View)*; or

- 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 *dwelling*s

*Access Place*

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

*Local Street*

is a *road* where the residential *environment* is dominant and the number of *dwelling*s 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*.

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- (iii) is 800m<sup>2</sup> (average minimum) and 650m<sup>2</sup> (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 2000m<sup>2</sup> (average minimum) and 1250m<sup>2</sup> (minimum) in the *Living 4 Environment* (provided that any reserve to be vested within that *land* may be added to that area calculated in the average minimum); and
- (c) *driveways* serve a *net site area* of either no more than 1ha or 10 *dwelling*s 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
- (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.

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

**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.

**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*.

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**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*.

**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
- 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

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*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
- ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the *subdivision* and future *development*
- ensure adequate measures are taken to screen out litter, silt and other contamination
- be of a sufficient standard and compatibility with existing *stormwater treatment and disposal systems* to minimise maintenance costs
- ensure no more than minor adverse *effects* on other *infrastructure* or likely *building development*
- provide for stormwater disposal from all of the *land* within each *site*
- avoid flooding on or downstream of the *site*.

**4(ac)**

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

**4(ad)**

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

**4(ae)**

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

**4(af)**

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

**4(ag)**

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

**4(ah)**

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

- ensure sufficient capacity and treatment to provide for the safe and efficient disposal of wastewater to be generated by *development* likely on each *site*, having particular regard to human health and water quality
- ensure adequate measures to avoid leakage, entry of stormwater and penetration by plant roots

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**4(ah)**

- 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(ai)**

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

**4(aj)**

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

**4(ak)**

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

**4(al)**

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(am)**

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(an)**

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

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**4(ao)**

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

**4(ap)**

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(aq)**

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

**4(ar)**

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

**4(as)**

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* ~~where practicable~~. {A203, A211, A217}

**4(at)**

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(au)**

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(av)**

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

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, 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*
- specifying the location of *infrastructure*
- restricting the number of *dwellings or sites* to be served by a *driveway*
- restricting or requiring the specific provision of *driveways*
- restricting the amount of *earthworks and pruning or clearance*

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- 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. {A203, A211, A217}

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.