

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 *Living/Living 4 Environment boundary* in the *Babich Urban Concept Plan* area, as shown on the *Human Environment maps*, 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 1,000m<sup>2</sup>.

3.1 Controlled Activities

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

- except in 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 the *Living 4 Environment subdivision* of existing *sites* either up to 1ha *net site area* or up to 9 new *sites* created; 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.
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.

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- (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 *Green Network Natural Area* as shown on the *Natural Area Maps*; or
    - is 450m<sup>2</sup> in the *Living, Living (L1), Living (L2) and the Living Environment (Harbour View)*; or
    - 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
    - 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 <sup>2</sup>	2.5m	0.7m
II	3-5	1050-2999m <sup>2</sup>	2.7m with passing bays	1.3m
III	6-10	3000m <sup>2</sup> -10,000m <sup>2</sup>	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*

**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.

**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.

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- (iv) the *service strip* shall include a 0.3 metre strip (unobstructed) on one side of the *carriageway* for Category I *driveways* and 0.6 metres on one side of the *carriageway* for Category II and III *driveways*. These strips are to be kept clear for power reticulation. 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 10,000m<sup>2</sup> 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.

**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*
- 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.

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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*
- the location, *design* and *construction* of *infrastructure*

and will be considered in accordance with Assessment Criteria 3(a)-3(zf).

**3.2 Limited Discretionary Activities**

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

- (a) 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
  - (i) where the *proposed site* or *sites* have practical and legal motor vehicle access to a *road*; and;
  - (ii) the minimum net site area for each *proposed site* is 450m<sup>2</sup> including where more than 50% of the *proposed site* is within a *Restoration Natural Area* as shown on the *Natural Area Maps*; or
- (b) 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,
- (c) 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 2000m<sup>2</sup> (average minimum) and 1250m<sup>2</sup> (minimum) (provided that any reserve to be vested within that *land* may be added to that area calculated in the average minimum).

**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*.

- 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.

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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.

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(zi).

**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 *waahi tapu* of significance to *ini*.

**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, 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(zc)**

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.

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**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(zd)**

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

**3(ze)**

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

**3(zf)**

*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)

**3(zg)**

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(zh)**

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(zi)**

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

(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:

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- altering the scale, *design* and location of *sites*
- requiring alteration in the *design, alignment* and location of *drivenways*
- specifying *construction* materials 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 minimum specified *design* life for stormwater and wastewater treatment and disposal, public water supply and *drivenways* 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*
- restricting the number of *dwellings* or *sites* to be served by a *drivenway*
- 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 in 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

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- 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}
- the imposition of the requirements of any comprehensive catchment resource consent issued by the Auckland Regional Council.

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.