

RULES

10A.0 General

The following rules apply to *subdivision* of land within the *Bush Living Environment* and the *Waitakere Ranges Environment* within that area identified as Titirangi Subdivision Area 1 and Titirangi-Laingholm Subdivision Area 2 as shown on Appendix XI to the Planning Maps

10A.1 Discretionary Activities

Subdivisions meeting the particular Performance Standards set out in any one of Rules 10A.1 (a) to (1) are *Discretionary Activities*:

Titirangi Subdivision Area 1

- (a) In respect of any *existing site* in Titirangi Subdivision Area 1 as shown on Appendix XI of the Planning Maps, *subdivision* where the entire *nominated development area* is located in a *General Natural Area* or a *Restoration Natural Area* or that part of a *Managed Natural Area* within which *vegetation alteration* is permitted by the *plan*, or allowed by a *resource consent* which has been granted pursuant to *Managed Natural Area* Rule 2.3 to correct any *Natural Areas* maps error, provided that:-

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. Approval is required under the *Plan* for any *vegetation alteration* - check the *Natural Areas* Rules.
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other rules in this *Environment* and also the *Natural Areas* 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

Assessment of any application for *subdivision* will include consideration of the following (note - while all assessment criteria are important, particular attention should be given to criteria 10A(a)-10A(h)):

10A(a)

Whether the *subdivision* sufficiently recognises key *landscape features* including **outstanding coastal areas** and **outstanding natural landscapes** in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor. Consideration should be given to direct effects on all of the land included within the *subdivision*, as well as broader landscape and landform effects (such as visual fragmentation of intact landscapes).

10A(b)

Whether the *subdivision* sufficiently recognises ecological systems in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor. Consideration should be given to direct effects on all of the land included within the *subdivision*, as well as broader ecological effects, effects on relatively intact ecosystems and the means proposed to minimise clearance and fragmentation of *native vegetation*, including the potential use of existing cleared areas; and the extent to which and manner in which *nominated development areas* intrude in to *native vegetation*.

10A(c)

Whether the *subdivision* sufficiently recognises land stability in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor, including direct effects on all of the land included within the *subdivision*, as well as wider catchment effects, if relevant.

Subdivision

- (i) the average *net site area* of all *proposed sites*, calculated from the *existing site area*, is a minimum of 2,000m²; and
 - (ii) where 50% or more of the *existing site area* is in a *General Natural Area* and/or a *Restoration Natural Area*, for every *nominated development area* there is to be at least an equivalent area on the *existing site* permanently planted with *native vegetation*; and
 - (iii) all of the *Managed Natural Area* and *Protected Natural Area* on the *proposed site* and all of the planted area required under Rule 10A.1(a)(ii) is to be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
 - (iv) each *proposed site* has practical and legal motor vehicle access to a *road*.
- (b) In respect of any *existing site* in Titirangi Subdivision Area 1 as shown on Appendix XI of the Planning Maps, *subdivision* where any part of the *nominated development area* is located in a *Managed Natural Area*, provided that:-
- (i) where *subdivision* does not meet the standards of Rule 10A.1(a) the minimum *net site area* created around an *existing dwelling* is 2,000m², provided that the *existing site* has a minimum *site area* of 6,000m² and there is no more than one additional *site* created which is less than 4,000m² in *net site area*; and
 - (ii) after allowing for any *subdivision* provided for by Rule 10A.1(a) and Rule 10A.1(b)(i) there shall be an average *net site area* of no less than 4,000m² for each *proposed site*; and
 - (iii) *native vegetation alteration* required for any *nominated development area* shall not exceed 500m² for every additional *site* created; and

10A(d)

Whether the *subdivision* sufficiently recognises stormwater disposal matters in such a way as to avoid or mitigate any adverse *effects* of likely future *building* and other *development* so that they are no more than minor. Consideration of these matters shall include direct effects on all of the land included within the *subdivision*, as well as broader stormwater disposal effects.

10A(e)

Whether, having regard to 10A(a) to 10A(d) above, the proposed subdivision design and number of lots proposed recognises the need for development to complement rather than compromise the natural and physical environment.

10A(f)

Whether, having regard to 10A(a) to 10A(e) above, it is possible to promote sustainable management of the natural and physical environment through appropriate methods to manage natural and physical resources, and defined protection and/or enhancement actions or processes.

10A(g)

Whether the *subdivision* proposal sufficiently avoids, remedies or mitigates any cumulative *effects* that might arise on the *site* and/or in the surrounding area, including in particular any *effects* that might arise with respect to the matters raised in 10A(a) to 10A(f) above.

10A(h)

Whether there are any positive effects on the *environment* that might arise on the *site* and/or in the surrounding area, that mitigate any adverse effects of the proposed *subdivision*.

10A(i)

Whether the *subdivision* proposal relates to the whole *site* and, if it does not, the extent to which it is shown in concept (but not necessarily in detail) how *subdivision* of the balance of the *site* can be completed in accordance with the *plan* policy and provisions.

- (iv) all of the *native vegetation* area of the *proposed site* not otherwise required for *nominated development areas* shall be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
- (v) there shall be no new *road*; and
- (vi) each *proposed site* shall have practical and legal access to a *road*
- (vii) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres; and
- (viii) *subdivision* will not lead to any *development* on *land* within a *Protected Natural Area* or any *building platform* within a *Riparian Margins Natural Area*.

Titirangi/Laingholm Subdivision Area 2

- (c) In respect of any *existing site* in Titirangi/Laingholm Subdivision Area 2 as shown on Appendix XI of the Planning Maps, *subdivision* where the entire *nominated development area* is located in a *General Natural Area* or a *Restoration Natural Area* or that part of a *Managed Natural Area* within which *vegetation alteration* is permitted by the *plan* or allowed by a *resource consent* which has been granted pursuant to *Managed Natural Area* Rule 2.3 to correct any *Natural Areas* maps error, provided that:-
 - (i) the average *net site area* of all *proposed sites*, calculated from the *existing site area*, is a minimum of 4,000m²; and
 - (ii) where an *existing site* area of all *proposed sites* contains a combination of *General Natural Area* or *Restoration Natural Area* and *Managed Natural Area* each *new site* must contain a minimum of 1,000m² of its required average *net site area* in a *General Natural Area* or a *Restoration Natural Area*; and

10A(j)

Whether each new *site* provides adequately for a future *dwelling* and associated *development* meeting the relevant standards of the *Plan*.

10A(k)

Whether each new *site* is provided with practical and safe vehicle access (including emergency vehicle access) to a *road*, with passing bays where necessary, and of minimum safe width to minimise *earthworks* and *vegetation alteration*.

10A(l)

Whether the proposal maximises the use of shared *driveways*, where practicable, as a means of reducing *earthworks* and *vegetation alteration*.

10A(m)

Whether *driveway carriageways* are constructed of materials and to a design strength sufficient to carry the likely wheel loads of vehicles and which enables the carriage of motor vehicles.

10A(n)

Whether edges of *driveway carriageways* are appropriately *designed* and will be constructed to:

- avoid edge fretting
- reduce runoff into potentially unstable areas

10A(o)

Where relevant, whether the *design, construction* and location of any *infrastructure* to be owned by network utility operators:

- ensure sufficient capacity to provide services 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

- (iii) where 50% or more of the *existing site area* is in a *General Natural Area* and/or a *Restoration Natural Area*, for every *nominated development area* there is to be at least an equivalent area on the *existing site* permanently planted with *native vegetation*, and
 - (iv) all of the *Managed Natural Area* and/or *Protected Natural Area* on the *proposed site* and all of the planted area required under Rule 10A.1(c)(iii) is to be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
 - (v) *subdivision* will not lead to any *development on land* within a *Protected Natural Area* or any *building platform* within a *Riparian Margins Natural Area*; and
 - (vi) each *proposed site* has practical and legal motor vehicle access to a *road*; and
 - (vii) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres.
- (d) In respect of any *existing site* in Titirangi/Laingholm Subdivision Area 2 as shown on Appendix XI of the Planning Maps, *subdivision* where any part of a *nominated development area* is located in a *Managed Natural Area*, provided that:-
- (i) where *subdivision* does not meet the standards of Rule 10A.1(c) the minimum *net site area* created around an *existing dwelling* is 4,000m², provided that the *existing site* has a minimum *net site area* of 1.4ha and there is no more than one additional *site* created which is less than 1ha in *net site area*; and

- provide for water supply mains that are watertight
- ensure that there are no more than minor adverse *effects* on *natural features* and other *infrastructure*
- ensure that continued access is made available to utility network operators to ensure maintenance can be undertaken

10A(p)

Whether, 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:

- provide, wherever practicable, for hydrological neutrality over the land to be subdivided
- serve the whole of the natural upstream catchment area having regard to 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 future *development*
- not create or contribute to ground instability
- 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 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*

- (ii) after allowing for any *subdivision* provided for by Rule 10A.1(c) and Rule 10A.1(d)(i) there shall be an average *net site area* of no less than 1ha for each additional *site* created; and
- (iii) *native vegetation alteration* required for any nominated *development area* and *driveway* shall not exceed 500m² for every additional *site* created; and
- (iv) all of the *native vegetation* area of the *proposed site* not otherwise required for nominated *building platforms* and *drivenways* shall be permanently protected from further *vegetation alteration* by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
- (v) there shall be no new *road*; and
- (vi) each *proposed site* shall have practical and legal access to a *road*
- (vii) no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres; and
- (viii) *subdivision* will not lead to any development on land within a *Protected Natural Area* or any building platform within a *Riparian Margins Natural Area*.

Specific Sites

- (e) For any *subdivision* which incorporates the total area of *existing sites* contained with 170 and 190 - 198 Huia Road (Certificates of Title 129C/80, 131C/621 and 131C/623) *subdivision* to a total of 17 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (f) For any *subdivision* which incorporates the total area of *existing sites* contained within 333 Laingholm Drive (Certificate of Title 91D/282) *subdivision* to a total of 22 lots (including any existing lot and balance lot but excluding any reserve or access lot).

10A(q)

Whether, 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*.

10A(r)

Whether 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*.

10A(s)

Whether an adequate connection can be made to a wastewater disposal system

10A(t)

Whether the *subdivision* adversely affects the *mauri* (life-force) of water, *native vegetation*, fauna habitat and natural character values.

10A(u)

Whether the *subdivision* adversely affects the historical, cultural or spiritual significance of any site or *waahi tapu* of significance to *imi*.

10A(v)

Whether the *subdivision* will adversely affect *heritage* values.

10A(w)

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

10A(x)

Whether 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*.

- (g) For any *subdivision* which incorporates the total area of *existing sites* contained within 293B Titirangi Road and 31 Woodfern Crescent (Certificates of Title 118D/755 and 118D/756) *subdivision* to a total of 5 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (h) For any *subdivision* which incorporates the total area of *existing sites* contained within 323A Huia Road (Certificates of Title 2094/12 and 1812/58) *subdivision* to a total of 11 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (i) For any *subdivision* which incorporates the *existing site* at 41 Landing Road (CT 135C/773) *subdivision* to a total of 12 lots (including any existing lot and balance lot but excluding any reserve or access lot).
- (j) For any *subdivision* which incorporates the *existing site* at 51 Rimutaka Place (CT 14B/395) *subdivision* to a total of 7 lots (including any existing lot and balance lot but excluding any reserve or access lot).

Provided that (in respect of 10A.1(e)-10A.1(j))above:-

- where 50% or more of the *existing site area* is in a *General Natural Area* and/or a *Restoration Natural Area*, for every *nominated development area* there is to be at least an equivalent area on the *existing site* permanently planted with *native vegetation*; and
- all of the *Managed Natural Area* and/or *Protected Natural Area* on the *proposed site* and any required planted area is to be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* permitted by the *plan* or allowed by a *resource consent*; and
- each *proposed site* has practical and legal motor vehicle access to a *road*; and
- no new *driveway* shall be steeper than a slope of 1 in 5 for any distance exceeding 10 metres; and

Note: See also Policies 1.1, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.14, 1.16, 1.19, 1.20, 2.1, 2.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.12, 2.13, 2.14, 2.15, 3.1, 3.2, 3.4, 5.1, 5.4, 5.6, 5.7, 6.1, 6.2, 6.3, 7.1, 7.2, 7.3, 7.4, 7.6, 7.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.7, 9.1, 9.3, 9.6, 9.9, 9.11, 9.12, 9.14, 10.4, 10.7, 10.8, 10.9, 10.11, 10.13, 10.14, 10.16, 10.17, 10.18, 10.20, 10.22, 10.23, 10.27, 11.1, 11.2, 11.3, 11.5, 11.7, 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:

- Limiting the number or amending the size, location, *design* and shape of, *proposed sites* and *nominated development areas*
- Requiring the *planting* of *native vegetation*, including within *General Natural Areas* and *Restoration Natural Areas* (note: it is generally expected that all available *Restoration Natural Areas* will be replanted as a condition of subdivision consent)
- Requiring the permanent protection of areas of *native vegetation*
- Requiring provision to be made for weed management
- In circumstances where there is more than one *nominated development area* for a *proposed site*, requiring measures to ensure alternatives for *nominated development areas* are adequately managed, including making future provision, as relevant, for the legal protection of, and/or the replanting of, *nominated development area* alternatives which are not utilised
- Requiring compliance with safety standards
- Specifying construction materials, *design* and methods 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:

- *subdivision* will not lead to any *development* on *land* within a *Protected Natural Area* or any *building platform* within a *Riparian Margins Natural Area*.
- (k) In respect of 205A Godley Road (CT 1994/5) *subdivision* to a total of 4 lots (including any balance lot but excluding any reserve or access lot), provided that any *development* made possible by the *subdivision* is to be located within a *General Natural Area*.
- (l) In respect of 175A Laingholm Drive (CT 37B/232) *subdivision* to a total of 3 lots (including any balance lot but excluding any reserve or access lot), provided that *native vegetation alteration* required for any *nominated development area* shall not exceed 300m² for every lot created excluding that area included in the existing *driveway*, and provided further that all of the *Managed Natural Area* on the *proposed site* is to be permanently protected by appropriate legal mechanism, excluding any *vegetation alteration* allowed by a *resource consent*.

All *Discretionary Activity* applications will be assessed having regard to Assessment Criteria 10A(a) - 10A(x) and any other relevant matter under section 104 of the *Act*.

10A.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*.

- providing for a specified design life for stormwater and wastewater treatment and disposal, public water supply and *drivenways* and *road* 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 *cutting* and *clearance* of *vegetation*
- specifying the location of *infrastructure*
- Requiring *onsite* or *offsite* works and services to avoid, remedy, mitigate or offset adverse *effects*
- Managing the adverse *effect* of and restricting the amount of *earthworks* and *vegetation alteration*
- Requiring monitoring of conditions of *resource consent*.
- Requiring, through appropriate *design*, the satisfaction of specified water quality standards in respect of stormwater disposal
- Requiring the provision of management plans to ensure satisfaction of conditions of *resource consent*
- Requiring the provision of *easements* or *consent notices* or other appropriate legal mechanisms (including covenants for bush protection and for areas to be free of *development*) to ensure satisfaction of conditions of *resource consent*
- The imposition of a charge to cover the costs of monitoring
- Requiring *financial contributions* in accordance with the *Plan*
- Such other matters provided for in sections 220 and 108 of the *Act*.

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.