

RULE 5

WORKING ENVIRONMENT AND COMMUNITY ENVIRONMENT

RULES

5.0 General

The following rules shall apply to the *subdivision* of *land* situated in the *Community Environment* and the *Working Environment*.

5.1 Controlled Activities

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

- (a) *proposed sites* having practical and legal motor vehicle access to a *road*, and
- (b) proposed *rear sites* or *shared driveways* having a *driveway* which:
 - (i) has a width of not less than 6.5 metres at any point; and
 - (ii) does not exceed 70 metres in length and
 - (iii) serves no more than two *rear sites*, and
 - (iv) is provided with a *carriageway* of not less than 5.5 metres in width; and
 - (v) has a *carriageway* gradient of not more than 15%, aligned so as to accommodate the 90 percentile two-axled truck tracking curve. (See the Parking and Driveway Guideline); 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.
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

5(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** through:

- 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
- providing continuity, coherence and focal points through the use of *road* and *open space* networks.

5(b)

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*.

5(c)

The extent to which *proposed sites* enable efficient provision of *infrastructure*.

5(d)

The extent to which the *subdivision design* minimises the necessity for *earthworks*, avoids *development* on floodplains and encourages *on-site* water retention.

5(e)

The extent to which the *design* and location of *roads* and *driveways* minimises alteration to landform, avoids visible scars on the landscape and takes advantage of natural drainage systems.

5(f)

The extent to which lots are designed to take account of personal safety concerns by ensuring that there is the potential for informal surveillance of public spaces within or adjacent to the *development* from nearby *buildings* or *roads*.

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- (vi) includes an unobstructed strip or strips of *land*, that in aggregate are not less than 1.0 metre in width, alongside the *carriageway* for the purpose of underground reticulation of *infrastructure*; and
- (c) provision can be and is made for the treatment and disposal of stormwater from all *proposed sites*;
- (d) for all *proposed sites* capable of accommodating *buildings*, provision can be and is made for the treatment and disposal of wastewater;
- (e) 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*.

Assessment of *Controlled Activity* applications will be limited to:

- the *design*, location, *construction* and *alignment* of *driveways* and *roads*;
- 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 5(a)-5(ah).

5.2 Limited Discretionary Activities

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

- any *subdivision* not meeting the standards of Rule 5.1 (b).

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*;
- protection of *natural features*;
- the location, *design* and *construction* of *infrastructure*;

and will be considered in accordance with Assessment Criteria 5(a)-5(ah).

5(g)

The extent to which *open space* is provided in convenient locations, having considered:

- the accessibility and adequacy of scale of the *open space* for intended users
- the quality of the *open space* in terms of protecting *natural features* and/or providing for passive or active recreational use
- provision being made for *open space* to front on to *sites* and *roads*
- the relationship of the *open space* to the *road*, such that personal safety, *amenity* and ease of use is encouraged
- the ease of maintenance of *open space*
- 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.

5(h)

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.

5(i)

The extent to which the *subdivision* provides for as many *sites* as possible to be served directly from a *road*.

5(j)

The extent to which the *subdivision* provides for as many *connections* between *roads* as possible, including motor vehicle and pedestrian *connections*.

5(k)

The extent to which the *road* network provides for efficient and accessible bus routes.

5(l)

The extent to which the *design* of *roads* incorporates and provides for *amenity* features including *planting*.

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5.3 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*.

5(m)

The extent to which materials used in the *construction* of *roads*, and *road* markings, complement the surrounding area.

5(n)

The extent to which the *road* reserve width and *road* alignment allow for the safe and efficient movement of pedestrians, cyclists and motor vehicles, parked vehicles, the provision of *infrastructure* and *planting*.

5(o)

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.

5(p)

The extent to which sufficient lighting is provided for **safety** purposes on public pedestrian accessways, *open space* entrances and pathways, *road* intersections and *road* junctions and all *roads*.

5(q)

The extent to which adequate provision is made for vehicle turning, particularly on no-through *roads*.

5(r)

The extent to which provision is made for retaining existing trees, and incorporation of prominent trees as features within the *subdivision*.

5(s)

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.

5(t)

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.

5(u)

The extent to which *construction* works within *roads*, including:

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- 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 appropriate to the surrounding **neighbourhood character**.

5(v)

The extent to which edges of *carriageways* are appropriately *designed* and will be constructed to:

- avoid edge fretting
- adequately delineate the edge for *road users*
- allow safe and ready access to *adjoining sites* at appropriate locations.

5(w)

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 *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 watermains are watertight
- ensure that 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.

5(x)

Having regard to the requirements of any comprehensive *catchment resource consent* obtained by the Council from the Auckland Regional Council, the extent to which the Effects on Water, Native Vegetation and Fauna Habitat, Land, Air Quality, Ecosystem Stability, Natural Character, Mauri, Amenity Values, Neighbourhood Character, Health & Safety and Heritage continued *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 future *development*
- ensure adequate measures are taken to screen out litter, silt and other contamination
- be of a sufficient standard and compatibility with the existing *stormwater treatment and disposal system* to minimise maintenance costs
- ensure there are 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*.

5(y)

The extent to which consideration should be given to the use of 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.)

5(z)

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.

5(aa)

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*.

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5(ab)

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

5(ac)

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

5(ad)

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
- 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*.

5(ae)

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

5(af)

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*.

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5(ag)

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

5(ab)

Subdivision occurring with 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}

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* and location of *roads* and *drivenways*
- specifying *construction* materials 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:
 - requiring a 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 *clearance of vegetation*
- specifying the location of *infrastructure*
- restricting the number of *sites* to be served by a *drivenway*
- restricting or requiring the specific provision of *drivenways*

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- restricting the amount of *earthworks* and *pruning* or *clearance*
- 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 the retention of existing trees and/or other *vegetation*
- requiring specific provision to be made in the *subdivision design* for the efficient provision of *infrastructure*
- requiring the provision of a *landscape treatment* plan and its implementation within a given time
- requiring altered positioning or *design* of *roads*
- requiring specified *construction* standards for *roads*
- requiring the provision of roads and connections {A203, A211, A217}
- 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 *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.

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.