

RULES

6.0 General

The following rules shall apply to the *subdivision of land* situated in the *Countryside Environment*.

6.1 Controlled Activities

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

- (a) the minimum *site area* for each *proposed site* except within the Ldn 65 noise contour shown on the Airbase Noise Map is 4ha; and
- (b) each *proposed site* has practical and legal motor vehicle access to a *road*; and
- (c) each proposed *rear site* or *shared driveways* has a *driveway* which:
 - (i) has a total shared frontage and *driveway* width of not less than 3.5metres; and
 - (ii) serves no more than 4 *rear sites*; and
 - (iii) is provided with a *carriageway* of not less than 2.5 metres in width; and
 - (iv) has a *carriageway designed* so as to accommodate the 90 percentile two-axled truck tracking curve (see the Parking and Driveways 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. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
6. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.

ASSESSMENT CRITERIA

6(a)

The extent to which the *subdivision design* avoids *buildings* within the *Green Network*, retains or links significant *vegetation* and fauna habitat areas, avoids *developments* on *natural landscape elements* and *heritage* features, minimises soil erosion, encourages *on-site* water retention, avoids *development* on floodplains and uses drainage methods that protect and enhance streams.

6(b)

The extent to which *sites* have practical vehicle access to a *road*, with passing bays if necessary.

6(c)

The extent to which *sites* are of a useable shape.

6(d)

The extent to which the *subdivision design* enables efficient provision of *infrastructure*.

6(e)

The extent to which the *subdivision design* integrates with the surrounding **landscape character**.

6(f)

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

6(g)

The extent to which *carriageways* of *roads* and *shared driveways* are *constructed* of materials and to a *design* strength sufficient to carry the likely wheel loads of travelling and parked vehicles, and which enable the carriage of vehicles at a minimum future maintenance cost.

6(h)

The extent to which *carriageways* of *roads* and *shared driveways* are 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.

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- (v) includes an unobstructed strip of *land*, not less than 1.0 metre in width, alongside the *carriageway* for the purpose of underground reticulation of *infrastructure*; and
- (vi) if serving more than two *sites* contains passing bays at intervals not exceeding 50 metres.

Assessment of *Controlled 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 6(a)-6(y).

6.2 Limited Discretionary Activities

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

- any *subdivision* not meeting the standards in Rule 6.1(c).
- any *subdivision* not meeting the standards of Rule 6.1(a), except within the Ldn 65 noise contour shown on the Airbase Noise Map, where the *subdivision* creates *sites* generally coinciding with the location of proposed *lot* boundaries shown on a *structure plan* forming part of the *Plan* (see *Structure Plan Area(s)* on the Resource Management Maps) provided that any Protection and **Enhancement** Areas shown on the *structure plan* will have the required *planting* established and are protected by way of covenant, encumbrance or *consent notice*.

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*;

6(i)

The extent to which edges of *roads* and *shared driveway carriageways* are appropriately *designed* and constructed to:

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

6(j)

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

6(k)

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

6(l)

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

6(m)

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

- *carriageways*
- *drainage works* and other *infrastructure works*
- *driveway construction* between *road carriageways* and individual *sites*

are *designed* to minimise the necessity for *earthworks* and *clearance* and constructed of materials that are visually and aurally appropriate to the **neighbourhood character**.

6(n)

The extent to which, where relevant the *design*, *construction* and location of any *infrastructure* owned by *network utility operators* (if provided):

- ensure sufficient capacity to provide services to potential *development* within the *subdivision*, and to any further *development* which may occur outside the *subdivision*

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and will be considered in accordance with Assessment Criteria 6(a)-6(y)

6.3 Discretionary Activities

Activities meeting the following performance Standards are *Discretionary Activities*:

- any *subdivision* not meeting the standards in Rule 6.1(a) or 6.2(b), except within the Ldn 65 noise contour shown on the Airbase Noise Map, where the *subdivision* creates *sites* at a density within *site(s) boundaries* existing as at 14 October 1995 not exceeding that shown on a *structure plan* forming part of this *Plan*.

Discretionary Activity applications will be assessed in accordance with Assessment Criteria 6(a)-6(u) and any other relevant matters under section 104 of the *Act*.

6.4 Non-Complying Activities

Any *subdivision* to which these rules apply which is not a *Controlled Activity* or a *Limited Discretionary Activity*, or a *Discretionary Activity* under the above rule shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*. (Note: this includes any *subdivision* within the Ldn 65 noise contour shown on the Airbase Noise Map except that permitted in (General) Rule 2.1(a).

- 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 public water supply mains 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 *network utility operators* to ensure maintenance can be undertaken

6(o)

The extent to which the *design, construction* and location of *stormwater treatment and disposal systems*

- ensure maintenance of water quality in receiving natural waters
- do not result in flooding on or downstream of the *site*

6(p)

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

6(q)

The extent to which the *design, construction* and location of the *wastewater treatment and disposal system* have regard to the upstream *catchment* and *effects* on the downstream *catchment*, including likely future *development*

6(r)

The extent to which the *design, construction* and location of *wastewater treatment and disposal systems*.

- 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 constructed so that there are no more than minor adverse *effects* on *natural features*

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- give sufficient regard to suitability in respect of topography, soils, water tables and proximity to natural water courses or **water bodies**

6(s)

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

6(t)

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

6(u)

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*

6(v)

The extent to which formal/legal protection will be achieved for the elements of the *Green Network*, including Riparian Margins, and areas of outstanding *natural features* or outstanding native *vegetation*.

6(w)

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

6(x)

For any *subdivision* within a *structure plan area*, the extent to which:

- protection and **enhancement** areas are encompassed within *proposed sites* in a manner which best provides for their future maintenance and protection
- protection and **enhancement** areas are permanently *fenced*, if necessary, to exclude stock
- *subdivision* boundaries are positioned so that there is no more than one *dwelling* per site

6(y)

For any *subdivision* within a *structure plan area*, the extent to which:

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- **Enhancement** Areas are, or will be, *planted* with species appropriate to the landscape and ecology of the area
- **Enhancement** Areas that are identified as *Ecological Linkage Opportunities* or *Restoration Natural Areas* are, or will be, *planted* with *native* species
- Bush Improvement Areas are, or will be, *planted* using *native* species

Note:: See also Policies 1.1, 1.4, 1.7, 1.10, 1.14, 1.15, 1.17, 1.20, 2.1, 2.2, 2.3, 2.13, 3.1, 3.4, 3.5, 4.3, 4.4, 5.2, 5.4, 5.5, 7.1, 6.4, 7.1, 7.2, 7.3, 8.3, 8.5, 9.1, 9.2, 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, 10.25, 10.27, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.29, 12.4, 12.8

(Waitakere District Plan Policy Section)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include 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 *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:
- providing for 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 *earthworks* and *clearance* of *vegetation*
- specifying the location of *infrastructure*
- restricting the number of *sites* to be served by a *driveway*
- restricting the amount of *earthworks* and *vegetation pruning* and *clearance*
- requiring through appropriate *design* the satisfaction of specified water quality

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- standards (having regard to standard or rules within any Regional Plan)
- limiting alteration to existing landform and **water bodies**
- 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
- requiring *financial contributions* in accordance with the *Plan*
- such other matters provided for in sections 220 and 108 of the *Act*
- requiring any stock on the property to be permanently *fenced* out of Protection and **Enhancement** Areas shown on a *structure plan*
- requiring an ongoing programme of weed and pest control to be carried out in Protection and **Enhancement** Areas
- requiring a *site plan* and a management plan to be prepared, indicating the boundaries of Protection and **Enhancement** Areas shown on a *structure plan*, and the management plan to be implemented for these areas
- requiring the protection of protection Areas shown on a *structure plan* as a condition of a *consent notice*
- 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.