

# Please note that this Rule is not Operative. (A135, Variation 88)

## RULE 7

## FOOTHILLS ENVIRONMENT

### RULES

#### 7.0 General

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

#### 7.1 Controlled Activities

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

- (a) the minimum *site area* for each *proposed site* (other than a *proposed site* located in the *Penihana South Land*) is 4ha; and
- (aa) the minimum *site area* for each *proposed site* in the *Penihana South Land* is 7000<sup>2</sup> provided that the average *site area* for *proposed sites* in a subdivision is not less than 1ha; and
- (b) each *proposed site* has practical and legal motor vehicle access to a *road*; and
- (c) each proposed *rear site* or *shared driveway* has a *driveway* which:
  - (i) has a *driveway* width of not less than 3.5 metres at any point; 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

#### 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. A *Structure Plan* Guideline has been prepared for the Oratia Area (available from the Council).
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.
9. Reference should be made to the Auckland Regional Council Environment Technical Publication Number 58 2nd Edition 1994 "On-site wastewater disposal from households and institutions" when designing wastewater treatment systems.
10. With respect to the Birdwood Structure Plan, reference should be made to the Birdwood Structure Plan report and accompanying technical information available at Council offices.

### ASSESSMENT CRITERIA

#### 7(a)

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

#### 7(b)

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

#### 7(c)

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

#### 7(d)

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

#### 7(e)

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

#### 7(f)

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

#### 7(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.

Subdivision

## Please note that this Rule is not Operative.

### RULE 7

### FOOTHILLS ENVIRONMENT

- (iv) has a *carriageway* designed so as to accommodate the 90 percentile two-axled truck tracking curve (see the Parking and Driveways Guideline); and
- (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 7(a)-(z).

#### 7.2 Limited Discretionary Activities

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

- (a) Any *subdivision* not meeting the standards of Rule 7.1(a) where the *subdivision* creates *sites* generally coinciding with the location of proposed *lot* boundaries or in accordance with the densities identified for each existing *lot* shown on a *structure plan* forming part of the *Plan* (see *Structure Plan Area(s)* on the Resource Management Maps) provided that:
  - (i) any Protection and **Enhancement** Areas shown on the *structure plan* (other than the *Swanson Structure Plan*) will have the required *planting* established and are protected by way of covenant, encumbrance or *consent notice*; and
  - (ii) any Restricted Development Area shown on the *Swanson Structure Plan* shall be protected by way of covenant, encumbrance or *consent notice* to ensure that no new areas of *buildings* are located within those areas in the future; and

#### 7(h)

The extent to which *carriageways* on *roads* and *shared driveways* are of a *design* quality and durability that provide for the safe passage of motor vehicles, cyclists and pedestrians, maintenance of comfortable riding quality and discharge of stormwater.

#### 7(i)

The extent to which edges of *road* 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.

#### 7(j)

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

#### 7(k)

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

#### 7(l)

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

#### 7(m)

The extent to which *construction* works within any *road* 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**.

## Please note that this Rule is not Operative.

### RULE 7

### FOOTHILLS ENVIRONMENT

(iii) the subdivision of any site in the Swanson Structure Plan area that contains a minor household unit located greater than 15 metres from a dwelling on the same site ensures that the minor household unit is placed on a separate proposed site to the existing dwelling; and

(iv) the subdivision of any site in the Swanson Structure Plan area ensures that, for each additional proposed site, a proportion of the total quantity of Protection and Enhancement Areas within the Structure Plan area will have the required planting established and protected by way of covenant, encumbrance, easement or consent notice, where the area of required planting shall be equivalent to the total area of the Swanson Structure Plan restoration planting divided by the total number of additional sites that could be created under the Structure Plan.

(b) any subdivision in the Oratia Structure Plan Area not meeting the standards of Rules 7.1(a) or 7.2(a) which has the same or fewer number of lots as is shown in the Oratia Structure Plan for the site concerned, but with different lot boundaries.

(c) any subdivision which is otherwise a Controlled Activity not meeting the standards in Rule 7.1(c).

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 proposed sites;
- provision for landscape treatment;
- provision for protection and enhancement of vegetation (in respect of the Oratia Structure Plan and the Swanson Structure Plan, generally as indicated on those Structure Plans) and other drainage works and other infrastructure works;
- provision for protection of any Restricted Development Area shown on the Swanson Structure Plan from the establishment of any new areas of buildings;
- in the Swanson Structure Plan area, the mitigation of impacts on landscape and amenity values that may arise as a result of the future establishment of buildings;

#### 7(n)

The extent to which, wherever relevant, design, construction and location and provision 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
- 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.

#### 7(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
- within any Structure Plan Area, ensure that the amount of impervious surface is minimised to the greatest extent practicable and that stormwater discharge mimics natural over land flow conditions by any appropriate method. An engineer's report shall be required to demonstrate how the stormwater runoff from the buildings and impermeable surfaces will be managed and/or contained.

# Please note that this Rule is not Operative.

## RULE 7

## FOOTHILLS ENVIRONMENT

- *driveway construction* between *road carriageways* and individual *sites*; and
  - in respect of Rule 7.2(a) will be considered in accordance with Assessment Criteria 7(a)-7(za), and 7(zc) - 7(zf);
  - in respect of Rule 7.2(b) will be considered in accordance with Assessment Criteria 7(a)-7(zb);
  - in respect of Rule 7.2(c) will be considered in accordance with Assessment Criteria 7(b), 7(d), 7(f), 7(g), 7(h) and 7(i).

### 7.3 Discretionary Activities

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

(a) any *subdivision* not meeting the standards in Rule 7.1(a) or 7.2(a) where the *subdivision* creates *sites* at a density within *site(s) boundaries* existing as at 14 October 1995 (or as at 27 February 2002 in the case of the *Swanson Structure Plan*) not exceeding that shown on a *structure plan* forming part of this *Plan*, provided that

(i) any Protection and Enhancement Areas shown on the *structure plan* (other than the *Swanson Structure Plan*) have required *planting* established prior to the issue of a certificate under section 224 of the *Act* and are protected by way of covenant, encumbrance or *consent notice*.

(ii) any Restricted Development Area shown on the *Swanson Structure Plan* shall be protected by way of covenant, encumbrance or *consent notice* to ensure that no new areas of *buildings* are located within those areas in the future; and

(iii) the *subdivision* of any site in the *Swanson Structure Plan* area ensures that, for each additional *proposed site*, a proportion of the total quantity of Protection and Enhancement Areas within the *Structure Plan area*, will have the required *planting* established and protected by way of covenant, encumbrance, easement or *consent notice*, where the area of required *planting* shall be equivalent to the total area of the *Swanson Structure Plan* restoration *planting* divided by the total

### 7(p)

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 potential 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 disposal systems to minimise maintenance costs
- ensure no more than minor adverse *effects* on other *infrastructure* or potential *building development*
- provide for stormwater disposal from all of the *land* within each *site*
- avoid flooding on or downstream of the *site*.

### 7(q)

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.

### 7(r)

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

Subdivision

# Please note that this Rule is not Operative.

## RULE 7

## FOOTHILLS ENVIRONMENT

† number of additional sites that could be created under the *Structure Plan*.

- (b) any *subdivision* in the *Oratia Structure Plan* area not meeting the standards of Rule 7.1(a) or 7.2(a) or 7.2(c) where the *subdivision* creates *sites* at a density exceeding that shown on the *Oratia Structure Plan*.

*Discretionary Activity* applications will be assessed in accordance with Assessment Criteria 7(a)-7(z) and 7(zc) - 7(zf) and any other relevant matters under section 104 of the *Act*.

### 7.4 Non-Complying Activities

Any *subdivision*:

- (a) of Lot 4, DP58379 that involves the creation of one site in addition to the total number of possible lots identified for the existing Lot 4, DP 58379 in the Birdwood Structure Plan;
- (b) of PT Sec.13.Blk XIV, Waitemata Survey District (7.4108ha) that involves the creation of one site in addition to the total number of possible lots identified for the existing PT.Sec.13, Blk XIV, Waitemata Survey District (7.4108ha) in the Birdwood Structure Plan;
- (c) which occurs in an area which is not within a *structure plan area* and where the *site area* for each *proposed site* is less than 4ha;

> (d) in the Swanson Structure Plan area not meeting the standards of Rule 7.1(a) or 7.2(a) or 7.3(a).

shall be deemed to contravene a rule in this *Plan* and be a *Non-Complying Activity*.

### 7.5 Prohibited Activities

Any *subdivision* to which these rules apply which is not a *Controlled Activity* or a *Limited Discretionary Activity*, *Discretionary Activity* or a *Non-Complying Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and be a *Prohibited Activity*.

### 7(s)

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

### 7(t)

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

### 7(u)

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*.

### 7(v)

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*.

Subdivision

---

Please note that this Rule is not Operative.

RULE 7

FOOTHILLS ENVIRONMENT

7(w)

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*.

7(x)

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

7(y)

The extent to which measures have been incorporated into the *subdivision* proposal which avoid, remedy or mitigate any threat to the *Green Network* that could arise from the introduction of animals as a result of the *subdivision*.

7(z)

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

- 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.

7(za)

The extent to which any Protection and Enhancement Areas shown on any *Structure Plan* have *planting* established and protected by way of *covenant, encumbrance* or *consent notice*.

7(zb)

In the *Oratia Structure Plan Area*, the extent to which it can be shown that the proposal avoids, remedies or mitigates any adverse *effects* generated by any change in lot boundaries on:

- landscape character
- amenity values
- natural features
- protection and/or enhancement of *vegetation* generally as shown on the *Oratia Structure Plan*

---

## Please note that this Rule is not Operative.

### RULE 7

### FOOTHILLS ENVIRONMENT

- access
- *native vegetation* and ecological corridors
- streams and the quality of water they contain
- the ability of each *proposed site* to treat and dispose of stormwater and wastewater
- *heritage sites, buildings* and trees.

#### 7(zc)

In the *Oratia Structure Plan Area*, the extent to which it can be shown that the proposal avoids, remedies or mitigates any adverse *effects* (including any cumulative adverse *effects*) generated by an increase in the number of *proposed sites* on:-

- landscape character
- amenity values
- natural features
- protection and/or enhancement of *vegetation* generally as indicated on the *Oratia Structure Plan*
- access
- *native vegetation* and ecological corridors
- streams and the quality of water they contain
- the ability of each *proposed site*, and the entire *Structure Plan catchment* affected by any increase in the number of *proposed sites*, to treat and dispose of stormwater
- the ability of each *proposed site* to treat and dispose of wastewater
- *heritage sites, buildings* and trees.

#### 7(zd)

The extent to which the storm water and waste water treatment and disposal systems avoid adverse effects on *land* stability erosion, slippage and inundation within each *proposed site* and on any other properties.

#### 7(ze)

Whether the proposed *subdivision* identifies a stable *building platform* and stable vehicle access within each proposed *lot*, and whether these proposals are or are likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source.

#### 7(zf)

Whether any subsequent use that is likely to be made of the *land* is likely to accelerate, worsen, or result in material damage to that *land*, other *land*, or *structure*, by erosion, falling debris, subsidence, slippage or inundation from any source.

*Subdivision*

## Please note that this Rule is not Operative.

### RULE 7

### FOOTHILLS ENVIRONMENT

#### 7(zg)

In the *Swanson Structure Plan* area, the extent to which any proposed *subdivision* that seeks to place an existing *minor household unit*, located greater than 15 metres from a *dwelling* on the same *site*, on the same *proposed site* as that *dwelling*:

- Avoids, mitigates or remedies any impact on the landscape arising from the existing or future establishment of multiple clusters of *buildings*, and associated accessways
- Avoids the potential for further development of existing *building* areas that are established in visually sensitive landscapes.
- Retains the rural character of the environment, taking into account any cumulative effects arising in association with existing *buildings* on the *site* and on surrounding *sites*.
- Retains the characteristic open spaciousness of the rural environment.
- Provides for a better overall landscape outcome, relative to an alternative *subdivision* design that could place an existing *dwelling* and *minor household unit* on separate *proposed sites*.

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, 3.6, 4.3, 4.4, 5.2, 5.4, 5.5, 6.1, 6.3, 7.1, 7.2, 7.3, 8.3, 8.5, 9.1, 9.2, 9.3, 9.6, 9.7, 9.9, 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, 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.29, 12.4, 12.8 Δ3

(Waitakere District Plan Policy Section)

---

## Please note that this Rule is not Operative.

### RULE 7

### FOOTHILLS ENVIRONMENT

#### 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 in the *design, alignment* and location of *roads* and *drivenways*
- specifying *construction* materials and methods to be used for *drivenways* and *infrastructure*
- 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
- 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 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 *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 *clearance*

*Subdivision*

---

## Please note that this Rule is not Operative.

### RULE 7

### FOOTHILLS ENVIRONMENT

- specifying the location of *infrastructure*
- restricting the number of *sites* to be served by a *driveway*
- 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 within any Regional Plan)
- limited 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, consent notices, covenants* or encumbrances
- the imposition of a charge to cover 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 *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*.
- conditions addressing the *design* of storm water and waste water treatment and disposal systems.
- conditions addressing the effects of storm water and waste water treatment and disposal systems on land stability, and on erosion, slippage and inundation within each *proposed site* and on any other property.
- requiring *on-site* or *off site* planting of protection and enhancement areas identified in the *Swanson Structure Plan* map; and the permanent protection of any such *planting* through the use of a covenant, encumbrance, easement or *consent notice*.
- requiring the permanent protection of Restricted Development Areas identified on the *Swanson Structure Plan* map through the use of a *consent notice*.
- requiring the prevention of any future *subdivision* through the use of a *consent notice*.