

Section 9:

SUBDIVISION

9.1 BACKGROUND

9.1.1 DESCRIPTION

(1) Subdivision is the division of allotments and in some cases, the redefinition of the boundaries to create separate parcels (titles), which can then be bought and sold. The dividing and redefinition of boundaries can either be to create smaller allotments or to change the shape or size of existing allotments to better enable an activity to establish and/or operate. The type of land tenure, size, shape, road frontage, access and other attributes of the allotments will be primary factors that will determine the subsequent development and use of land. From a practical point of view, subdivision is largely irreversible and it is possible for land to be fragmented into small or irregularly shaped parcels such that appropriate development, use and servicing of such land is unduly inhibited or difficult to achieve.

(2) In addition, the physical process of subdivision construction (roading, servicing and site development) needs to be managed in order that adverse effects on the environment can be mitigated or avoided.

(3) Intervention in the subdivision process is therefore required in order that the purpose of the Act relating to sustainable management of natural and physical resources can be achieved.

(4) RESOURCE MANAGEMENT ACT 1991

(a) General subdivision provisions are set out in the Resource Management Act 1991, with the objectives, policies and all the detailed standards for subdivision contained within the District Plan. Matters relating to Esplanade Reserves, Esplanade Strips or Access Strips have detailed prescription in the Act. However, there is still a requirement for the District's approach to this matter to be included in the District Plan (refer to Section 7.2).

(b) There is limited potential for subdivision activities to be provided for as permitted activities. This is because it is difficult to provide standards to accommodate the wide range of subdivision situations and the need for Council to assume a level of discretion not possible where permitted activities are concerned.

(c) Subdivisions which are not provided for as permitted activities under the District Plan will require a resource consent as either a controlled, discretionary or non-complying activity.

(5) DISTRICT PLAN

(a) In this District Plan, the subdivision provisions essentially are split between urban and rural activities. This is because rural activities generally relate to the productive capacity of the land. Activities such as factory farming that do not rely on the capacity of the land are exceptions to this. Accordingly, the size, shape and other requirements of rural allotments need to be designed in order that the sustained and future productive potential of the land is maintained for each allotment.

(b) For urban activities, subdivision relates to the "space" needed to carry out the urban activities. In addition, matters such as the physical suitability of the land, ability to be

serviced, absence of hazards and ensuring quality urban design are of relevance to urban activities. For example, the "space" resource for residential activities needs to be managed in order that the neighbourhood character is retained, allotment sizes are such that a house can be built, vehicle access can be obtained, there is sufficient land for outdoor living courts, vehicle turning and parking and so on.

- (c) Accordingly, the subdivision standards are interrelated with the performance standards for particular activities in each urban zone.

(6) RURAL SUBDIVISION

- (a) While historical subdivisional patterns (including size, shape, frontage, etc) of the District are not altogether inconsistent with securing a goal of achieving sustainable land use development, the need for an equitable approach throughout the District towards rural subdivision has been identified by the community.
- (b) The closer subdivision of rural land inevitably leads to the intensification of activities on or associated with the use of that land. This can have the potential to create adverse effects on the environment. It is these potential effects which are addressed in the subdivision rules set out below. In order to establish appropriate subdivision rules for the District a number of resource management issues have been identified. These are discussed in detail in Section 9.1.2.

(7) URBAN SUBDIVISION

- (a) Subdivision has the potential to change or adversely affect the unique identity of the district's towns and townships if sufficient regard is not given to the existing form and function of these urban areas. Subdivision design, size of lots, street layout and connectivity, provision of open spaces can also influence the type and quality of resulting built form in urban areas.
- (b) In the residential areas, the subdivision standards aim to maintain the established character of residential areas, provide for a range of dwelling types, discourage poorly planned infill development and also relate to protecting the amenities (eg open space, privacy, access) of the zone. The density and other performance standards for residential development and activities are measures to provide this protection. Accordingly, the subdivision standards match the performance standards.
- (c) It is also important that subdivision in the greenfield areas of the main towns connects to and complements the existing urban fabric of these towns. For some of the new growth areas Council has prepared structure plans which provide a development framework for future development and which assist in coordinating subdivision in the identified areas.

(8) "SPECIFIC PURPOSES" SUBDIVISION

- (a)** Subdivision to facilitate the identification and protection of specific features (reserve, public utility site, historic site) needs to be provided for on a case by case basis, as the requirements for each site or activity will vary.

9.1.2 RESOURCE MANAGEMENT ISSUES

- (1)** The main issue that the subdivision provisions need to address, is ensuring integration between the development and subdivision requirements of activities, and maintaining opportunities for future use and development of land in a sustainable manner.

- (2)** Other issues include the following:

- (a)** Ensuring that potentially productive land and associated land use opportunities are preserved by encouraging an appropriate subdivision pattern.
- (b)** Recognising the inherent constraints of the natural environment (eg slope, natural hazards, drainage) and controlling subdivision accordingly.
- (c)** Identifying infrastructural constraints (eg provision of public services, ability to effectively accommodate on site services) and controlling subdivision accordingly.
- (d)** Recognising significant ecological, landscape, amenity, cultural and heritage values and the need to facilitate the protection of them through subdivision rules.
- (e)** Giving effect to the Treaty of Waitangi as well as recognising the special relationship of Maori with their land in applying subdivision rules.
- (f)** The need to encourage a logical and stable land tenure pattern which facilitates the sustainable management of the land resource.
- (g)** Recognising that the physical act of subdivision has the potential to detrimentally affect the natural and physical resources and amenities of an area and its coherence and character.
- (h)** The physical act of subdivision is also an activity in itself, which can be a substantial user of resources. Subdivision standards, including matters such as width of roads, construction standards and section design will determine the amount of space and physical resources used during subdivision.

9.1.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

The productive potential and use of the rural land resource is protected from fragmentation of land and associated housing and non rural development and activities.

(a) Policies

- (i)** To enable the establishment and efficient operation of primary production activities by safeguarding the rural land resource.

- (ii) Control the scale and intensity of residential activity in the rural area in order to safeguard the life supporting capacity of the soil resource and avoid reverse sensitivity effects.

(b) Reasons for Objective 1

- (i) Protection of good quality land for agricultural purposes has been identified by the community as a matter of importance to the District. The type of subdivision pattern provided for has an integral part to play in facilitating the establishment and development of activities that will promote that objective.
- (ii) Providing for a range of allotment sizes (from rural lifestyle, through to large scale grazing), appropriate to specific land types enables land to be valued at its "productive" value, rather than at its "residential" value.
- (iii) The size and shape of allotments can assist in reducing or removing the effects of activities on the environment (eg if a factory farming activity is located on a large lot, effects such as smell from effluent disposal can be alleviated by proper treatment on site and the provision of a buffer distance).

(2) OBJECTIVE 2

Subdivision that provides for and reinforces the existing built form and distinct urban character of the established urban areas.

(a) Policies

Objective 2 will be achieved by the implementation of the following policy:

- (i) Require an appropriate and acceptable level of urban amenity as part of subdivision design.
- (ii) Ensuring the design and layout of subdivisions will:
 - (1) Provide for a safe and efficient road network that effectively integrates with the surrounding area;
 - (2) Provide for safe and direct movement through and between neighbourhoods for pedestrians and cyclists;
 - (3) Maximise allotment frontage to public roads and reserves;
 - (4) Provide access to open space and reserves;
 - (5) Provide good solar orientation for residential allotments, open space and reserves;
 - (6) Provide a variety of allotment sizes;
 - (7) Retain and integrate natural features;
 - (8) Avoid cul-de-sacs where these are not associated with topographical constraints.

(b) Reasons for Objective 2

- (i) The design and standard of subdivision can have a determining influence on the attractiveness of an area to live in.

- (ii) Good subdivision design and standards contribute to amenity matters such as streetscape (through the planting of trees and the design of the street), lot size, shape and layout and security (through street lighting and position of lots).

(3) OBJECTIVE 3

Subdivision is provided with the necessary infrastructure and services to ensure that the land is able to be used for its intended purpose; that protects the future needs, and health and safety of people and communities; and the maintenance and enhancement of amenity values, while avoiding, remedying and mitigating adverse effects on the environment.

(4) OBJECTIVE 4

To minimise the use of natural and physical resources (including energy and space) in providing and maintaining the infrastructure associated with subdivision and subsequent development.

(a) Policies

Objectives 3 and 4 will be achieved by the implementation of the following policies:

- (i) Provision of services and infrastructure appropriate to the subdivision in a sustainable manner that minimises detrimental effects on the landscape and amenity of the area.
- (ii) Requiring services to be installed to the stated standards as part of the subdivision process, thereby minimising costs, enabling authorities to work in together (eg trench sharing), minimising detrimental effects on the landscape and amenity of an area and reducing maintenance costs to Council once it accepts responsibility for any services.
- (iii) Ensuring the subdivision of land in the Urban Growth Areas proceeds in a consecutive sequence, adheres to the requirements of the relevant Structure Plans, and ensures;
 - (1) Use of existing infrastructure services in the vicinity is maximised; and
 - (2) The provision of new services is installed in a co-ordinated manner.
- (iv) Using financial contributions as a mechanism to allow subdivision developments to proceed at a time when developers and Council, individually, are not in a position to fund all the necessary services, or where it may be more practicable for the work to be done at a later date.

(b) Reasons

- (i) Infrastructure and services are provided to a level required to enable the community to meet its social, economic and health needs. For all those situations where public infrastructure and services are not available that adequate on site provision is provided for essential services without having a detrimental effect on the environment.
- (ii) Construction of a subdivision entails the use of resources. Such resources should be utilised in a sustainable manner.

- (iii) In some instances, the provision of services and infrastructure is better carried out at a later date. Financial contributions are an efficient way of providing for this to occur.

(5) OBJECTIVE 5

Areas of high biodiversity, heritage, cultural and landscape values are protected.

(a) Policies

- (i) Appropriate subdivision provisions to protect, maintain and enhance the features of the District that have been identified as being of value.
- (ii) Any adverse effects of subdivision on these identified features to be appropriately remedied or mitigated.

(b) Reasons for Objective 5

- (i) Allowing for a subdivision of land containing ecological/heritage features acts as an incentive to protect features of value to the community. At the time of subdivision, the necessary legal instruments (eg covenants, encumbrances) can be imposed and registered. A house may be erected on such lots or adjacent lots (clear of the significant ecological/heritage feature).

(6) OBJECTIVE 6

The creation of lots and intensification of subdivision does not increase or create a risk to people, property, infrastructure and the environment due to natural hazards (including residual risk).

(a) Policies

- (i) Ensure that new subdivision and development is location, designed and undertaken so as to avoid the need for further hazard protection works.
- (ii) Ensure that where hazard protection works are necessary as part of subdivision, their form, location and design are such as to avoid or mitigate potential adverse environmental effects.

(b) Reasons for Objective 6

- (i) It is 'sustainable management' to avoid development in known hazard areas, rather than using resources on an ongoing basis to protect developments from hazards.
- (ii) Some areas of the district are unsuitable for development, or require specific measures to be undertaken to avoid the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage.

(7) OBJECTIVE 7

To provide for a range and choice of rural living environments appropriate to specific land types recognising the different lifestyle and cultural requirements of the District's inhabitants.

(a) Policies

Objective 7 will be achieved by implementation of the following policies:

- (i) Identifying areas specifically for low density residential development where rural amenity values will not be compromised and provision of public services is not a constraint.
- (ii) Providing for small lot lifestyle subdivision on less productive rural land, subject to ensuring that the rural character, landscape and amenity values are protected.
- (iii) Providing for subdivision in the Marae Development zone as one of the means of taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

(b) Reasons for Objective 7

- (i) Development of rural "lifestyle" blocks can have the effect of removing land from productive use, and reducing the "viability" of the towns and townships.
- (ii) Generally, subdivision will not be required in the Marae Development zone, as land will not be bought and sold in the same manner as general land. Subdivision standards are necessary for those situations where subdivision of other maori land is required outside the Marae Development zone.

9.1.4 ENVIRONMENTAL RESULTS

- (1) In developing environmental results specific to subdivision, it needs to be recognised that a relationship exists between subdivision and possible land use activities, as well as acknowledging that the physical works associated with subdivision are an activity in themselves.
- (2) The environmental results for subdivision in the urban area are to facilitate the maintenance and preservation of the established settlement/development pattern and achieve quality urban design outcomes in order to protect amenity and environmental values and the economic, social and cultural wellbeing of these communities.
- (3) In the rural area, the outcome sought in subdivision management is to ensure the land is not fragmented and effectively rendered unusable for many productive purposes. The retention of the open, spacious character of rural land areas is also a result to be pursued.
- (4) A clear distinction is made between subdivision opportunities within the urban and rural zones. In rural areas lot size is principally linked to opportunities based on land use capabilities. In the urban zones, subdivisions are generally to provide for housing and development. These subdivisions should be carried out such that subsequent quality development is carried out in a sustainable manner that achieves the creation of 'liveable' communities that are safe, sustainable and have high levels of amenity.
- (5) To accommodate a range of lifestyle options, the subdivisional rules allow the opportunity to pursue a range of alternative approaches to land use and development opportunities. These opportunities must be consistent with:
 - (a) Preserving the productive potential of rural land.
 - (b) Encouraging the protection of areas of high environmental, heritage, cultural and amenity value.

- (c) Avoiding development in areas where natural hazards exist.
 - (d) Retaining rural character (open landscape etc).
 - (e) Supporting the community focus and established services and infrastructure of the district's established towns and townships.
- (6) In addition to the above components, the subdivisional rules provide for special subdivision opportunities whereby more productive use of rural land may eventuate. For example, facilitating the aggregation of small parcels of land.

9.2 SUBDIVISION RULES

9.2.1 DESCRIPTION

- (1) Rules are the main method used in this District plan with respect to achieving the objectives and policies for subdivision. Performance standards will be used to control and guide subdivision design and to achieve consistency and durability of infrastructural works.
- (2) Most of the district wide performance standards in the district plan are applicable to both subdivision and development, with only a few being specific to subdivision. Therefore, all the performance standards are within SECTION 8.0 DISTRICT WIDE PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION.

9.2.2 ACTIVITY STATUS

- (1) The rules that establish the activity status of subdivision are determined by two methods, being:
 - (a) The "dimension" (area, frontage, shape, etc) standards stated in Rule 9.2.3 below for those subdivisions that are either applicable in all the zones (eg boundary relocations and adjustments, specific purpose lots) and Rule 9.2.4 for the general dimension standards for lots specific to the zone; and
 - (b) The performance standards applicable to subdivision (refer to Section 8.0), which seek to avoid, remedy or mitigate any adverse effects of subdivision on the environment, natural and physical resources and amenity values. The HDC Engineering Manual Version 1, is the means of compliance for a number of the performance standards. In the event of any conflict between the District Plan and the Engineering Manual, the District Plan shall prevail.
- (2) Unless otherwise stated in Rules 9.2.3 and 9.2.4 all subdivision applications are a Controlled Activity, except in the following circumstances:
 - (a) All subdivision applications in any zone, which are made in conjunction with an application for a land use consent which requires a resource consent as a discretionary activity, shall also be assessed as a discretionary activity.
 - (b) All subdivision applications in any zone, which are made in conjunction with an application for a land use activity which requires a resource consent as a non complying activity, shall also be assessed as a non complying activity.
 - (c) All subdivision applications in any zone, which do not meet the minimum area, dimension, location or other standards specified for a subdivision to be a permitted or controlled activity in Rules 9.2.3 and 9.2.4, are a discretionary activity, provided that where the non compliance relates to a specific structure plan or the provisions of Rules 9.2.4.1(1)(a); 9.2.4.2(a); 9.2.5.1 and 9.2.6.1; 9.2.6.2 and 9.2.6.3 the status of the subdivision shall become that of a Non-Complying Activity.

- (3) The assessment criteria contained within each subdivision standard (Rules 9.2.3 – 9.2.4) will be used to assess a subdivision that is either specified as a controlled or discretionary activity. In addition where the subdivision fails to comply with the required District Wide Performance Standards for Subdivision and Development in Section 8.0 the activity status and assessment criteria specified in that section for the standard itself shall also be used to assess an application for a “lesser” or “alternative” standard.

Note: Subdivision has the potential to impact on archaeological sites. Permission to modify, damage or destroy an archaeological site is required from the Historic Places Trust.

9.2.3 SUBDIVISION STANDARDS APPLICABLE IN ALL ZONES

9.2.3.1 AMENDMENT TO CROSS LEASE, COMPANY LEASE OR UNIT TITLE

- (1) In all zones, an amendment to provide for a new building or addition to an existing building on a cross lease, company lease or unit title plan which has been approved and a Certificate of Title issued by the District Land Registrar, shall be a Permitted Activity, subject to compliance with the following standards:
- (a) The dimensions and areas of the amendment shown on the subdivision plan shall be the same as those for the relevant building consent which has been approved by Council; and
 - (b) The building complies with all the relevant zone development standards of the District Plan.

9.2.3.2 SPECIAL PURPOSE LOTS

- (1) In all zones, a lot for a special purpose as specified below, shall be a Controlled Activity and there are no prescribed minimum dimension standards, except that the District Wide Performance Standards for Subdivision and Development in Section 8.0 as applicable shall be complied with and the balance area shall also be either a Permitted or Controlled Activity:
- (a) To be owned in common for access or similar other special purposes as part of a subdivision or as a separate application under Section 348 of the Local Government Act 1974.
 - (b) A network utility.
 - (c) A public work.
 - (d) An access denial or segregation strip.
 - (e) Access strip from one public place to another public place.
 - (f) Specified activities (with minimum required area for the specified activity) for which a resource consent has been granted or where, although such consent would currently

be required, the use has been otherwise lawfully established. (This does not apply to dwellings in the Rural, Coastal or Karangahake Gorge zones).

- (g) Reserves under the Reserves Act 1977 and Conservation Act 1987.
- (h) Esplanade Reserves created under the Resource Management Act 1991.

(2) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

In assessing an application for a Special Purpose Lot control is reserved over the size and shape of the lot and regard shall be had to:

- (a) Section 9.2.14.1 – Controlled Activity Assessment Criteria.
- (b) Whether conditions attaching to any resource consent or designation relevant to the land being subdivided, can be met.

9.2.3.3 BOUNDARY ADJUSTMENTS AND RELOCATIONS

(1) In all zones, subdivision by means of boundary adjustment or relocation between two or more adjoining and existing Certificates of Title, shall be a Controlled Activity, subject to the following:

- (a) The number of Certificates of Title involved in the subdivision will be the same or less after the subdivision has been undertaken; and
- (b) No allotment shall be reduced in size to less than the minimum area for an allotment in the zone, except in the case of an existing dwelling capable of being used for residential purposes at the time of the subdivision in the Rural, Coastal and Karangahake Gorge zones where the allotment(s) containing the existing habitable dwelling shall be as follows:
 - (i) Minimum Lot Area - 2,500m²
 - (ii) Maximum Lot Area - 5,000m²
- (c) The existing dwelling lot shall contain within the boundaries of the lot the effluent disposal system for the existing dwelling.
- (d) The existing dwelling lot shall not be liable to flooding, erosion, landslip or instability. The Council may require from the applicant an engineering report on the stability of the land, to be prepared by a Registered Engineer experienced and practising in soil mechanics and the stability of soils to confirm compliance with this standard.
- (e) The existing dwelling lot shall have a frontage to a public road of 20 metres minimum.
- (f) The area and dimensions of existing, non complying allotments can still be less than the required minimum area and dimensions after the boundary adjustment or relocation, but cannot be reduced to less than what they were prior to the subdivision.

(2) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

In assessing an application for a Boundary Adjustment or Relocation control is reserved over the dimension of the lots and regard shall be had to:

- (a) Section 9.2.14.1 – Controlled Activity Assessment Criteria.
- (b) Whether the uses of land and buildings on all lots involved in the boundary adjustment or relocation are permitted as of right and/or have been authorised by resource consent and/or do not involve any increase in the extent to which it or they fail to conform to the relevant zone development standards and the District wide performance standards in Section 8.0.
- (c) Is the usefulness (eg. topography, shape, accessibility, ability to be serviced, location and use of buildings) of the lot(s) improved following the boundary adjustment or relocation.

9.2.3.4 PROTECTION OF SIGNIFICANT HERITAGE AND ENVIRONMENTAL FEATURES

(1) In all zones, subdivision of land to create allotments that will assist in the protection of significant heritage and environmental features from development and adverse effects of land use activities, shall be a Controlled Activity for those features specified below:

- (a) A historic heritage feature listed and described in Section 6.1
- (b) Waahi tapu land gazetted under the Maori Affairs Act 1953
- (c) Any Natural Area of Ecological Significance listed and described in Section 6.2.

(2) In the Rural, Coastal and Karangahake Gorge zones, either:

- (a) an area suitable for a dwelling to be constructed, may be included within the "Significant Heritage and Environmental Feature" lot in addition to the area required for the feature to be protected and the area for the dwelling shall comply with the dimension standards for existing dwellings in Rule 9.2.3.3(1)(b) – (d), or
- (b) One separate lot to construct a dwelling may be subdivided from the "parent" lot subject to compliance with the dimension standards for existing dwellings in Rule 9.2.3.3(1)(b) – (e).

(3) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

In assessing an application to create a lot for a Significant Heritage or Environmental Feature control is reserved over the dimensions of the lots and in imposing conditions regard shall be had to:

- (a) Section 9.2.14.1 – Controlled Activity Assessment Criteria.
- (b) Whether the subdivision proposal will assist in achieving the protection in perpetuity of all the significant heritage or environmental features contained within the parent title upon which the application is based.

- (c) Whether the extent of protection and ongoing management proposed as part of the subdivision application and the nature and extent of the protective legal instruments will ensure the long term conservation of the values and character of the protected feature.
- (d) Where a dwelling is proposed as part of the lot or as a separate lot, whether it can be erected, including its associated effluent disposal system and vehicular access, without detracting from or causing disturbance to the feature to be protected.
- (e) Where a dwelling is proposed as part of the lot or as a separate lot, in the Coastal and Karangahake Gorge Zones, whether alternative boundaries of the new allotment may better maintain the natural character values of the zone or appropriate conditions can be imposed on the location and bulk of the future dwelling and/or earthworks and planting to achieve the same outcome.

(4) **CONDITIONS OF CONSENT**

Conditions specific to this Rule may be imposed in relation to the following matters:

- (a) Protection of the protected feature by means of suitable protective instruments such as encumbrances, covenants or consent notices, or other registered legal instruments acceptable to the Council.
- (b) Preparation of an appropriate protective instrument by and at the expense of the applicant, which shall incorporate any or all of the following as are appropriate:
 - (i) Identification on a suitable plan attached to the legal documentation of the area of the feature subject to protection.
 - (ii) Require stock or other activities to be excluded from the covenanted area and where necessary the erection and maintenance of a stock proof fence as specified by Council.
 - (iii) Include a management plan prepared by a suitably qualified and experienced person on measures to be implemented to ensure the long term protection of the feature.
 - (iv) Controls on the keeping of dogs and cats.
 - (v) Specify location and bulk of a proposed dwelling and access thereto, location and method of effluent and stormwater disposal and the formation and design of the vehicle access to protect the character of the Coastal and Karangahake Gorge zones and/or avoid disturbance to the protected feature.
 - (vi) Include such other reasonable requirements considered necessary by Council to ensure protection of the feature.

9.2.4 SUBDIVISION STANDARDS - RURAL, COASTAL & KARANGAHAKE GORGE ZONES

(1) PURPOSE

- (a) Provision needs to be made for subdivision of rural land to allow development of productive rural activities to continue and/or establish. The minimum lot size varies depending on the established and predominant land use and productive nature of the land.
- (b) The rural zone provides for the development of lifestyle or small holding lots requiring a certain amount of land for horticultural and/or agricultural activities, while the Low Density Residential zone provides for those people wanting a predominantly residential site in a semi-rural environment. For the Rural zone, it is intended that lifestyle lots become part of the rural area contributing to the maintenance of social, community and utility services without compromising the potential of the District's productive land to be used for a range of alternative productive activities. As such, lifestyle lots are not permitted on the highly productive land (Plains and Waihi Basin areas) unless the site is physically separated from the parent lot and of such a size and shape that prevents its efficient management as part of the parent title.
- (c) Council is concerned that unrestricted subdivision of lifestyle lots may be unsatisfactory in terms of generated effects on the open rural character and amenity of the rural area and in particular the impact on the natural character of the Coastal and Karangahake Gorge areas. A limited number of lifestyle lots is provided for as a Controlled Activity in the Rural Zone (where the land is not of high productive value), but because of the significant natural character values of the Coastal and Karangahake Gorge zones, such subdivision is a Discretionary Activity in the Coastal Zone and Non Complying in the Karangahake Gorge Zone (due to the limited extent of this zone and its significant landscape value).
- (d) The lot size and dimension standards for the subdivision of lifestyle lots are intended to provide a density of development in keeping with the existing rural landscape. These standards are also intended to achieve separation between houses to ensure the privacy of occupants.

9.2.4.1 LIFESTYLE LOTS IN THE RURAL AND COASTAL ZONES

In the Rural and Coastal zones, land may be subdivided to create lifestyle lots as a Controlled Activity in two situations, being:

(1) PLAINS AND WAIHI BASIN AREA

- (a) Land may be subdivided to create a lifestyle lot where the lifestyle lot is physically separated from the balance area of the title by:
 - (i) a permanent watercourse not less than 3 metres in width; or
 - (ii) an existing formed public road currently maintained by the Council; or

- (iii) an operative railway; or
 - (iv) a reserve under the Reserves Act 1977; or
 - (v) an area protected under the Wildlife Act 1953, the Maori Affairs Act 1953 or the Conservation Act 1987; or
 - (vi) such other severe physical or legal feature.
- (b) The lifestyle lot shall comply with the following:
- (i) Lot size shall be a minimum of 5,000m² and a maximum of 2 hectares.
 - (ii) The lifestyle lot shall as a minimum contain a residential area of 1000m².
 - (iii) The lot shall have a minimum road frontage of 50 metres.
 - (iv) The balance area of any subdivision creating the lifestyle lot shall comply with the requirements for General Lots in the Rural Zone (see Rule 9.2.4.2(1)).

(2) ALL OTHER RURAL AREAS

- (a) For each Certificate of Title that existed at 26 September 2000, or that was issued as a result of a Resource Consent granted on or before 26 September 2000, the land (except where located in the Coastal and Karangahake Gorge zones) may be subdivided to create a maximum of five lifestyle lots.
- (b) In the Coastal Zone, for each Certificate of Title that existed at 26 September 2000, or that was issued as a result of a Resource Consent granted on or before 26 September 2000, land may be subdivided to create a maximum of five lifestyle lots as a *Discretionary Activity*.
- (c) In the Karangahake Gorge Zone, subdivision to create lifestyle lots is a *Non Complying Activity*.
- (d) The lifestyle lots provided for in either (a) or (b) above shall comply with the following:
 - (i) No more than two lots shall be between 5000m² and 2 hectares, all other lifestyle lots shall be a minimum of 2 hectares.
 - (ii) The lifestyle lots shall as a minimum contain a residential area of 1000m².
 - (iii) The lifestyle lots shall not contain land with a Land Use Classification of Class VII or VIII. (Note: A report on the Land Use Capability Class of the site shall be prepared by a suitably qualified expert, except where the land use capability is clearly beyond doubt by reference to the New Zealand Land Resource Inventory Worksheets, the Council may waive this requirement)
 - (iv) No lifestyle lot shall be located within 500 metres of a lawfully established operating quarry, measured from the nearest boundary of the lifestyle lot to the nearest boundary of the operating quarry site identified on the planning maps.
 - (v) The balance area of any subdivision creating one or more lifestyle lots shall comply with the requirements for General Lots (see Rule 9.2.4.2(1)), unless the balance area also complies with the requirements for creating Lifestyle Lots.

(3) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

- (a) In assessing a Controlled Activity application for lifestyle lots control is reserved over the location and dimensions of the lots and access thereto. In imposing conditions regard shall be had to:
- (i) Section 9.2.14.1 – Controlled Activity Assessment Criteria.
 - (ii) Whether the life style lot subdivision compromises the use of the balance of the holding for a range of rural production activities.
 - (iii) Whether the lifestyle lot subdivision is designed to provide the occupants of the lot(s) with an adequate level of privacy and separation in relation to dwellings on adjacent lifestyle or general rural/coastal lots.
 - (iv) Whether the *internal access* serving any lots is sufficiently separated or appropriately formed to mitigate potential nuisance effects for dwellings on adjoining lots or on adjacent properties

(4) DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

- (a) When assessing a Discretionary Activity application for lifestyle lots in the Coastal Zone the Council shall have regard to the Controlled Activity assessment criteria in Rules 9.2.4.1(3) and the Discretionary Activity assessment criteria 9.2.14.2.

9.2.4.2 GENERAL LOTS IN THE RURAL, COASTAL & KARANGAHAKE GORGE ZONES

- (1) In the Rural, Coastal and Karangahake Gorge zones, land may be subdivided to create general lots subject to compliance with the standards set out below:

(a) All Areas (excluding Waihi Basin Area)

- (i) 40 hectares minimum net lot area

(b) Waihi Basin Area

- (i) 6 hectares minimum net lot area
- (ii) Minimum Net Lot Area Dimension: 100 metres x 100 metres

(2) Controlled Activity Assessment Criteria

- (a) In assessing an application for general rural lots control is reserved over the dimensions of the lots and access thereto. In imposing conditions regard shall be had to:
- (i) Section 9.2.14.1 – Controlled Activity Assessment Criteria
 - (ii) Whether the *internal access* serving any lots is sufficiently separated or appropriately formed to mitigate potential nuisance effects for dwellings on adjoining lots or on adjacent properties

9.2.5 SUBDIVISION STANDARDS - LOW DENSITY RESIDENTIAL ZONE

(1) PURPOSE

- (a) The Low Density Residential zone has been provided in specific locations adjoining the towns, to cater for a particular type of residential living that is desired by some sections of the community. To ensure that this land resource is available to meet the needs of the immediate future generations, the subdivision standards are designed to ensure efficient use of the land for residential purposes and associated activities in a low density living environment in a manner where adverse environmental effects are able to be avoided or mitigated.

9.2.5.1 GENERAL LOTS IN THE LOW DENSITY RESIDENTIAL ZONE

In the Low Density Residential Zone, land may be subdivided to create general lots as follows:

(1) STANDARDS

(a) Lot size shall be as follows

Location Area	Minimum Net Lot Area	Maximum Net Lot Area
Orchard Road/Parry Palm Avenue, Waihi	1000m ² Can contain a residential area of 700m ² , with no dimension measuring less than 20 metres	No specified maximum
All Other Areas	2,500m ² Can contain a residential area of 700m ² , with no dimension measuring less than 20 metres	1 hectare (except that the balance lot may exceed 1 hectare)

(2) Controlled Activity Assessment Criteria

In assessing an application for low density residential lots control is reserved over the location and dimensions of the lots and in imposing conditions regard shall be had to:

- (a) Section 9.2.14.1 – Controlled Activity Assessment Criteria

9.2.6 SUBDIVISION STANDARDS - RESIDENTIAL ZONE

(1) PURPOSE

- (a) The subdivision standards are designed to ensure residential buildings and activities can readily be accommodated on a lot, in a manner that enables the performance standards for residential activities to be met. As such, techniques including area, shape factor and frontage are designed to be complementary to the performance standards required for residential activities. Larger lot sizes for certain residential areas are to maintain their established urban character.

9.2.6.1 GENERAL LOTS IN THE RESIDENTIAL ZONE OF WAIHI, PAEROA, NGATEA, TURUA, KEREPEHI & WHIRITOA

(1) STANDARDS

(a) Minimum Net Lot Area:

- (i) 1 – 2 lots: 525m², except in Turua where 700m² applies irrespective of the number of lots created.
- (ii) 3 or more lots: Average of 700m², minimum of 525m² except in Turua.
- (iii) Minimum Shape Factor: 15 metres x 15 metres, excluding yards and easements for infrastructure.

(b) Minimum Frontage:

- (i) Front Lots: 18 metres
- (ii) Rear Lots: 3.5 metres

(c) Whiritoa Erosion Hazard Protection Lines:

No subdivision is permitted where the parent lot contains land seaward of the Secondary Development Setback line delineated on the planning map for Whiritoa.

9.2.6.2 COMPREHENSIVE RESIDENTIAL DEVELOPMENT LOTS IN WAIHI, PAEROA, NGATEA & KEREPEHI ONLY

(1) STANDARDS

- (a) No *Comprehensive Residential Development* Lots shall be permitted within a Greenfield Structure Plan Area (refer to Appendices in Section 8.6.3 Appendix 3 to Section 8.6.8 Appendix 8).
- (b) The minimum *net lot area* of the parent lot prior to subdivision shall be 5000m².
- (c) The parent lot prior to subdivision shall include an area capable of containing a 50 metre by 50 metre square excluding any required zone yard setbacks.
- (d) The parent lot prior to subdivision shall include a *residential area* of 4000m².
- (e) The parent lot shall frontage to a through road.
- (f) The minimum *net lot area* of each allotment shall be 350m².
- (g) Minimum Frontage:
 - (i) Front Lots: 12 metres
 - (ii) Rear Lots: 3.5 metres
- (h) Minimum Shape Factor: 9 metres x 9 metres, excluding yards and easements for infrastructure.

9.2.6.3 GENERAL LOTS IN THE RESIDENTIAL ZONES OF WAIKINO, KARANGAHAKE & MACKAYTOWN

(1) STANDARDS

- (a) Minimum Net Lot Area: 1,000m²
- (b) Minimum Shape Factor: 16 metres x 20 metres, excluding yards and any easements for infrastructure.
- (c) Minimum Frontage:
 - (i) Front Lots: 25 metres
 - (ii) Rear Lots: 3.0 metres

(2) CONTROLLED ACTIVITY ASSESSMENT CRITERIA FOR ALL RESIDENTIAL ZONES

- (a) In assessing an application for residential lots control is reserved over the location and dimensions of the lots and in imposing conditions regard shall be had to:
 - (i) Section 9.2.14.1 – Controlled Activity Assessment Criteria.
 - (ii) Whether the subdivision layout and provision of infrastructure is provided in a manner consistent with good urban design principles (refer to 9.1.3(2)).
 - (iii) With respect to subdivision of Greenfield areas in Waihi, Paeroa and Ngatea does the subdivision allow the whole of the Parent lot to be developed in a consequential and logical manner and allow for future urban development of adjoining land where within a Greenfield Structure Plan Area (refer to Section 8 Appendices 8.6.4 to 8.6.8) or where identified within the urban town boundaries.

9.2.7 SUBDIVISION STANDARDS - TOWN CENTRE ZONE

9.2.7.1 GENERAL LOTS IN THE TOWN CENTRE ZONE

(1) PURPOSE

- (a) Subdivision for commercial activities has been carried out by a mixture of freehold subdivision and lease arrangements. In many instances the area of floor space required for a shop, office or other town centre activity has been relatively small. In addition, some lease arrangements need to deal with activities that are above ground floor level.
- (b) As such, controls on subdivision in the Town Centre zone (eg minimum area) are somewhat arbitrary and meaningless. Due to the variable nature of commercial requirements, it is preferable to assess each subdivision on its merits having regard to the actual or likely activity that the subdivision seeks to facilitate.
- (c) Controls such as access and provision for loading are however important to ensure that the commercial activity can function adequately, and without detrimental effect on the amenity of the zone and environment.

(2) STANDARDS

- (a) Minimum Frontage:
- (b) Town Centre – Pedestrian Frontage Area: Nil
- (c) Town Centre – Outside Pedestrian Frontage Area: 9 metres

(3) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

- (a) Refer to Section 9.2.14.1 – Controlled Activity Assessment Criteria.

9.2.8 SUBDIVISION STANDARDS - INDUSTRIAL ZONE

9.2.8.1 GENERAL LOTS IN THE INDUSTRIAL ZONE

(1) PURPOSE

- (a) In the industrial zone it is necessary to include subdivision controls over matters such as minimum area of lots, as the availability of land suitable for industrial purposes is a limited resource requiring specific locational criteria. Therefore, it is important that this resource availability is not allowed to be compromised by subdivision into allotments that are too small to adequately enable industrial activities to establish or continue to operate and expand. At Kerepehi, a larger lot size to adequately provide for a range of heavier industrial activities is required. Subdivision to create allotments smaller than the minimum standards can be considered through the resource consent (discretionary activity) process.

(2) STANDARDS

- (a) Minimum Net Lot Area: 1000m², except at Kerepehi
- (b) Minimum Net Lot Area (Kerepehi only): 2000m²
- (c) Minimum Frontage: 9 metres
- (d) Minimum Shape Factor: 15 metres diameter circle (exclusive of yards)

(3) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

- (a) Refer to Section 9.2.14.1 – Controlled Activity Assessment Criteria.

9.2.9 SUBDIVISION STANDARDS - RESERVE ZONES

9.2.9.1 GENERAL LOTS IN THE RESERVE (PASSIVE) AND (ACTIVE) ZONES

(1) PURPOSE

- (a) Rule 9.2.3.B provides for subdivision of Special Purpose Lots, which includes reserves under the Reserves Act 1977 and Conservation Act 1987, in all zones. Rule 9.2.3.4 also provides for subdivision around Significant Heritage and Environmental Features in all zones.
- (b) These two provisions on their own are not wide enough to cover all the land that has been zoned as Reserve (Passive) and (Active). Therefore specific subdivision provision is provided.
- (c) In Reserve zones, no particular dimension standards for subdivision are necessary, as the range of purposes for subdivision are too varied. Each subdivision needs to be assessed on its own particular merits.

(2) STANDARDS

- (a) Minimum Frontage: All Situations – 3.5 metres

(3) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

- (a) Refer to Section 9.2.14.1 – Controlled Activity Assessment Criteria.

9.2.10 SUBDIVISION STANDARDS - FLOOD PONDING ZONE

9.2.10.1 GENERAL LOTS IN THE FLOOD PONDING ZONE

(1) PURPOSE

- (a) The activities permitted in this zone are related principally to the main purpose of flood ponding and development which is likely to inhibit the function of the zone is restricted.
- (b) Subdivision for any purpose other than for boundary adjustments and relocations provided for in Rule 9.2.3.3 is not otherwise provided for and shall be a *Non Complying Activity*.

9.2.11 SUBDIVISION STANDARDS - CONSERVATION ZONES

9.2.11.1 GENERAL LOTS IN THE CONSERVATION (WETLAND) AND (INDIGENOUS FOREST) ZONES

(1) ACTIVITY STATUS

- (a) The provision for subdivision of Special Purpose Lots and Significant Heritage and Environmental Features (Rules 9.2.3.2 and 9.2.3.4) provide the necessary subdivision provisions for the activities permitted in the Conservation zones.
- (b) Any subdivision outside these provisions will be considered as a Discretionary Activity and shall be assessed in accordance with the assessment criteria in Section 9.2.14.2.

9.2.12 SUBDIVISION STANDARDS - MARAE DEVELOPMENT ZONE AND MAORI LAND IN ANY ZONE

9.2.12.1 LOTS IN THE MARAE DEVELOPMENT ZONE AND MAORI LAND IN ANY ZONE

(1) PURPOSE

- (a) The subdivision of Maori Land is not controlled by the Resource Management Act 1991, where partitions (subdivisions) involve the holding of the land by members of the same hapu. In this situation, the partition of land is the responsibility of the Maori Land Court, acting in accordance with Te Ture Whenua Maori Act 1993 (Maori Land Act 1993).
- (b) Where the partition of land involves the "alienation" of Maori Land, a subdivision consent is to be sought and obtained, prior to the submission of the application for partition to the Maori Land Court.
- (c) As with other standards, subdivision within the Marae Development Zone is considered to be a matter that is of interest only to those persons involved in the zone, as long as there is no effect outside the boundaries of the zone. Council is of the opinion that the matter of partition is essentially a matter to be resolved by the "owners" of the land, through the Maori Land Court using the provisions of Te Ture Whenua Maori Act 1993.

(2) STANDARDS

- (a) Marae Development Zone
Whether the partition is for members of the same hapu or for "alienation", no standards are provided. Each application will be assessed on its merits.
- (b) All Other Zones
Where the partition is for "alienation" then the subdivision standards and assessment criteria for subdivision in the respective zone shall apply.

(3) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

- (a) Refer to Section 9.2.14.1 – Controlled Activity Assessment Criteria.

9.2.13 SUBDIVISION STANDARDS - TOWNSHIP ZONE

9.2.13.1 GENERAL LOTS IN THE TOWNSHIP ZONE

(1) PURPOSE

- (a) The Township zone provides for a mixture of residential, commercial and light industrial (service) activities.

(2) STANDARDS

- (a) Minimum Net Lot Area: 450m²
- (b) Minimum Shape Factor: 15 metre diameter circle (exclusive of any yards) and any easements for infrastructure
- (c) Minimum Frontage: 9 metres

(3) CONTROLLED ACTIVITY ASSESSMENT CRITERIA

- (a) Refer to Section 9.2.14.1 – Controlled Activity Assessment Criteria.

9.2.14 ASSESSMENT CRITERIA

9.2.14.1 CONTROLLED ACTIVITY ASSESSMENT CRITERIA

(1) GENERAL

In assessing an application for a controlled activity for any subdivision, the following general criteria shall be used as are applicable to the situation:

- (a) Whether the area and shape of all lots is appropriate to their specified purposes and intended use(s), taking into account any relevant performance and/or formation standards specified in the plan.
- (b) Whether each new boundary is practically located taking into account the following factors:
- (i) topography
 - (ii) practical management of existing and potential activities on the site
 - (iii) protection of the land from flooding, erosion and instability

- (iv) the location of existing buildings, roads, fencelines, drains, shelter belts/hedges, streams and rivers, internal roading and other physical features
 - (v) surface and ground water conditions, including the quality and quantity of the water, the direction of the water flow and the effects that the subdivision may have on them
 - (vi) local climatic conditions, especially the orientation of the lots in a manner that will allow buildings to be positioned to take advantage of solar energy, for heating and lighting and for buildings to act as a windbreak from prevailing winds
 - (vii) environmental features that have been identified as requiring protection from development
 - (viii) where on site disposal of stormwater and septic tank effluent is required from existing and potential developments, is there sufficient area of the type of land required for servicing purposes, within each lot
 - (ix) any existing resource consents and the conditions attached to them that need to be accommodated within any lot.
- (c) Whether the subdivision (or development of the lots resulting from it e.g. earthworks, future building sites, access) may affect known sites and/or features having ecological, heritage or cultural value.

(2) WITHIN RURAL LANDSCAPES AREAS

- (a) Whether the subdivision layout has taken sufficient account of the topography of the site and surrounding land, through providing for house sites and access thereto that will, when built on, minimize the visual impact of buildings and the access (both individually and cumulatively) on the landscape values of the locality. In particular, the subdivision design should avoid the positioning of proposed building platforms that will give rise to any structures being located where they will break the line and form of any skylines or prominent ridges.
- (b) Whether features of the subdivision including the intended location of residential activities, design and location of access, stormwater and waste water management, the planting of trees and shrubs, and the shaping of earth, avoids, remedies or mitigates any adverse effect on the landscape values of the locality.
- (c) Whether the allotment(s) created will be able to adequately accommodate on site services for the disposal of stormwater and wastewater and other utilities such as power and phone without excessive earthworks or removal of indigenous vegetation and whether any restrictions on the scale, nature and location of the earthworks and disposal of excess material may detract from or help maintain the landscape values of the locality.

9.2.14.2 DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

When assessing an application for a discretionary activity for any subdivision, the Council shall have regard to the following assessment criteria as are applicable to the situation and any other matters it considers appropriate:

(1) GENERAL

The following criteria will be used to assess a subdivision application as a discretionary activity:

- (a) Any specific assessment criteria for the subdivision in Rules 9.2.3 and 9.2.4.
- (b) The Controlled Activity Assessment Criteria in Rule 9.2.14.1.
- (c) The degree to which the proposed subdivision (in terms of matters such as shape, size, access) will facilitate the establishment of the land use activity.
- (d) The objectives and policies for subdivision and for the zone in which the subdivision is proposed.

(2) ASSESSMENT CRITERIA FOR LIFESTYLE LOTS IN THE RURAL AND COASTAL ZONES

- (a) Whether the subdivision layout has taken sufficient account of the topography of the site and surrounding land, through providing for house sites and access thereto that will, when built on, minimize the visual impact of buildings and the access (both individually and cumulatively) on the open rural character or special landscape or coastal character values of the rural or coastal zones and locality. In particular, the subdivision design should avoid the positioning of proposed building platforms that will give rise to any structures being located where they will break the line and form of any skylines or prominent ridges or be highly visible from any approved building site on an adjoining property, a *Strategic Highway* or *District Arterial*, or the surface of water along the eastern coastline of the District.
- (b) Whether features of the subdivision including the intended location of residential activities, design and location of access, stormwater and waste water management, the planting of trees and shrubs, and the shaping of earth, avoids, remedies or mitigates any adverse effect on the existing landscape, and/or rivers and streams.
- (c) The extent to which existing native bush, or other vegetation which contributes to visual amenity and provides a habitat for indigenous fauna, is retained and the reasons why any clearance is proposed.
- (d) Whether the cumulative effects of the subdivision will adversely effect:
 - (i) The open rural/coastal character and amenity of a particular area
 - (ii) The use of the adjoining/surrounding properties for farming and other established rural activities
- (e) Whether traffic movements resulting from the subdivision will have any significant impact on the safe and efficient operation of any public road. Pertinent matters for consideration in this regard are:

- (i) The carrying capacity, standard and status in the roading hierarchy (as defined in the HDC Engineering Manual, Version 1) of the road concerned.
- (ii) The means by which any likely traffic hazard can be avoided or mitigated.
- (iii) The comments of the New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.
- (f) The extent to which existing and/or new road access is required to service the subdivision.
- (g) The degree to which the subdivision will create/lead to demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.
- (h) Whether adequate access to the proposed lots and future house sites, manoeuvring and parking can be accommodated without excessive earthworks or removal of indigenous vegetation and whether any restrictions on access or use of common access may detract from or help maintain rural/natural character values.
- (i) The extent to which the lots to be created are self-contained, with regard to stormwater drainage, effluent disposal and water supply (except where reticulated services are provided).
- (j) Whether the allotment(s) created will be able to adequately accommodate on site services for the disposal of stormwater and wastewater and other utilities such as power and phone without excessive earthworks or removal of indigenous vegetation and whether any restrictions on the scale, nature and location of the earthworks and disposal of excess material may detract from or help maintain natural character values.
- (k) Whether the subdivision layout has taken sufficient account of the need to provide open space around buildings and especially between existing houses and potential house sites on adjoining lots and/or adjacent properties.
- (l) Whether the subdivision is designed to minimise conflicts that can arise between rural farming activities and lifestyle residents.
- (m) Whether the subdivision (or development of the lots resulting from it e.g. earthworks and access) may affect known sites and/or features having ecological, heritage and cultural value.
- (n) Whether the subdivision layout will adversely affect the recreational, ecological, spiritual or cultural values of any adjoining public open space or the coast.
- (n) Whether the subdivision is in an identified hazard area and the physical act of creating the subdivision (eg earthworks) or the subsequent development on the allotment(s) could not be adequately protected from the hazard.
- (o) Appropriateness of mechanisms proposed by the applicant or the need for consent notices on the resultant titles to:
 - (i) Ensure that the balance area of any allotment on which a dwelling and associated accessory buildings may be erected is kept free of any future building development in perpetuity.
 - (ii) Specify the location and size of building platforms and access thereto.
 - (iii) Specify the formation standards and design of driveways.
 - (iv) Provide foundation, effluent and stormwater disposal designs in accordance with

any specified engineering assessments.

- (v) Prevent the erection of boundary fencing.
- (vi) Locate and design of on site stormwater and wastewater disposal.
- (vii) Retain, enhance and maintain areas in indigenous vegetation.
- (viii) Remove and control noxious plants or other exotic species incompatible with ecological values of the area.
- (ix) Prohibit cats, mustelids or ferrets and ongoing control of feral animal pests.
- (x) Place controls on dogs and grazing of stock

Note: The subdivision application may be required by Council to be supported by a report from suitably qualified professionals in landscape architecture, ecology, archaeology and traffic engineering specifying any necessary conditions to achieve the above outcomes.