

Section 9:

SUBDIVISION

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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 7.3).
 - (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 areas, vehicle turning and parking and so on.

- (c) Accordingly, the subdivision standards are interrelated with the development and 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 development 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 most of the new growth areas Council has prepared structure plans which provide a development framework for future development and which assist in the coordination of subdivision in the identified areas and integration with adjacent established areas and with the transport network.

(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 design and layout of subdivisions can have an adverse impact on quality urban design outcomes of safe, efficient and coherent communities.
- (h) Recognising that the physical act of subdivision has the potential to detrimentally affect the natural and physical resources, including the efficient provision and maintenance of infrastructure (and in particular the transport network).
- (i) 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. (87.165)(183.317)

(a) Policies

- (i) Ensure allotments created by subdivision, particularly in areas containing high quality soils, are appropriately located and shaped and of sufficient size to enable the establishment and efficient operation of rural production activities based on the soil 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 on rural production activities. (87.166)(183.319)

(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, shape and location 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) and sensitive activities are sited away from the boundaries of high impact rural production activities such as factory farming and mineral extraction.

(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 proliferation of cul-de-sacs where these are not associated with topographical constraints

(9) Include use of shared road environments where sustainable.

(10) Avoid adverse effects of traffic generation on the transport network.

(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 address the effects of subdivision on infrastructure to sustain environmental and community wellbeing, health and safety.

(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 (87.167)(183.238)(183.239)(183.323)

(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. (168.237)(87.168)(183.240)(183.325)
- (iii) Provision for the legal and physical protection of significant natural areas and scheduled heritage items through subdivision incentive.

(b) Reasons for Objective 5

- (i) The act of subdivision and associated development has the potential to detrimentally effect the integrity and significance of areas of high biodiversity, heritage, cultural and landscape value.
- (ii) 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 within the same holding (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 located, 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 the 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. (168.210)

9.2 SUBDIVISION ACTIVITY STATUS

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 9.3 below for those *subdivisions* that are either applicable in all the *zones* (eg boundary relocations and adjustments, specific purpose *lots*) and Rule 9.4 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 2010 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 9.3 and 9.4 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 9.3 and 9.4, are a *discretionary activity*, provided that where the non compliance relates to the provisions of the following rules, the status of the *subdivision* shall become that of a *Non Complying Activity*. (58.123)(90.2)(86.1)
 - Rule 9.4.1.1 - General Lots in the Rural, Coastal & Karangahake Gorge Zones – All Areas;

- Rule 9.4.1.2(1) Lifestyle *Lots* in the Rural Zone – Plains and Waihi Basin;
- Rule 9.4.2.1 General *Lots* in the Low Density Residential Zone;
- Rule 9.4.3.1 General *Lots* in the Residential Zone of Waihi, Paeroa, Ngatea, Turua, Kerepehi & Whiritoa;
- Rule 9.4.3.2 *Comprehensive Residential Development Lots* in Waihi, Paeroa, Ngatea and Kerepehi; and
- Rule 9.4.3.3 General *Lots* in the Residential Zones of Waikino, Karangahake & Mackaytown.

- (3) The assessment criteria contained within the *subdivision* provisions (Sections 9.3 – 9.6) 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.

9.3 SUBDIVISION RULES APPLICABLE IN ALL ZONES

9.3.1 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 previously 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 (168.242)
- (b) The *building* complies with all the relevant zone development standards of the District Plan. (168.242)

9.3.2 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*. (168.243)

- (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 MATTERS

Conditions may be imposed in relation to the matters over which *Council* has reserved control as specified below:

- (a) **Size and Shape of the Lot**
 - (i) Refer to Section 9.5 – *Controlled Activity Assessment Matters*.

- (ii) Whether *conditions* attaching to any resource consent or *designation* relevant to the land being subdivided, can be met.

9.3.3 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 compliance with 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
(58.126)(122.1)(123.1)(129.26)(176.9)(180.7)
- (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: (58.127)(168.244)(129.27)(176.10)(180.8)
 - (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.
(58.129)(90.3)(86.3)(168.216)(129.29)(176.12)(180.10)
- (e) The existing *dwelling lot* shall have a *frontage* to a public road of 20 metres minimum.
(58.131)(168.216)(129.31)(147.1)(176.14)(180.12)
- (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*.
(58.130)(122.1)(123.1)(129.30)(147.2)(176.13)(180.11)

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which *Council* has reserved control as specified below:

- (a) **Size, Shape and Dimension of the Lots**
 - (i) Refer to Section 9.5 – *Controlled Activity* Assessment Matters.
 - (ii) 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 for Subdivision and Development in Section 8.0.

- (iii) Whether the usefulness (eg. topography, shape, accessibility, ability to be serviced, location and use of *buildings*) of the *lot(s)* is neutral or improved following the boundary adjustment or relocation.

9.3.4 PROTECTION OF SIGNIFICANT HERITAGE AND ENVIRONMENTAL FEATURES

- (1) *Subdivision of land to create allotments that encompass significant heritage and environmental features, shall be a Controlled Activity for those features specified below, and subject to the relevant standards in Section 9.3.4(3): (168.246)(183.294)*

(a) *A historic heritage feature listed and described in Sections 6.1.6.2 and 6.1.6.3*

(b) *Any Significant Natural Area listed and described in Section 6.2. (183.286)*

(c) *Waahi tapu land gazetted under the Te Ture Whenua Māori Act 1993 Maori Land Act 1993. (87.170)(183.247)*

- (2) *Subdivision of land to create allotment(s) for dwelling(s), where a Significant Natural Area listed in Section 6.2 is legally protected within the same holding, shall be a controlled activity subject to the standards in Rule 9.3.4(3)(d). (58.134)(87.171)(183.248)*

(3) STANDARDS

(a) In the Rural, Coastal and Karangahake Gorge Zones, the heritage *lot* shall encompass the entire feature, and where the feature is a *dwelling* the *lot* shall comply with the standards for existing *dwellings* in Rules 9.3.3(1)(b) – (d), and

(b) In all other zones the heritage *lot* shall encompass the entire feature, and as a minimum, shall comply with the *subdivision* standards for the zone in which it is located.

(c) *In the Rural, Coastal and Karangahake Gorge Zones only;*

(i) *10 hectares or more of Significant Natural Area on a holding (listed in Section 6.2) may be subdivided onto a separate lot, which may include an additional area suitable for a dwelling that complies with the standards for existing dwellings in Rules 9.3.3(1)(b) – (d), and*

(ii) *Further lots including a minimum of 20 hectares or more of Significant Natural Area on the holding (listed in Section 6.2) may be created, which may include an additional area suitable for a dwelling that complies with the standards for existing dwellings in 9.3.3(1)(b)-(d), with a maximum of 3 Significant Natural Area lots per Significant Natural Area on a holding, or (58.135)(183.287)*

(d) *Separate lot(s) to construct a dwelling may be subdivided from the holding on which the Significant Natural Area listed in Section 6.2 is being legally protected, subject to compliance with the standards for existing dwellings in Rules 9.3.3(1)(b) – (e), as follows:*

(i) *1 dwelling lot for 10 hectares or more of Significant Natural Area legally protected;*
or

- (ii) 2 dwelling lots for 30 hectares or more of Significant Natural Area legally protected; or
- (iii) 3 dwelling lots for 50 hectares or more of Significant Natural Area legally protected; and
- (iv) Maximum of 3 dwelling lots per holding. (58.135)(183.288)

(4) **CONTROLLED ACTIVITY MATTERS (183.250)(183.289)**

Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:

(a) **Location, Size, Shape and Dimension of the Lots/ Protection of Features**

- (i) Refer to Section 9.5 – *Controlled Activity Assessment Matters*.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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. (168.247)

(5) **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.

9.4 SUBDIVISION RULES APPLICABLE FOR SPECIFIC ZONES

9.4.1 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 (168.249), 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 land with *high productive capability* (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.

9.4.1.1 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* as a *Controlled Activity*, subject to compliance with the standards set out below: (87.172) (176.1)(180.1)
- (a) All Areas (excluding Waihi Basin Area) (Refer to Planning Maps M1- M4) (183.252)
- (i) 40 hectares minimum *net lot area*
(36.5)(58.1)(58.2)(92.3)(86.4)(90.14)(92.3)(114.2)(115.9)(116.9)(129.2)(143.1)
(147.6)(166.1)(176.2)(180.2)

(b) **Waihi Basin Area (Refer to Planning Maps M1 – M4)**

- (i) 6 hectares minimum net lot area (58.3)(114.3)(129.3)(176.3)(180.3)
- (ii) Minimum Net Lot Area Dimension: 100 metres x 100 metres

Note: Where the above standards are not complied with the subdivision is required to be assessed as a Non Complying Activity. (90.2)(86.7)(90.6)(115.1)(116.1)

(2) **CONTROLLED ACTIVITY MATTERS**

- (a) Conditions may be imposed in relation to the matters over which Council has reserved control as specified below:
- (b) **Location, Size, Shape and Dimension of the Lots and Access Thereto**
 - (i) Refer to Section 9.5 – Controlled Activity Assessment Matters
 - (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 (58.7)(176.15)(180.15)

9.4.1.2 **LIFESTYLE LOTS IN THE RURAL ZONE**

In the Rural Zone, land may be subdivided to create lifestyle lots as a Controlled Activity as specified in 9.4.1.2 (1) and (2) below:

(1) **PLAINS AND WAIHI BASIN AREA (Refer to Planning Maps M1 - M4)**

- (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 Te Ture Whenua Māori Act 1993 Maori Land Act 1993 or the Conservation Act 1987; or
 - (vi) such other severe physical or legal feature.
- (b) The lifestyle lot shall comply with the following: (176.22)(180.22)
 - (i) Lot size shall be a minimum of 5,000m² and a maximum of 2 hectares. (58.10)(176.18)(180.18)
 - (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. (58.13)(176.20)(180.20)

- (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 9.4.1.1(1)). (58.11)(176.21)(180.21)

Note: Where the above requirements are not complied with the *subdivision* is required to be assessed as a *Non Complying Activity*. (90.7)(115.2)(116.2)

(2) ALL OTHER PARTS OF THE RURAL ZONE (OUTSIDE LANDSCAPE PROTECTION AREAS) (147.7)(183.256)

- (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 may be subdivided to create a maximum of five lifestyle *lots*. (58.17)(87.173)(126.11)(160.10)
- (b) The lifestyle *lots* provided for in (a) 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. (58.19)(126.12)(160.10)
 - (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 Capability Class* 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) (58.20)(126.13)(147.8)(160.10)
 - (iv) No lifestyle *lot* shall be located within a quarry resource area and the associated reverse sensitivity area, as identified on the planning maps. (58.15)(87.174)(126.9)(160.10)
 - (v) The balance area of any *subdivision* creating one or more lifestyle *lots* shall comply with the requirements for General *Lots* (see Rule 9.4.1.1(1)), unless the balance area also complies with the requirements for creating Lifestyle *Lots*.

(3) CONTROLLED ACTIVITY MATTERS

In assessing a *subdivision* for Lifestyle *Lots* provided for in accordance with Rule 9.4.1.2(1) and (2), *conditions* may be imposed in relation to the matters over which *Council* has reserved control as specified below:

- (a) **Location, Size, Shape and Dimension of the *Lots* and Access Thereto**
 - (i) Refer to Section 9.5 – *Controlled Activity Assessment Matters* (58.18)(126.14)
 - (ii) Whether the life style *lot subdivision* compromises the use of the balance of the *holding* for a range of *rural production activities*. (58.21)(126.15)
 - (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 *lots*. (58.23)(126.16)

- (iv) Whether the *internal access* serving any *lots* is sufficiently separated or appropriately formed to mitigate potential nuisance effects for *dwelling*s on adjoining *lots* or on adjacent *properties* (58.22)(126.17)

(4) DISCRETIONARY ACTIVITY STANDARDS

Lifestyle *lots* in the Rural Zone (Outside Landscape Protection Areas) that do not meet one or more of the provisions of Rule 9.4.1.2(2) shall be assessed as a Discretionary Activity provided that:

- (a) The maximum number of lifestyle *lots* created shall not exceed ten.

Note: Where the above standard for a *Discretionary Activity* is not complied with the *subdivision* is required to be assessed as a *Non Complying Activity*.

9.4.1.3 LIFESTYLE LOTS IN THE COASTAL ZONE AND RURAL ZONE (LANDSCAPE PROTECTION AREAS)

(1) In the Coastal Zone and Rural Zone (Landscape Protection Areas) (87.122) land may be subdivided to create lifestyle *lots* as a *Discretionary Activity* as follows: (182.4)(183.259)

- (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, and for a *Certificate of Title* issued after 26 September 2000, which is of 40 hectares or more, land may be subdivided to create a maximum of five lifestyle *lots*. (58.25)(129.8)

(b) The lifestyle *lots* provided for in (a) 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. (58.26)(129.9)
- (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 Capability Class* 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) (58.27)(129.10)
- (iv) The balance area of any *subdivision* creating one or more lifestyle *lots* shall comply with the requirements for General *Lots* (see Rule 9.4.1.1 (1)), unless the balance area also complies with the requirements for creating Lifestyle *Lots*.

Note: Where the above provisions are not complied with the *subdivision* is required to be assessed as a *Non Complying Activity*. (115.3)(116.3)

(2) DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

- (a) When assessing a *Discretionary Activity* application for lifestyle *lots* in the Coastal Zone and Rural Zone (Landscape Protection Areas) the *Council* shall have regard to the *Controlled Activity* Assessment Matters in Section 9.5 and the *Discretionary Activity* Assessment Criteria in Section 9.6.

9.4.2 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.

9.4.2.1 GENERAL LOTS IN THE LOW DENSITY RESIDENTIAL ZONE

In the Low Density Residential Zone, land may be subdivided to create general *lots* as a *Controlled Activity* 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 <i>residential area</i> of 300m ² , with no dimension measuring less than 20 metres (58.29)	No specified maximum
Old Waitekauri Road, Waikino	Refer to Structure Plan in Section 8.6.10 Appendix 9	Refer to Structure Plan in Section 8.6.10 Appendix 9
All Other Areas	2,500m ² Can contain a <i>residential area</i> of 700m ² , with no dimension measuring less than 20 metres (58.29)	1 hectare (except that the balance <i>lot</i> may exceed 1 hectare)

Note: Where the above standards are not complied with the *subdivision* is required to be assessed as a *Non Complying Activity*. (90.2)(86.9)(90.9)(115.4)(116.4)

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which *Council* has reserved control as specified below:

(a) Location, Size, Shape and Dimension of the Lots and Access Thereto

- (i) Refer to Section 9.5 – *Controlled Activity Assessment Matters*
- (ii) Whether the *subdivision* is designed to provide the occupants of the *lot(s)* with an adequate level of privacy and separation in relation to *dwelling*s on adjacent *lots*. (58.34)(147.10)

- (iii) Whether the *internal access* serving any *lots* is sufficiently separated or appropriately formed to mitigate potential nuisance effects for *dwelling*s on adjoining *lots* or on adjacent *properties* (58.35)(147.10)

9.4.3 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 *development standards* required for *residential activities*. Larger *lot* sizes for certain residential areas are to maintain their established urban character.

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

In the Residential Zone of Waihi, Paeroa, Ngatea, Turua, Kerepehi & Whiritoa land may be subdivided to create general *lots* as a *Controlled Activity* as follows:

(1) STANDARDS (147.12)(147.15)(183.263)

(a) Minimum Net Lot Area:

- (i) 1 – 2 *lots*: 525m², (21.1, 19.1) except in Turua where 700m² applies irrespective of the number of *lots* created. (58.36)(90.5)(86.6)(88.1)(19.1)(88.1)(162.2)(164.2)
- (ii) 3 or more *lots*: Average of 700m², minimum of 525m² except in Turua. (58.37)(86.6)(88.1)(90.5)(88.1)(161.3)(164.3)
- (iii) Minimum Shape Factor: 15 metres x 15 metres, excluding *yards* and easements for infrastructure. (21.1)(58.38)(19.1)(161.4)(164.4)

(b) Minimum Frontage:

- (i) Front *Lots*: 18 metres (21.2)(58.39)(88.1)(147.18)(162.5)(164.5)
- (ii) Rear *Lots*: 3.5 metres (88.1)(58.39)(88.1)(147.18)(147.21)

(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. (58.40)

Note: Where the above standards are not complied with the *subdivision* is required to be assessed as a *Non Complying Activity*. (90.2)(86.10)(90.10)(115.5)(116.5)

9.4.3.2 COMPREHENSIVE RESIDENTIAL DEVELOPMENT LOTS IN WAIHI, PAEROA, NGATEA & KEREPEHI ONLY (21.3)(168.251)(147.13)(162.6)(164.6)

In the Residential Zone of Waihi, Paeroa, Ngatea & Kerepehi land may be subdivided to create *comprehensive residential development lots* as a *Controlled Activity* as follows:

(1) STANDARDS (147.16)(183.264)

- (a) The minimum *net lot area* of the parent *lot* prior to *subdivision* shall be 5000m². (58.41)
- (b) 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. (58.42)
- (c) The parent *lot* prior to *subdivision* shall include a *residential area* of 4000m². (58.43)
- (d) The parent *lot* shall have *frontage* to a through *road*. (58.44)
- (e) The minimum *net lot area* of each *allotment* shall be 350m². (58.45)
- (f) Minimum *Frontage*:
 - (i) *Front Lots*: 12 metres (58.46)(147.19)
 - (ii) *Rear Lots*: 3.5 metres (58.46)(147.19)(147.22)
- (g) Minimum Shape Factor: 9 metres x 9 metres, excluding *yards* and easements for infrastructure. (58.47)

Note: Where the above standards are not complied with the *subdivision* is required to be assessed as a *Non Complying Activity*. (90.2)(86.11)(90.11)(115.6)(116.6)

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

In the Residential Zone of Waikino, Karangahake & Mackaytown land may be subdivided to create general *lots* as a *Controlled Activity* as follows: (147.14)(147.17)

(1) STANDARDS (183.265)

- (a) Minimum *Net Lot Area*: 1,000m² (71.1)(58.48)
- (b) Minimum Shape Factor: 16 metres x 20 metres, excluding *yards* and any easements for infrastructure. (58.49)
- (c) Minimum *Frontage*:
 - (i) *Front Lots*: 25 metres (58.50)(147.20)
 - (ii) *Rear Lots*: 3.0 metres (147.20)(147.23)

Note: Where the above standards are not complied with the *subdivision* is required to be assessed as a *Non Complying Activity*. (90.2)(86.12)(90.12)(115.7)(116.7)

9.4.3.4 CONTROLLED ACTIVITY ASSESSMENT MATTERS FOR ALL RESIDENTIAL ZONES

- (1) *Conditions* may be imposed in relation to the matters over which *Council* has reserved control as specified below:

(a) **Location, Size, Shape and Dimension of the Lots and Access Thereto**

- (i) Refer to Section 9.5 – *Controlled Activity* Assessment Matters.
- (ii) Whether the *subdivision* layout and provision of infrastructure is provided in a manner consistent with good urban design principles (refer to Section 9.1.3(2)).
- (iii) Whether the *internal access* serving any *lots* is sufficiently separated or appropriately formed to mitigate potential nuisance effects for *dwelling*s on adjoining *lots*. (58.51)

9.4.4 **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*.

9.4.4.1 **GENERAL LOTS IN THE TOWN CENTRE ZONE**

In the Town Centre Zone land may be subdivided to create general *lots* as a *Controlled Activity* as follows:

(1) **STANDARDS**

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

(2) **CONTROLLED ACTIVITY MATTERS**

Conditions may be imposed in relation to the matters over which *Council* has reserved control as specified below:

(a) **Size, Shape and Dimensions of Lots**

- (i) Refer to Section 9.5 – *Controlled Activity* Assessment Matters.

9.4.5 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.

9.4.5.1 GENERAL LOTS IN THE INDUSTRIAL ZONE

In the Industrial Zone land may be subdivided to create general *lots* as a *Controlled Activity* as follows:

(1) STANDARDS

- (a) Minimum *Net Lot Area*: 1000m², except at Kerepehi
 (b) Minimum *Net Lot Area* (Kerepehi only): 2000m²
 (c) **Minimum Frontage: 9 metres** (58.52)
 (d) Minimum Shape Factor: 15 metres diameter circle (exclusive of *yards*)

(2) CONTROLLED ACTIVITY MATTERS

- (a) *Conditions* may be imposed in relation to the matters over which *Council* has reserved control as specified below:
 (b) **Size, Shape and Dimensions of *Lots***
 (i) Refer to Section 9.5 – *Controlled Activity Assessment Matters*.

9.4.6 RESERVE ZONES

(1) PURPOSE

- (a) Rule 9.3.2 (1) provides for *subdivision* of Special Purpose *Lots*, which includes reserves under the Reserves Act 1977 and Conservation Act 1987, in all *zones*. Rule 9.3.4 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.

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

In the Reserve Zones land may be subdivided to create general *lots* as a *Controlled Activity* as follows:

(1) STANDARDS

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

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which *Council* has reserved control as specified below:

(a) Size, Shape and Dimensions of *Lots*

- (i) Refer to Section 9.5 – *Controlled Activity* Assessment Matters.

9.4.7 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.

9.4.7.1 GENERAL LOTS IN THE FLOOD PONDING ZONE

Subdivision for any purpose other than for boundary adjustments and relocations provided for in Rule 9.3.3 is not provided for and shall be a *Non Complying Activity*. (90.13)(115.8)(116.8)

9.4.8 CONSERVATION ZONES

9.4.8.1 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 9.3.2 and 9.3.4) 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 9.6.

9.4.9 MARAE DEVELOPMENT 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 Maori Land Act 1991.

9.4.9.1 GENERAL LOTS IN THE MARAE DEVELOPMENT ZONE

In the Marae Development Zone land may be subdivided to create "alienation" *lots* as a *Discretionary Activity* as follows:

(1) STANDARDS

- (a) No standards are provided for the "alienation" of land. Each application will be assessed on its merits. (58.53)(58.54)(58.55)

(2) DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

- (a) When assessing a *Discretionary Activity* application for the "alienation" of land in the Marae Development Zone the *Council* shall have regard to the *Controlled Activity* Assessment Matters in Section 9.5 and the *Discretionary Activity* Assessment Criteria in Section 9.6.

9.4.10 TOWNSHIP ZONE

(1) PURPOSE

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

9.4.10.1 GENERAL LOTS IN THE TOWNSHIP ZONE

In the Township Zone land may be subdivided to create general *lots* as a *Controlled Activity* as follows:

(1) 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

(2) CONTROLLED ACTIVITY MATTERS

Conditions may be imposed in relation to the matters over which *Council* has reserved control as specified below:

(a) Size, Shape and Dimensions of *Lots*

- (i) Refer to Section 9.5 – *Controlled Activity Assessment Matters*.

9.5 CONTROLLED ACTIVITY ASSESSMENT MATTERS

(1) GENERAL

In assessing an application for a *controlled activity* for any *subdivision*, the following general assessment matters 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 (58.56)
 - (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.

9.6 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) The *Controlled Activity* Assessment Criteria in Section 9.5.
- (b) 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.
- (c) The objectives and policies for *subdivision* and for the *zone* in which the *subdivision* is proposed.
- (d) 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.
- (e) 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.
- (f) 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. (58.57)(126.18)
- (g) The extent to which existing and/or new *road* access is required to service the *subdivision*.
- (h) 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.
- (i) 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.

- (j) 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).
- (k) Whether the *subdivision* layout will adversely affect the recreational, ecological, spiritual (168.253) or cultural values of any adjoining public open space or the coast.
- (l) 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.
- (m) 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. (168.254)
- (n) 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. (183.178)
- (o) Where the *subdivision* involves the creation of lifestyle *lots* in the Rural Zone (Outside Landscape Protection Areas) in accordance with Rule 9.4.1.2(4), regard shall be had to the relevant assessment criteria in (2) below to ensure the open rural character and amenity of the area is maintained and potential reverse sensitivity effects on rural production activities are minimised. (58.58)(126.19)

(2) **ASSESSMENT CRITERIA FOR LIFESTYLE LOTS IN THE RURAL ZONE (LANDSCAPE PROTECTION AREA) AND COASTAL ZONE**

- (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 *Statec Highway* or *Arterial Road*, or the surface of water along the eastern coastline of the District. (58.59)(126.20)
- (b) Whether the cumulative effects of the *subdivision* will adversely effect:
 - (i) The open rural/coastal character and amenity of a particular area (58.60)(126.21)
 - (ii) The use of the adjoining/surrounding *properties* for *farming* and other established rural activities
- (c) 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*.

- (d) Whether the *subdivision* is designed to minimise conflicts that can arise between *rural production activities* and lifestyle residents. Particular attention is required to the design of the *subdivision* where located within a quarry resource area and the associated reverse sensitivity area as identified on the planning maps. (52.7)(58.62)(126.23)(160.13)
- (e) 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. (58.63)(126.24)
 - (ii) Specify the location and size of building platforms and access thereto. (58.64)(126.25)
 - (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. (58.65)(126.26)
 - (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 require ongoing control of feral animal pests. (58.66)(126.27)
 - (x) Place controls on dogs and grazing of stock (58.67)(126.28)

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.