

10.0 SUBDIVISION, FINANCIAL CONTRIBUTIONS, ESPLANADE RESERVES AND ESPLANADE STRIPS

10.1 SUBDIVISION

10.1.1 BACKGROUND

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.

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.

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.

Resource Management Act 1991

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.

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.

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.

District Plan

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 needs to be designed in order that sufficient land of the required productive potential is provided for each allotment.

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 and absence of hazards are of relevance to urban activities. For example, the "space" resource for residential activities needs to be managed in order that residential allotments 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.

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

Rural Subdivision

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.

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 10.1.2.

Urban Subdivision

Subdivision design and size of lots in urban areas, (ie the main towns and townships), has been governed mainly by the servicing needs of the activities. In particular, on-site servicing of septic tank effluent and stormwater has dictated section size and building coverage on those sections. Once these servicing restrictions have been removed, subdivision design has related more to the space needs of the activities proposed to be or actually established in the zone.

In the residential zones, the subdivision standards also relate to protecting the amenities (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.

"Specific Purposes" Subdivision

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.

10.1.2 RESOURCE MANAGEMENT ISSUES

The main issue that the subdivision provisions need to address, is ensuring an integration between the development and subdivision requirements of activities, and maintaining opportunities for future use and development of land.

Other issues include the following:

- Ensuring that potentially productive land and associated land use opportunities are preserved by encouraging an appropriate subdivision pattern.
- Recognising the inherent constraints of the natural environment (eg slope, natural hazards, drainage) and controlling subdivision accordingly.
- Identifying infrastructural constraints (eg provision of public services, ability to effectively accommodate on site services) and controlling subdivision accordingly.
- Recognising significant ecological, landscape, amenity and heritage values and the need to facilitate the protection of them through subdivision rules.
- Giving effect to the Treaty of Waitangi as well as recognising the special relationship of Maori with their land in applying subdivision rules.

- The need to encourage a logical and stable land tenure pattern which facilitates the sustainable management of the land resource.
- Recognising that the physical act of subdivision has the potential to detrimentally affect the natural and physical resources and amenities of a neighbourhood.
- 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.

10.1.3 ANTICIPATED ENVIRONMENTAL RESULTS

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 is an activity in itself.

The environmental results for subdivision in the urban area is to facilitate the maintenance and preservation of the established settlement/development pattern in order to protect amenity and environmental values and the economic, social and cultural wellbeing of these communities.

In the rural area, the outcome sought in subdivision management is to ensure the higher quality 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.

A clear distinction is made between subdivision opportunities within the urban and rural zones. In Rural areas lot size is principally limited 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 development is carried out in a sustainable manner. In particular, subdivision should be designed to take advantage of existing services and not create the need for the provision of additional services.

To accommodate a range of rural 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:

- Preserving the productive potential of rural land.
- Encouraging the protection of areas of high environmental, heritage, cultural and amenity value.
- Avoiding development in areas where natural hazards exist.
- Retaining rural character (open landscape etc).

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.

In order to achieve this environmental result, the subdivisional rules contained in the District Plan identify minimum areas, which are based on an evaluation of land use capabilities, as well as consideration of visual character and amenity values.

10.1.4 OBJECTIVES AND POLICIES

Objective 1

To ensure the productive potential of the higher quality rural land (ie Class I, II and III) is not reduced by the undue fragmentation of land and associated housing development.

Objective 2

To encourage the continued use of rural land for rural activities appropriate to the land use capability of the land.

Policies for Objectives 1 and 2

Objectives 1 and 2 will be achieved by implementation of the following policies:

1. Creating a lot size range that is compatible with and recognises the potential productivity of the land and preserves that potential in perpetuity.
2. Facilitating the aggregation of small parcels of land.
3. Providing for subdivision of rural land for intensive rural activities and other non-agricultural uses.
4. Providing a rural residential zone to accommodate demand from those people wishing to live in a semi-rural environment.

Reasons

1. 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.
2. Providing for a range of allotment sizes (from rural-residential lifestyle, through to large scale grazing), enables land to be valued at its "productive" value, rather than at its "residential" value.

Objective 3

To protect areas of high environmental, heritage, cultural and amenity value, and restrict development in areas where natural hazards exist.

Policies

Objective 3 will be achieved by implementation of the following policies:

1. Providing for the subdivision of a lot containing an area identified as having significant ecological or heritage values where the retirement and/or rehabilitation of the feature is achieved through the use of protective instruments.
2. Imposing appropriate conditions on subdivision consents to protect the natural and physical qualities of the environment.

Reasons

1. Allowing for a subdivision of 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 adjoining such lots (clear of the significant ecological/heritage feature).

Objective 4

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

Policies

Objective 4 will be achieved by implementation of the following policies:

1. Identifying some areas specifically for rural residential development where rural amenity values will not be compromised and provision of public services is not a constraint.
2. Providing for small lot lifestyle subdivision on less productive rural land, subject to ensuring that the rural character and amenity values are protected.
3. 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).

Reasons

1. Development of rural "lifestyle" blocks can have the effect of removing land from productive use, and reducing the "viability" of the towns and townships.
2. 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 is required outside the hapu and to be used as a guide for the Maori Land Court when inside the hapu.

Objective 5

To minimise the potential for activities in the rural area to impact upon one another in an incompatible manner.

Policies

Objective 5 will be achieved by implementation of the following policies:

1. Ensuring that all new rural lots have the capacity to be developed and used without the potential for adverse effects on the environment or where appropriate, that any such effects can be adequately avoided, remedied or mitigated.
2. Small lot 'lifestyle' subdivision adjoining major traffic routes, in particular State Highways, should not adversely affect the efficient and safe operation of the roading network.

Reasons

1. 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 etc can be alleviated by proper treatment on site and the provision of a buffer distance).
2. The efficient and safe movement of traffic can be compromised by the addition of access points, both in terms of the number of access points and their location.

Objective 6

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.

Policies

Objective 6 will be achieved by implementation of the following policies:

1. 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.
2. 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.

Reasons

1. Construction of a subdivision entails the use of resources. Such resources should be utilised in a sustainable manner.
2. 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.

Objective 7

To promote urban amenity as part of subdivision design.

Policies

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

1. Encourage developers to alter designs, include additional lighting, carry out street tree planting, use a variety of construction materials (eg paving, coloured chip) and other works, as part of subdivision design.
2. Ensure an adequate level of amenity (eg landscaping, street lighting, street design) is provided.

Reasons

1. The design and standard of subdivision can have a determining influence on the attractiveness of an area to live in.
2. Good subdivision design and standards contribute to amenity matters such as streetscape (through the planting of trees and the design of the street), and security (through street lighting and position of lots).

10.1.5 SUBDIVISION RULES

10.1.5.1 Description

The Resource Management Act 1991 specifically charges territorial authorities with the function of **controlling** the subdivision of land (Section 31(c)). Historically, the control of subdivision has been carried out using two main mechanisms. Firstly, the use of rules in either the legislation, district plans or codes of urban subdivision. Secondly, negotiation was used particularly with respect to the design and layout of subdivision. The concept plan and the objection process are examples of more formal

processes used to identify and resolve subdivision issues. At a more informal level, discussion between subdividers, surveyors and Council officers prior to and after the presentation of a scheme plan of subdivision has enabled issues to be negotiated and resolved prior to the scheme plan approval.

Rules are the main method used in this District plan with respect to achieving the objectives and policies for subdivision.

As envisaged by the Resource Management Act 1991 and as adopted throughout this District Plan, performance standards will be used to control and guide subdivision matters. The Code of Practice for Urban Land Subdivision (NZS 4404:1981) is a model for subdivision which has been used by Council to guide subdivision. This document already uses a performance approach and the rules set out for subdivision in this District Plan complement this established approach.

Most of the performance standards are applicable to both subdivision and development, with only a few being specific to subdivision. Therefore, all these subdivision performance standards are within Section 9.0 Performance Standards of the District Plan.

10.1.5.2 Objectives and Policies

The objectives and policies for the subdivision rules, are designed to be complementary to and assist in achieving the objectives and policies for:

- Subdivision as a whole (Section 10.1.4).
- Performance standards (Section 9.0).
- Each of the respective zones.

Accordingly, all the above sets of objectives and policies need to be considered when assessing a subdivision application.

10.1.5.3 Methods to Implement Objectives and Policies

The principal method by which Council will implement the above objectives and policies is through the use of rules. Although the legal process of subdivision is not an activity in itself, land use activities and the subdivision pattern are linked and are difficult to separate. The Act directs Council to "control" the subdivision of land, and rules are an effective and well understood method of control.

The rules for subdivision are based on a performance approach that gives a mixture of certainty and flexibility.

The provision of public services can also act as a control over the timing, location and scale of subdivision. Council, as the provider of public infrastructure, can use the provision (or non provision) of that infrastructure as a tool to manage subdivision.

Monitoring of subdivision consents and enforcement action to achieve compliance with those conditions and performance standards will indicate whether or not the conditions and standards require amendment (either because they are too stringent or because they are not achieving the desired outcome).

Reasons

1. Refer to Section 2.0 which sets out Council's main reasons for adopting a Rule based approach to the achievement of the objectives and policies.
2. A combination of techniques is seen as the best way of controlling subdivision, as it provides a range of techniques to match the range of subdivision situations.

10.1.5.4 Activity Status

The rules that establish the activity status of subdivision are determined by two methods, being:

1. The "dimension" (area, frontage, shape, etc) standards necessary to meet the requirements of the activities provided for in the zone; and
2. The performance standards that are applicable to subdivision and development and which seek to avoid, remedy or mitigate any adverse effects of subdivision on the environment, natural and physical resources and amenity values.

The "dimension" standards stated in Rules 10.1.5.4 (A - D) are for those subdivisions that are either applicable in all the zones (eg boundary relocations and adjustments, and amendments to lease plans), and/or are general dimension standards for lots specific to the zone.

The performance standards for subdivision are set out in Section 9.0 together with a description of the purpose of the standard, the standard itself and then the criteria to be used to assess an application for a "lesser" standard as part of a subdivision or as a separate application under Section 348 of the Local Government Act 1974. The assessment criteria contained within each subdivision activity (Rule 10.1.5.4 (A - D)) will be used to assess a subdivision that is a controlled, discretionary or non complying activity.

An application for subdivision consent which does not meet one or more of the required Performance Standards specified in Section 9.0 shall require a resource consent as a **discretionary** activity.

An application for subdivision consent which does not meet either the definition or dimension standards in Rules 10.1.5.4 shall require a resource consent as a **discretionary** activity.

A. Permitted Activities

1. In any zone, an amendment to provide for a new building, to a cross lease, company lease or unit 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 conditions:
 - 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
 - The building complies with all the relevant performance standards of the District Plan and a Certificate of Compliance pursuant to Section 139 of the Act has been issued by Council; and

Note: Where a cross-lease, company lease or unit plan does not meet the above conditions, a resource consent (**discretionary** activity) shall be required to be obtained.

B. Controlled Activities

(a) GENERAL

All subdivision applications are a controlled activity, unless otherwise specifically stated, where they comply with the following:

- Subdivision definition and minimum dimension standards in Section 10.1.5.4; and
- Performance Standards under Section 9.0; and
- Financial Contributions under Section 10.2; and
- Esplanade Reserve requirements under Section 10.3.
- For all subdivision applications relating to the property legally described as Lot 67 DPS 14798, where lots are created within 20 metres of State Highway 25 then as a minimum standard the lots shall be designed to comply with the average Traffic Noise Design Levels set out in Transit New Zealand's Guidelines for Management of Road Traffic Noise – State Highway Improvements, effective at 1 December 1999. The design shall take into account the average annual daily traffic volumes with allowance made for increases in volumes until 31 December 2015.

Advisory Note

At the detailed design stage phase of the subdivision, opportunities should be examined and implemented to limit the effects of traffic noise by adopting the "best practicable option" to ensure that emission of noise from SH25 does not exceed a reasonable level under Section 16(1) of the Resource Management Act 1991. The noise mitigation shall be pertinent to future designs of residential units and shall be relevant to those designs. For example if mitigation measures are only appropriate for single storey dwellings (within 20 metres of the roadside) then a covenant shall be placed on titles preventing building over the relevant height.

(b) SPECIAL PURPOSE LOTS

Discussion, Purpose and Reasons

Some lots need to be created for specific activities or purposes, which have no prescribed minimum standards which are applicable. The size and shape of the allotment will be such as to accommodate the activity, feature or service.

Standard

In all zones, a lot for a special purpose as specified below, shall be a controlled activity:

- 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.
- A network utility.
- A public work.
- An access denial or segregation strip.
- Access strip from one public place to another public place.

- Specified activities 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 Rural zones).

- Reserves under the Reserves Act 1977 and Conservation Act 1987.

Note: The requirements specified in Rule 10.1.5.4 B.(a) do not apply.

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) - General Assessment Criteria.
- Whether conditions attaching to any resource consent or requirement made under Section 168 of the Act relevant to the land being subdivided, can be met.

(c) BOUNDARY ADJUSTMENTS AND RELOCATIONS

Discussion, Purpose and Reasons

Many situations arise in which boundaries need to be altered to allow swapping of land, provide allotments of a size and shape that can accommodate activities in a better way, correct a situation where the boundary or building has been "mislocated", **provide for the subdivision of surplus dwelling lots** or allow Certificate of Title boundaries to coincide with zone boundaries.

The flexibility of boundary adjustments and relocations should be provided in a manner that does not provide a "backdoor" method to compromise the objectives and policies for development and subdivision.

Standard

In any zone, 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:

- The number of Certificates of Title involved in the subdivision will be the same or less after the subdivision has been undertaken; and
- No allotment will be reduced in size to less than the minimum area for an allotment in that zone except in the case of surplus dwellings where the allotment(s) containing the surplus dwelling(s) shall be as follows:

Minimum Area	Maximum Area
2,500m ²	5,000m ²

- Each surplus dwelling lot shall have a residential area of not less than 2,500m², with no dimension measuring less than 30m.
- And subdivision of surplus dwelling lots shall:
 - Be provided for where all dwellings have been located on the holding for a period of not less than 5 years at the date of the application for subdivision consent; and
 - Have an existing dwelling on the lot comprising the balance land.

Note: 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.

In the case of surplus dwelling lots the Certificates of Title need not be adjoining.

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) - General Assessment Criteria.
- 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 District Plan performance standards.
- Is the usefulness of the lot(s) improved following the boundary adjustment or relocation.
- Where on-site effluent disposal is proposed, whether the allotments are of a size and shape that accommodate the disposal of domestic and/or non-domestic effluent in accordance with Performance Standards 9.3.7 and 9.3.8.

(d) PROTECTION OF SIGNIFICANT HERITAGE AND ENVIRONMENTAL FEATURES

Discussion, Purpose and Reasons

There are various mechanisms available to assist in the protection of heritage and environmental features. One mechanism is to allow the feature to be subdivided out of its parent block. This allows the transfer of that allotment and feature to the individual or organisation responsible for its protection.

In some situations, the subdivision of the lot will also include sufficient land on which to build a dwelling. An incentive is provided by allowing for the subdivision of a lot for a dwelling from other land of the "parent" lot. More than one dwelling lot per feature is accepted in principle, but due to the difficulty in writing the necessary subdivision rules, such an application would need to be considered as a discretionary activity.

The subdivision process allows appropriate legal instruments relating to protection of the "feature" to be attached to a title (eg covenants, sale agreements).

Standards

- In any zone, 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 heritage protection site
 - Waahi tapu land gazetted under the Maori Affairs Act 1953
 - Any feature listed and described in Section 7.0 or such other areas of significant indigenous vegetation (including wetlands) as certified by the Regional Conservator, Department of Conservation, or a person with recognised formal qualifications in the field, or such other historic buildings and sites, as certified by

the Historic Places Trust, or a person with recognised formal qualifications in the field.

Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and including any protective or enhancement measures deemed necessary.

- In the Rural and Rural-Residential zones, either:
 - (i) 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; or
 - (ii) a separate lot to construct a dwelling may be subdivided from the "parent" lot.

Where the lot includes provision for a dwelling the lot must comply with the minimum standards in Rule 10.1.5.4 B.(g) - General Lots in the Rural-Residential Zone.

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.
- 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.
- Whether the extent of protection 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.
- Where a dwelling is permitted on any proposed 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.

Conditions of Consent

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

- Protection in perpetuity of the protected feature by means of suitable protective instruments such as encumbrances, covenants or consent notices, or other registrable legal instruments acceptable to the Council.
- 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:
 - identification on a suitable plan attached to the legal documentation of the area of the feature subject to protection
 - 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
 - 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

- Specify position of a proposed building platform, method of effluent and stormwater disposal to protect the character and avoid disturbance to the protected feature
- include such other reasonable requirements considered necessary by Council to ensure protection in perpetuity of the feature.

(e) LIFESTYLE LOTS IN THE RURAL ZONE

Discussion, Purpose and Reasons

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 Rural-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 highly productive land to be used for a range of alternative activities. As such, lifestyle lots are not permitted on Class I-III land 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.

A minimum road frontage requirement is intended to encourage the creation of lifestyle lots close to roads, reduce the land area that can be taken out of production by long access strips to sites to the rear or middle of properties and to avoid compromising the use of the balance land area.

The lot size and minimum road frontage 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 and to provide sufficient area for the provision of on-site domestic servicing.

The Council recognises that the primary function of State Highways is to facilitate the movement of vehicles. It also recognises that for the majority of land fronting State Highways, the State Highway is the only possibility for access to the roading network.

The performance standards relevant to vehicle access will be used in the assessment of lifestyle lot subdivision applications.

It should be noted that the majority of the State Highways traversing the District are 'Limited Access Roads'. Movement to or from a Limited Access Road is only permitted:

- 92(c) 'At a crossing place authorised and specified by the Authority and subject to such conditions as are for the time being imposed by the Authority in accordance with Section 91 of this Act'. (Transit New Zealand Act).

Early consultation with Transit New Zealand is therefore essential for any subdivision proposals fronting such a State Highway.

Council is concerned that unrestricted subdivision and development of lifestyle lots may be unsatisfactory in terms of generated effects on rural amenity, and the impact upon unsealed roads. This is particularly so where multiple lifestyle lots are proposed. For example, the number of lots may be insufficient to provide the necessary financial contribution to enable an unsealed road to be upgraded. These matters need to be assessed and in the event any adverse effects cannot be avoided, remedied or mitigated, the application may be declined.

Standards

In the Rural zone (excluding the Coastal Environment Policy Area), land may be subdivided to create lifestyle lots in two situations, being:

- 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, where the land to be subdivided has a Land Use Classification of Class IV-VI, the land may be subdivided to create a maximum of five lifestyle lots.

(Note: A report on the Land Use Capability Class of the site shall be prepared by a suitably qualified person, 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); or

- Land which has a Land Use Classification of Class I-III, may be subdivided where the lifestyle lot is physically separated from the balance area of the title by:
 - a permanent watercourse not less than 3 metres in width; or
 - an existing formed public road currently maintained by the Council; or
 - a railway; or
 - a reserve under the Reserves Act 1977; or
 - an area protected under the Wildlife Act 1953, the Maori Affairs Act 1953 and the Conservation Act 1987; or
 - such other severe physical or legal feature.

In both situations above the lifestyle lots shall comply with the following standards:

- Lot size shall be a minimum of 5,000m² and a maximum of 1ha on Class I-III land.
- Lot size shall be a minimum of 5,000m² on Class IV-VI land.
- Each lot shall have a residential area of not less than 5,000m² with no dimension measuring less than 30 metres.

The residential area 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.

- Each lot shall have a minimum road frontage of 50 metres.
- Access shall be provided from a sealed road.

Note: The balance area of any subdivision creating one or more lifestyle lots shall comply with the requirements of Rule (f) - General Lots in the Rural Zone, unless the balance area also complies with the requirements of Rule (e) - Lifestyle Lots in the Rural Zone.

the National Water and Soil Conservation Organisation. A report on the Land Use Capability Class of the site shall be prepared by a suitably qualified person, except where the Land Use Capability is clearly beyond doubt the Council may waive this requirement.

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.
- Whether existing native bush, or other vegetation which contributes to the visual amenity of the area will be retained.

(f) GENERAL LOTS IN THE RURAL ZONE

Discussion, Purpose and Reasons

Provision needs to be made for subdivision of rural land to allow development of productive rural activities to continue and/or establish.

Land which is classified as Class I-III has characteristics that generally enable greater production to be obtained than on land with a lesser classification (ie Class IV-VIII). Such land can be used for a wide range of productive purposes. As such, the area of land which can be subdivided relates to the productive potential of the land.

Standards

For each subdivision application:

Area	LUC *1 I-III	➤	For each Certificate of Title that existed at 26 September 2000: <ul style="list-style-type: none"> ○ Where the area of land is < 8ha, no subdivision is provided for. ○ Where the area of land is ≥ 8ha and ≤ 12ha, one lot with a minimum residential area of 2,500 m² may be created. The balance lot shall have a minimum plantable area of 6 hectares. ○ Where the area of land is >12ha, one lot with a minimum residential area of 2,500 m² may be created. The balance area may be subdivided into lots each containing a minimum plantable area of 6 hectares and the subdivision as a whole shall contain a minimum average of 6 hectares of plantable land.
		➤	For each Certificate of Title created after 26 September 2000: <ul style="list-style-type: none"> ○ Each lot shall contain a minimum plantable area of 6 hectares, with the subdivision as a whole containing a minimum average of 6 hectares of plantable land.
	LUC IV		15ha minimum of productive land.
	LUC V-VIII		40ha minimum of productive land.
Minimum Dimension	LUC I-III only 40 metres x 40 metres		

- An area of land capable of accommodating a dwelling in accordance with the performance standards for dwellings as a permitted activity in the Rural zone, shall be identified on each lot.

Notes:

*1 LUC means 'Land Use Capability Classes' as described in the New Zealand Land Resource Inventory Worksheets published by

'Plantable Land' means land which is:

- Not steeper than 15°.
- Not prone to flooding or ponding (Reference should be made to the information held at the Council offices).
- Land which does not include any significant heritage or environmental features listed in Section 7.0.

'Productive Land' means land which is:

- Not steeper than 30°.
- Either under grass, planted with an established crop or forestry at the time of application.

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.

(fa) SURPLUS DWELLINGS IN THE RURAL ZONE

Discussion, Purpose and Reasons

Trends in farming practices over the past few years have included the amalgamation of farms and the reduction in 'on-farm' labour. This trend has led to many houses in the rural areas now being surplus to the farm requirements. These dwellings represent a valuable resource to provide accommodation for people wishing to live and/or work in the rural areas.

The minimum amount of land required for the dwelling and associated effluent disposal should be subdivided, to ensure that the amount of land removed from productive purposes is minimal.

Standards

In the Rural zone, land may be subdivided to remove a surplus dwelling from the farm holding subject to meeting the following standards:

- The allotment(s) containing the surplus dwelling(s) shall meet the minimum and maximum areas as follows:

Minimum Area	Maximum Area
2500m ²	5000m ²

- Each surplus dwelling lot shall have a residential area of not less than 2,500m², with no dimension measuring less than 30m.
- Subdivision of surplus dwelling lots shall:
 - Be provided where all dwellings have been located on the holding for a period of not less than 5 years at the date of the application for subdivision consent; and

- Have an existing dwelling on the lot comprising the balance land.

In the Rural Zone, land may be subdivided to remove a school house from an existing school, subject to meeting the following standards:

- Lot size shall be as follows:

Minimum Area	Maximum Area
2500m ²	5000m ²

- Each school house lot shall have a residential area of not less than 2,500m², with no dimension measuring less than 30m.

Assessment Criteria

- Refer to Section 10.1.5.4.B.(p) General Assessment Criteria

(g) GENERAL LOTS IN THE RURAL-RESIDENTIAL ZONE

Purpose, Discussion and Reasons

The rural-residential zone has been provided in specific locations adjoining the towns, to cater for a particular type of residential living that is demanded 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 have to be designed to ensure:

- Efficient use of the land set aside for rural-residential purposes.
- The lots produced meet the criteria of those wishing to purchase and develop them.
- Adverse environmental effects of rural-residential activities are avoided or mitigated.
- On-site disposal of effluents is able to be achieved.

The rural-residential zones have been located in areas that are considered suitable for that purpose. Accordingly, they have not been provided in areas that would require access onto a state highway (apart from to the north of Paeroa, where one access point has been provided) or cannot be adequately serviced.

Standards

- Lot size shall be as follows:

	Minimum area	Maximum Area	Minimum Average Area
Sewered	2,000m ²	5,000m ²	3,500m ²
Unsewered	2,500m ²	5,000m ²	3,500m ²

- Each unsewered lot shall have a residential area of not less than 2,500 m², with no dimension measuring less than 30 metres.

The residential area 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.

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.

(h) GENERAL LOTS IN THE RESIDENTIAL ZONE

Purpose, Discussion and Reasons

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. For a "greenfield" situation, the subdivision standards will readily enable residential activities to establish. For the "infill" situation, the subdivision standards may not so readily be able to be achieved due to the existence of established buildings, infrastructure or trees. The non-complying status for such situations enables an assessment of the application and the ability for Council to refuse to grant consent to the subdivision in the event that the objectives and policies for the zone will not be achieved.

Standards

- Minimum Net Lot Area - Greenfield 450m²
- "Infill" 350m²
- Minimum Shape Factor - All situations 15 x 10 metre rectangle excluding any yard requirements
- Minimum Frontage - Front and Rear Lots 3.5 metres
- Variety of Allotment Size - In any subdivision containing four or more allotments Half the allotments shall have an area greater than 700m²

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.
- With respect to the land east of Pipiroa Road and north of Mahana Road, rezoned to 'Residential' as a result of Plan Change 8 (legally described as Lots 1, 2 and 3 DPS 88526, Lot 1 DP 362637 and Part of Lot 2 DP 362637) is the subdivision layout and provision of infrastructure provided in a manner consistent with good urban design principles, in keeping with the lot size character of Ngatea and enables the whole of the area to be developed in a consequential and logical manner and does not preclude the potential for future urban development of adjoining land where the constraints of natural hazards and residual risks can be adequately mitigated.
- With respect to the land to the west of Roberts Street and north of Bradford Street, rezoned to 'Residential' as a result of Plan Change 10 (legally described as Lot 1 DPS 30015, Part of Lot 2 DPS 30015, Sect 309 SURD Ohinemuri, Lots 1-4 DPS 72869) is the subdivision layout and provision of servicing infrastructure provided in a manner that enables the

whole of this area to be developed in a consequential and logical manner and does not preclude the potential for future urban development of adjoining land.

- With respect to the land to the east of Smith Street, rezoned to 'Residential' as a result of Plan Change 10 (legally described as Lot 4 DPS 33511 Blk XVI Ohinemuri SD, Lot 3 DPS 54708 and Lot 1 DPS 59309, Pt Lot 3 DPS 33510, Lot 2 DPS 33510 Blk XVI Ohinemuri SD, part of Lot 7 DPS 33511 and Section 901 Waihi Town), is the subdivision layout and provision of servicing infrastructure provided in a manner that enables the whole of this area to be developed in a consequential and logical manner and does not preclude the potential for future urban development of adjoining land.

When assessing any application relating to the subdivision of Lot 67 DPS 14798 the Council reserves control over the following issues where the subdivision creates residential lots within 20 metres of State Highway 25;

- amenity and safety in relation to SH 25;
- traffic noise from SH 25; and
- subdivision design.

(ha) RESIDENTIAL LOTS FROM LOT 2 DP 329044, DOLPHIN DRIVE, WHIRITOA

Purpose, Discussion and Reasons

The ability to subdivide Lot 2 DP 329044 has resulted following the change of zoning from 'Rural Residential;' to 'Residential'. At the time of rezoning the land, Council recognised that the development of this land needed to be carried out in a manner that maintained the character and amenity values enjoyed by the nearby residents, could be adequately serviced and addressed the reverse sensitivity issues arising due to its boundary with State Highway 25.

Standards

- Number of Lots No more than 46 residential allotments with access from Dolphin Drive or its extension.
- Minimum Net Lot Area 450m²
- Maximum Net Lot Area 699m²
- Minimum Shape Factor 15 x 10 metre rectangle excluding any yard requirements
- Minimum Frontage Front and rear lots 3.5m
- Noise For all subdivision applications where lots are created within 20 metres of State Highway 25 then as a minimum standard the lots shall be designed to comply with the average Traffic Noise Design Levels set out in Transit New Zealand's Guidelines for Management of Road Traffic Noise – State Highway Improvements, effective at 1 December 1991. The design shall take into account the average annual daily traffic volumes with allowance made for increases in volumes until 31 December 2015.
(Advisory Note: At the detailed design stage of the subdivision, opportunities should be examined and

implemented to limit the effects of traffic noise by adopting the "best practicable option" to ensure that emission of noise from State Highway 25 does not exceed a reasonable level under section 16(1) of the Resource Management Act 1991. The noise mitigation shall be pertinent to future designs of residential units and shall be relevant to those designs. For example, if mitigation measures are only appropriate for single storey dwellings (within 20 metres of the roadside) then a covenant shall be placed on titles preventing building over the relevant height).

- Stormwater Refer to Rule 9.3.10.3

Assessment Criteria

- Refer to Section 10.1.5.4.B.(p) General Assessment Criteria.
- Where the subdivision creates residential lots within 20 metres of State Highway 25, Council reserves control over the following matters:
 - Amenity and safety in relation to State Highway 25;
 - Traffic noise from State Highway 25; and
 - Subdivision design.

(Note: State Highway 25 is a Limited Access Road and no legal or physical vehicular access can be provided).

(i) GENERAL LOTS IN THE TOWN CENTRE ZONE

Purpose, Discussion and Reasons

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.

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.

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 and environment.

Standards

- Minimum Frontage - All lots 9 metres

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.

(j) GENERAL LOTS IN THE INDUSTRIAL (LIGHT) AND (HEAVY) ZONES

Purpose, Discussion and Reasons

In the industrial zones it is necessary to include subdivisional 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. Subdivision to create allotments smaller than the minimum standards can be considered through the resource consent (non-complying activity) process.

In the Industrial (Light) zone it is recognised that due to the "service" nature of the activities permitted in the zone, that smaller allotments will generally be adequate. The Industrial (Heavy) zone provides for larger lots to adequately provide for the nature of the activities on the site, eg accommodating trucks.

Where subdivision of land is proposed within an APA strip, the subdivision standards are amended to ensure lots are of sufficient size to allow for the landscaping and yard performance standards required on the APA.

Standards

- Minimum Net Lot Area - Industrial (Light) 500m²
Industrial (Heavy) 1,000m²

Provided that where any lot or part of a lot is located within the APA, then the area of the lot within 3.0 metres of the boundary of the APA and the adjoining zone shall not be included in the minimum Net Lot Area.

Provided that in the area north of Kerepehi Town Road and west of SH 2, where any lot or part of a lot is located within the APA, then the area of the lot within 12.0 metres of the boundary of the APA and the adjoining zone shall not be included in the minimum Net Lot Area.

- Minimum Frontage - Industrial (Light) NLA up to 2000m² 9.0m
and Industrial NLA > 2000m² 10.0m
(Heavy)

Provided that where the frontage of any lot or part of a lot is located within the APA, the Minimum Frontage shall be increased by 3.0 metres, to accommodate the increased yard.

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.

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

Purpose, Discussion and Reasons

Rule (b) provides for subdivision of Special Purpose Lots, which includes reserves under the Reserves Act 1977 and Conservation Act 1977, in all zones. Rule (d) also provides for subdivision of Significant Heritage and Environmental Features in all zones.

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.

In Reserve zones, no particular 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.

Standards

- Minimum Frontage - All situations 3.5 metres

Assessment Criteria

- Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.

(l) GENERAL LOTS IN THE FLOOD PONDING ZONE

Purpose, Discussion and Reasons

The activities permitted in this zone are related principally to the main purpose of flood ponding. Where allotments are bisected by the zone boundary, provision has been made under Rule (c) - Adjustments and Boundary Relocations to enable lot boundaries to coincide with zone boundaries to occur as either a controlled or non-complying activity. Subdivision for any other purpose will be assessed as a non-complying activity.

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

Purpose, Discussion and Reasons

The provision for subdivision of Special Purpose Lots and Significant Heritage and Environmental Features (Rules (b) and (d)) provide the necessary subdivision provisions for the activities permitted in the Conservation zones.

Any subdivision outside these provisions will be considered as a non-complying activity.

(n) LOTS IN THE MARAE DEVELOPMENT ZONE AND MAORI LAND IN ANY ZONE

Purpose, Discussion and Reasons

The control of 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).

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.

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.

Standards

➤ 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.

➤ All Other Zones

Where the partition is for "alienation" then the subdivision standards and assessment criteria for subdivision in the respective zone shall apply.

Assessment Criteria

➤ Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.

(o) LOTS IN THE TOWNSHIP ZONE

Discussion, Purpose and Reasons

The Township zone provides for a mixture of residential, commercial and light industrial (service) activities. Some of the Township zones are unserviced with respect to sewerage and water. The performance standards will therefore determine the size and shape of allotments in the unserviced areas.

Standards

- Minimum Net Lot Area - sewered 450m²
- unsewered 2500m² "residential area"
- Minimum Shape Factor - 15 metre circle free of any yard requirements
- Minimum Frontage - Front Lots and 9 metres
Rear Lots

Assessment Criteria

➤ Refer to Section 10.1.5.4 B.(p) General Assessment Criteria.

(p) GENERAL ASSESSMENT CRITERIA

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

- 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.
- Whether each new boundary is practically located taking into account the following factors:
 - topography
 - practical management of existing and potential activities on the site
 - protection of the land from flooding, erosion and instability

- the location of existing buildings, roads, fencelines, drains, shelter belts/hedges, streams and rivers, internal roading and other physical features
 - 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
 - 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
 - environmental features that have been identified as requiring protection from development
 - 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
 - any existing resource consents and the conditions attached to them that need to be accommodated within any lot.
- Whether the subdivision (or development of the lots resulting from it e.g. access) may affect known sites and/or features having heritage and cultural value.

C. Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria specified in (a) below:

- 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.
- All subdivision proposals in any zone, that do not comply with one of the Performance Standards required to be met.
- 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 Rule 10.1.5.4.A and B above.

(Refer to Rule 10.1.5.4 B.(b) - Special Purpose Lots, which provides for a subdivision where a resource consent has already been granted in respect of a land use application for a discretionary or non complying activity, to be a controlled activity).

(a) Assessment Criteria for Discretionary Activities

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

1. The Performance Standard and Assessment Criteria for the standard in the zone that the subdivision is located.

2. The Performance Standards and Assessment Criteria for the subdivision, where it is provided for as a permitted or controlled activity in any other zone(s).
3. The General Assessment Criteria contained in Section 10.1.5.4 B.(p).
4. 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.
5. The objectives and policies for subdivision in general and particularly for the zone in which the subdivision is proposed.
6. The objectives and policies for the zone in which the subdivision is proposed.

(b) Assessment Criteria for Discretionary Activities in the Rural Zone

1. Whether the subdivision of Class I-III land into multiple lots < 6 hectares in area compromises the ability for the land to be used for purposes directly related to the inherent productive capability of the land.
2. Whether the subdivision will result in or encourage the amalgamation of existing titles.
3. Whether the cumulative effects of the subdivision will adversely affect
 - a. the open rural character and rural amenity of a particular area
 - b. the use of the adjoining/surrounding properties for farming (rural) activities
 - c. the ability to adequately service the lots, particularly for road access
 - d. the versatility and viability of the land to provide for the needs of present and future generations.
4. Whether the subdivision is designed to maintain and enhance the open rural character and rural amenity of the zone and locality, in terms of the proposed size, layout and number of lots, and location of existing and/or likely buildings.
5. 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:
 - The carrying capacity, standard and status in the roading hierarchy (as defined in Sections 4.0 and 8.9) of the route concerned
 - The ability of the site to accommodate the potential parking and on-site manoeuvring areas
 - The means by which any likely traffic hazard can be avoided or mitigated

- The comments of Transit New Zealand on the possible adverse effects on the safe and efficient operation of the State Highway network.

6. The extent to which existing and/or new road access is required to service the subdivision. Refer to Section 10.2.7.
7. 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.
8. Whether any earthworks necessary to accommodate the subdivision would create a significant adverse visual impact.
9. 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).
10. 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.
11. 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.
12. Whether the subdivision adjacent to any Conservation Zone or within the 'Karangahake Gorge Scenic Corridor Policy Area' creates a situation where likely buildings and activities have the potential to dominate or detract from the natural environment.
13. Whether the subdivision is designed to minimise conflicts that can arise between rural farming activities and lifestyle residents.
14. Whether the subdivision (or development of the lots resulting from it e.g. access) may affect known sites and/or features having heritage and cultural value.
15. Whether the subdivision design and layout is determined by physical and/or legal constraints (e.g. formed public roads, natural watercourses).

D. Non-Complying Activities

- 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.
- Subdivision of land within Lot 2 DP 329044 (including any subsequent subdivision) into more than 46 residential lots, or creation of any lot(s) with less than 450m² minimum net lot area, or creation of any lot(s) with greater than 699m² maximum lot area.

(Refer to Rule 10.1.5.4 **B.(b)** - Special Purpose Lots, which provides for a subdivision where a resource consent has already been granted in respect of a land use application for a discretionary or a non complying activity, to be a controlled activity).

10.1.5.5 General Rules

A. Information Requirements

Information to accompany any subdivision application shall be provided as is applicable to the situation, but shall be in accordance with Sections 88, 92 and 219 and the 4th Schedule to the Act and Rule 1.7.6 of this District Plan. In addition, the following information and explanation shall be shown on the subdivision plan, or included in an accompanying report as the case may require.

- Existing and proposed easements.
- Existing and proposed amalgamation conditions.
- How the proposed subdivision complies with the subdivision and performance standards specified in this Plan. Where the subdivision does not comply, the manner in which the assessment criteria are met.
- A plan drawn accurately to a suitable metric scale showing:
 - all the land being subdivided, the legal description and Certificate of Title boundaries of the land and the area and dimensions of all new lots
 - the position of all new boundaries
 - the location and areas of new reserves to be created, including esplanade reserves or esplanade strips to be set aside
 - the location and area of land to vest in Council as road
 - the location and areas of any part of the bed of a river or lake which is required to be shown on a survey plan as land to be vested in the Crown
 - contours and spot heights to show the general fall of the land and appropriate grade of roads or access.
- Copies of the current Certificate of Title for the land being subdivided.
- The nature and standard of existing and proposed network utility services such as roading, sewage disposal, stormwater, electricity supply, water supply and telecommunication supply.
- Where services are not available, evidence of how effluent disposal within the boundaries of the lots and how potable water is to be supplied.
- Five copies of the subdivision report and five full scale copies of the survey plan along with a good quality A4 reduction shall be supplied.

Additional full scale copies are required in the following situations:

▪ Amalgamation of Lots	1 extra
▪ Waiver of Esplanade Reserve	1 extra
▪ Land abutting a Railway or State Highway	1 extra

- Where the subdivision abuts a railway or State Highway, information on consultation undertaken with the agency responsible for the works and the results of that consultation shall be supplied.

B. Subdivision Plan to be Approved before Work Commences

Before any work, other than essential investigatory work, involving disturbance of the land surface or excavation of the land surface is undertaken or other work on the land for the purpose of the subdivision is commenced, a subdivision plan shall be submitted to and approved by Council. This obligation is subject to any agreement which may be entered into between the Council and an owner under the Resource Management Act 1991 which allows such preparatory works to be undertaken with such an agreement.

C. Approval of Survey Plan

Once a Certificate of Compliance has been issued pursuant to Section 139 of the Act or a subdivision consent has been granted pursuant to Sections 105, 108 and/or 220 of the Act, the Survey Plan may be submitted for Council approval pursuant to Section 223 of the Act.

A full size copy of the survey plan shall be supplied at the time of seeking a Section 223 Certificate, to be retained for Council's records.

D. Deposit of Survey Plan

The survey plan may not be deposited until Council has certified pursuant to Section 224 of the Act that all requirements of this District Plan have been met and that all conditions imposed under the subdivision consent have been satisfied.

E. Bonds

Council may enter into a bond agreement to cover subdivisional **works only**, where the subdividing owner can establish that the works cannot be carried out in reasonable time for reasons beyond their control. Such reasons may include matters such as weather, legal tenure problems and unexpected additional works.

Cash bonds only to cover the cost of the work, will be entered into and the term of the bond shall be for the shortest period practical in the circumstances.

The subdividing owner will also need to satisfy Council that a bond is the best alternative available and that other alternatives such as extending the subdivision approval time are not practical.

F. Circumstances When Subdivision Consent to be Refused

Council may refuse to grant its consent to an application for subdivision consent as a discretionary or non complying activity, in the following circumstances:

- (a) Whether those matters set out under Section 106 of the Resource Management Act 1991 have been satisfied or not.
- (b) Whether the subdivision will assist to achieve the objectives and policies of the zone that the subdivision is located in.
- (c) The subdivision would adversely affect the promotion of the purpose of the Resource Management Act 1991 as it relates to the sustainable management of natural and physical resources.

- (d) The degree of non-compliance with one or more of the subdivision performance standards is to such that "achievable" conditions to remove or mitigate any detrimental effect on the environment or amenity of an area could not be attached to any subdivision consent (ie rather than granting a consent with "unachievable" conditions, it is more transparent and up front for Council to refuse its consent).
- (e) The orderly and productive use of land would not be achieved by the proposed subdivision.
- (f) 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.

G. Applications for Subdivision

- (a) Any person wishing to subdivide land shall make an application for subdivision consent as a permitted, controlled, discretionary or non-complying activity as provided for in Rule 10.1.5.4 - Activities.
- (b) The subdivision will be assessed in relation to the standards and criteria specified for each type of activity. Even where a subdivision application complies with the minimum standards, conditions to alter the number, arrangement, area, frontage and shape of the allotments and access to them, may be imposed in order to create a more practical subdivision design.
- (c) No specific type of land tenure is specified as being required. However, in some situations (eg the division of buildings into separate allotments, common areas associated with buildings) Council may require that the allotments be held under a cross lease, company lease or unit title tenure even when the subdivision may have been submitted under a freehold tenure. This change in tenure shall only be required where Council is of the opinion that the coordinated development and any subsequent redevelopment would be easier to achieve using an alternative tenure system.

H. Notification of Subdivision Applications

Applications for subdivision consent will be dealt with as follows:

- (a) A controlled activity will not be publicly notified and no affected persons approvals will be required. Comments from affected persons may be requested to assist Council in determining conditions to attach to any resource consent.
- (b) A discretionary activity may be publicly notified and, where a land use and subdivision application are made together, and the land use is required to be publicly notified, the subdivision will also be publicly notified.

Where affected persons approvals are not forthcoming or where the affected persons cannot be readily determined, then the application will be publicly notified.

Notwithstanding (a) and (b) above, Council may require any subdivision application for a resource consent to be publicly notified in accordance with Section 93 of the Act, where Council considers the subdivision application raises issues that require public discussion.

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