

Section 9:

SUBDIVISION

TABLE OF CONTENTS – SECTION 9: SUBDIVISION

9.1	BACKGROUND	9.1-1
9.1.1	DESCRIPTION	9.1-1
9.1.2	RESOURCE MANAGEMENT ISSUES	9.1-3
9.1.3	OBJECTIVES AND POLICIES	9.1-4
9.1.4	ENVIRONMENTAL RESULTS	9.1-8
9.2	SUBDIVISION ACTIVITY STATUS	9.2-1
9.2.1	DESCRIPTION	9.2-1
9.2.2	ACTIVITY STATUS	9.2-1
9.3	SUBDIVISION RULES APPLICABLE IN ALL ZONES	9.3-1
9.3.1	AMENDMENT TO CROSS LEASE, COMPANY LEASE OR UNIT TITLE	9.3-1
9.3.2	SPECIAL PURPOSE LOTS	9.3-1
9.3.3	BOUNDARY ADJUSTMENTS AND RELOCATIONS	9.3-2
9.3.4	PROTECTION OF SIGNIFICANT HERITAGE AND ENVIRONMENTAL FEATURES	9.3-3
9.4	SUBDIVISION RULES APPLICABLE FOR SPECIFIC ZONES	9.4-1
9.4.1	RURAL, COASTAL & KARANGAHAKE GORGE ZONES	9.4-1
9.4.1.1	GENERAL LOTS IN THE RURAL, COASTAL & KARANGAHAKE GORGE ZONES	9.4-1
9.4.1.2	LIFESTYLE LOTS IN THE RURAL ZONE	9.4-2
9.4.1.3	LIFESTYLE LOTS IN THE COASTAL ZONE AND RURAL ZONE (DISTRICT AMENITY LANDSCAPE AREA)	9.4-4
9.4.1.4	SURPLUS HABITABLE DWELLING LOTS IN THE RURAL ZONE (PLAINS AND WAIHI BASIN AREAS ONLY)	9.4-5
9.4.2	LOW DENSITY RESIDENTIAL ZONE	9.4-6
9.4.2.1	GENERAL LOTS IN THE LOW DENSITY RESIDENTIAL ZONE	9.4-6
9.4.3	RESIDENTIAL ZONE	9.4-8
9.4.3.1	GENERAL LOTS IN THE RESIDENTIAL ZONES OF WAIHI, PAEROA, NGATEA, TURUA, KEREPEHI & WHIRITOA	9.4-8
9.4.3.2	GENERAL LOTS IN THE RESIDENTIAL ZONES OF WAIKINO, KARANGAHAKE & MACKAYTOWN	9.4-9
9.4.3.3	CONTROLLED ACTIVITY ASSESSMENT MATTERS FOR ALL RESIDENTIAL ZONES	9.4-9
9.4.4	TOWN CENTRE ZONE	9.4-10
9.4.4.1	GENERAL LOTS IN THE TOWN CENTRE ZONE	9.4-10
9.4.5	INDUSTRIAL ZONE	9.4-11
9.4.5.1	GENERAL LOTS IN THE INDUSTRIAL ZONE	9.4-11

9.4.6	RESERVE ZONES	9.4-12
9.4.6.1	GENERAL LOTS IN THE RESERVE (PASSIVE) AND (ACTIVE) ZONES	9.4-12
9.4.7	FLOOD PONDING ZONE	9.4-13
9.4.7.1	GENERAL LOTS IN THE FLOOD PONDING ZONE	9.4-13
9.4.8	CONSERVATION ZONES	9.4-14
9.4.8.1	GENERAL LOTS IN THE CONSERVATION (WETLAND) AND (INDIGENOUS FOREST) ZONES	9.4-14
9.4.9	MARAE DEVELOPMENT ZONE	9.4-15
9.4.9.1	GENERAL LOTS IN THE MARAE DEVELOPMENT ZONE	9.4-15
9.4.10	TOWNSHIP ZONE	9.4-16
9.4.10.1	GENERAL LOTS IN THE TOWNSHIP ZONE	9.4-16
9.5	CONTROLLED ACTIVITY ASSESSMENT MATTERS	9.5-1
9.6	DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA	9.6-1

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 Resource Management Act 1991 (RMA) 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 RMA, 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, Restricted Discretionary, Discretionary or Non Complying Activity.

(5) DISTRICT PLAN

- (a) In this District Plan, the subdivision provisions are essentially 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 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, that allotment sizes are such that a house can be built and vehicle access can be obtained, and there is sufficient land for outdoor living areas, vehicle turning and parking and so on.
- (c) Accordingly, the subdivision standards are inter-related with the development and performance standards for particular activities in each urban zone.

(6) RURAL SUBDIVISION

- (a) While historical subdivision 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, and 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 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 (such as a reserve, public utility site, or 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 issues that the subdivision provisions need to address, are 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, heritage, biodiversity and coastal natural character 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 and the subsequent development of lots 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) and the winning and processing of mineral resources from existing mineral extraction sites.
 - (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 allotment 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 non-rural development and activities (including housing).

(a) Policies

Objective 1 will be achieved by implementation of the following 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.

(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 can be 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 implementation of the following policies:

- (i) Require an appropriate and acceptable level of urban amenity as part of subdivision design.
- (ii) Ensure 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, avoiding a concentration together of small lot sizes;
- (7) minimise the number of rear lots and avoid irregular shaped or deep allotments;
- (8) retain and integrate natural features;
- (9) avoid proliferation of cul-de-sacs where these are not associated with topographical constraints;
- (10) include use of shared road environments where sustainable;
- (11) avoid adverse effects of traffic generation on the transport network;
- (12) minimise reverse sensitivity noise effects from regionally significant roads and future potential rail 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, the future needs and health and safety of people and communities are protected, and amenity values are maintained and enhanced, 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 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) Ensure the subdivision of land in the Urban Growth Areas proceeds in a consecutive sequence and adheres to the requirements of the relevant Structure Plans, and ensure:
 - (1) use of existing infrastructure services in the vicinity is maximised;
 - (2) the provision of new services is carried out in a co-ordinated manner.
- (iv) Use 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 required to be provided at a level that enables the community to meet its social, economic and health needs. For all those situations where public infrastructure and services are not available, adequate provision needs to be made for essential services on-site without having a detrimental effect on the environment.
- (ii) Construction of a subdivision entails the use of resources. Such resources should be utilised in a sustainable manner.
- (iii) In some instances, the provision of services and infrastructure is better carried out at a later date. Financial contributions are an efficient way of providing for this to occur.

(5) OBJECTIVE 5

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

(a) Policies

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

- (i) Appropriate subdivision provisions to protect, maintain and enhance the features of the District that have been identified or assessed as being of value.
- (ii) Ensure that any adverse effects of subdivision on these identified features are appropriately avoided, remedied or mitigated.
- (iii) Provide for the legal and physical protection of significant natural areas and scheduled heritage items through subdivision incentive.
- (iv) The policies in section 6.3.3 relating to areas of amenity and outstanding landscape value within the Rural, Coastal and Karangahake Gorge Zones.

(b) Reasons for Objective 5

- (i) The act of subdivision and associated development has the potential to detrimentally affect the integrity and significance of areas of high biodiversity, heritage, cultural and landscape value.
- (ii) Allowing for a subdivision of land containing ecological or 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 create or increase a risk (including residual risk) to people, property, infrastructure and the environment due to natural hazards.

(a) Policies

Objective 6 will be achieved by implementation of the following 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 consistent with '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 for alienation of Maori land is required inside 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 communities.
- (3) In the rural area, the outcome sought in subdivision management is to ensure the land is not fragmented and effectively rendered unusable for many productive purposes. The retention of the open, spacious character of rural land areas is also a result to be pursued.
- (4) A clear distinction is made between subdivision opportunities within the urban and rural zones. In rural areas lot size is principally linked to opportunities based on land use capabilities. In the urban zones subdivisions are generally to provide for housing and commercial/industrial development, while ensuring that subsequent quality development is able to be 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, while ensuring land use and development opportunities are 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.

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) In this District Plan the activity status for *subdivision* depends on two factors:
 - (a) The activity status listed in the relevant *rule* in Rule 9.2.2(2).
 - (b) Compliance with the District Wide Performance Standards in Section 8.0.
- (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 *Controlled Activity subdivisions* which do not comply with any one of the District Wide Performance Standards (listed in Sections 8.2 – 8.5) shall be assessed as a *Restricted Discretionary Activity* (unless an alternative activity status is specified in the standard). The matters over which the *Council* has restricted its discretion are specified within each District Wide Performance Standard.
 - (b) All *subdivision* applications in any *zone* provided for as a *Controlled Activity* which include land within 32 metres of a high voltage transmission *line* (as shown on the Planning Maps) shall be assessed as a *Restricted Discretionary Activity* (refer to Rule 8.2A.1.3(4), and Rule 8.2A.1.4(1)(c) for the matters over which the *Council* has restricted its discretion).
 - (c) 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 *Discretionary Activity*, shall also be assessed as a *Discretionary Activity*.
 - (d) 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*.
 - (e) 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, Controlled or Restricted Discretionary 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*:

- Rule 9.4.1.1(1)(a) & (b)(i) - General Lots in the Rural, Coastal & Karangahake Gorge Zones – All Areas;
 - Rule 9.4.1.2(1)(a) & (b)(i) Lifestyle Lots in the Rural Zone – Plains and Waihi Basin;
 - Rule 9.4.1.4(1) – Surplus Habitable Dwelling Lots in the Rural Zone – Plains and Waihi Basin;
 - Rule 9.4.2.1(1)(a)(i), (iv) & (vii) General Lots in the Low Density Residential Zone;
 - Rule 9.4.3.1(1)(a)(i) & (ii), (b)(i) & (d) General Lots in the Residential Zone of Waihi, Paeroa, Ngatea, Turua, Kerepehi & Whiritoa; and
 - Rule 9.4.3.2(1)(a) & (c) General Lots in the Residential Zones of Waikino, Karangahake & Mackaytown.
- (f) Any *subdivision* not otherwise provided for as a *Permitted*, *Controlled*, *Restricted Discretionary* or *Discretionary Activity* shall be a *Non Complying Activity*.
- (g) Any application to subdivide a *Minor Dwelling Unit* onto a separate *certificate of title* shall be a Non-Complying Activity.
- (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*.
- Note:** *Subdivision* has the potential to impact on archaeological sites. To modify or destroy an archaeological site permission is required from Heritage New Zealand Pouhere Taonga.

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*; or
 - (b) Where no building consent was required, the *building* complies with all the relevant *zone development standards* of the District Plan or an issued land use consent.

9.3.2 SPECIAL PURPOSE LOTS

- (1) In all *zones* a *lot* for a special purpose as specified below shall be a *Controlled Activity*. 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 comply as either a *Permitted* or *Controlled Activity* under Rules 9.3 or 9.4.
- (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) An 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 and given effect to, or where, although such consent would currently be required, the use has been otherwise lawfully established (this does not apply to *dwelling*s in the Rural, Coastal or Karangahake Gorge Zone, or to *minor dwelling units* in the Rural, Residential and Low Density Residential 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
- (b) No *allotment* shall be reduced in size to less than the minimum area for an *allotment* in the applicable *zone* (refer to Section 9.4), except as provided for in (c) below.
- (c) In the case of an existing *dwelling* capable of being used for *residential purposes* at the time of the *subdivision* in the Rural, Coastal and Karangahake Gorge Zones where the *allotment(s)* containing the existing *habitable dwelling* shall be as follows:
 - (i) Minimum *Lot Area* - 2,500m²
 - (ii) Maximum *Lot Area* - 5,000m².
 - (iii) The existing *dwelling lot* shall contain within the boundaries of the *lot* the effluent disposal system for the existing *dwelling*.
 - (iv) 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.
 - (v) The existing *dwelling lot* shall have a *frontage* to a public *road* of 20 metres minimum.
- (d) The area and dimensions of any existing, non complying *allotments* can still be less than the required minimum area and dimensions for *allotments* in the applicable *zone* (refer to Section 9.4) after the boundary adjustment or relocation, but cannot be reduced to less than what they were prior to the *subdivision*.

(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 or have been authorised by

resource consent, and whether the boundary adjustment or relocation does not result in 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 of the *lot(s)* (eg topography, shape, accessibility, ability to be serviced, location and use of *buildings*) 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 results in the legal protection of a significant *heritage* or environmental *feature* shall be a *Controlled Activity* for those features specified below, and subject to the relevant standards in Section 9.3.4(4):
 - (a) any *Significant Natural Area* listed and described in Section 6.2;
 - (b) *waahi tapu* land gazetted under Te Ture Whenua Māori Act (the Maori Land Act) 1993.
- (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(4)(d). For the avoidance of doubt the *allotment(s)* may be either contiguous with or separate from the *Significant Natural Area*.
- (3) *Subdivision* of land to create *allotments* that results in the legal protection of a significant *heritage* or environmental *feature* shall be a *Restricted Discretionary Activity* for those features specified below, and subject to the relevant standards in Rule 9.3.4(4):
 - (a) A historic *heritage feature* listed and described in the Schedule of Historic Heritage Inventory 6.1.6.2 or 6.1.6.3.

The matters over which the *Council* has restricted its discretion are specified in Rule 9.3.4(6).

(4) 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)(c)(i)-(v).
- (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)(c)(i)-(iv); 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 *dwelling*s in Rules 9.3.3(1)(c)(i)-(iv), with a maximum of 3 *Significant Natural Area* lots per *Significant Natural Area* on a *holding*; or

- (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 *dwelling*s in Rules 9.3.3(1)(c)(i)-(v), as follows:
- (i) 1 *dwelling lot* for 10 hectares or more of *Significant Natural Area* legally protected;
 - (ii) 2 *dwelling lots* for 30 hectares or more of *Significant Natural Area* legally protected;
 - (iii) 3 *dwelling lots* for 50 hectares or more of *Significant Natural Area* legally protected;
 - (iv) maximum of 3 *dwelling lots* per *holding*.

(5) 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 / 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 Rural (Outstanding Natural Landscape Area and District Amenity Landscape Area), Coastal and Karangahake Gorge Zones, whether the boundaries of the new *allotment* 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.

(6) RESTRICTED DISCRETIONARY ASSESSMENT MATTERS

The *Council* will restrict the exercise of its discretion to the effects of the *subdivision* on heritage and cultural values taking into account the following relevant assessment criteria:

- (a) 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.

- (b) Whether the extent of protection and ongoing management proposed as part of the *subdivision* application, and the nature and extent of the proposed protective legal instruments, will ensure the long term conservation of the values and character of the protected feature.
- (c) The reasons why the *subdivision* and any associated works are necessary and whether there are other means of achieving the same or similar ends with less adverse effects on the *heritage feature*.
- (d) The impact on the cultural landscape or streetscape values from an *amenity* and heritage perspective.
- (e) Whether the relevant iwi have been consulted (for any *heritage feature* which is significant to them) and whether the consultation supports the application.
- (f) The extent to which the works may adversely affect cultural and spiritual values.
- (g) Whether the proposal is consistent with the objectives of any current iwi management plan, current conservation management plan or heritage assessment relating to the *heritage feature*, and more particularly the stated conservation policies and strategies they identify for the *heritage feature*.
- (h) Whether Heritage New Zealand Pouhere Taonga has been consulted and whether the consultation supports the application.
- (i) Whether the conservation principles contained within the International Council on Monuments and Sites (ICOMOS) NZ Charter for the Conservation of Places of Cultural Heritage Value are applicable, and where applicable, whether they have been substantially adhered to.

(7) CONDITIONS OF CONSENT

Conditions specific to Rule 9.3.4 may be imposed in relation to the following matters:

- (a) Protection of the significant feature by means of suitable protective instruments such as encumbrances, covenants or consent notices, or other registered legal instruments acceptable to the *Council*, which shall incorporate, as appropriate, the following:
 - (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 protected area and where necessary the erection and maintenance of a stock proof fence as specified by *Council*.
 - (iii) A management plan prepared by a suitably qualified and experienced person, including measures to be implemented to ensure the long term protection of the feature, and including management of animal and plant pests, and monitoring and reporting provisions on the implementation and effectiveness of the protection measures.
 - (iv) Controls on the keeping of dogs and cats.

16 September 2019

- (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) 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) General farming lots are provided for throughout the zone, with recognition given to the smaller land area requirements of the production types appropriate to the Waihi Basin Area.
- (c) The Rural Zone also provides for the development of lifestyle lots requiring a certain amount of land for small scale agricultural activities, and/or for rural living purposes, 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.
- (d) 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 also the impact on the natural character of the Coastal and Karangahake Gorge areas and the identified Outstanding Natural Landscape Area and District Amenity Landscape Area. 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 and the Outstanding Natural Landscape and District Amenity Landscape Areas, such subdivision is a Discretionary Activity in the Coastal Zone and District Amenity Landscape Area of the Rural Zone, and a Non Complying Activity in the Karangahake Gorge Zone and Outstanding Natural Landscape Area of the Rural zone (due to the limited extent of these areas and their significant landscape value).
- (e) 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:

(a) **All Areas (excluding Waihi Basin Area) (Refer to Planning Maps M1- M4)**

- (i) 40 hectares minimum *net lot area*

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

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

(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 *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.

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 or wetland 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, Te Ture Whenua Māori Act (the 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:
- (i) *Lot* size shall be a minimum of 5,000m² and a maximum of 2 hectares.
 - (ii) The lifestyle *lot* shall as a minimum contain a *residential area* of 1000m².
 - (iii) The *lot* shall have a minimum *road frontage* of 6 metres.
 - (iv) The balance area of any *subdivision* creating the lifestyle *lot* shall have a minimum area of 5000m² and as a minimum a *residential area* of 1000m².

(2) ALL OTHER PARTS OF THE RURAL ZONE (OUTSIDE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA)

- (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*.
- (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.
 - (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 Class* is clearly beyond doubt by reference to the New Zealand Land Resource Inventory Worksheets, the *Council* may waive this requirement.)
 - (iv)** No lifestyle *lot* shall be located within a *quarry resource area* and the associated *quarry reverse sensitivity area*, as identified on the planning maps.
 - (v)** The balance area of any *subdivision* creating one or more lifestyle *lots* shall comply with the requirements for General *Lots* (see Rule 9.4.1.1(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*.
 - (ii)** Whether the lifestyle *lot subdivision* compromises the use of the balance of the *holding* for a range of *rural production activities*.
 - (iii)** Whether the lifestyle *lot subdivision* is designed (eg through identified building platforms, orientation of *dwellings*) 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*, and in relation to *rural production activities* on adjacent *lots*.
 - (iv)** Whether the *internal access* serving any *lots* is sufficiently separated or appropriately formed to mitigate potential nuisance effects for *dwellings* on adjoining *lots* or on adjacent properties.

(4) DISCRETIONARY ACTIVITY STANDARDS

Lifestyle *lots* in the Rural Zone (Outside Outstanding Natural Landscape Area and District Amenity Landscape Area) 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 (DISTRICT AMENITY LANDSCAPE AREA)

- (1) In the Coastal Zone and Rural Zone (District Amenity Landscape Area) land may be subdivided to create lifestyle *lots* as a *Discretionary Activity* as follows:

- (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*.
- (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.
 - (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 Class* is clearly beyond doubt by reference to the New Zealand Land Resource Inventory Worksheets, the *Council* may waive this requirement.)
 - (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*.

(2) DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

- (a) When assessing a *Discretionary Activity* application for lifestyle *lots* in the Coastal Zone and Rural Zone (District Amenity Landscape Area) 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.

9.4.1.4 SURPLUS HABITABLE DWELLING LOTS IN THE RURAL ZONE (PLAINS AND WAIHI BASIN AREAS ONLY)

In the Plains and Waihi Basin Areas of the Rural Zone, land may be subdivided to remove a surplus *habitable dwelling* from a *certificate of title* as a *Controlled Activity* as specified in 9.4.1.4(1) below:

(1) PLAINS AND WAIHI BASIN AREAS (Refer to Planning Maps M1 – M4):

- (a) A surplus *habitable dwelling* may be subdivided from a *certificate of title* where the surplus *habitable dwelling* has been located on the *certificate of title* for a period of not less than five years, subject to meeting the following standards:
 - (i) The parent *certificate of title* on which the surplus *habitable dwelling* is located must be less than 40 hectares if located in the Plains Area and less than 12 hectares if located in the Waihi Basin Area.
 - (ii) The *allotment* containing the surplus *habitable dwelling* shall have a minimum net *lot area* of 2500m² and a maximum total area of 1 hectare, and shall contain a *residential area* of 1000m².
 - (iii) An existing *habitable dwelling* shall be located on the *lot* comprising the balance area.

(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 surplus *habitable dwelling lot subdivision* is designed (eg through the shape and size of the *allotment*, and setback of the *dwelling* from the new boundaries) to provide the occupants of the surplus *habitable dwelling* with an adequate level of privacy and separation in relation to *dwelling*s on adjacent rural *lots*, and in relation to *rural production activities* on adjacent *lots*.
 - (iii) Whether the surplus *habitable dwelling lot* boundaries will result in any increase in the extent to which the surplus *habitable dwelling* will fail to conform to the Rural Zone *development standards*.
 - (iv) Whether any *internal access* serving the *subdivision* is sufficiently separated or appropriately formed to mitigate potential nuisance effects, for the surplus *habitable dwelling*, associated with the use of the *internal access* by *rural production activities*.

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 <i>Net Lot Area</i>	Maximum <i>Net Lot Area</i>
Orchard Road/Parry Palm Avenue, Waihi Bradford Street Extension, Waihi Refer Map K5	(i) 1000m² (ii) Can contain a <i>residential area</i> of 300m², with no dimension measuring less than 18 metres, and (iii) Can connect to reticulated Council wastewater disposal.	(iv) No specified maximum
Old Waitekauri Road, Waikino Refer to Structure Plan in Section 8.6.12 Appendix 11	(v) 1 hectare (vi) Can contain a <i>residential area</i> of 700m², with no dimension measuring less than 20 metres	(vii) No specified maximum
All Other Areas	(viii) 2500m² (ix) Can contain a <i>residential area</i> of 700m², with no dimension measuring less than 20 metres	(x) 1 hectare (except that the balance <i>lot</i> may exceed 1 hectare)

(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*.
- (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.
- (iv) 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)).

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.
- (b) A minimum lot size seeks to achieve a good level of amenity for future occupants and to maintain the level of amenity enjoyed by surrounding residents. It is difficult to apply good urban design principles to individual two-lot subdivisions. Only by requiring the new lots to have a larger minimum lot size than for multiple lot subdivisions, where urban design principles can be applied more readily, can the Council ensure a reasonable level of amenity (aural and visual privacy) is achieved.

9.4.3.1 GENERAL LOTS IN THE RESIDENTIAL ZONES 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

(a) Minimum *Net Lot Area*:

(i) 1 – 2 *lots*

Town	Waihi, Paeroa, & Whiritoa	Ngatea and Kerepehi	Turua
Minimum <i>Net Lot Area</i>	450m ²	525m ²	700m ² irrespective of the number of <i>lots</i> created.

- (ii) 3 or more *lots* (except in Turua): 450m², provided that for every 2 *lots* less than 525m² there shall be 1 *lot* of at least 700m². For incomplete multiples of 3 *lots* each additional 1 or 2 *lots* shall have a minimum area of 525m².

- (iii) 3 or more *lots* (except in Turua): No more than 2 *lots* of between 450m² and 525m² shall adjoin each other.

(b) Maximum *Net Lot Area*:

- (i) 1000m², except that one balance *lot* per *subdivision* may exceed 1000m², and must exceed the minimum *net lot area* in 1(a)(i) above.

(c) Minimum *Shape Factor*:

- (i) 150m² rectangle with no dimension less than 10m, excluding *yards* and easements for infrastructure.

(d) **Minimum *Frontage*:**

- (i) 3.5 metres

(e) **Whiritoa Erosion Hazard Protection Lines:**

Where the parent *lot* contains land seaward of the Secondary Development Setback line delineated on the planning map for Whiritoa, that land shall not be included as part of the minimum *net lot area* requirements of 9.4.3.1(1)(a).

9.4.3.2 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:

(1) **STANDARDS**

- (a) Minimum *Net Lot Area*: 1000m².
- (b) Minimum Shape Factor: 150m² rectangle with no dimension less than 10m, excluding *yards* and any easements for infrastructure.
- (c) Minimum *Frontage*:
- (i) 3.5 metres

9.4.3.3 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* or *access leg* serving any *lots* is sufficiently separated or appropriately formed to mitigate potential nuisance effects for *dwelling*s on adjoining *lots*.
- (iv) Whether the *subdivision* layout has been designed taking into account the size, location and orientation of any existing *dwelling* on *site* or on an adjacent property to provide an appropriate level of *amenity* for any future *dwelling*s on the new *allotments* (eg visual and aural privacy, orientation for sunlight).
- (v) Whether the *subdivision* layout has been designed to maintain the *amenities* of any existing *dwelling* on *site* or on an adjacent property (eg visual and aural privacy).
- (vi) For multiple *lot subdivisions*, whether an adequate range and number of different *lot* sizes are provided and are distributed evenly through-out the *subdivision*.

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*:
 - (i) Town Centre – Pedestrian Frontage Area: Nil
 - (ii) 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*: 6 metres.
- (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*.

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 (the 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 (the Maori Land Act) 1993.

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.

(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*, drains, streams and rivers, *internal access* and other natural physical features
 - (v) surface and ground water conditions, including the quality and quantity of the water, the direction of the water flow and the effects that the *subdivision* may have on them
 - (vi) local climatic conditions, especially the orientation of the *lots* in a manner that will allow *buildings* to be positioned to take advantage of solar energy for heating and lighting, and for *buildings* to act as a windbreak from prevailing winds
 - (vii) environmental features that have been identified as requiring protection from development
 - (viii) where on-site disposal of stormwater and wastewater 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 eg earthworks, future building sites, access) may affect known sites and/or features having ecological, heritage or cultural value. For determining whether an area of *indigenous vegetation* is of ecological value, reference should be made to the criteria for determining the significance of indigenous biodiversity in the Waikato Regional Policy Statement. Consideration will also be given to the assessment criteria in 6.2.5.8 as may be relevant, where the area of *indigenous vegetation* is determined to be of significance. For determining whether a site or feature is of heritage/cultural significance reference should be made to 6.1.6.8 Appendix 1 - Criteria for Assessing Heritage Significance. Consideration will also be given to the assessment criteria in 6.1.5.4(2) as may be relevant, where a site or feature is determined to be of heritage/cultural significance.

16 September 2019

- (d) Whether necessary easements have been provided for:
- (i) the protection of electricity subtransmission and distribution *lines*, cables or equipment traversing any new *allotment*, right of way or access *lot*;
Note: All such easements shall be in favour of the electricity provider.
 - (ii) any other infrastructure service connections traversing any new *allotment*, right of way or access *lot* to serve another *lot*.
Note: All such easements shall be in favour of the *lot* being served.

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

- (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 wastewater 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*) 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.
- (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, 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 help maintain natural character values.
 - (n) Whether the *subdivision* (or development of the *lots* resulting from it eg earthworks and access) may affect known sites and/or features scheduled in Sections 6.1 or 6.2, or sites and/or features not scheduled which may have ecological, heritage and/or cultural value. For determining whether an area of *indigenous vegetation* is of ecological value reference should be made to the criteria for determining the significance of indigenous biodiversity in the Waikato Regional Policy Statement. Consideration will also be given to the assessment criteria in 6.2.5.8 as may be relevant, where the area of *indigenous vegetation* is determined to be of significance. For determining whether a site or feature is of heritage/cultural significance reference should be made to 6.1.6.8 Appendix 1 - Criteria for Assessing Heritage Significance. Consideration will also be given to the assessment criteria in 6.1.5.4(2) as may be relevant, where a site or feature is determined to be of heritage/cultural significance.
 - (o) Where the *subdivision* involves the creation of lifestyle *lots* in the Rural Zone (Outside District Amenity Landscape Area) in accordance with Rule 9.4.1.2(4), regard shall be had to the relevant assessment criteria in 9.6(2) below to ensure the open rural character and *amenity* of the area are maintained and potential reverse sensitivity effects on *rural production activities* are minimised.
 - (p) Where the *subdivision* involves the creation of *lots* for the protection of a significant *heritage* or environmental *feature* that is not listed and described in Sections 6.1.6.2, 6.1.6.3 or 6.2.6, then the significance of the feature shall be assessed against the criteria in 6.1.6.8 for *heritage features*, and the criteria for determining the significance of indigenous biodiversity in the Waikato Regional Policy Statement for *significant natural areas*. Regard shall also be had to the *Controlled Activity Matters* and *Conditions* of Consent in 9.3.4(5) and (7).
- (2) **ASSESSMENT CRITERIA FOR LIFESTYLE LOTS IN THE RURAL ZONE (DISTRICT AMENITY LANDSCAPE AREA, QUARRY RESOURCE AREA, QUARRY REVERSE SENSITIVITY 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 landscapes of district significance 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 *state highway* or *arterial road*, or the surface of water along the eastern coastline of the District.

- (b) Whether the cumulative effects of the *subdivision* will adversely effect:
 - (i) the open rural/coastal character and *amenity* of a particular area;
 - (ii) the natural character and landscape values of the District Amenity Landscape Area;
 - (iii) 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 (including from reverse sensitivity effects) that can arise between existing and potential *rural production activities* and lifestyle residents. Particular attention is required to the design of the *subdivision* (especially the ability to achieve acceptable internal noise levels within *habitable rooms* of future *dwellings*) where located within a *quarry resource area* and the associated *quarry reverse sensitivity* area as identified on the planning maps.
- (e) The appropriateness of mechanisms proposed by the applicant, or the need for consent notices on the resultant *titles*, to:
 - (i) ensure that restrictions are placed on the area of any *allotment* not nominated for construction of a *dwelling* and associated *accessory buildings* to ensure that this area is kept free of any future *building* development in perpetuity;
 - (ii) specify the location and size of building platforms and access thereto;
 - (iii) specify the formation standards and design of driveways;
 - (iv) provide foundation, wastewater and stormwater disposal designs in accordance with any specified engineering assessments;
 - (v) retain, enhance and maintain areas in *indigenous vegetation*;
 - (vi) remove and control noxious plants or other exotic species incompatible with ecological values of the area;
 - (vii) prohibit cats, mustelids or ferrets and require ongoing control of feral animal pests;
 - (viii) place controls on dogs and grazing of stock.

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