

6 Subdivision

6.1 Activities Activity Table

6.1.1 Activity Table

KEY							
P	Permitted activity	C	Controlled activity				
D	Discretionary activity	RD	Restricted Discretionary activity				
N/C	Non Complying activity	PRHB	Prohibited activity				
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5. In respect of any subdivision in the Rural zone not provided for, the matters of discretion within Section 6.4 shall be used as a guide when considering non-complying subdivision activities.							
Type of subdivision		Zones					
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
6.1.1	All Zones						
(a)	Boundary Adjustment	C	C	C	C	C	C
(b)	Bonus Protection Lots	D	D	D	D	D	D
(c)	Works and Network Utilities.	C	C	C	C	C	C
(d)	Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> Within a National Grid Subdivision Corridor; Within 20m either side of the centreline of a sub-transmission line. 	RD	RD	RD	RD	RD	RD
(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> Any state highway, or A railway line included in the definition of "regionally significant infrastructure" 	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12
(f)	Subdivision of Scheduled Sites	N/C			D		
6.1.2	Subdivision in Residential, Business and Industrial Zones						
(a)	1. Minimum Lot size 350m² (within 200m of Residential/ Business zone boundary). Residential Infill	N/C	N/C	See Rule 4.15	N/C	N/C	N/C
(b)	Residential 2 (a) Minimum Lot size 500m² 450m² net site area <ul style="list-style-type: none"> Greater than 200m from a Residential/ Business zone boundary. 	N/C	N/C	C	C	C	N/C
(c)	Industrial (non-scheduled sites) Minimum Lot size 500m ² net site area				C		
(d)	Within Business (Non Shop Frontage Area) zones. Minimum Lot size 500m ² net site area. Provided that within the "Shopping Frontage" character areas there shall be no minimum lot size.					C	
(e)	Business (Shop Frontage Area) No minimum Lot size.					C	

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Type of subdivision		Zones					
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
(f)	Subdivision in accordance with Rule 6.1.2(b)-2(e) where more than 10 lots is proposed 2 (c) Subdivision within Structure Plan Areas			RD	RD	RD	
(g)	Subdivision within the Banks Road Structure Plan Area complying with the average and minimum lot size specified in Rule 6.3.2.			C			
(h)	Subdivision within the Eldonwood South, Tower Road or Stirling Street Structure Plan Areas			RD			
6.1.3 Rural-Residential							
(a)	5(a) Rural-Residential 1 and 2. Minimum area of 2500m² with a minimum average of 10,000m².	N/C	D RD (see Rule 6.3.5)	N/C	N/C	N/C	N/C
	5(b) Subdivision within an identified Structure Plan Area** complying with the minimum lot size specified in Rule 6.1.3		RD				
(b)	Subdivision within the Eldonwood South Structure Plan Area.		RD				
(c)	Subdivision within the Horrell Road Structure Plan Area.		RD				
6.1.4 Rural Subdivision on High Quality Soils							
(a)	3(a) Rural lot. Minimum lot size 40ha.	C					N/C
(b)	3(b) Small Rural Lot. One Small Rural Lot per title in existence at 4 December 2013 or per title created after 4 December 2013 where an entitlement to apply for subdivision of a Small Rural Lot as a controlled activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size between 8ha and 40ha and subject to a balance lot area of 20ha or more.	C					N/C
(c)	3(c) One Rural Lifestyle Lot per title in existence at November 1996 or per title created as a result of a Small Rural lot subdivision after November 1996 where an entitlement to apply for subdivision of a Rural Lifestyle Lot as a restricted discretionary activity has been recorded	RD					N/C

KEY							
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N/C	Non Complying activity	PRHB	Prohibited activity				
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5. In respect of any subdivision in the Rural zone not provided for, the matters of discretion within Section 6.4 shall be used as a guide when considering non-complying subdivision activities.							
Type of subdivision		Zones					
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
	in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size of between 2500m ² and 10,000m ² and subject to a balance area of 40ha or more.						
6.1.5	Rural Subdivision on General Quality Soils						
(a)	4(a) Rural lot. Minimum lot size 20ha.	C					N/C
(b)	4(b) Small Rural Lot. One Small Rural Lot per title in existence at 4 December 2013 or per title created after 4 December 2013 where an entitlement to apply for subdivision of a Small Rural Lot as a controlled activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size between 8ha and 20ha and subject to a balance lot area of 20ha or more.	C					N/C
(c)	4(c) One Rural Lifestyle Lot per title in existence at 4 December 2013 or per title created as a result of a Small Rural lot subdivision after 4 December 2013 where an entitlement to apply for subdivision of a Rural Lifestyle Lot as a restricted discretionary activity has been recorded in a consent notice registered against that title under Rule 1.1.1(ix) with a proposed lot size between 5000m ² and 2ha and subject to a balance area of 8ha or more.	RD					N/C
6.1.6	6.1.6 Rural Lot with a complying dwelling site:						
(a)	Within 500 metres of an existing intensive farm as at 1 September 2003.	RD	RD	RD	N/C	N/C	N/C
(b)	Within 250 metres of an existing litter poultry farm as at 1 September 2003.	RD	RD	RD	N/C	N/C	N/C
	Measurement of the separation of Intensive Farming/Litter Poultry Farming is to be from the perimeter of the existing sheds/facilities exclusive of spray irrigation areas. See Rule 1.4.28 for Assessment Criteria.						
(c)	Within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou as at 1	RD	RD	RD	N/C	N/C	N/C

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All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5. In respect of any subdivision in the Rural zone not provided for, the matters of discretion within Section 6.4 shall be used as a guide when considering non-complying subdivision activities.							
Type of subdivision		Zones					
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
September 2003.							
(d)	Within 300 metres of the existing Fonterra – (Waitoa) wastewater plant as at 1 September 2003.	RD	RD	RD	N/C	N/C	N/C
(e)	Within the Reverse Sensitivity Areas for the Motumaoho Quarry as shown in Appendix 8 as at 13 May 2005.	RD	RD	RD	N/C	N/C	N/C
7. Boundary Adjustment.		C	C	C	C	C	C
8. Bonus Protection Lot.		D	D	D	D	D	D
6.1.7 Rural Zone							
(a)	9. Boundary Relocation Lot.	D	N/C	N/C	N/C	N/C	N/C
(b)	Equine Lots within the identified Equine Areas	D					
10. Works and Network Utilities.		C	C	C	C	C	C
11. Subdivision with one or more new vacant developable lots:		RD	RD	RD	RD	RD	RD
• Within a National Grid Subdivision Corridor;							
• Within 20m either side of the centreline of a sub-transmission line.							
Subdivision with one or more new vacant developable lots adjoining:		See 6.1.3(xi)	See 6.1.3(xi)	See 6.1.3(xi)	See 6.1.3(xi)	See 6.1.3(xi)	See 6.1.3(xi)
• Any state highway, or							
• A railway line included in the definition of "regionally significant infrastructure"							
<i>Note: Subdivision of land within areas identified as Natural Hazards on the Planning Maps. See Section 11.</i>							

Structure Plans include:

- Banks Road, Matamata
- Eldonwood South Precinct F, Matamata
- Tower Road, Matamata
- Horrell Road, Morrinsville
- Stirling Street, Te Aroha

Refer to Planning Maps and Appendix 9 for Structure plans. 4)

~~Advice Note: All subdivisions are subject to the provisions in Section 9: Transportation and the performance standards and outcomes in Section 5.9: Infrastructure and Servicing.~~

Objectives/Policies		
3.4.2.1	O1, O2, O3, O6	P1, P2, P3, P5

6.2 General Performance Standards

~~6.1.3~~ 6.2.1 All Subdivision – General Performance Standards

(i a) General performance standards

All subdivision shall comply with the relevant performance standards in this section (General Performance Standards).

~~For subdivisions utilising Rule 6.1.1.1, Rule 6.1.1.2(a), and Rule 6.1.1.2(c) the following general performance standards shall apply;~~

~~(i) The general provisions outlined in Section 1, Section 5 and Section 9;~~

~~(ii) The relevant provisions outlined in Sections 6.2.1–6.2.9.~~

(ii e) ~~Controlled Assessment Criteria Matters of control~~

The matters of control within Section 6.4 ~~3~~ shall apply.

(iii) Non-compliance

Any subdivision proposal which does not comply with (i) above and is not subject to a rule provision which assigns an alternative activity status, shall be a Restricted Discretionary activity.

6.1.2 6.2.2 Applicant's representative

Applications for subdivision consent shall be prepared by a registered surveyor or other qualified person and shall be drawn to scale with appropriate key and supporting documentation as specified in General Provisions: Information Requirements, Section 1.

Applications for subdivision consent (i.e. the plans and report) shall be submitted to the Council for consent before any work involving disturbance of the land surface or excavation of the land surface (other than work necessary to prepare the application) is undertaken.

Should any variations be proposed that are not in accordance with the Development Manual being the preferred means of compliance a "Specification Variation Request" should be provided to Council for evaluation and confirmation. The process is outlined within the Development Manual. This is a variation to the specification within the Development Manual, rather than a variation under the provisions of the Resource Management Act 1991. However, where the District Plan requires a standard referred to in the Development Manual to be met, a resource consent is requires to depart from the standard.

Objectives/Policies		
3.4.2.1	O1, O2, O3	P1, P2, P3

6.2.3 Infrastructure and Servicing Standards

- (i) The standards within Section 5.9 shall apply.
- (ii) In addition, adequate provision shall be made for on-site wastewater and stormwater disposal for subdivision in the Rural and Rural-Residential zones.

6.2.4 Development Suitability

- (i) Building site

Each lot must contain a rectangular area of land for building purposes measuring no less than 10 metres ~~on one side and on the other that~~ by 15 metres ~~with provisions for a 6m diameter circle to the north, east or west of rectangle area. The area shall also be~~ free of impediments to buildings such as: drainage lines, building line restrictions, easements, ~~bulk and location requirements-development controls~~, protected registered significant features or other items or topographical impediments.

- (ii) Council will require a report, including certification from an appropriately qualified person(s), stating that the land is suitable for the activities anticipated in the zone, or the development proposed, and/or the conditions under which development will be appropriate including:
 - (a) Each building area as described in (a) above is free from flooding or inundation, erosion, subsidence and thermal ground;
 - (b) Slope stability, foundations of structures, major earthworks including access tracks and roads;
 - (c) Ground water table levels;
 - (d) Earthquake faultlines or other seismic hazard;
 - (e) For contaminated sites, a report on the extent and likely effect of the contamination on the proposed activity, including any off-site effects that may occur as a result of disturbance or development of the site;
 - (f) The matters within the Development Manual.

The report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based.

~~(c) Council may refuse to approve a subdivision consent or in approving the proposal, impose appropriate conditions to avoid high probabilities of accelerated erosion, land slip, flooding or subsidence, or increased adverse effects resulting from contaminants on the site.~~

- (iii) Where a site lies outside of the hazard areas but may be subject to any:
 - Natural hazard;
 - Slope stability issues; or
 - Ground conditions not suitable for the foundations of buildings, services or other works;

Any persons proposing to use, develop (including bulk earthworks) or subdivide the site will require a site evaluation from a suitably qualified engineer or other person confirming that the site can be safely developed without adverse effects either on or off the site for a permitted activity including necessary access and servicing requirements.

6.2.5 Development Contributions

The standards within Section 7 shall apply.

The ~~consent holder~~ ~~owner~~ shall contribute to the provision of services, reserves and recreation facilities identified as being necessary to serve the anticipated demand resulting from the subdivision of the land.

The ~~consent holder~~ ~~developers~~ shall provide any other services required at their own expense.

~~6.1.2 New Zealand Urban Design Protocol and Crime Prevention through Environmental Design~~

- ~~(i) This performance standard applies only to subdivisions within the Residential zone, Rural-Residential zone, Industrial zone and Business zone, and to retirement villages.~~
- ~~(ii) Each application for subdivision shall demonstrate that good quality urban design outcomes will be achieved. Good urban design qualities are taken from the New Zealand Urban Design Protocol and National Guidelines for Crime Prevention through Environmental Design in New Zealand and for the purpose of this performance standard are defined as:~~

~~Context: Seeing buildings, places and spaces as part of whole towns by analysing each project in relation to its setting and ensuring that each development fits in with and enhances its surroundings.~~

~~Each subdivision should take into account:~~

- ~~• Existing local landmarks and focal points.~~
- ~~• Walking distance to a range of services and amenities.~~
- ~~• Convenient access to public parks, open space and community facilities.~~

~~Character: Reflecting, enhancing and protecting the distinctive character, significant cultural and visual landscape features, historic heritage and cultural identity of the urban environment.~~

~~When assessing an application against this quality, consideration shall be given, but not limited to, Part A Sections 3.1.2.3 (O1, P1-5) and 3.5.2.2 (O2, P2-3).~~

~~In particular the layout should contribute to the local identity of urban areas by:~~

- ~~• Responding to existing site characteristics.~~
- ~~• Responding to the surrounding environment.~~
- ~~• Protecting and enhancing built, cultural and visual landscape features, landforms and significant views.~~

~~Connections:— Enhancing transportation networks and the links between the different transport modes (pedestrian, cycleway, street, etc.) to ensure safe and easy movement for people and the integration of the subdivision with surrounding neighbourhoods through these networks. See Section 6.2.1(iii)(e).~~

~~Custodianship:— Ensuring that the design is environmentally and economically sustainable and that publicly accessible open spaces are well overlooked, safe and accessible.~~

~~Collaboration:— Takes an approach to the design that acknowledges the contribution of different disciplines and perspectives, communicating and sharing knowledge for the integration of landuse, structures and networks.~~

~~CPTED:— Crime Prevention through Environmental Design.~~

~~In particular this includes:~~

- ~~• Good visibility, sightlines and casual surveillance (overlooking) of public or publicly accessible spaces.~~
- ~~• Safe routes and connections.~~
- ~~• A clear and logical layout.~~

~~Each application shall include a statement/evaluation demonstrating how these matters have been considered in preparing the proposal. Compliance with these provisions shall be met by all proposed subdivisions identified in 6.2.1(i) and where available shall comply with an operative structure plan.~~

~~(iii) — To meet the outcomes of 6.2.1(ii) above, a subdivision should, where appropriate, comply with the following urban design criteria.~~

~~(a) — The subdivision shall be integrated with the existing urban context.~~

~~(b) — The layout and pattern of development traditionally representative of the existing urban area shall be continued.~~

~~(c) — The design shall be highly connected with and between neighbourhoods for cycle, pedestrian and vehicle transport modes as appropriate to the scale of the subdivision.~~

~~(d) — Safe pedestrian and cycle routes should be generally integrated within the road reserve and other public open space.~~

~~(e) — Where appropriate and unless otherwise determined by an operative structure plan, all subdivision shall provide road and/or pedestrian connections between the land being subdivided, existing roads, adjoining properties, and balance lots in accordance with the Development Manual, including the minimum sight distances.~~

~~— Any connections that are required above shall be vested as road and designed and constructed within 1m of the boundary.~~

~~**Advice Note: The appropriateness of requiring the road connections shall be determined with reference to Objective O2 and Policy P8 in Part A, Section 3.8.2: Transportation.**~~

~~(f) — The subdivision design shall retain key visual linkages within and between neighbourhoods.~~

- ~~(g) — The subdivision shall be representative of street, block and lot layouts and landscape elements that build on and integrate with the existing local residential character.~~
- ~~(h) — Public open space should be prominent and accessible, with good road frontage, within the local area.~~
- ~~(i) — There shall be a predominance of lots fronting the street.~~
- ~~(j) — Rear lot access areas should contain area available for landscaping.~~
- ~~(k) — Existing vegetation which contributes to the overall amenity and character of the site and neighbourhood shall where possible be retained or consideration to mitigation is required.~~
- ~~(l) — Where there are more than five lots a variety of lot sizes should be provided.~~
- ~~(m) — Orientation of lots should maximise solar access.~~
- ~~(n) — The design and lot layout should be designed to achieve casual surveillance of public open space.~~
- ~~(iv) — Council has prepared Urban Design Guidelines advice to assist applicants in preparing subdivision consent applications. Where compliance with the above provisions is not clearly demonstrated the Council may seek an independent peer review by a suitably experienced professional in the urban design field. Any such peer review shall be at the applicant's expense.~~
- ~~(v) — Performance standard 6.2.1 does not apply to the Precinct F Matamata Structure Plan (refer Planning Maps and Appendix 9.2) where resource consent is required as a restricted discretionary activity and applications are assessed against the matters outlined in Section 1.4.21.~~

Objectives/Policies		
3.4.2	O4	P5

~~6.1.3 Infrastructure (including roading)~~

~~Compliance with the infrastructure and servicing standards within Sections 5.9 and the transportation standards in Section 9.~~

~~6.1.4 Development Contributions~~

~~See Development Contributions: Section 7.~~

~~The owner shall contribute to the provision of services, reserves and recreation facilities identified as being necessary to serve the anticipated demand resulting from the subdivision of the land.~~

~~The developers shall provide any other services required at their own expense.~~

Objectives/Policies		
3.4.2.1	O1, O2	P1, P2
3.8.2	O7	P12
3.9.2.1	O1, O2	

6.2.6 Esplanades

(i) Esplanade reserves

Where subdivision occurs, creating lots less than 4 hectares, or greater than 4 hectares along rivers specified in (d) below, Council shall require esplanade reserves of 20m in width. However in some circumstances it may be appropriate either to increase or decrease the width of the reserve or to establish an esplanade strip as an alternative.

- (a) An esplanade reserve may be reduced below 20m in the following circumstances:
- Where an existing structure is located within the 20m reserve and an appropriately smaller esplanade reserve can be vested;
 - Where a natural hazard protection area is operative on land that would otherwise be an esplanade reserve;
 - Where the topography limits the effectiveness of the reserve.
- (b) An esplanade reserve of a greater width than 20m may be taken in the following circumstances:
- Where the area has significant conservation and heritage values which require protection greater than a 20m reserve can provide;
 - Where the topography requires it to be more effective.
- (c) An esplanade reserve may be waived in the following circumstances:
- Where the land is identified on a Queen Elizabeth II National Trust Protective Covenant, Reserves Act Covenant, Conservation Act Covenant or other Covenant that is in perpetuity;
 - Where by reason of public safety and/or security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example, where there are defence lands, existing public road, sensitive machinery, irrigation works or activities.
- (d) Where subdivision occurs creating lots 4 hectares or more in size, Esplanade Reserves shall be taken along the following rivers:
- Waihou, Waitoa, Piako, Waitakaruru, Waiomou, Rapurapu, Topehaehae and from land immediately adjoining the Kopuatai Peat Dome;
 - The width of the reserve shall be 20m unless any of the above circumstances (a, b or c) apply.

(ii) Esplanade strips

- (a) An esplanade strip may be established instead of an esplanade reserve in the following circumstances:
- Where significant erosion is known to occur.
- (b) Where an esplanade strip is considered to be more appropriate than an esplanade reserve, the width of that esplanade strip shall be:
- A minimum of 20m where erosion is a known problem;
 - A minimum of 5m where the esplanade strip is established solely for access purposes.

The situations relating to a reduction or increase in width of esplanade reserves shall relate to the physical conditions of the site.

(iii) Access strips

(a) An access strip may be established instead of an esplanade reserve or an esplanade strip in the following circumstances:

- Where for reasons of public security or public safety restrictions, access is required;
- Where existing development means that an esplanade reserve or esplanade strip cannot practically be established;
- Where roads are available for the purpose.

Objectives/Policies		
3.4.2.1	O2	P2
3.7.2.3	O4	

6.2.7 Protection and preservation of existing drainage channels

All subdivisions shall be planned, designed and constructed so as to:

- (i) Protect and preserve existing natural or open drainage channels;
- (ii) Ensure all drainage systems do not cause erosion or flooding outside the subdivision to any greater extent that would occur in the absence of subdivision and improvements;
- (iii) Avoid flooding of land;
- (iv) Leave all drainage channels in as natural a condition as possible, enhance fish habitats and water quality with riparian planting where appropriate;
- (v) Provide for crossing of water courses whose bed has an average width of 3 metres or more by spanning so that natural stream beds will not be altered thereby causing adverse environmental damage.

See also Section 8: Works and Network Utilities and Section 11: Natural Hazards.

Objectives/Policies		
3.2.2.1	O4	P1, P2, P3, P4
3.7.2.1	O4	P2, P4

6.2.8 Earthworks

See Performance Standards: Section 5 and the requirements of the Development Manual.

6.2.9 Natural Hazards

See Natural Hazards: Section 11.

6.2.10 Conservation

See Performance Standards: Section 5.

6.2.11 Vesting of beds and rivers

The bed of any river over 3 metres in width included in a subdivision consent shall be vested in the Crown.

Explanation

~~Council has implemented the contributions rules to enable the costs associated with new growth to be borne by the new consumers over the ongoing years. In devising the rules, Council has ensured that the calculations fairly and reasonably apply the fees that can be directly attributable to the new population. The District wide apportionate of reserves contributions is based on the understanding that the entire community has the opportunity to benefit from such facilities on a District wide basis. The urban and rural communities are being treated similarly on the grounds that they have similar reserve and recreational needs.~~

~~The engineering services fees are charged on a site basis because it is clear who benefits from the services.~~

~~Contributions are taken principally at the time of subdivision to enable Council to receive funds in advance of development to assist in the earlier provision of services for the new population.~~

~~All fees are based on Council works programmes for the ten year Review period. The detail of the calculations can be found in Council's 1995 discussion documents on the matter. In the event that a works programme or the contributions accounts are reviewed and refinements are necessary a change to the District Plan shall be promoted. To ensure the costs are relative to the rate of inflation the actual contribution values are to be reviewed in the light of the Cost Construction Index as part of the Annual Plan process.~~

6.2.12 Protection of scheduled significant items

Council shall require the legal protection in perpetuity of any scheduled significant item or feature with the exception of Scheduled Item 213 of Schedule 3, as a condition of subdivision consent. Scheduled significant items are listed in Schedules 1, 2 and 3.

- (a) Council shall require that legal boundaries are located in a position that does not impair or destroy the integrity of the scheduled significant item;
- (b) Suitably qualified persons shall, be engaged, if necessary, to determine the boundaries or significance of such items;
- (c) Any such required protective measures shall be taken into account when addressing the Development Contribution for reserves that would otherwise apply. See Section 7: Development Contributions.

6.2.13 Protection of other items

Council may require, as a condition of subdivision consent, the legal protection in perpetuity of a significant feature that is found to exist on the property for the purpose of protecting the feature. A feature may include an area or item of significant indigenous, ecological, landscape or heritage value to the community.

Provided that this rule shall not apply to Scheduled Item 213 of Schedule 3 and where approval has otherwise been given for use of archaeological sites from ~~the Historic Places Trust Heritage New Zealand~~. Evaluation shall be undertaken in accordance with the criteria in Appendix 1. The feature/area

must be fully described and intrinsic value ranked alongside other similar features. Any protective measures shall be taken into account when assessing the financial contribution for reserves that would otherwise apply. See Development Contributions: Section 7.

Council may require that legal boundaries are located in a position that does not impair or destroy the integrity of the significant feature found to exist on the property.

6.2.14 Protection of riparian areas

See Performance Standards: Section 5.1.1.

6.2.15 Existing buildings to comply

All subdivision consent applications shall demonstrate that existing and proposed buildings comply with the provisions of the District Plan once the new lots have been created.

If an existing building is unable to comply with the provisions of the District Plan with respect to yard setbacks from external, un-changed boundaries a land use consent will not be required in respect of this non-compliance.

6.3 Additional Performance Standards by Subdivision Activity

The following additional performance standards will apply in the specific circumstances identified in the specific rule provision and are in addition to the General Performance Standards listed in Section 6.2.

6.3.1 Residential, Business and Industrial (non-scheduled) lot (Controlled Activity)

(i) Additional performance standards

For subdivisions proposing five or more lots in accordance with Rule 6.1.2(b)-(f), at least one half of all lots shall have an area greater than 650m² net site area and at least one quarter of all lots shall have an area greater than 800m².

(ii) Controlled Assessment Criteria

See Section 6.4.

(iii) Non-compliance

Subdivision that fails to comply with the controlled activity standard in 6.3.1(i) above shall be considered a discretionary activity.

~~(b) Controlled Activity standard~~

~~For subdivisions utilising Rule 6.1.1.1, Rule 6.1.1.2(a), and Rule 6.1.1.2(c) — Banks Rd Structure Plan Area, the following standards shall apply as a controlled Road activity:~~

- (i) ~~Minimum area of 500m², “exclusive use area” provided that in any subdivision containing five or more lots one half of all lots shall have an area greater than 650m² and a quarter of all lots shall have an area greater than 800m². See also Banks Road, Matamata — Development Structure Plan for average lot size;~~
- (ii) ~~Minimum area of 350m² “exclusive use area” in a Residential zone within 200m of a Residential/Business zone boundary.~~

~~(c) — Restricted-discretionary activity standards~~

~~For subdivisions utilising Rule 6.1.1.2(c) — Precinct F Structure Plan Area, the following standards shall apply as a restricted-discretionary activity:~~

~~(i) — Density Area B~~

~~Minimum area of 1,200m² “exclusive use area” with a minimum average of 1,500m².~~

~~(ii) — Density Area C~~

~~Minimum area of 800m² “exclusive use area” with a minimum average of 1,000m².~~

~~(iii) — Haig Road~~

~~A maximum of 10 additional lots may access Haig Road (Precinct F, Matamata) as from 1st December 2009.~~

~~(iv) — Neighbourhood node~~

~~See rule 4.13.5(iv) for maximum lot size.~~

~~(v) — Comprehensive residential developments~~

~~See Rule 4.14.5 for minimum nett site area and maximum density.~~

~~(d) — Matters of control (subdivision under Rule 6.1.1.1, Rule 6.1.1.2(a), and Rule 6.1.1.2(c) — Banks Road Structure Plan Area)~~

~~Council has reserved control over the matters in Sections 1, 5, 6.2.1 to 6.2.9 and 9.~~

~~(e) — Matters to which discretion is restricted (subdivision under Rule 6.1.1.2(c) — Precinct F Structure Plan Area)~~

~~Council has reserved control over the matters in Sections 1, 5, 6.2.1 to 6.2.9 and 9.~~

~~(a) — Non-compliance~~

~~(i) — Subdivision utilising Rule 6.1.1.1, Rule 6.1.1.2(a), and Rule 6.1.1.2(c) — Banks Road Structure Plan Area that complies with the controlled activity standards in (a) above, but fails to comply with the general performance standards in (a) above shall be considered a discretionary activity.~~

~~(ii) — Subdivisions utilising Rule 6.1.2(c) — Precinct F Structure Plan Area that complies with the restricted-discretionary standards in (c) above, but fails to comply with the general performance~~

~~standards in (a) above shall be considered a discretionary activity.~~

- ~~(iii) Subdivision utilising Rule 6.1.1.1, Rule 6.1.1.2(a), and Rule 6.1.1.2(c) – Banks Road Structure Plan Area that fails to comply with the controlled activity standards in (b) above shall be considered a non-complying activity.~~
- ~~(iv) Subdivisions utilising Rule 1.2(c) – Precinct F Structure Plan Area that fails to comply with the restricted-discretionary standards in (b-c) above shall be considered a non-complying activity.~~

~~For a discretionary activity, the matters of discretion contained within Sections 1, 5, 9, and 6.2.1 to 6.2.9 shall apply. For a non-complying activity the matters of discretion within Sections 1, 5, 9 and 6.2.1 to 6.2.9 shall be used as a guide.~~

6.3.2 Banks Road Structure Plan Area (Controlled Activity activity)

- (i) Additional performance standards for subdivisions utilising Rule 6.1.2(i):
 - Compliance with the Banks Road, Matamata – Development Structure Plan;
- (ii) Controlled Assessment Criteria
See Section 6.4.
- (iii) Non-compliance
Subdivision that fails to comply with the additional controlled standards in 6.3.2(i) above shall be a non-complying activity.

6.3.3 Structure Plan Areas (Restricted Discretionary Activity)

- (i) Additional Performance Standards
Compliance with the relevant Structure Plan for subdivision within the following areas:
 - Eldonwood South Structure Plan
 - Tower Road Structure plan
 - Horrell Road Structure Plan
 - Stirling Street Structure Plan

Note: The Structure Plans provide important rules that affect the type of subdivision which may be granted including, in some cases, restrictions on the number of lots that may be consented.

- (ii) Restricted Discretionary Assessment Criteria
See Section 6.5.
- (iii) Non-compliance

Subdivisions within the Structure Plan areas that fails to comply with the additional restricted discretionary standard in 6.3.3(i) above shall be a non-complying activity.

6.3.4 General Quality Soils (controlled activity and restricted discretionary)

~~(a) General performance standards~~

~~For subdivisions utilising the Rural Lot rule (Rule 6.1.1.3(a) or 6.1.1.4(a)), the matters contained in Section 6.2.10 and Section 9 shall apply.~~

(i ~~b~~) General quality soils – additional performance standard

For subdivisions utilising the general quality soils lot rules ~~(Rule 6.1.1.4(a)) the following standard shall apply as a controlled activity:~~ ~~(a)~~ the parent lot shall contain no more than 25% high quality soils and site specific soil classification assessment from a suitably qualified person may be required to determine the amount of high quality soils on the site at a scale of 1:5,000.

(ii ~~e~~) ~~Controlled and Restricted Discretionary Assessment Criteria Matters of control~~

~~The matters of control within Section 6.4 and 6.5 shall apply.~~ See Section 6.4 and 6.5 shall apply.

(iii ~~d~~) Non-compliance

~~Any subdivision proposed which does not comply with Rule XXX General Performance Standards (a) above shall be considered a restricted discretionary activity. Any subdivision proposed which does not comply with (i) above shall be considered a non-complying activity. For a discretionary activity, the matters of discretion contained within Section 6.4 and Section 9 shall apply. For a non-complying activity the matters of discretion within Section 6.4 and Section 9 shall be used as a guide.~~

Subdivisions utilising the general quality soil rules that fails to comply with the standards in 6.3.4(i) above shall be a non-complying activity.

Small Rural Lots (controlled activity)

~~(i a) Additional General performance standards~~

~~(i) For subdivisions utilising Small Rural Lots (Rule 6.1.3(b) or 6.1.4(b)) 6.1.1.3(b) or 6.1.1.4(b)), the matters contained in Section 6.2.10 and Section 9 shall apply.~~

~~(i ii) Only one Small Rural Lot shall be subdivided per qualifying title under this rule.~~

~~(ii iii) The balance lot shall contain a minimum area of 20ha.~~

~~(iii iv) The Small Rural Lot shall contain a minimum area of 8ha.~~

~~(ii b) — General quality soils — additional performance standard~~

~~For subdivisions utilising the general quality soils rule (Rule 6.1.4(b) 6.1.1.4(b)) the following standard shall apply:~~

- ~~(i) — The parent lot shall contain no more than 25% high quality soils (by area) and a site specific soil classification assessment from a suitably qualified person will be required to determine the amount of high quality soils on the site at a scale of 1:5,000.~~

~~(iii c) — Controlled Assessment Criteria Matters of control~~

~~— The matters of control within Section 6.3 shall apply.~~

~~(iv d) — Non-compliance~~

~~Any subdivision proposal which does not comply with Rule XXX General Performance Standards or (a) or (b) above and is not provided for by another subdivision rule shall be a non-complying activity. The matters of discretion within Section 6.4 shall be used as a guide for considering non-complying activities.~~

~~**Rural lifestyle lots (restricted discretionary activity)**~~

~~(a) — General performance standards~~

- ~~(i) — For subdivisions utilising the rural lifestyle lot rule (Rule 6.1.1.3(c) or 6.1.1.4(c)), the matters contained in Section 6.2.10 and Section 9 shall apply.~~

~~(i b) — General quality soils — additional performance standard~~

~~— For subdivisions utilising the general quality soils rule (Rule 6.1.1.4(c)) the following standard shall apply:~~

- ~~(i) — The parent lot shall contain no more than 25% high quality soils and a site specific soil classification assessment from a suitably qualified person may be required to determine the amount of high quality soils on the site at a scale of 1:5,000.~~

~~(ii c) — Matters of discretion~~

~~— The matters of discretion within Section 6.4 and Section 9 shall apply.~~

~~Restricted Discretionary Assessment Criteria~~

~~The assessment of effects shall be restricted to the assessment criteria within Section XXXX 6.3~~

~~(d) — Non-compliance~~

~~— Any subdivision proposed which does not comply with Rule XXX General Performance Standards or (a) or (b) above shall be considered a non-complying activity. The matters of discretion within Section 6.4 and Section 9 shall be used as a guide for considering non-complying activities.~~

6.3.5 Rural-Residential zone (Restricted Discretionary activity)

~~(a) — General performance standards~~

~~For subdivisions utilising Rule 6.1.1.5(a) or 6.1.1.5(b) the following general performance standards shall apply:~~

- ~~(i) The general provisions outlined in Section 1, Section 5, and Section 9.~~
- ~~(ii) The relevant provisions outlined Section 6.2.1 – 6.2.9.~~

(i b) Additional performance standards

~~(i) For subdivisions utilising Rule 6.1.1.5(a) the following additional standard shall apply:~~

	Density (per existing title)	Minimum Lot Size	Additional provisions
Rural-Residential 1	1 lot per ha	2,500m ²	<ul style="list-style-type: none"> • Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at least half of the total number of additional lots proposed.
Rural-Residential 2	1 lot per 5,000m ²	2,500m ²	<ul style="list-style-type: none"> • Applications for more than 5 additional lots, shall provide a lot area of 5,000m² or greater for at least half of the total number of additional lots proposed. • Any previous restriction regarding average lot sizes from subdivisions granted prior to [insert date of Plan Change becoming operative] shall be nullified.

~~(ii) Access to all lots created from one title is to be from a new road or, if none is provided for, then one entranceway off an existing road.~~

~~Minimum area of 2,500m² with a minimum average of 10,000m². Access to all lots created from the one title is to be from a new road or, if none is provided for, then from one entranceway off an existing road.~~

~~(ii) For subdivisions utilising Rule 6.1.1.5(b) the following additional standard shall apply:~~

~~Where within a Structure Plan Area and identified as Density Area A (refer Activity Table 6.1.1) a minimum area of 2,500m² “exclusive use area”. Access to all lots created from the one title is to be from a new road or, if none is provided for, then from one entranceway off an existing road.~~

(c) Matters of discretion

~~For subdivisions utilising Rule 6.1.1.5(a) the matters of discretion within Sections 1, 5, 9 and 6.2.1 to 6.2.9 shall apply.~~

~~For subdivisions utilising Rule 6.1.1.5(b) Council has restricted its discretion to the matters in Sections 1, 5, 9 and 6.2.1 to 6.2.9.~~

- (iii) **Restricted Discretionary Assessment Criteria**

See Section 6.5.

- (iv ~~d~~) **Non-compliance**

Any subdivision proposed which does not comply with 6.3.5(i) and (ii) ~~(i) (a) or (b)~~ above shall be **considered** a non-complying activity. ~~For a non-complying activity the matters within Sections 1, 5, 9 and 6.2.1 to 6.2.9 shall be used as a guide.~~

6.3.6 Boundary adjustment (Controlled activity)

- (i a) **Additional Performance standards**

For subdivisions utilising the boundary adjustment rule (Rule 6.1.1(a)) the following standards shall apply:

- (a) The adjustment of boundaries between any existing allotments which will result in no additional lots being created and leave each of the allotments involved with substantially unchanged frontages and areas. A threshold of ten percent shall generally apply to the respective lot areas.
- (b) No additional potential for a dwelling as a permitted activity and no additional subdivision potential is created, beyond what was already provided for prior to the application for a boundary adjustment.
- (c) A variation to an existing cross lease plan that is required to show new building(s) and/or building line extension(s) provided that any new building(s) and/or extension(s) have obtained a building consent; and

- (ii ~~b~~) **Controlled Assessment Criteria ~~Matters of control~~**

See Section 6.4.

~~In all other zones — Sections 6.2.1 to 6.2.9 and Sections 1 and 9 shall apply.~~

- (iii ~~e~~) **Non-compliance**

Any subdivision proposed which does not comply with 6.3.6(i) ~~(a)~~ above shall be **considered** a **non-complying discretionary** activity. ~~In the Rural zone the matters of discretion within Section 6.4 shall apply. In all other zones Sections 1, 6.2.1 to 6.2.9, and 9 shall apply.~~

6.3.7 Works and network utilities (Controlled activity)

In any zone the minimum size for subdivision shall not apply where a subdivision is required for the purposes of a network utility or public work.

- (i a) **Additional ~~General~~ performance standards**

For subdivisions utilising the works and network utilities rule (Rule 6.1.1.6 (c)) the following performance standard shall apply:

The subdivision must be required for the purpose of a work or network utility as defined in Section 15.

- (ii ~~b~~) **Controlled Assessment Criteria ~~Matters of control~~**

~~See Section 6.4. Council retains control over the following matters and may impose conditions relating to these matters:~~

- ~~(i) The need for the proposed lot to have legal and/or physical access;~~
- ~~(ii) The adequacy of the vehicle crossing serving the proposed lot and the need to create additional access;~~
- ~~(iii) The adequacy of infrastructure serving the proposed lot and the need to provide additional infrastructure;~~
- ~~(iv) The extent to which any subsequent use that is likely to be made of the proposed lot is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source;~~
- ~~(v) The effects of the subdivision on the legal and/or physical access to the balance lot and the need to provide additional access and/or create right-of-way easements to protect the access;~~
- ~~(vi) The effects of the subdivision on infrastructure serving the balance lot and the need to provide additional infrastructure and/or create easements to protect the infrastructure;~~

~~(iii e)~~ Non-compliance

~~Any subdivision which does not comply with 6.3.7(i) above shall be a non-complying activity.~~

~~(iv)~~ Notification

~~A subdivision for a work or network utility utilising this rule shall not be subject to public or limited notification.~~

6.3.8 Bonus protection lot (Discretionary activity)

~~(i a)~~ **Additional Performance standards**

~~For subdivisions utilising the bonus protection lot rule (Rule 6.1.1.(b 8)) the following standards shall apply:~~

- ~~(a i)~~ Where an identified significant feature registered in the Plan or any other feature proven to be of natural, historical, ecological or cultural significance is to be legally and physically protected in perpetuity, one residential lot may be created from the parent lot where the area to be protected is 1 to 15 hectares in area provided that:

~~One further house site may be permitted where the area to be protected is greater than 15 hectares provided however in both cases the whole of the bush, feature or area worthy of protection on the property must be protected and no area of bush or other feature can be left out or divided for the purposes of obtaining additional lots;~~

~~The residential lot created is to have a maximum area of 5,000 m² and a minimum area of 2500 m² exclusive of the area/feature to be protected.~~

- (b ii) Other “features of significance” shall require certification from an appropriately qualified person that the feature is of such value that it is in the public interest for the feature to be protected in perpetuity. The feature/area must be fully described and its intrinsic value ranked alongside other similar features.
- (c iii) The house lot must be on the property which contains the area to be protected but it may be distant from the area to be protected and the area to be protected may remain within the balance lot rather than be within the residential lot.
- (d iv) The legal protection of the area/feature shall be achieved by way of a condition of the subdivision consent which requires a legal instrument to be registered on the title of the newly created lot. An agreement regarding an encumbrance or covenant must be entered into before the issue of the Section 224 Certificate under the Act.
- (e v) The physical protection of the feature shall be achieved by the erection and maintenance of fencing to a stock proof standard. The area must be kept free of livestock and as far as is practicable pests, plants and animals subject of a Regional Pest Management Strategy, and domestic and feral cats and, if flightless or ground nesting native birds are present, free of dogs. All protected features shall be identified by signs and plaques in an appropriate position. The covenant or encumbrance shall include enforcement and penalty provisions.
- ~~(f vi) — The matters contained in Section 6.2.10 below and Section 9.~~
- (ii b) ~~Matters of discretion~~ Discretionary Assessment Criteria
~~The matters of discretion within Section 6.4 and Section 9 shall apply. See Section 6.6.~~
- (iii e) Non-compliance
Any subdivision proposed which does not comply with Rule 6.3.8 (i a) above shall be ~~considered~~ a non-complying activity. ~~The matters of discretion within Section 6.4 and Section 9 shall be used as a guide for considering non-complying activities.~~

6.3.9 Boundary Relocation lot (Discretionary activity)

- (i a) Additional Performance standards
For subdivisions utilising the boundary relocation lot rule (Rule 6.1.7(a) ~~4-9~~) the following standards shall apply:
 - (a i) The relocation of the common boundary between two existing directly adjoining Certificates of Title (excluding Certificates of Title created by stopped road or railway severances);
 - (b ii) No additional potential for development shall be created for the new lots that did not exist prior to the application for boundary relocation;
 - (c iii) The resultant lot size of one title has a maximum area of one hectare and a minimum area of 2,500m²;

Advice Note: A larger minimum net site area may be required to satisfy the requirements of the Waikato Regional Council for the disposal of stormwater and wastewater.

- (d iv) The before and after number of Certificates of Title containing in excess of 40ha shall be at least the same;
- ~~(e v) The matters contained in Section 6.2.10 below and Section 9.~~
- (ii b) ~~Matters of discretion~~ Discretionary Assessment Criteria
~~The matters of discretion within Section 6.4 and Section 9 shall apply. See Section 6.6.~~
- (iii e) Non-compliance
Any subdivision proposed which does not comply with Rule 6.3.9 above shall be ~~considered~~ a non-complying activity. ~~The matters of discretion within Section 6.4 and Section 9 shall be used as a guide for considering non-complying activities.~~

6.3.10 Equine Lots (Discretionary activity)

- (i) Additional performance standards
 - (a) Additional Equine Lots shall only be subdivided within the identified Equine Area.
 - (b) Only one Additional Equine Lot shall be subdivided from a qualifying title. A qualifying title shall be defined as a title existing on [insert date of Plan Change becoming operative] which has an area of 4ha or more and is currently occupied by an existing dwelling.
 - (c) The Additional Equine Lot shall have an area between 2ha and 4ha. The new lot and future equine activities shall be in addition to any existing equine activities which may currently exist on the parent title.
 - (d) Any application for an Additional Equine Lot shall demonstrate a direct association with the equine sector and how the future use of the new lot will permanently accommodate equine related activities.

Note: For the purpose of this rule, a direct and permanent association with the equine sector may take the form of a permanent bridle path network and/or purpose built stables for a commercial equine enterprise. Domestic equine activities do not qualify for the creation of an additional Equine Lot.
 - (e) Any Additional Equine Lot shall not provide for a new house site within 100m of a boundary with a site which is occupied by an intensive farming, industrial or other such like activity which may be affected by reverse sensitivity effects.
 - (f) Any application for an Additional Equine Lot shall not result in a balance title of less than 8ha which is not occupied by an existing dwelling. The 'balance lot' is the residual lot from which the Additional Equine Lot is to be subdivided.
- (ii) Discretionary Assessment Criteria
See Section 6.6.

(iii) Non-compliance

Any Equine lot subdivision which does not comply with the additional performance standards in 6.3.10(i) shall be a Non-Complying Activity.

6.3.11 Subdivision within a National Grid Subdivision Corridor or within a 20m wide corridor either side of the centreline of a sub-transmission line (Restricted Discretionary activity)

(i a) Additional Performance standards

For subdivisions utilising Rule 6.1.(d)4.11 the following performance standards shall apply:

- (a i) Subdivision within a National Grid Subdivision Corridor must nominate within each new vacant developable lot a designated building envelope (footprint and height) that is outside the National Grid Yard and complies with NZECP 34.
- (b ii) Subdivision within 20m either side of the centreline of a sub-transmission line must nominate within each new vacant developable lot a designated building envelope (footprint and height) that complies with NZECP 34.

(ii) Restricted Discretionary Assessment Criteria

See Section 6.5.

(iii) Non-compliance

Any subdivision proposed which does not comply with 6.3.11(i) above shall be considered a non-complying activity.

~~(ii b) Matters to which discretion is restricted~~

~~For applications utilising Rule 6.1.1.11, the Council has restricted its discretion to the following matters and if consent is granted, may impose conditions relating to these matters:~~

- ~~(a i) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing National Grid and sub-transmission lines, for example through the location and design of roads, reserves and landscaping under the route of the line;~~
- ~~(b ii) The ability for maintenance and inspection of National Grid and sub-transmission lines including ensuring access;~~
- ~~(c iii) The extent to which the design and development will minimise risk, injury or property damage from such lines;~~
- ~~(d iv) The extent to which potential adverse effects from, and on, the line, including risks, reverse sensitivity, and visual effects, are mitigated, for example through the location of building platforms;~~
- ~~(e v) The ability to provide a complying building platform;~~
- ~~(f vi) Compliance with NZECP 34;~~
- ~~(g vii) Technical advice provided by the affected line owner/operator.~~

~~(iii c) — Non-compliance~~

~~Any subdivision proposed which does not comply with (i) above shall be considered a non-complying activity. The matters listed in (b) above shall be used as a guide for considering non-complying activities.~~

6.3.12 Subdivision with one or more new vacant developable lots adjoining any state highway, or railway line included in the definition of “regionally significant infrastructure”

(i a) Additional Performance standards

(a i) Subdivision must nominate within each new vacant developable lot a designated building envelope including balconies and decks that is setback a minimum distance of:

- 10m from the boundary of a state highway where the speed limit is 70km/h or less; or:
- 20m from the boundary of a state highway where the speed limit is more than 70km/h; and:
- 10m from the boundary of the railway corridor.

(ii) Assessment Criteria

See Section 6.5.

~~(iii b) Non-compliance~~

Any subdivision proposed which does not comply with (i) above shall be considered a non-complying activity.

Objectives/Policies		
2.4.1	O4	P1, P2
3.3.2.1	O4	P1, P2, P3
3.3.2.1	O2, O3	P1, P2, P3
3.4.2.1	O4	P1, P2, P3, P4, P5
3.4.2.1	O2, O3, O4, O5, O6	P6, P7, P8, P9, P5
3.5.2.2	O1, O2, O3	P1, P5, P7, P8, P9
3.8.2	O1, O2	P1, P2, P3, P4, P9, P12, P14, P15, P17, P19
3.8.2	O8	P9, P10, P11
2.4.6	O4	P1, P2, P3, P4, P5
2.4.7	O2	P5,
3.7.2.1	O2	P2, P5, P6

Explanation

The minimum Lot size has been defined to retain the open character of the residential and business areas of the District.

It should be noted that for scheduled sites only there is no provision for subdivision to avoid fragmentation and sale of the significant Industrial areas and their associate buffers to other operators.

Council has adopted the rural subdivision minima to protect the high quality soils of the District as expressed in Objective 3.3.2.1 O2, O3 and corresponding Policy 3.3.2.1 P1, P2, P3 concerning Sustainable Activities. High quality soils shall be protected from inappropriate fragmentation and only limited opportunity for rural lifestyle lots shall be provided in the Rural zone. The boundary relocation lot provision may also provide for rural lifestyle lots and the creation of larger rural productive lots. Council shall monitor the use of such lands over the term of this District Plan.

~~Should there be a conflict between these specific performance standards and the general provisions of Section 1, this section shall prevail.~~

~~(i) — Rooding access~~

~~Compliance with the infrastructure and servicing standards within Section 5.9 and the transportation standards in Section 9.~~

Objectives/Policies		
3.4.2.1	O1	P1
3.8.2	O2	P1, P2, P3
3.8.2	O8	P10, P11,

~~(ii) — Water Supply~~

~~Compliance with the infrastructure and servicing standards within Section 5.9.~~

Objectives/Policies		
3.4.2.1	O1	P1
3.7.2.1	O1	P2, P3, P6

~~(iii) — Sewage disposal~~

~~Compliance with the infrastructure and servicing standards within Section 5.9.~~

Objectives/Policies		
3.4.2.1	O1	P1
3.7.2.1	O1	P2, P3, P6

~~(iv) — Stormwater reticulation~~

~~Compliance with the infrastructure and servicing standards within Section 5.9.~~

Objectives/Policies		
3.4.2.1	O1	P1
3.7.2.1	O1	P2, P3, P6

~~(v) — Other Reticulation~~

~~(a) — Compliance with the infrastructure and servicing standards within Section 5.9.~~

Objectives/Policies		
3.4.2.1	O1	P1
3.7.2.1	O1	P2, P3, P6

~~(vi) — Development Suitability~~

~~(a) — Building site~~

~~Each lot must contain a rectangular area of land for building purposes measuring no less than 10 metres on one side and 15 metres on the other that is free of impediments to buildings such as: drainage lines, building line restrictions, easements, bulk and location requirements, protected registered significant features or other items or topographical impediments.~~

~~(b) — Council will require a report, including certification from an appropriately qualified person(s), stating that the land is suitable for the~~

~~activities anticipated in the zone, or the development proposed, and/or the conditions under which development will be appropriate including:~~

- ~~(i) Each building area as described in (a) above is free from flooding or inundation, erosion, subsidence and thermal ground;~~
- ~~(ii) Slope stability, foundations of structures, major earthworks including access tracks and roads;~~
- ~~(iii) Ground water table levels;~~
- ~~(iv) Earthquake faultlines or other seismic hazard;~~
- ~~(v) For contaminated sites, a report on the extent and likely effect of the contamination on the proposed activity, including any off-site effects that may occur as a result of disturbance or development of the site;~~
- ~~(vi) The matters within the Development Manual.~~

~~The report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based.~~

~~(c) Council may refuse to approve a subdivision consent or in approving the proposal, impose appropriate conditions to avoid high probabilities of accelerated erosion, land slip, flooding or subsidence, or increased adverse effects resulting from contaminants on the site.~~

~~(d) Where a site lies outside of the hazard areas but may be subject to any:~~

- ~~• Natural hazard;~~
- ~~• Slope stability issues; or~~
- ~~• Ground conditions not suitable for the foundations of buildings, services or other works;~~

~~Any persons proposing to use, develop (including bulk earthworks) or subdivide the site will require a site evaluation from a suitably qualified engineer or other person confirming that the site can be safely developed without adverse effects either on or off the site for a permitted activity including necessary access and servicing requirements.~~

~~(e) See also Section 11: Natural Hazards.~~

Objectives/Policies		
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P4
3.2.2.3	O1	P1, P2
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P4
3.5.2.2	O1, O3	P1, P5, P7, P8, P9

~~(vii) Protection of scheduled significant items~~

~~Council shall require the legal protection in perpetuity of any scheduled significant item or feature with the exception of Scheduled Item 213 of Schedule 3, as a condition of subdivision consent. Scheduled significant items are listed in Schedules 1, 2 and 3.~~

- ~~(a) Council shall require that legal boundaries are located in a position that does not impair or destroy the integrity of the scheduled significant item;~~
- ~~(b) Suitably qualified persons shall, be engaged, if necessary, to determine the boundaries or significance of such items;~~
- ~~(c) Any such required protective measures shall be taken into account when addressing the Development Contribution for reserves that would otherwise apply. See Section 7: Development Contributions.~~

~~(viii) Protection of other items~~

~~Council may require, as a condition of subdivision consent, the legal protection in perpetuity of a significant feature that is found to exist on the property for the purpose of protecting the feature. A feature may include an area or item of significant indigenous, ecological, landscape or heritage value to the community.~~

~~**Provided that** this rule shall not apply to Scheduled Item 213 of Schedule 3 and where approval has otherwise been given for use of archaeological sites from the Historic Places Trust. Evaluation shall be undertaken in accordance with the criteria in Appendix 1. The feature/area must be fully described and intrinsic value ranked alongside other similar features. Any protective measures shall be taken into account when assessing the financial contribution for reserves that would otherwise apply. See Development Contributions: Section 7.~~

~~Council may require that legal boundaries are located in a position that does not impair or destroy the integrity of the significant feature found to exist on the property.~~

~~(ix) Protection of riparian areas~~

~~See Performance Standards: Section 5.1.1.~~

Objectives/Policies		
3.1.2.2	O1	P1, P2, P3, P4
3.3.2.1	O1	P1, P3

~~(x) Existing buildings to comply~~

~~All subdivision consent applications shall demonstrate that existing and proposed buildings comply with the provisions of the District Plan once the new lots have been created.~~

~~If an existing building is unable to comply with the provisions of the District Plan with respect to yard setbacks from external, un-changed boundaries a land use consent will not be required in respect of this non-compliance.~~

~~(xi) Development Contributions~~

~~(a) As a condition of consent for any subdivision consent Council may require the payment of a Development Contribution to avoid, remedy or mitigate any adverse off-site effects generated by the subdivision. See Section 7: Development Contributions.~~

~~(b) The owner shall contribute to the provision of services, reserves and recreation facilities identified as being necessary to serve the anticipated demand resulting from the subdivision of the land.~~

- ~~(c) — The developers shall provide any other services required at their own expense.~~
- ~~(d) — See Development Contributions: Section 7 and Local Government Act requirements.~~

Objectives/Policies		
3.4.2.1	O1, O2	P1, P6
3.8.2	O7	P11
3.9.2.1	O1, O2	

~~(xii) — Esplanades~~

~~(a) — Esplanade reserves~~

~~Where subdivision occurs, creating lots less than 4 hectares or greater than 4 hectares along rivers specified in (iv) below, Council shall require esplanade reserves of 20 m in width. However in some circumstances it may be appropriate either to increase or decrease the width of the reserve or to establish an esplanade strip as an alternative.~~

- ~~(i) — An esplanade reserve may be reduced below 20 m in the following circumstances:~~
- ~~• Where an existing structure is located within the 20 m reserve and an appropriately smaller esplanade reserve can be vested;~~
 - ~~• Where a natural hazard protection area is operative on land that would otherwise be an esplanade reserve;~~
 - ~~• Where the topography limits the effectiveness of the reserve.~~
- ~~(ii) — An esplanade reserve of a greater width than 20 m may be taken in the following circumstances:~~
- ~~• Where the area has significant conservation and heritage values which require protection greater than a 20 m reserve can provide;~~
 - ~~• Where the topography requires it to be more effective.~~
- ~~(iii) — An esplanade reserve may be waived in the following circumstances:~~
- ~~• Where the land is identified on a Queen Elizabeth II National Trust Protective Covenant, Reserves Act Covenant, Conservation Act Covenant or other Covenant that is in perpetuity;~~
 - ~~• Where by reason of public safety and/or security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example, where there are defence lands, existing public road, sensitive machinery, irrigation works or activities.~~
- ~~(iv) — Where subdivision occurs creating lots 4 hectares or more in size, Esplanade Reserves shall be taken along the following rivers:~~

- ~~Waihou, Waitoa, Piako, Waitakaruru, Waiomou, Rapurapu, Topohaehae and from land immediately adjoining the Kopuatai Peat Dome;~~
- ~~The width of the reserve shall be 20 m unless any of the above circumstances (i), (ii) or (iii) apply.~~

~~(b) Esplanade strips~~

~~(i) An esplanade strip may be established instead of an esplanade reserve in the following circumstances:~~

- ~~Where significant erosion is known to occur.~~

~~(ii) Where an esplanade strip is considered to be more appropriate than an esplanade reserve, the width of that esplanade strip shall be:~~

- ~~A minimum of 20 m where erosion is a known problem;~~
- ~~A minimum of 5 m where the esplanade strip is established solely for access purposes.~~

~~The situations relating to a reduction or increase in width of esplanade reserves shall relate to the physical conditions of the site.~~

~~(c) Access strips~~

~~(i) An access strip may be established instead of an esplanade reserve or an esplanade strip in the following circumstances:~~

- ~~Where for reasons of public security or public safety restrictions, access is required;~~
- ~~Where existing development means that an esplanade reserve or esplanade strip can not practically be established;~~
- ~~Where roads are available for the purpose.~~

Objectives/Policies		
3.4.2.1	O2	P6
3.7.2.2	O1	

~~(xiii) Protection and preservation of existing drainage channels~~

~~All subdivisions shall be planned, designed and constructed so as to:~~

- ~~(a) Protect and preserve existing natural or open drainage channels;~~
- ~~(b) Ensure all drainage systems do not cause erosion or flooding outside the subdivision to any greater extent that would occur in the absence of subdivision and improvements;~~
- ~~(c) Avoid flooding of land;~~
- ~~(d) Leave all drainage channels in as natural a condition as possible, enhance fish habitats and water quality with riparian planting where appropriate;~~

- (e) ~~Provide for crossing of water courses whose bed has an average width of 3 m or more by spanning so that natural stream beds will not be altered thereby causing adverse environmental damage.~~

~~See also Section 8: Works and Network Utilities and Section 11: Natural Hazards.~~

Objectives/Policies		
3.2.2.1	O1	P1, P2, P3, P4
3.7.2.1	O1	P2, P3

- (xiv) ~~Earthworks~~

~~See Performance Standards: Section 5 and the requirements of the Development Manual.~~

- (xv) ~~Natural hazards~~

~~See Natural Hazards: Section 11.~~

- (xvi) ~~Conservation~~

~~See Performance Standards: Section 5~~

- (xvii) ~~Vesting of bed rivers~~

~~The bed of any river over 3 metres in width included in a subdivision consent shall be vested in the Crown.~~

Objectives/Policies		
3.4.2.1	O2	P6
3.7.2.3	O1	

~~6.2 Matters of control~~

~~6.4 Controlled Activity Assessment Criteria~~

~~The Controlled Activity assessment criteria in Rule 6.4.1 applies to all subdivision. The remaining assessment criteria apply in addition to 6.4.1 depending on the rule provisions applicable to the specific type and nature of subdivision application being assessed.~~

~~6.4.1 All Subdivision in all Zones~~

~~Council has reserved control and may impose conditions in respect of the following matters:~~

- ~~i) The performance standards listed in Section 6.2.~~

- ~~(i) Development suitability~~

~~— In assessing subdivision consent applications Council shall have particular regard to the Development Suitability Criteria (Section 1.2), Infrastructure and Servicing provisions (Section 5.9), and the Subdivision rules (Section 6) and the Transportation provisions (Section 9).~~

~~(ii) — Development Contributions~~

~~— As a condition of consent for any subdivision consent Council may require the payment of a Development Contribution to avoid, remedy or mitigate any adverse off-site effects generated by the subdivision. See Section 7: Development Contributions.~~

6.4.2 Subdivision in Rural and Rural-Residential Zones

Council has reserved control and may impose conditions in respect of the following matters:

(ii) Rural amenity and character

- (a) The potential location of future development and the effect on the surrounding environment and rural ~~and rural-residential~~ character.
- (b) The extent of existing vegetation which is to be retained.

(iii) Reverse sensitivity

- (a) The avoidance, or mitigation, of conflicts between activities and the potential reverse sensitivity effects on existing lawfully established activities.

~~(iii-iv) — Transportation~~

- ~~(a) — Safety and efficiency of the vehicle access and function of transportation network.~~
- ~~(b) — Should any roading, access or infrastructure service be required, particular regard shall be had to any necessary easements that may be required for public infrastructure or stormwater disposal.~~

~~(iv) — Servicing~~

- ~~(a) — Whether sites can be adequately managed for on-site stormwater (while managing cumulative effects on a catchment wide basis), wastewater, water supply, telecommunications and electricity supply.~~
- ~~(b) — Whether the subdivision is in general accordance with the Development Manual.~~

Objectives/Policies		
2.4.1	O1	P1
2.4.2	O1, O3	P1, P3
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	P1, P2
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1
3.3.2.1	O1	P1, P2, P3
3.3.2.1	O2, O3	P1, P2, P3
3.4.2	O1	P1, P2, P3, P4, P5
3.4.2	O2, O3, O4,	P6, P7

3.5.2.1	O2	P1, P3
3.5.2.2	O1, O3	P7, P8, P9
3.5.2.3	O4	P5, P6
3.8.2	O1, O2, O3, O6	P1, P2, P3, P14

6.4.3 Works and Network Utilities

Council has reserved control and may impose conditions in respect of the following matters:

- (i) The need for the proposed lot to have legal and/or physical access;
- (ii) The adequacy of the vehicle crossing serving the proposed lot and the need to create additional access;
- (iii) The adequacy of infrastructure serving the proposed lot and the need to provide additional infrastructure;
- (iv) The extent to which any subsequent use that is likely to be made of the proposed lot is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source;
- (v) The effects of the subdivision on the legal and/or physical access to the balance lot and the need to provide additional access and/or create right of way easements to protect the access;
- (vi) The effects of the subdivision on infrastructure serving the balance lot and the need to provide additional infrastructure and/or create easements to protect the infrastructure.

6.4.4 Kaitiaki (Conservation Zone)

Council has reserved control and may impose conditions in respect of the following matters:

- (i) The nature and extent of the proposed work and the degree to which it may disturb natural landforms, landscapes, features and vegetation, or create soil instability, or lead to adverse effects to natural habitats, watercourses and wetlands.
- (ii) Any proposal for use and development shall as far as practicable, be located, designed, constructed or placed to complement the character of the environment in which it is located.
- (iii) Use and development shall be considered inappropriate where it would modify, damage or destroy any regionally or nationally or internationally rare, threatened or endangered indigenous fauna or habitat of such fauna, plant or plant community, or any significant indigenous vegetation which contributes to the recognised values of the area.
- (iv) The location and extent of any archaeological cultural and historic sites within any area subject to the application and how they will be affected by the proposal.
- (v) The likely impact of the proposal on natural landforms in terms of visual appearance, and the potential for subsidence or erosion (including stream banks).

- (vi) Development proposals shall ensure that any run-off or stormwater resulting from the establishment of the activity does not lead to siltation, sedimentation, or a reduction of water quality in natural watercourses and groundwater that leads to adverse effects on identified natural habitats and ecosystems or detracts from the natural character of the environment.
- (vii) All existing indigenous vegetation shall be retained except where removal is unavoidable for the following reasons:
 - (a) To create a building platform;
 - (b) For access and parking;
 - (c) For the purposes of the proposed activity.
- (viii) Native vegetation removal and all earthworks must not adversely affect the sustainability of natural habitats and ecosystems.
- (ix) Details of an appropriate rehabilitation programme or other mitigation measures for the area to be subject to the proposed activities.
- (x) The time period over which the work will take place.
- (xi) The provisions of any relevant management plan or conservation plan.
- (xii) In addition to (i) – (xi) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Okauia 1 Block being Part DP7148, Okauia 4B Block, Lot 1 DPS 24315 Blocks IV and VIII Tapapa SD as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated.
- (xiii) In addition to (i) – (xi) above consideration shall be given to the activities provided for on the Development Concept Plan for Part Section 126, Block II Tapapa East Survey District (CT SA5B/22) as identified in Schedule 5 whilst ensuring adverse effects of such activities are avoided, remedied or mitigated.
- (xiv) And the standards and terms of 1.4.29(i).

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1	P1, P2, P3, P4

6.4.5 Banks Road Structure Plan

Council has reserved control and may impose conditions in respect of compliance with the Banks Road – Development Structure Plan.

6.4.6 Future Residential Policy Areas

Council has reserved control and may impose conditions in respect of the following matter:

- (i) Whether the proposed land use or subdivision activity may compromise the future ability of the area to be developed for residential development and how this objective can be achieved through changes in the design or layout of the activity.

6.5 Restricted Discretionary Activity Assessment Criteria

6.5.1 All Subdivision in all Zones

The relevant Controlled Activity assessment criteria in Section 6.4 shall also apply as assessment criteria for any subdivision which is a Restricted Discretionary activity.

6.5.2 Subdivision not complying with Performance Standards

For subdivision which is a Restricted Discretionary Activity in accordance with Rule 6.2.1(iii), the assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) The potential and actual effects of the non-compliance with the performance standard,
- (ii) The appropriateness of alternative design solutions or mitigation methods and whether these provide for acceptable environmental and servicing outcomes.

6.5.3 Subdivision for more than 10 lots

For subdivision for more than 10 lots in accordance with Rule 6.1.2(f), the assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) Consistency with The New Zealand Urban Design Protocol and the National Guidelines for Crime Prevention Through Environmental Design principles within the Residential, Business and Industrial zones taking into account the following assessment framework.

Context: Seeing buildings, places and spaces as part of whole towns by analysing each project in relation to its setting and ensuring that each development fits in with and enhances its surroundings.

Each subdivision should take into account:

- Existing local landmarks and focal points.
- Walking distance to a range of services and amenities.
- Convenient access to public parks, open space and community facilities.

Character: Reflecting, enhancing and protecting the distinctive character, significant cultural and visual landscape features, historic heritage and cultural identity of the urban environment.

In particular the layout should contribute to the local identity of urban areas by:

- Responding to existing site characteristics.
- Responding to the surrounding environment.
- Protecting and enhancing built, cultural and visual landscape features, landforms and significant views.

Connections: Enhancing transportation networks and the links between the different transport modes (pedestrian, cycleway, street, etc.) to ensure safe and easy movement for people and the integration of the subdivision with surrounding neighbourhoods through these networks.

Custodianship: Ensuring that the design is environmentally and economically sustainable and that publicly accessible open spaces are well overlooked, safe and accessible.

Collaboration: Takes an approach to the design that acknowledges the contribution of different disciplines and perspectives, communicating and sharing knowledge for the integration of landuse, structures and networks.

CPTED: Crime Prevention through Environmental Design.

In particular this includes:

- Good visibility, sightlines and casual surveillance (overlooking) of public or publicly accessible spaces.
- Safe routes and connections.
- A clear and logical layout.

(ii) Compliance with the following urban design criteria.

- (a) The subdivision shall be integrated with the existing urban context.
- (b) The layout and pattern of development traditionally representative of the existing urban area shall be continued.
- (c) The design shall be highly connected with and between neighbourhoods for cycle, pedestrian and vehicle transport modes as appropriate to the scale of the subdivision.
- (d) Safe pedestrian and cycle routes should be generally integrated within the road reserve and other public open space.
- (e) Where appropriate and unless otherwise determined by an operative structure plan, all subdivision shall provide road and/or pedestrian connections between the land being subdivided, existing roads, adjoining properties, and balance lots in accordance with the Development Manual, including the minimum sight distances.
Any connections that are required above shall be vested as road and designed and constructed within 1m of the boundary.
- (f) The subdivision design shall retain key visual linkages within and between neighbourhoods.
- (g) The subdivision shall be representative of street, block and lot layouts and landscape elements that build on and integrate with the existing local residential character.
- (h) Public open space should be prominent and accessible, with good road frontage, within the local area.
- (i) There shall be a predominance of lots fronting the street.
- (j) Rear lot access areas should contain area available for landscaping.

- (k) Existing vegetation which contributes to the overall amenity and character of the site and neighbourhood shall where possible be retained or consideration to mitigation is required.
 - (l) Where there are more than five lots a variety of lot sizes should be provided.
 - (m) Orientation of lots should maximise solar access.
 - (n) The design and lot layout should be designed to achieve casual surveillance of public open space.
- (iii) Council has prepared Urban Design Guidelines advice to assist applicants in preparing subdivision consent applications. Where compliance with the above provisions is not clearly demonstrated the Council may seek an independent peer review by a suitably experienced professional in the urban design field. Any such peer review shall be at the applicant's expense.
- (iv) Consistency with Rule 6.3.1.

6.5.4 Structure Plan Areas

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters within the following Structure Plan areas:

- Eldonwood South
- Tower Road
- Horrell Road
- Stirling Street

The relevant matters are:

- (i) Compliance with the applicable Structure Plan.
- (ii) The timing, sequencing and funding of infrastructure to service the structure plan area.

6.5.5 Rural subdivision

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (ii) Productive capability
 - (a) The effects on the productive capability of the soil resource.
 - (b) The degree to which the soil resource, in the potential area of development, has already been compromised.
- (iii) Rural amenity and character
 - (a) Effect on the rural environment, including character, amenity and visual effects.

- (b) The potential location of future development and the effect on the surrounding environment.
 - (c) The extent of existing vegetation which is to be retained.
 - (d) A variety of lot sizes is provided in accordance with the rural provisions. The clustering of lots will only be considered in specific circumstances where it can be demonstrated that a more appropriate form of rural amenity and design is achieved, cumulative effects are avoided and appropriate mitigation is provided.
- (iii) Visual
- (a) The visual effects of a subdivision will be assessed in terms of the likely effect on:
 - The surrounding environment and general landscape character (including ridgelines and view planes) with particular consideration of public roads, public reserves, identified significant features, Residential zones, dwellings in Rural zones, or marae in the vicinity of the proposed facility;
 - Design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
 - The mitigating effects of any proposed landscaping.
 - (b) In making an assessment of visual impact for a subdivision consent potential building platforms shall be identified and regard shall be had to the following and conditions may be imposed in respect of these matters:
 - The scale of a potential building;
 - Height, cross sectional area, colour and texture of possible buildings on the building platforms identified;
 - Distance of structures to site boundaries, the degree of compatibility with surrounding properties;
 - Site location in terms of the general locality, topography, geographical features, adjoining land use, i.e. landscape character, rural houses;
 - Proposed planting, fencing and other landscaping treatments.
 - (c) In assessing any proposed landscaping regard shall be had to:
 - Whether existing landscape features are integrated into the new subdivision layout;
 - Whether the layout and design are of a high standard, and provide a visual environment that is interesting and in scale with the proposed subdivision and possible future development;
 - Size and type of trees to be planted at the time of planting and at maturity having considered:
 - The character of the site;
 - The character of adjacent properties;
 - Potential shadowing in winter of adjacent properties or reserves;

- Underground and overground services;
 - Suitability of the species to the location;
 - Suitability of the maintenance plan and watering programme to the species.
- The timing of implementation of the landscape plan and the maintenance of approved planting;
 - Whether the type and the location of planting promotes public safety;
 - Whether the Landscape Plan is certified by an appropriately qualified person as consisting of hardy plants suited to the location and capable of achieving the appropriate screening or enhancement purposes desired in the circumstances;
 - The Preliminary Visual and Landscape Study, October 1992 (Volume I);
 - Whether any landscaping or screening adversely affects the safe and efficient operation and function of the transportation networks.
- (iv) Reverse sensitivity
- (a) The avoidance of conflicts between activities and potential reverse sensitivity effects on lawfully established activities.
 - (b) Where conflict or reverse sensitivity effects cannot be avoided, the effectiveness and appropriateness of mitigation measures to protect lawfully established activities.
- (v) Transportation, traffic and access
- (a) Whether the subdivision addresses, and where necessary mitigates, the extent and nature of effects from additional traffic on the road network.
 - (b) Whether any reverse sensitivity effects can arise from the subdivision taking into account the criteria in Rule ~~6.4.1(v)~~ 6.5.5(iv).
 - (c) The safety and efficiency of vehicle access and the roading network.
 - (d) Should any roading, access or infrastructure service be required, particular regard shall be had to any necessary easements that may be required for public infrastructure or stormwater disposal.
 - (e) The following matters:
 - Traffic volumes, traffic mix relative to the existing and future traffic patterns, speed environment, access, parking and loading on-site;
 - Construction traffic volumes, traffic mix, hours of operation;
 - The operational requirements of the activity (e.g. wherever more than one access facilitates the safe and efficient movement of vehicles to and from the site);
 - The extent to which potential adverse effects of the activity on traffic safety and efficiency will be avoided, remedied or mitigated by implementing traffic management measures such as:
 - Flush medians or solid medians;

- Deceleration and acceleration lanes on state highways;
- The careful design and location of access points on to roads, particularly state highways;
- The effects of the activity having regard to the LTSA Guidelines for Service Stations (to the extent that these are relevant to other high traffic generating uses);
- The effects, including cumulative effects on the safe and efficient function of the transportation networks.

(vi) Servicing

- (a) Whether sites can be adequately managed for on-site stormwater (while managing cumulative effects on a catchment wide basis), wastewater, water supply and utilities.
- (b) Whether the subdivision is in general accordance with the Development Manual.
- (c) The effects on the public services the Council is responsible for in the locality or district and that the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which “development contributions” may be required to offset adverse effects).
- (d) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that development and the provision of infrastructure keep pace with each other.
- (e) Whether the subdivision is consistent with any approved discharge consent, and/or relevant regional technical publication. Further, that appropriate measures are proposed to avoid, remedy or mitigate the effects of stormwater discharges onto the subdivision site and from the subdivision site onto any other lot.
- (f) The proposal shall be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of ground or water or Council’s stormwater system. Techniques such as bunding, impermeable layers under bunds and interceptors may be required. The extent of measures required will be determined after consideration of the Building Code and the sensitivity of the receiving environment to discharges.

(vii) Soil quality

The following criteria shall only apply to subdivisions **utilising the high quality soils rules under rule 6.1.1.3(a) and 6.1.1.3(b) and 6.1.1.3(c)** (in addition to the above criteria):

- (a) The amount of earthworks of high quality soils for access, building platforms, building curtilage and associated services shall be minimised.
- (b) Continuous areas of high quality soils are maintained.
- (c) That the high quality soils on the site are not degraded, compromised or lost as a result of the proposal.
- (d) That the productive potential of a site in terms of reliance on soils shall be at least retained.

6.5.6 Rural-Residential subdivision

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

(i) Visual

The visual effects of a subdivision will be assessed in terms of the likely effect on:

- The surrounding environment and general landscape character (including ridgelines and view planes) with particular consideration of public roads, public reserves, identified significant features, Residential zones, dwellings in Rural zones, or marae in the vicinity of the proposed facility;
- Design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
- The mitigating effects of any proposed landscaping.

(ii) Reverse sensitivity

- (a) The avoidance of conflicts between activities and potential reverse sensitivity effects on lawfully established activities.
- (b) Where conflict or reverse sensitivity effects cannot be avoided, the effectiveness and appropriateness of mitigation measures to protect lawfully established activities.

(iii) Transportation, traffic and access

- (a) Whether the subdivision addresses, and where necessary mitigates, the extent and nature of effects from additional traffic on the road network.
- (b) Whether any reverse sensitivity effects can arise from the subdivision taking into account the criteria in Rule 6.5.6(ii).
- (c) The safety and efficiency of vehicle access and the roading network.
- (d) Should any roading, access or infrastructure service be required, particular regard shall be had to any necessary easements that may be required for public infrastructure or stormwater disposal.
- (e) The following matters:
 - Traffic volumes, traffic mix relative to the existing and future traffic patterns, speed environment, access, parking and loading on-site;
 - Construction traffic volumes, traffic mix, hours of operation;
 - The operational requirements of the activity (e.g. wherever more than one access facilitates the safe and efficient movement of vehicles to and from the site);
 - The extent to which potential adverse effects of the activity on traffic safety and efficiency will be avoided, remedied or mitigated by implementing traffic management measures such as:
 - Flush medians or solid medians;
 - Deceleration and acceleration lanes on state highways;

- The careful design and location of access points on to roads, particularly state highways;
 - The effects of the activity having regard to the LTSA Guidelines for Service Stations (to the extent that these are relevant to other high traffic generating uses);
 - The effects, including cumulative effects on the safe and efficient function of the transportation networks.
- (vi) Servicing
- (a) Whether sites can be adequately managed for on-site stormwater (while managing cumulative effects on a catchment wide basis), wastewater, water supply and utilities.
 - (b) Whether the subdivision is in general accordance with the Development Manual.
 - (c) The effects on the public services the Council is responsible for in the locality or district and that the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which “development contributions” may be required to offset adverse effects).
 - (d) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that development and the provision of infrastructure keep pace with each other.
 - (e) Whether the subdivision is consistent with any approved discharge consent, and/or relevant regional technical publication. Further, that appropriate measures are proposed to avoid, remedy or mitigate the effects of stormwater discharges onto the subdivision site and from the subdivision site onto any other lot.
 - (f) The proposal shall be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of ground or water or Council’s stormwater system. Techniques such as bunding, impermeable layers under bunds and interceptors may be required. The extent of measures required will be determined after consideration of the Building Code and the sensitivity of the receiving environment to discharges.

6.5.7 Transmission Corridors

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing National Grid and sub-transmission lines, for example through the location and design of roads, reserves and landscaping under the route of the line;
- (ii) The ability for maintenance and inspection of National Grid and sub-transmission lines including ensuring access;
- (iii) The extent to which the design and development will minimise risk, injury or property damage from such lines;

- (iv) The extent to which potential adverse effects from, and on, the line, including risks, reverse-sensitivity, and visual effects, are mitigated, for example through the location of building platforms;
- (v) The ability to provide a complying building platform;
- (vi) Compliance with NZECP 34;
- (vii) Technical advice provided by the affected line owner/operator.

6.5.8 Rural Lots (Subject to Rule 6.1.6)

The assessment of effects shall be restricted to and conditions may be imposed in respect of the following matters:

- (i) Any reverse sensitivity effect which may arise from the proposed subdivision/residential development in respect of any lawfully existing activities (“relevant existing activity”) in the vicinity. Sensitivity of proposed residents is to be considered in respect of the nature, scale and size of the subdivision/residential development and its location and topographical relationship to, and distance and bearing from, the relevant existing activity. As a reverse sensitivity effect may be present only in certain circumstances, the following factors will be relevant and should be taken into account:
 - (a) The frequency of the relevant adverse effect;
 - (b) The duration of the relevant adverse effect and time of exposure;
 - (c) The character and intensity of the relevant adverse effect;
 - (d) The location of the relevant adverse effect;
 - (e) Previous experiences of people with the relevant adverse effect;
 - (f) Existing levels of sensitivity;
 - (g) Whether or not mitigation measures can be put in place;
 - (h) The effects of the relevant established existing activity in its particular environment having regard to such factors as direction and velocity of wind and air movement and the extent to which mitigation of adverse effects is reasonable;
 - (i) Whether mitigation of the reverse sensitivity effect by the applicant for the proposed subdivision/residential development is in all the circumstances reasonable whether by way of design, earthworks, planting or moving the proposal (either by increasing the separation from the relevant existing activity, or by changing the bearing from the relevant existing activity by moving a proposed house site within the lot).
- (ii) On receipt of the resource consent application the Council shall notify the owner/operator of the relevant existing activity which has triggered this rule, and the owner/operator shall advise within 10 working days if he/she wishes to enter into consultation as to whether the proposal will give rise to a reverse sensitivity effect.
- (iii) Following the opportunity for consultation, the Council shall proceed to deal with the application in the ordinary manner.

Advice note: For the guidance of Council, when assessing an application for such consent the Council will request the owner/operator of the relevant existing

activity to provide an assessment of its effects to which the proposed dwelling or site will probably be subject. This assessment shall address criteria (a) to (i) above and, subject to any agreement between the applicant and the owner/operator, shall be provided at the cost of the owner/operator.

6.6 Discretionary and Non-Complying Assessment Criteria

6.6.1 All Subdivision in all Zones

The Controlled and Restricted Discretionary Assessment criteria may be used as a framework for assessing Discretionary and Non-complying subdivision. However all actual and potential effects from any such subdivision shall be assessed and may be used in determining an application and/or imposing conditions.

6.6.2 Bonus protection lots

Council shall assess the significance of the area being protected, in particular the following:

- (a) With regard to native bush. See Appendix 1 for Evaluation Criteria for Significant Natural Features:
 - That the area of bush is at least 1 hectare in size;
 - Consists of a coherent well-developed canopy of native species;
 - Contains at least 25% of mature native trees;
 - Consists of a representative range of type native species;
 - Represents a significant or prominent landscape feature.
- (b) With regard to areas of biological or scientific significance. See Appendix 1 for Evaluation Criteria for Significant Natural Features.
 - The habitat of rare and endangered species;
 - An area of recognised wildlife significance;
 - A significant or uncommon geological feature;
 - A freshwater wetland;
 - An uncommon indigenous vegetation community.
- (c) With regard to historic features or sites. See Appendix 1 for Evaluation Criteria for Buildings and Objects.
 - The degree of risk which the historic feature or site is subject to and the benefit that will be realised by the granting of subdivision consent;
 - Alternative protection methods;
 - Ongoing responsibility and costs to the community in not protecting/protecting the heritage feature or site.
- (d) The extent to which the subdivision affects the usability of the balance lot for rural activities.

- (e) The location and appropriateness of the protection lot, in particular the effect that a dwelling will have on the protected feature

Objectives/Policies		
2.4.1	O1	P1
2.4.2	O1, O3	P1, P3
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	P1, P2
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1
3.3.2.1	O1	P1, P2, P3
3.3.2.1	O2, O3	P1, P2, P3
3.4.2	O1	P1, P2, P3, P4, P5
3.4.2	O2, O3, O4,	P6, P7
3.5.2.1	O2	P1, P3
3.5.2.2	O1, O3	P7, P8, P9
3.5.2.3	O4	P5, P6
3.8.2	O1, O3, O6	P1, P2, P3, P11
2.4.7	O1, O2, O3	P5, P7

Objectives/Policies		
2.4.1	O1	P1, P2
2.4.2	O1, O3	P1, P3
2.4.6	O1	P1, P2, P3, P4, P5
2.4.7	O1, O2, O3	P5, P7
3.1.2.1	O1	P1
3.1.2.2	O1	P3, P4
3.1.2.3	O1	P1, P2, P4, P6
3.2.2.1	O1	P1, P2, P3, P4
3.2.2.2	O1	P1
3.2.2.3	O1	
3.2.2.4	O1	P1, P2
3.2.2.5	O1	P1
3.3.2.1	O1 O2, O3, P4	P1, P2, P3, P4, P5, P6
3.4.2.1	O1, O2, O3, O4, O5,	P1, P2, P3, P4, P5, P6, P7, P8,
3.5.2.1	O2	P1, P2, P3, P4, P5, P6
3.5.2.2	O1, O2, O3	P1, P5, P7, P8, P9
3.5.2.3	O4	P5, P6
3.7.2.1	O1, O2	P2, P3, P4, P5, P6, P9
3.8.2	O1, O2, O3, O6, O8	P1, P2, P3, P4, P6, P7, P8, P9, P10, P11, P12, P13, P14, P15, P17, P19,