

## SECTION 9: SUBDIVISION AND DEVELOPMENT RULES

This part of the Plan contains rules and performance standards relating to the subdivision of land and development. This includes the requirements in terms of providing services to subdivisions or developments either as permitted activities or as those activities requiring resource consent.

All subdivision that is proposed will require a resource consent from the Council either as a Controlled Activity, a Limited Discretionary Activity, a Discretionary Activity or a Non-Complying Activity. The set of performance standards relates to every Activity category.

### 9.1 CATEGORIES OF ACTIVITIES

#### 9.1.1 PERMITTED ACTIVITIES

None.

#### 9.1.2 CONTROLLED ACTIVITIES

The following are Controlled Activities if they comply with the performance standards in Section 9.2:

- (a) Subdivision of land in all Zones.

Matters to which the Council restricts its control:

- (i) Design, layout, shape and location of lots.
- (ii) Infrastructure and services, including water supply (including firefighting water supply), wastewater systems, stormwater control and disposal, telecommunications and electricity.
- (iii) Transport infrastructure and traffic effects, including roads and access, and the capacity of the roading network to cope with additional vehicle movements and road upgrade requirements.
- (iv) Provision of reserves, esplanade reserves/strips, access strips, including connections to existing and future reserves.
- (v) Avoidance or mitigation of natural hazards.
- (vi) Effects on significant sites and features, including natural, cultural, historic heritage and waterbodies.
- (vii) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (viii) The management of potential reverse sensitivity effects on existing land uses, including network utilities. These effects could include but not limited to noise, vibration, odour, dust and visual effects.
- (ix) Reverse sensitivity effects resulting from the location of residential or commercial allotments in the vicinity of petroleum exploration and/or production activities, or large-scale renewable electricity generation activities.

- (x) Energy efficiency, such as whether the subdivision road and lot layouts makes efficient use of existing transport links; minimises vehicle trips and reliance of private motor vehicles and whether lot dimensions facilitate the siting and design of dwellings that can maximise use of passive solar energy.
- (xi) Compliance with the Council's Land development and Subdivision Infrastructure requirements.
- (xii) Those matters described in Section 108 and 220 of the RMA.

**Advice Note**

Note: The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. The New Zealand Fire Service is available to assist with this.

**Notification Statement**

- (i) Under Section 77D of the RMA, for an activity requiring resource consent under Rule 9.1.2(a), the application shall not be publicly notified, except where:
  - The Council decides special circumstances exist (pursuant to [Section 95\(A\)\(4\)](#)), or
  - The applicant requests public notification (pursuant to [Section 95A\(2\)\(b\)](#)).

### 9.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following are Restricted Discretionary Activities if they comply with the performance standards set out or referred to in Section 9.2:

- (a) Subdivision of land within the heritage setting of a heritage building or object, historic site or site of significance to tangata whenua listed in Schedule 1 of this Plan.

Matters to which the Council restricts its discretion:

- (i) The location and design of lots.
- (ii) The effects of the proposed subdivision on the heritage values of the listed building, object or site.
- (iii) The protection and conservation of the heritage item, or surroundings or curtilage associated with the heritage item or historic site.

- (b) Subdivision of land that contains a Significant Natural Area (in whole or part) listed in Schedule 2 of this Plan and not protected by a legal covenant or other legal protection mechanism.

Matters to which the Council restricts its discretion:

- (i) The location and design of lots.
- (ii) The effects of the proposed subdivision on the biodiversity values of the Significant Natural Area.
- (iii) The management and protection of the Significant Natural Area, including the requirement for legal covenant or other legal protection mechanism.

- (c) Subdivision of land containing or adjoining a significant waterbody listed in Schedule 5 of the Plan.

Matters to which the Council restricts its discretion:

- (i) The location and design of lots.
  - (ii) The effects of the proposed subdivision on the values of the significant waterbody.
  - (iii) The setting aside of esplanade strips or reserves of up to 20 metres in width for the purposes of national/conservation values, natural hazards, recreational/access, heritage/cultural, or water quality values identified in Schedule 5.
  - (iv) The management of riparian areas of natural habitat and vegetation.
- (d) Subdivision of land that contains an archaeological site identified on the Planning Maps.

Matters to which the Council restricts its discretion:

- (i) The location and design of lots.
  - (ii) The effects of the proposed subdivision on the values of the archaeological site.
  - (iii) The management and protection of archaeological sites, including the requirement for legal protection.
- (e) Subdivision of land in the Flood Hazard Area.

Matters to which the Council restricts its discretion:

- (i) The location and design of lots, and their intended use, and the degree to which people or property are put at risk as a result of the subdivision.
  - (ii) Avoidance or mitigation measures to address the risks from natural hazards.
  - (iii) The effects of any mitigation measures in terms of any increasing the likelihood of erosion, flooding or any other hazard event occurring, or increasing its magnitude on the site and to other properties which may or may not currently be at risk from the effects of the natural hazards.
- (f) Subdivision of land within the National Grid Subdivision Corridor, provided that all allotments shall identify a building platform for the principal building and any dwelling, to be located outside the National Grid Yard.

Matters to which the Council restricts its discretion:

- (i) Impacts on the operation, maintenance, upgrade and development of the National Grid
- (ii) The ability of future development to comply with NZECP 34:2001.
- (iii) Technical advice provided by Transpower
- (iv) The ability of the applicant to provide a complying building platform.
- (v) Location, design and use of the proposed building platform or structure as it relates to the National Grid transmission line.
- (vi) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- (vii) The nature and location of any vegetation to be planted in the vicinity of National Grid Lines.

#### **Notification Statement**

Where a subdivision requires resource consent solely because it is within a National Grid Subdivision Corridor under Rules 9.1.3(f) or 9.1.5(c) then the application need not be publicly

notified and need not be served on any affected person apart from Transpower New Zealand Limited who will be considered an affected person.

#### **9.1.4 DISCRETIONARY ACTIVITIES**

- (a) Unless listed elsewhere in the District Plan, any activity (including any subdivision of land), which does not meet one or more of the performance standards in Section 9.2.
- (b) Within the Coastal Protection Area, subdivision of land which creates one or more lots that are 4,000m<sup>2</sup> or greater in area.

#### **9.1.5 NON COMPLYING ACTIVITIES**

- (a) Within the Coastal Protection Area, subdivision of land which creates one or more lots less than 4,000m<sup>2</sup> in area.
- (b) Within an Outstanding Natural Feature/Landscape listed in Schedule 8A (except for Lake Rotokare, Whanganui National Park and Mount Taranaki), or an area of Outstanding Natural Character listed in Schedule 8B, any subdivision of land (excluding boundary adjustments).
- (c) Within the National Grid Subdivision Corridor, any subdivision of land which is not a restricted discretionary activity under Rule 9.1.3(f).

#### **9.1.6 PROHIBITED ACTIVITIES**

None.

## 9.2 PERFORMANCE STANDARDS

All activities shall comply with the following requirements (in addition to the rules and permitted activity performance standards for each Zone).

### 9.2.1 Lot Design and Parameters

- Any subdivision shall comply with all of the following standards for the respective Zone:

Zone	Minimum Lot Size	Maximum Number of Additional Lots that can be created	Minimum Balance Lot Size	Minimum Shape Factor	Additional requirements
<b>Rural Zone</b>	4,000m <sup>2</sup>	4	20 hectares	N/A	All lots shall demonstrate that development can comply with the permitted activity standards for the Zone.
<b>Residential Zone</b>	400m <sup>2</sup>	1 or more	N/A	12m diameter	All lots shall demonstrate that development can comply with the permitted activity standards for the Zone.
<b>Residential – Intensification Area</b>	300m <sup>2</sup>	1 or more	N/A	12m diameter	All lots shall demonstrate that development can comply with the permitted activity standards for the Zone.
<b>Township Zone</b>	4,000m <sup>2</sup>	1 or more	N/A	N/A	All lots shall demonstrate that development can comply with the permitted activity standards for the Zone.
<b>Commercial Zone</b>	N/A	1 or more	N/A	N/A	All lots shall demonstrate that development can comply with the permitted activity standards for the Zone.
<b>Industrial Zone</b>	N/A	1 or more	N/A	N/A	All lots shall demonstrate that development can comply with the permitted activity standards for the Zone.

- When calculating minimum lot size for subdivision in the Residential Zone, all land covered by access legs and common access shall be excluded.
- The following subdivisions are exempt from complying with the above standards:
  - Boundary adjustments where existing sites are already smaller than the minimum lot size, any adjustment shall not decrease the area by more than 10% and shall not cause any non-compliance or increase any existing non-compliance with any other rules.
  - Any lots created exclusively for public works, network utilities, reserves or access.
  - Any lots created solely for the purpose of protecting a Significant Natural Area listed in Schedule 2.

- (iv) Any subdivision of different floors or levels of a building, or different parts of a floor or level of a building.

### 9.2.2 Utilities and Services

1. Where public water, sewerage and/or drainage services are available within 200m of any boundary of any lot of a proposed subdivision or site of a proposed development, all lots and developments shall be connected to such available services at the time of subdivision or development, unless it can be demonstrated that there is a more sustainable option.
2. Where public water, sewerage and/or drainage services are not available within 200m of a proposed subdivision or development, all lots or sites shall be self-sufficient in terms of water supply (including firefighting water supply), drainage and effluent disposal. Sufficient regard to suitability in respect of topography, soils, water tables and proximity to water bodies must be demonstrated.

Note: SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice should be consulted when determining the most appropriate design for firefighting water supply. The New Zealand Fire Service is available to assist with this.

3. In residential, commercial and industrial zones, and in other zones where power lines, gas distribution pipes and telecommunication lines are available within 200m of any boundary of any lot of a proposed subdivision or site of a proposed development, the services shall be provided to the boundary of any lot created by the subdivided land, or proposed development.

Note: Performance Standard 14.2.2: Undergrounding of lines and gas pipes also applies.

4. At the time of subdivision sufficient land for transformers and associated ancillary services shall be set aside.
5. If a subdivision creates more than 15 lots, sufficient land shall be set aside for telecommunications and associated and ancillary services. Consultation with telecommunications network utility operators will be necessary.
6. All necessary easements for the protection of utilities and services to the lot(s) shall be provided by the subdivider, and duly granted and reserved.
7. All development and subdivision design and construction shall comply with the requirements of NZS 4404:2010 Land Development and Subdivision Infrastructure and NPDC & STDC Local Amendments to NZS 4404:2010 Land Development and Subdivision Infrastructure (August 2013).

### 9.2.3 Roads and Access

1. All lots and sites shall provide vehicle access, in accordance with the Council's vehicle crossing standards, to a formed legal road. Where it can be demonstrated that compliant vehicle crossings are possible at more than one location along the road frontage, the applicant may request that formation of the vehicle crossing is not required to be undertaken as part of the subdivision. This decision shall be at the discretion of the Council's Development Engineer.
2. All development and subdivision design and construction shall comply with the requirements of NZS 4404:2010 Land Development and Subdivision Infrastructure and NPDC & STDC Local Amendments to NZS 4404:2010 Land Development and Subdivision Infrastructure (August 2013).

2013), including any requirements for upgrading and/or forming vehicle crossings, roads and rights-of-way in all zones.

Note: SNZ PAS 4509:2008 New Zealand Firefighting Water Supplies Code of Practice shall be consulted to ensure compliance with the access way dimensions required for fire appliances for developments where a fire appliance is not able to reach either the dwelling or the source of firefighting water supply from the public road.

#### **9.2.4 Structure Plans**

1. Where any land is within a Structure Plan area identified in Subdivision and Development Appendix 1, all subdivisions shall be designed in accordance with the Structure Plan i.e. the alignment and provision of services and roads.

#### **9.2.5 Financial Contributions**

1. All financial contributions shall be in accordance with the requirements in Section 16.

#### **9.2.6 Esplanade Reserves/Strips**

1. All lots in all zones shall comply with the requirements for esplanade reserves and esplanade strips:

For subdivision:

2. An esplanade reserve or strip of up to 20m in width shall be required where any allotment of less than 4 hectares in area is created by a subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river, stream or lake identified in Schedule 5 – Significant Waterbodies.
3. An esplanade reserve or strip of up to 20m in width may be required where any allotment of 4 hectares or more in area is created by a subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river, stream or lake identified in Schedule 5 – Significant Waterbodies.
4. Where an allotment of less than 4 hectares is to be created adjacent to any water body not listed in Schedule 5 – Significant Waterbodies and the water body is a river over 3m in width or a lake over 8 hectares, the Council may require an esplanade reserve or strip to be created for one or more of the purposes set out in Section 229 of the RMA. Whether a reserve or strip is required and its width will be determined by the Council having considered the matters set out under 5 below.
5. The requirement for either an esplanade reserve or an esplanade strip in standards 2 to 4, or increase or reduction in the width, or a waiver of an esplanade reserve or esplanade strip shall be at the Council's discretion taking the following factors into account:
  - (i) The effects of the increase or reduction in width, size, or non-provision of the reserve or strip on:
  - (ii) The values for which the waterbody was identified as being significant in Schedule 5 – Significant Waterbodies.
  - (iii) The natural functioning of the water body, water quality, ecological attributes, and land and water based habitats.

- (iv) Maintenance and enhancement of public access and recreational enjoyment of the waterbody.
  - (v) Cultural and spiritual values of tangata whenua.
  - (vi) Natural hazards, including protection of the integrity of the river and flood control works.
  - (vii) Protection of human health and safety.
  - (viii) Protection of historic heritage.
  - (ix) Adjacent land uses including farming activities.
  - (x) The benefits and costs of the provision and maintenance of esplanade reserves and strips (i.e. whether the public benefits gained with respect to the reserve or strip justify the costs of acquiring and maintaining them, while recognising that benefits in terms of improved water quality habitat and access are important and cannot readily be expressed in monetary terms).
  - (xi) The degree to which the purpose of the reserve or strip can be, or is already, achieved by other mechanisms (e.g. covenants, conditions of resource consents, voluntary methods).
6. Notwithstanding the above requirements, in all Zones, an esplanade reserve or strip is not required where a subdivision is:
- (i) For a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
  - (ii) Boundary Adjustment; or
  - (iii) Solely due to land being subdivided for a network utility or reserve purpose.

For a land use consent application:

7. Where a land use consent application relates to a site that adjoins and/or includes part of a water body listed in Schedule 5 – Significant Waterbodies, the Council may impose a condition of consent requiring an esplanade reserve or esplanade strip for one or more of the purposes set out in Section 229 of the RMA. In deciding whether an esplanade reserve or strip is required, the Council will consider the matters listed in Rule 9.2.6.5 above.

**Advice Notes:**

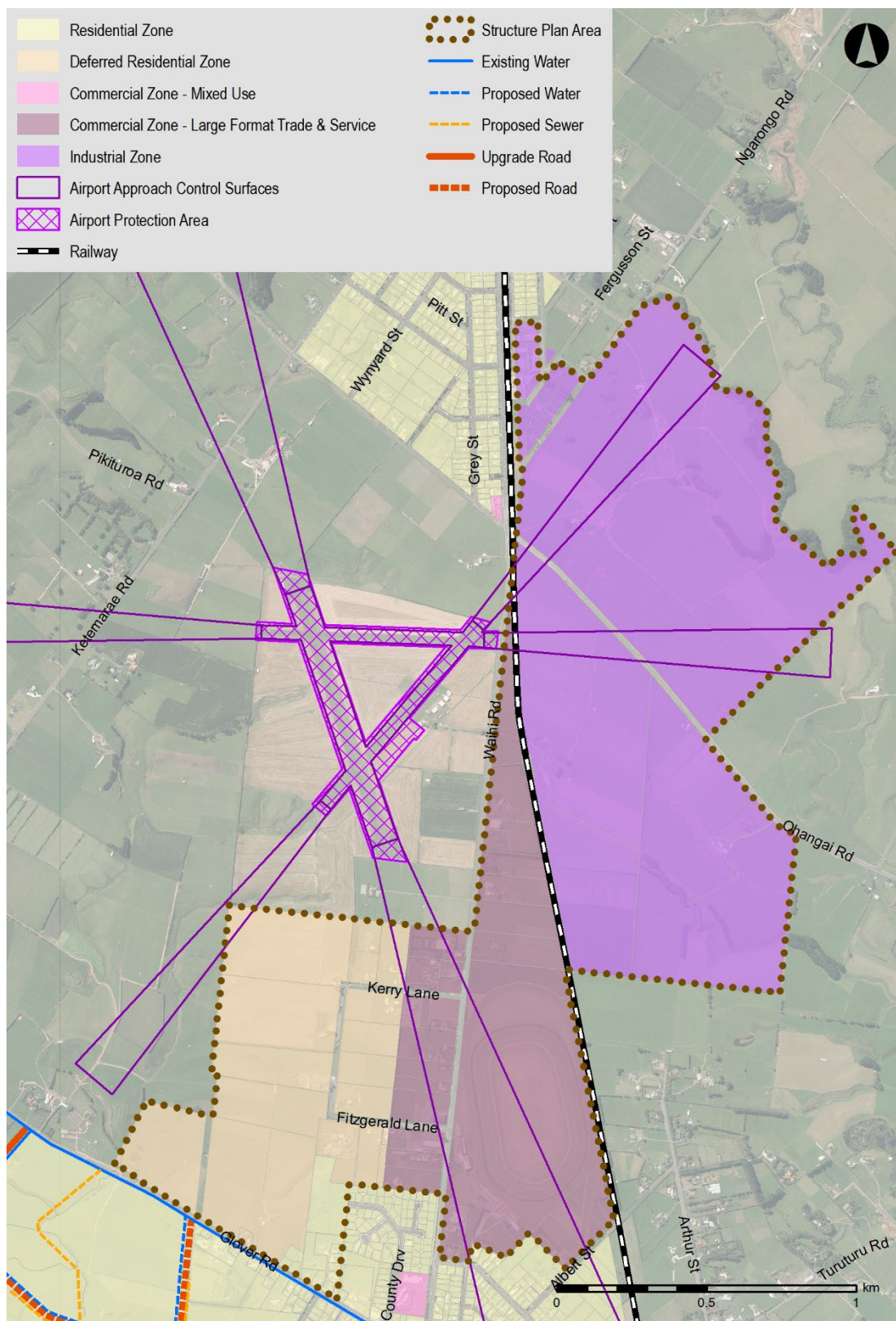
- Subdivision must also comply with all other relevant rules of the Plan. Check:
  - Sections 3-8: Zone Rules
  - Section 10: Parking and Transportation
  - Section 14: Network Utilities
  - Section 15: Heritage
  - Section 16: Financial Contributions
  - Section 17: Natural Environment
- Information Requirements for making an Application for Resource Consent are listed in Section 20.1 of the Plan.
- When granting a resource consent, including subdivision consent, the Council can impose conditions. Unless stated, these conditions will need to be satisfied before Computer Freehold Register (Certificates of Title) can be applied for.



- Subdivision that results in an adverse impact on the design capacity of existing road(s) shall be assessed for road upgrading requirements.
- Where an esplanade strip or reserve is set aside for the purpose of public access along the coast, or the bank of any river, stream or the bank of any river, stream or lake identified in Schedule 5 – Significant Waterbodies, and this strip or reserve is inaccessible to the public, the Council may negotiate with the landowner for an Access Strip.
- Subdivision that results in additional pressure on reserve land shall include land for reserve area or a financial contribution will be payable in accordance with Section 16 of the District Plan.
- All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014 and an authority is required from Heritage New Zealand to modify or destroy archaeological sites. Applicants are advised to check with Heritage New Zealand when preparing subdivision proposals.
- The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) sets mandatory separation distances for activities near telecommunications and electricity lines (including the National Grid). In addition, the Electricity (Hazards from Trees) Regulations 2003 identify “Growth Limit Zones” in relation to trees growing near electricity lines. Vegetation to be planted around electricity lines should be selected or managed to ensure it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. Applicants are advised to contact Transpower or their utility company (e.g. Powerco) for further information.
- Where an application proposes access from a State Highway, the applicant should consult with the NZ Transport Agency. Prior to commencing any works on any State Highway, approval must be obtained from the NZ Transport Agency to work on the State Highway legal road.
- The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may be applicable to your site/property.
- Where an esplanade strip or reserve is required along a river that is subject to a Statutory Acknowledgement, it is advised that the applicant engage with the relevant Iwi.

### 9.3 Subdivision and Development Appendix 1: Structure Plans

#### Hawera North/Normanby Structure Plan





Hawera West Structure Plan

