

## Section 7 - Rules Applicable to Subdivision

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## 700 - General - All Zones and Policy Areas

### .1 Applicability

The rules in the following sections 701-709 shall apply to all subdivisions in addition to the applicable zone and policy area standards set out in sections 710-780, to the extent that they are relevant to the subdivision application in question.

### .2 Matters of Control and Conditions

Council will exercise control over and may impose conditions of subdivision consent in relation to any of the matters set out in rules 702-709. Except where a specific alternative design is approved through the subdivision consent process, conditions imposed in respect of engineering related matters will be in accordance with Council's current Code of Practice for Subdivision and Development.

## 701 - Activity Status

### .1 Controlled Activities

Subdivision shall be a controlled activity where the following applies:

#### 701.1.1

Where the site is not subject to a structure plan and the new lots to be created (excluding the balance lot) will not be affected by a low, medium, high or defended flood hazard area and the subdivision complies with:

- (a) the relevant provisions of the standards in 702-709, and
- (b) the relevant zone and policy area standards for controlled activity subdivisions as set out in sections 710 - 780; or

#### 701.1.2

A land use consent for the development of the land has been first obtained (or is being applied for concurrently with the application for subdivision consent) and the proposed subdivision will be consistent with the land use consent if granted; or

#### 701.1.3

The land is in a Maori Policy Area with an approved management plan and the proposed subdivision will be consistent with that plan; or

#### 701.1.4

The land is subject to a structure plan and the proposed subdivision will be consistent with such plan, notwithstanding any conflict or inconsistency with general rules or zone standards; unless the provisions of the Structure Plan specify a different activity status. (Where there is a conflict or inconsistency between zones, general rules or criteria and a Structure Plan, the Structure Plan requirements shall prevail - refer Rule 340).

## 702 - Standards Applicable to All Subdivisions (Regardless of Activity Status)

### 702.1 - Development Suitability

#### 702.1.1 - Housing

##### 702.1.1.1

Each proposed lot on which housing will be a permitted, controlled, restricted discretionary or discretionary activity shall accommodate a building site free from inundation, erosion, subsidence, slippage or other potential hazard and which is suitable for conventional residential development (including associated stormwater and wastewater treatment and disposal). Refer to Section 709 Natural Hazards.

**Note:** For areas not identified as a flood hazard area in the District Plan, reference should also be made to the Waikato Regional Council to determine if their records indicate the site is subject to a potential flood hazard, to determine if further flood hazard assessment of the site is required.

##### 702.1.1.2

Council may require prior to granting subdivision consent the production of a report on and certification of the suitability of the lot (including any restrictions on development) from an experienced and registered geotechnical engineer or other suitably qualified expert.

##### 702.1.1.3

Council may use the consent notice provisions of the Act to specify the manner in which any particular lot may be developed.

#### 702.1.2 - Other Land Use Activities

##### 702.1.2.1

Each proposed lot intended for independent use shall be demonstrated as being capable of development in a complying manner so as to accommodate a permitted, controlled or discretionary activity within the zone concerned, including:

###### 702.1.2.1.1

suitable building site;

###### 702.1.2.1.2

provision for off-street parking, manoeuvring and loading;

###### 702.1.2.1.3

landscaping;

###### 702.1.2.1.4

building setbacks (yards);

###### 702.1.2.1.5

other relevant District Plan requirements.

##### 702.1.2.2

Council may use the consent notice provisions of the Act to specify the manner in which any particular lot may be developed.

### 702.2 - Servicing

## **702.2.1 - General**

### **702.2.1.1**

All existing Council utility services available shall be extended wherever practicable, allowing for the connection of each new lot within the subdivision, capacity for future land use in the catchment being serviced, and assessing the adequacy of the existing utility services available, including upgrading such services where inadequacy exists.

### **702.2.1.2**

Where one or more of the utility services are not available, the subdivision shall be self sufficient in that respect.

### **702.2.1.3**

The location of the utility services shall be provided for within road reserves in the first instance and otherwise parallel to common property boundaries wherever practicable.

### **702.2.1.4**

Separate lots shall be set aside for sites required by network utility operators for transformers etc. None of these facilities will be permitted within the normal road reserve and sites for these facilities are to be set aside as utility or additional road reserve or by way of easement over private property.

### **702.2.1.5**

Where comprehensive developments, as provided for in Section 510, are to be retained in a single certificate of title or by a form of common tenure, for example company lease or share, unit title, or cross-lease, a single connection to Council's water supply and sanitary sewer reticulation may be approved by Council. For such an approval to be given the applicant shall:

- .1 demonstrate no adverse effects on the environment or the utility network system, and
- .2 obtain the written approval of Council's Asset Manager, and
- .3 establish a corporate entity to be responsible for the maintenance and operation of the network to the point of connection.

## **702.2.2 - Water Supply and Reticulation**

### **702.2.2.1**

An adequate, reliable, safe and efficient supply of potable water shall be available or able to be provided.

### **702.2.2.2**

Where a Council water supply system is available for connection a reticulated system, which is adequate for fire-fighting purposes and for the estimated domestic, commercial and industrial consumption, shall be provided.

### **702.2.2.3**

If the land being subdivided is to be served by a Council water supply, water reticulation shall be provided for the subdivision in such a manner as to enable each lot to be connected to the Council supply system.

## 702.2.3 - Stormwater and Wastewater

- .1 Each proposed lot shall be completely self-contained in respect of stormwater and wastewater treatment and disposal, or be serviced by a reticulation system approved by Council. When designing new lots in unserviced areas, consideration is to be given to the best solution for stormwater and wastewater treatment and disposal. This will range between totally self-contained servicing on-site; provision of communally owned shared systems and communally used systems to be vested in Council.
- .2 If the land is to be served by a Council disposal system, reticulation shall be provided for the subdivision in such a manner as to enable the nominated building site on each lot to be connected to the system.
- .3 New disposal facilities shall be provided, or existing facilities upgraded, which allow discharge of the effluent collected in the wastewater reticulation system to be disposed of in an environmentally appropriate manner, subject to a discharge consent being obtained from Environment Waikato.
- .4 Where an extension to the wastewater reticulation system or the provision of a new system inclusive of a disposal facility is not practicable, then disposal of effluent is to be contained within the property boundaries, subject to a discharge consent being obtained from Environment Waikato where necessary.
- .5 The foregoing clauses will not be regarded as complied with until all necessary consents from other agencies have been obtained.
- .6 Where a dwelling is to be built in an area that is not serviced with a wastewater or stormwater system, an appropriate disposal area shall be provided clear of any known natural hazard area.
- .7 Notwithstanding compliance with any minimum net lot area requirements for the zone in which the land is situated, where a Council disposal system is not available to serve any proposed lot, the applicant shall demonstrate that the site has adequate capacity for on-site effluent treatment and disposal, and for stormwater disposal.
- .8 Council may use the consent notice provisions of the Act to specify the manner in which the on-site effluent treatment and disposal is to be provided.

## 702.2.4 - Rooding and Access

- | Note | The corner splays shall be defined by a diagonal line joining points 6 metres back from where two straight lines (one along each street/road boundary) meet.   |
|------|--|
| .1   | All lots shall have either directly to the frontage, or via a private way, or some other approved access method, legal access to a point on a formed and currently maintained road, which is suitable for the construction of a vehicle entrance complying with Council's standards set out in the rules in Section 470. The complying vehicle crossing point for each proposed lot shall be identified on the plan of subdivision or plan of development. |
| .2   | Roads can be constructed as part of an approved subdivision in any zone and are controlled or discretionary depending on the activity status of the subdivision (refer Section 470).   |
| .3   | Any new road proposed to be created or alteration to an existing road to serve a subdivision shall meet the relevant standards set out in the rules in Section 470.  |
| .4   | In any zone where land at an existing intersection is subject to subdivision or where a subdivision involves the creation of a new intersection, corner splays of not less than 6 metres along each street/road frontage shall be shown on the subdivision plan. This shall be shown as 'road' to vest in the Council on the survey plan.  |

## 702.2.5 - Private Ways

- .1 Maximum number of lots served - there is no limit to the number of lots which may be served by a private way, provided that where more than the specified number of lots to be served as set out in the subdivision standards for the respective zones and policy areas (see Sections 710 - 750), the road design and construction standards in Sections 473.6 and 473.7 shall apply. The private way shall take on the classification of "local road" for the purpose of applying these standards.
- .2 Maximum length and gradient - as a Restricted Discretionary Activity, standards for lengths and gradients of private ways may be reduced in cases where the increased length or gradient will lead to one or more of the following outcomes:
  - improved trafficsafety;
  - enhancement or protection of natural features, or trees, or structures on the Heritage Register or listed with the New Zealand Historic Places Trust;
  - accommodation of an existing public work which is impractical to shift;
  - enhancement of the amenity values of the area;
  - better compliance with all relevant objectives and policies.
- .3 Construction - any existing or proposed private way serving or over the land being subdivided shall be constructed in accordance with Council's standard specifications as set out in Council's Engineering Code.

## 702.2.6 - Network Utilities

- .1 Adequate provision shall be made for the supply and installation of network utility services. The Council will generally require as a condition of consent that each new lot be served by power and telephone unless the applicant can demonstrate to the satisfaction of Council, that this is inappropriate in the circumstances.
  - .2 Where required, street lighting shall be provided in a manner to ensure safety of vehicles, cyclists, and pedestrians using the roading network and to appropriate New Zealand standards.
  - .3 The requirements for the provision of electricity, street lighting, and telecommunication shall meet with the approval of the relevant network utility operator.
  - .4 The requirements for undergrounding of services are set out in Section 560 of the District Plan. All new lots created by subdivision or boundary relocation shall be served by underground power and telephone. If lots are to be served by overhead power and telephone lines and poles their establishment shall be a restricted discretionary activity.
- | Note | Existing power and telephone lines may be maintained, replaced and upgraded in accordance with the requirements of Section 5. The establishment of power and telephone lines and poles, not associated with subdivision, are provided for in Section 5 (560 to 568 inclusive).   |
|------|--|
| .5   | Where the site is close to existing transmission lines of a voltage of 66kV or greater the design of the subdivision shall: <ol style="list-style-type: none"><li>.1 ensure that ease of access to the transmission lines is maintained, whether located overhead or underground;</li><li>.2 ensure that there will be no buildings within 20 metres of the centre line on each side of high voltage transmission lines, whether located overhead or underground;</li><li>.3 facilitate building platforms for residential dwellings where the main living area will not face the transmission lines, when located overhead.</li></ol> |

## 703 - Subdivision Design

The layout and design of a subdivision shall be such as to:

- .1 promote safe and efficient traffic movements to and from lots within the subdivision,

- .2 provide appropriate linkages to the existing roading network,
- .3 provide pedestrian access to the roading and reserves network including coastal and esplanade areas.
- .4 avoid the unnecessary destruction, damage or modification of archaeological and other cultural heritage sites.
- .5 ensure the amenity values and landscape character of the area are not compromised (see 860 for guidelines).
- .6 provide public reserves and private open space sufficient to meet the active and/or passive recreation needs of the population to be accommodated within the subdivision.
- .7 Ensure biodiversity values are maintained or enhanced and consideration is given to appropriate conditions as outlined in Method 211.5.8 and in accordance with 211.4 Policies.

## 704 - Esplanade Reserves

### 704.1

Except as provided in rule 704.3 - 704.5 below, the requirements of Section 230(3) of the Act may, as a discretionary activity, be varied by:

- .1 Either: A waiver of or reduction in width of an esplanade reserve,
- .2 Or: The provision of an esplanade strip instead of an esplanade reserve.

### 704.2

In considering a discretionary activity application in respect of the foregoing Council shall have regard to:

- .1 the purposes of esplanade reserves and esplanade strips set out in Section 229 of the Act and the value of the land in terms of such purposes that would otherwise be required to be set aside;
- .2 reasons of security or public safety;
- .3 whether the subdivision will create any additional lots (i.e. is a boundary adjustment or boundary relocation);
- .4 any recommendations made by the Department of Conservation, Environment Waikato or the Waikato Fish and Game Council.

### 704.3

Upon the stopping of that portion of Kopu Quay shown as "Road to Close" on planning map 51/12, the requirements of Section 345(3) of the Local Government Act 1974 shall be waived and no esplanade reserve shall be vested in the Council.

### 704.4

In the event that Colville Road, Kikowhakarere Bay, Coromandel is stopped in accordance with policy 216.4.14 and shown as "Proposed Road to be stopped" on Planning Map 30/04, the requirement of s345(3) of the Local Government Act 1974 (or its equivalent section in subsequent legislation) shall be waived and no esplanade reserves shall be vested in Council.

### 704.5

The discretion provided under Section 236 of the Act for Council to require additional land be set aside for Esplanade Reserve, as a condition of consent under Section 220(1)(aa) where an existing Esplanade Reserve is less than 20 metres wide, shall not be exercised in the following case:

- .1 For the subdivision or development of the land comprised in Lot 1 DP 304744 adjacent to the Esplanade Reserve (Section 3 SO 60915) vested in Council on the western bank of the Whitianga Harbour in the Whitianga township.

## 705 - Boundary Adjustments and Undefined Boundaries

### 705.1 - Boundary Adjustments

#### 705.1.1

Subdivision under this rule shall be a controlled activity

#### 705.1.2

Minimum lot area requirements shall not apply to a subdivision which has as its sole purpose the adjustment of a common boundary between two contiguous land titles, subject to compliance with at least one of the following:

- (a) The adjustment will leave the lots with the same or similar land areas;
- (b) The adjustment will not create any new nor increase the degree of any existing non-compliance of the lots with the District Plan;
- (c) The adjustment will re-align boundaries that are clearly not in accordance with existing land use and management.

### 705.2 - Undefined Zone Boundaries

#### 705.2.1

Minimum lot area requirements shall not apply to a subdivision which has as its sole purpose the creation of a lot boundary along an "undefined boundary" shown on a planning map and defined in Section 9, subject to the new alignment complying with:

- (a) The purpose of the zone having regard to the topographic or natural feature that would most appropriately define the zone or policy area boundary having regard to the provisions of the Plan; and
- (b) Any resource consent, covenant or other encumbrance applying to the land.

Provided that Rule 705.2 shall not apply to Rule 750: Rural and Coastal Zones (both outside all policy areas and within Future Development Policy Areas).

## 706 - Existing Buildings

Where one or more buildings exist on the land being subdivided the subdivision shall be designed in such a manner as to ensure that it will not create any new nor increase the degree of any existing non-compliance of the buildings with the District Plan.

## 707 - Cross-Lease Subdivisions

The following shall apply to all existing cross-lease subdivisions except those in Rural and Coastal Zones, outside all policy areas:

- .1 Completion of second stage:  
Residential allotments in towns and villages containing a house, the subdivision of which was permitted by way of a first stage cross lease consented to under Section 220 Resource Management Act 1991, may as a controlled activity, have consent granted to a second stage cross lease for a house complying with the appropriate rules of the Transitional District Plan.
- .2 Conversion to freehold:  
Any completed or partially completed cross-lease subdivision may as a controlled activity be converted to freehold (fee simple titles).
- .3 New building work:

Any subdivision for which the sole purpose is to amend an existing cross-lease plan so as to show new building work for which a building consent has been granted shall be a permitted activity.

## 708 - Earthworks and Land Disturbance

Earthworks and land disturbance activities necessary for the construction of and undertaken on the same site as a subdivision shall be assessed against the relevant criteria stated in Rules 710 to 760 and a further application for resource consent under section 410 is not required.

**Note** This means that such earthworks assume the same activity status as the subdivision except where the activity status of the subdivision is a Restricted Discretionary activity by virtue of not complying with one or more controlled activity standards. In that situation the earthworks shall continue to be assessed as a controlled activity.

Council may exercise control over those of the following matters that are relevant to the carrying out of earthworks:

### 708.1

Mitigation measures

### 708.2

Methods by which earthworks are to be undertaken

### 708.3

Sequence of earthworks, i.e. timing, staging

### 708.4

Rate at which earthworks can be undertaken

### 708.5

Proposed site landscape rehabilitation

### 708.6

Sediment control during earthworks

### 708.7

Stormwater management during earthworks

### 708.8

Traffic movement during earthworks

### 708.9

Hours during which earthworks may be carried out

### 708.10

Emergency procedures to avoid injury or property damage during earthworks

**708.11**

Avoidance or exacerbation of natural hazards

**708.12**

Managing the chemical effects of exposing acid rock

**708.13**

Archaeological monitoring (and possible subsequent surveys)

**708.14**

The need for a comprehensive management plan to cover any or all of the above

**708.15**

The impact on the natural flow-path of floodwater and potential downstream/offsite effects.

**709 - Natural Hazards**

- .1 Where the new lots to be created (excluding the balance lot) will be affected by a low or defended flood hazard area subdivision shall be assessed as a restricted discretionary activity.  
Discretion will be restricted to assessment of the flood hazard and associated risk.
- .2 Where the new lots to be created (excluding the balance lot) will be affected by a medium flood hazard area subdivision shall be assessed as a discretionary activity.
- .3 Where the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area subdivision shall be assessed as a non-complying activity.
- .4 **Restricted Discretionary Assessment Criteria**  
Each restricted discretionary activity application shall be accompanied by a flood hazard risk assessment and be assessed against the following restricted discretionary assessment criteria:
  - (a) If a flood hazard risk assessment determines that the level of risk to people or property associated with the proposal is acceptable.
  - (b) If the location of the proposal on the site and in relation to the river and/or stopbank (e.g. the proposed setback) is considered suitable in terms of the potential flood hazard.
  - (c) All proposed building work has been designed to be able to accommodate/withstand the flood hazard (e.g. floor levels, structural design).
  - (d) Off-site effects including displacement or diversion of flood waters associated with the proposal in terms of the flood hazard will be no more than minor.
  - (e) Whether the proposed use or development would have an adverse effect on the natural function of a river system.
  - (f) If any proposed mitigation measures are considered appropriate to mitigate the risk to people and property arising from the flood hazard.
  - (g) The extent and effect of any proposed earthworks in terms of diverting or displacing water or on the natural functioning of the river system.
  - (h) If all proposed new house sites are located a recommended 100 metres or more from any flood defence.

## 710 - Housing Zone

This section contains rules on the following:

- 711 Activity Status
- 712 Standards
- 713 Discretionary Activity Standards and Criteria

### 711 - Activity Status

#### 711.1

Controlled Activity:

- .1 Where all standards in rule 712 are complied with and the new lots to be created (excluding the balance lot) will not be affected by a low, medium, high or defended flood hazard area.
- .2 Where rule 701 applies.

#### 711.2

Restricted Discretionary Activity

- .1 In respect of any standard in Table 1 which is not complied with.
- .2 Where the new lots to be created (excluding the balance lot) will be affected by a low or defended flood hazard area.

#### 711.3

Discretionary Activity

- .1 In any Heritage Policy Area where rule 701 is not met.
- .2 Where the new lots to be created (excluding the balance lot) will be by a medium flood hazard area.

#### 711.4

Non-complying Activity

- .1 Where the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area.



## 712 - Standards

(See also Sections 701-709: Rules applicable to all subdivision)

Zone	Housing					
	Heritage	Beach Amenity	Outside All	Extra Density	Marine Activity	Low Density
<b>Min net lot area (m<sup>2</sup>)</b>						
Front	400	400	400	250	250	-
Rear	500	500	500	350	400	-
Front and Rear	-	-	-	-	-	2500 (and average density of one per 3000m <sup>2</sup> ) except at Pauanui
Front and Rear	-	-	-	-	-	2000 (and average density of one per 3000m <sup>2</sup> ) at Pauanui
<b>Shape Circle (m)</b>						
Front	15	15	15	10	7.5	25
Rear	18	18	15	14	7.5	25
Min. Frontage	10	10	10	10	6	10
Roading and Access Standards	see section 470	see section 470	see section 470	see section 470	see section 470	see section 470
<b>Private Ways *</b>						
No. of lots served	up to 4	up to 4	up to 4	up to 4	up to 2	up to 4
Min. legal width (m)	3.3	3.3	3.3	3.3	6	3.3
Min. carriageway (m)	2.7	2.7	2.7	2.7	5.3	2.7
Max. gradient	1 in 5	1 in 5	1 in 5	1 in 5	1 in 10	1 in 5
Max. length (m)	100	100	100	100	60	150
<b>Access to Individual Lots</b>						
Max. gradient	1 in 4	1 in 4	1 in 4	1 in 4	1 in 4	1 in 4

\* Section 470 Rules 473.6 (Road Design Standards) and 473.7 (Road Construction Standards) shall apply to private ways serving more than the number of lots specified. (Refer 702.2.5)

**Note** The standards in the above table shall not apply to any subdivision which has as its sole purpose the conversion of tenure from cross-lease to fee simple (freehold). Refer also to rule 707.

## 713 - Restricted Discretionary and Discretionary Activity Standards and Criteria

### 713.1

In addition to the specific criteria in respect of restricted discretionary activities (set out in this Section 7) the relevant criteria set out in Section 8 (Assessment Criteria for all Discretionary Activities) shall also apply.

### 713.2

Where the land being subdivided is within a Heritage Policy Area or accommodates a registered heritage item, the subdivision application shall be preceded by or lodged concurrently with an application for land use consent and shall be assessed in accordance with the relevant criteria applicable to the land use consent proposal.

### 713.3

As a restricted discretionary activity the 3.3m minimum legal width for a private way may be reduced to 3.0m where the location of an existing dwelling that is to be retained precludes the provision of a 3.3m width.

### 713.4

Where pursuant to rule 702.2.5 discretion has been exercised to allow more than four rear lots to be created, the private way serving such lots shall have a minimum legal width of 6.0m and a minimum carriageway width of 5.4m.

### 713.5

Where the subdivision is a restricted discretionary activity due to a low or defended flood hazard area, discretion will be restricted to assessment of the flood hazard and associated risk.

## 720 - Town Centre Zone

This section contains the following rules:

- 721 Activity Status
- 722 Standards

### 721 - Activity Status

#### 721.1

Controlled

##### 721.1.1

Where all standards in rule 722 are complied with and the new lots to be created (excluding the balance lot) will not be affected by a low, medium, high or defended flood hazard area.

##### 721.1.2

Where rule 701 applies.

#### 721.2

Restricted discretionary in respect of any standard in rule 722 which is not complied with.

#### 721.3

Restricted discretionary where the new lots to be created (excluding the balance lot) will be affected by a low or defended flood hazard area.

#### 721.4

Discretionary in any Heritage Policy Area where rule 701 is not met.

#### 721.5

Discretionary where the new lots to be created (excluding the balance lot) will be affected by a medium flood hazard area.

#### 721.6

Non-complying where the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area.

### 722 - Standards

- .1 Minimum net lot area - 200m<sup>2</sup>.
- .2 Minimum diameter shape circle - 7.5m.
- .3 Minimum frontage - 6.0m.
- .4 Roading and Access Standards - see Section 470
- .5 Vehicle Access :
  - .1 Maximum gradient - 1 in 7.
  - .2 Pedestrian Frontage Policy Area - vehicle access shall be from designated service lanes only (i.e. no vehicle access shall be permitted direct from the adjoining public road).
- .6 Development Suitability Standards 702-709 apply.

## 730 - Industrial Zones

This section contains the following rules:

- 731 Activity Status
- 732 Standards

### 731 - Activity Status

#### 731.1

Controlled:

##### 731.1.1

Where all standards in rule 732 are complied with and the new lots to be created (excluding the balance lot) will not be affected by a low, medium, high or defended flood hazard area.

##### 731.1.2

Where rule 701 applies.

#### 731.2

Restricted Discretionary in respect of any standard in rule 732 which is not complied with.

#### 731.3

Restricted discretionary where the new lots to be created (excluding the balance lot) will be affected by a low or defended flood hazard area.

#### 731.4

Discretionary in any Heritage Policy Area unless Rule 701 is met.

#### 731.5

Discretionary where the new lots to be created (excluding the balance lot) will be affected by a medium flood hazard area.

#### 731.6

Non-complying where the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area.

### 732 - Standards

- .1 Minimum net lot area:
  - .1 Front - 300m<sup>2</sup>
  - .2 Rear - 400m<sup>2</sup>
- .2 Minimum diameter shape circle - 7m.
- .3 Roding and Access Standards see Section 470.
- .4 Private Ways:
  - .1 Number of lots served up to 2
  - .2 Minimum legal width - 6m.
  - .3 Minimum carriageway width - 5.3m.
  - .4 Maximum length - 60m.
  - .5 Maximum gradient - 1 in 10.
  - .6 Section 473.6 (Road Design Standards) and Section 473.7 (Road Construction Standards) shall apply to private ways serving more than two lots. (Refer 703.6)
- .5 Access to individual lots:
  - .1 Maximum gradient - 1 in 7.
  - .2 On-site turning for rear lots - Yes.
- .6 Development Suitability Standards 702-709 apply.

## 740 - Specified Policy Areas of Rural and Coastal Zones

### 741 - Applicable Policy Areas

The rules set out hereunder shall apply in the following policy areas:

- Rural Village Policy Area (RVPA)
- Rural Residential Policy Area (RRPA)
- Coastal Village Policy Area (CVPA)
- Coastal Residential Policy Area (CRPA)
- Maori Policy Area (MPA)

### 742 - Activity Status

#### 742.1

Controlled in the Rural or Coastal Zone Policy Areas set out in 741 above where:

##### 742.1.1

All standards in rule 743 are complied with and the new lots to be created (excluding the balance lot) will not be affected by a low, medium, high or defended flood hazard area.

##### 742.1.2

Rule 701 applies.

##### 742.1.3

In Maori Policy Area an approved management plan make provision for subdivision as a controlled activity.

#### 742.2

Restricted Discretionary Activity:

##### 742.2.1

In respect of any standard in rule 743 which is not complied with except any subdivision which fails to comply with the average net lot area or minimum net lot area of the policy area concerned; or

##### 742.2.2

In Maori Policy Area in respect of criteria set out in an approved management plan.

##### 742.2.3

Where the new lots to be created (excluding the balance lot) will be affected by a low or defended flood hazard area.

#### 742.3

Discretionary Activity

##### 742.3.1

In any Maori Policy area for which there is no approved management plan or where Rule 701 is not met; or

##### 742.3.2

Where the average net lot area or the minimum net lot area of the policy area concerned is not complied with except at Cooks Beach / Flaxmill Bay / Ferry Landing.

##### 742.3.3

Where the new lots to be created (excluding the balance lot) will be affected by a medium flood hazard area.

#### 742.4

Non-complying Activity

##### 742.4.1

Subdivision at Cooks Beach/Flaxmill Bay/Ferry Landing which fails to comply with the average net lot area or the minimum net lot area.

##### 742.4.2

Where the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area.

#### 742.note

**Note** For the avoidance of doubt, the more onerous provisions shall apply.

### 743 - Standards

(See also Sections 701-709: Rules applicable to all subdivision)

Zone	Rural		Coastal	
	Residential	Village	Residential *	Village
Average net lot area (m <sup>2</sup> )	n/a	600 (minimum)	800 (minimum)	600 (minimum)
<b>Min. net lot area (m<sup>2</sup>)</b>				
Front (Outside of Kennedy Bay)	2 ha	400	600	400
Rear (Outside of Kennedy Bay)	2 ha	500	700	500
Front and rear (Within Kennedy Bay)	n/a	n/a	n/a	5000
Min. dia. shape circle (m)	n/a	20	20	20
Min. frontage front lot (m)	n/a	10	10	10

Roading and Access Standards		See Section 470			
Private Ways **					
No. of lots served	up to 4	up to 4	up to 4	up to 4	up to 4
Min. legal width (m)	6.0	3.3	3.3	3.3	3.3
Min. carriageway (m)	3.5	2.7	2.7	2.7	2.7
Max. gradient	1 in 5	1 in 5	1 in 5	1 in 5	1 in 5
Max. length (m)	n/a	100	100	100	100
Passing Bays	100m or bend	n/a	n/a	n/a	n/a
Access to Individual Lots					
Max. gradient	1 in 4	1 in 4	1 in 4	1 in 4	1 in 4

\* Except at Cooks Beach/Flaxmill Bay/Ferry Landing where Coastal Village Policy Area standards shall apply.

\*\* Section 473.6 (Road Design Standards) and Section 473.7 (Road Construction Standards) shall apply to Private Ways serving more than four lots. (Refer 702.2.5).

## 744 - Restricted Discretionary and Discretionary Activity Standards and Criteria

### 744.1

In addition to the specific criteria in respect of restricted discretionary activities (set out in this section (Section 702-709) and the relevant criteria set out in Section 8 (850) (Assessment Criteria for all Discretionary Activities) an application shall be assessed having regard to how the village or residential atmosphere and amenity values of the locality in which the subject land is situated will be enhanced through retaining open space and providing other measures to ensure the character and form of development is not of an urban nature.

### 744.2

Where the subdivision is a restricted discretionary activity due to a low or defended flood hazard area, discretion will be restricted to assessment of the flood hazard and associated risk.

### 744.3

When assessing subdivisions in the Rural Residential Policy Area, the rural character of that area shall not be compromised. Rural character shall be that described in the character area statements in Section 860 (Amenity Values and Landscape Character: Guidelines):

- .1 Houses located clear of areas that flood
- .2 density of development relatively low, to ensure landform and bush and forest vegetation cover continues to dominate
- .3 houses located on lower slopes of hills, avoiding steeper slopes
- .4 unobtrusive river crossings, with associated footbridges.

## 750 - Rural and Coastal Zones (Both Outside All Policy Areas and Within Future Development Policy Areas)

### 751 - Rural Lots

#### 751.1 - Activity Status

Discretionary Activity

Subdivision creating one or more rural lots subject to the requirements set out below and where the new lots to be created (excluding the balance lot) will not be affected by a high flood hazard area.

Non-Complying Activity

Subdivision creating one or more rural lots where the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area.

#### 751.2 - Limitation

This rule shall not apply to land which has been the subject of previous subdivision under this rule, except as provided for in clause 751.4 hereunder.

#### 751.3 - Minimum Average Lot Size (Including Any Balance Area or Residual Lot)

At least 20 ha.

#### 751.4 - Staging of Subdivision

- .1 Notwithstanding clause 751.2 of this rule a land title with an area of 60 ha or more may be subdivided in two or more stages, subject to the following:
  - (a) In conjunction with the application for the first stage (or any subsequent stage involving further subdivision of the balance land title), the subdivider shall specify how the total subdivision complies with all other requirements of this rule 751 provided that:
    - i. The design of any further subdivision stages need not be shown;
    - ii. A condition (to be the subject of a consent notice) will be imposed on any consent granted identifying those lots which qualify for further subdivision under this rule and those lots which do not.

#### 751.5 - Assessment Criteria

##### 751.5.1

In addition to the matters set out in Section 104 of the Act and in Section 850 of this District Plan, an application will be assessed in terms of the extent to which development of the land following subdivision is likely to:

##### 751.5.1.1

promote the efficient and sustainable use of the land resource including:

- (i) keeping the area of land for residential purposes to a minimum,
- (ii) the consolidation of land with productive potential into large parcels,
- (iii) any proposed rehabilitation of areas of degraded land;

##### 751.5.1.2

avoid the potential for inter-activity conflict;

##### 751.5.1.3

avoid, mitigate or remedy potential impact on existing landscape values (including the natural character of the coastal environment);

##### 751.5.1.4

preserve and/or enhance existing amenity values;

##### 751.5.1.5

preserve and/or enhance areas of indigenous vegetation and indigenous wildlife habitat, including the promotion of ecosystem completeness and habitat continuity;

##### 751.5.1.6

preserve and/or enhance areas of archaeological, cultural or spiritual significance;

##### 751.5.1.7

preserve and/or enhance water and soil conservation values;

##### 751.5.2

To the extent that the foregoing criteria are relevant in any particular case, reports from appropriately qualified independent people assessing the proposal against the relevant criteria shall be submitted with the application for subdivision consent.

### 752 - Conservation Lots

#### 752.1 - Activity Status

Subject to the requirements set out hereunder:

- .1 Subdivision creating one additional lot under the rule is a controlled activity, unless:
  - (a) the land is in the Coastal Zone in which case the subdivision shall be a discretionary activity unless: a land use consent to erect a building associated with the residential use of the land is obtained prior to or concurrently in which case rule 701 applies;
  - (b) the new lots to be created (excluding the balance lot) will be affected by a low, medium or defended flood hazard area in which case the subdivision shall be a restricted discretionary activity with discretion restricted to assessment of the flood hazard and associated risk.
  - (c) the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area in which case the subdivision shall be a non-complying activity.

- .2 Subdivision creating two additional lots under this rule is a discretionary activity unless the new lots to be created (excluding the balance lot) will be affected by a high flood hazard in which case the subdivision shall be a non-complying activity.

## 752.2 - Limitation

This rule shall not apply to land which has been the subject of previous subdivision under this rule unless when viewed together as one composite application the previous subdivision and the proposed subdivision comply with Clause 752.6 hereunder. In any such case the proposed subdivision shall be a discretionary activity.

## 752.3 - Qualifying Standards

### 752.3.1

Rural conservation lots may be created in the following circumstances:

#### 752.3.1.1

where at least 5 ha of existing contiguous native bush having a closed canopy is to be legally protected in perpetuity, or

#### 752.3.1.2

where an existing natural feature which is at least 5 ha in area and which has other environmental value (e.g. landscape, heritage, wetland, esplanade or estuarine area) is to be legally protected in perpetuity, or

#### 752.3.1.3

where at least 5 ha of land is to be legally retired from active primary production and is to be planted in indigenous vegetation and managed in accordance with an approved land retirement management plan or other rehabilitation and preservation programme, or

#### 752.3.1.4

where at least 5 ha of land containing an area, site or structure of archaeological, historical or cultural significance is to be set aside and legally protected and managed in accordance with an approved management plan or other rehabilitation or preservation programme.

### 752.3.2

In addition to the foregoing, where the proposed subdivision is a discretionary activity regard shall also be had to the criteria set out in rule 751.5 (Rural Lots).

## 752.4 - Certification

### 752.4.1

Certification shall be provided from an appropriately qualified independent person that:

#### 752.4.1.1

in the case of existing native bush the vegetation is of such quality and maturity as to be worthy of preservation and be self-sustaining;

#### 752.4.1.2

in the case of any other natural feature or an area to be retired from active farming, the feature or area is able to be managed in such a way as to preserve and enhance its existing potential conservation value;

#### 752.4.1.3

in the case of features of archaeological, historical or cultural significance the area, site or structure in question is of such significance to the community as to warrant its preservation in the public interest and will retain and enhance the feature in its landscape context.

### 752.4.2

Certification shall be accompanied by a report prepared by the certifier detailing the attributes of the area recommended for protection and including an ongoing management programme detailing any protective, enhancement or other measures deemed appropriate.

## 752.5 - Legal Protection

Legal protection of the feature or area shall be achieved by way of a consent notice or other legal instrument to be registered on the title of the land concerned. All costs associated with compliance with this requirement shall be met by the applicant.

Legal protection may be by way of QE II National Trust Covenant, covenant with Council or by vesting in a public authority as a public reserve.

## 752.6 - Number of Lots Permitted

Two additional lots per existing parent title may be created under this rule provided that:

### 752.6.1

there is at least 20 ha of qualifying area to be protected, or

### 752.6.2

there is at least one discrete feature of the type referred to in rule 752.3 to be protected per lot.

## 752.7 - Location of Lots Being Created

Any additional lot to be created under this rule need not contain nor be contiguous with the feature to which its creation relates. Such lot and any balance area or residual lot shall however comply with the relevant provisions of Rule 702 (Development Suitability etc.).

## 753 - Boundary Relocations

### 753.1 - Activity Status

#### 753.1.1

Controlled Activity  
Subdivision under this rule in the Rural Zone.

## 753.1.2

Discretionary Activity

Subdivision under this rule in the Coastal Zone except where Rule 701.1.2 applies.

## 753.2 - Limitation

This rule shall apply only to existing land titles which are:

- .1 contiguous (i.e. have at least one common boundary), and
- .2 in their current configuration are each demonstrably capable of independent residential use in compliance with the provisions of Section 7.

## 753.3 - Residential Suitability

The boundaries between any qualifying land titles may be relocated subject to:

- .1 each lot resulting from the boundary relocation being demonstrably capable of development for residential purposes in accordance with the provisions of Section 700 - 708, and
- .2 where a lot resulting from the boundary relocation does not contain an existing house and the erection of a house on the lot requires a land use consent, then such consent shall be obtained prior to or be applied for concurrently with the application for boundary relocation.

## 754 - Vehicle Access

(see also Section 700 - 709 Rules applicable to all subdivision)

The following requirements apply to lots created by subdivision under the foregoing rules:

### 754.1

#### Access to individual lots

- .1 maximum gradient - 1 in 4;
- .2 geometric and construction standards - In accordance with the Council's Engineering Code

### 754.2

#### Private ways serving up to four lots

- .1 minimum legal width - 6m;
- .2 minimum carriageway width - 3.5m;
- .3 maximum gradient - 1 in 5;
- .4 passing bays - 1 per 100m or bend;
- .5 geometric and construction standards - In accordance with the Council's Engineering Code.

### 754.3

#### Private ways serving more than four lots

Section 473.6 (Road Design Standards) and Section 473.7 (Road Construction Standards) shall apply. (Refer 702.2.5).



## **760 - Identified Commercial Sites**

### **760.1**

Subdivision within identified commercial sites shall meet the standards specified for the zone in which the site is located.

### **760.2**

Except that housing at first floor level and above shall have a minimum shape circle of 10m diameter.

**Table 5 - Urban Roading Standards**

Table 5: Urban Roading Standards						<b>Key:</b> h = houses m = metres NA = Not Applicable		
Classification	Type of Street	Traffic Voume (vpd)	Area Served	Design Speed (Kph)	Min. Street Width (m)	Recommended Carriageway Width		
						Parking	Traffic	Total
Secondary Streets:								
Local Streets	Residential							
	Short		<20h		12	2.275m	2.275m	5.5
	Cul-de-sac		<100m	20				
	Long		>20h		15	2 x 3m	2 x 3m	6
	Cul-de-sac		>100m	20				
	Minor Access		<100h	20	15	2 x 3m	2 x 3m	6
Sub-collector	Industrial	<200	0	40	17	2 x 2.5m	1 x 3m	8
	Residential	200 - 1000	<150h	40	17	3 x 2.5m	2 x 3m	8
Collector	Industrial	200 - 1000	0	40	17	3 x 2.5m	2 x 3m	8
	Residential	800 - 3000	150 - 450h	50	20	2 x 2.5m	2 x 3m	11
Primary Streets:	Principal	3000 - 7000	NA	50	22	2 x 3m	2 x 3.5m	13
	Arterial	Over 7000	NA	50		Specific Design		

**Table 6 - Guide for Rural Roading - Geometric Standards**

Table 6: Guide for Rural Roading - Geometric Standards									<u>Key:</u> S = Seal M = Metal
GROUP	1			2			3		
Traffic Volume (AADT)									
Annual Average Daily Vehicle	Under 30			30 - 100			100 - 250		
Annual Average Heavy Vehicle	Under 10			10 - 40			40 - 80		
TOPOGRAPHY	Level	Rolling	Mountainous	Level	Rolling	Mountainous	Level	Rolling	Mountainous
Number of traffic lanes	1	1	1	2	1 or 2	1	2	2	2
Design Speed (km/h)	As practicable			As practicable			80	70	50 or as practicable
Gradients									
Desirable	-	5%	6.50%	-	5%	6.50%	-	5%	6.50%
Maximum	-	12.50%	12.50%	-	10%	12.50%	-	8.50%	12.50%
Sight Distance Minimum (m)	Refer to Transit New Zealand Road Design Standards								
Traffic Lanes(s): Width	3.5	3.5	3.5	6	3.5/6	3.5	6	6	6
Carriageway: Width (m)	5	5	5	7.5	5/7.5	5	7.5	7.5	7.5
Road Reserve: Width (m)	20	20	20	20	20	20	20	20	20
Bridge Widths (m):									
Under 6m long	3.7	3.7	3.7	8	8	8	8	8	8
6m - 30m long	3.7	3.7	3.7	3.7	3.7	3.7	8	8	8
Over 30m long	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7
Bridge Design Standards	Refer to Transit New Zealand Bridge Manual								
Type of Surfacing	M	M	M	S/M	S/M	S/M	S	S	S

**Note** 1. Bridge width is minimum between kerbs.  
2. For AADD exceeding 2,500, refer to the National Roads Boards State Highway Policy and Procedure Manual.

**Table 7 - Guide for Rural Roding - Geometric Standards**

Table 7: Guide for Rural Roding - Geometric Standards						Key: S = Seal M = Metal
GROUP	4			5		
Traffic Volume (AADT)						
Annual Average Daily Vehicle	250 - 500			500 - 2500		
Annual Average Heavy Vehicle	80 - 150			Over 150		
TOPOGRAPHY	Level	Rolling	Mountainous	Level	Rolling	Mountainous
Number of traffic lanes	2	2	2	2	2	2
Design Speed (km/h)	80	70	50 or as practicable	80/100	80	50 or as practicable
Gradients						
Desirable	-	5%	6.50%	-	5%	6.50%
Maximum	-	6.50%	10%	-	6.50%	10%
Sight Distance Minimum (m)	Refer to Transit New Zealand Road Design Standards					
Traffic Lanes(s): Width	6.8	6.8	6.8	7.5	7.5	7.5
Carriageway: Width (m)	8.5	8.5	8.5	9.5	9.5	9.5
Road Reserve: Width (m)	20	20	20	20	20	20
Bridge Widths (m):						
Under 6m long	8	8	8	8	8	8
6m - 30m long	8	8	8	8	8	8
Over 30m long	8	8	8	8	8	8
Bridge Design Standards	Refer to Transit New Zealand Bridge Manual					
Type of Surfacing	S	S	S	S	S	S

**Note** 3. Bridge width is minimum between kerbs.  
4. For AADD exceeding 2,500, refer to the National Road's Boards State Highway Policy and Procedure Manua.I

## 770 - Conservation Zone

This section contains the following rules:

- 771 Activity Status
- 772 Discretionary Activity Status and Criteria

### 771 ACTIVITY STATUS

- .1 Discretionary unless the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area.
- .2 Non-complying where the new lots to be created (excluding the balance lot) will be affected by a high flood hazard area.

### 772 DISCRETIONARY ACTIVITY STANDARDS AND CRITERIA

- .1 The relevant matters set out in 702 to 705 and 707 to 709 shall apply and, the relevant criteria set out in Section 8 (850 Assessment Criteria) shall also apply.

## 780 - Recreation and Open Space Zones

This section contains the following rules:

- 781 Activity Status
- 782 Discretionary Activity Standards and Criteria

### 781 ACTIVITY STATUS

- .1 Refer to sections 6.4 and 6.5 for the activity status of subdivision within these zones.

### 782 DISCRETIONARY ACTIVITY STANDARDS AND CRITERIA

- .1 The relevant matters set out in 702 to 705 and 707 to 709 shall apply and, the relevant criteria set out in Section 8 (850 Assessment Criteria) shall also apply.

