

PART 26 SUBDIVISION: URBAN

26.1 GENERAL REQUIREMENTS

26.1.1 APPLICATION OF THIS RULE

Rule 26 applies only to the *Residential, Residential 2, Rural-Residential, Industrial 2, Light Industrial, Business and Village Business* Zones of the Plan unless the Plan specifically states otherwise in respect of any other Zone (Note that for 'Growth Areas' the relevant subdivision rule, 22.16, is found in the Rural Subdivision part of the Plan, Part 22).

26.1.2 CONSENT REQUIRED

Subject to the provisions of the Act, the subdivision of land for any purpose can only proceed following the grant of a resource consent by the Council and compliance with any conditions of consent.

No work on the subject land in connection with the subdivision may proceed unless it is essential investigatory work or has already received consent or is *Permitted* (as of right) in the Zone.

Applications shall be in the prescribed form and must contain all the information, assessments and reports as required by the RMA or this Plan. (Refer to Rules 52, 53 and 54 of the Plan as appropriate).

The status of the activity will be as stated in Rules 26.2, 26.2.A and 26.3 that follow.

26.1.3 REPORTS/CONSULTATION

The Council may require in connection with any subdivision application the submission of such technical or other reports prepared by suitably qualified specialists as are considered necessary to address matters pertaining to or arising from the proposal including:

- Geotechnical/soil mechanics/coastal erosion reports;
- Landscape change assessment reports;
- Water quality/quantity analyses;
- Effluent disposal/soakage field tests and design calculations;
- Bush quality and condition analysis;
- Stormwater flow analysis, design calculations and proposals for treatment and disposal;
- Heritage/archaeological/ecological/biological value investigations and any consultation related thereto;
- Assessments of the effects which could result from proximity to existing high pressure gas, high voltage electricity, and similar 'trunk' utility services, including effects on the safe and efficient operation of these services.

26.1.4 ASSESSMENT

Subdivisions shall be assessed in terms of the matters which pertain to the status of the activity. They shall also be assessed in terms of the relevant provisions of the Act which in particular provides for consents to be refused where any part of the land is or is likely to be subject to erosion, falling debris, inundation, or subsidence, unless the effects can be avoided, remedied or mitigated (refer to Section 106 of the Act).

26.1.5 CONDITIONS

Where a resource consent is granted, conditions may be imposed to deal with any matter as provided for by the Act or this Plan, and as appropriate to the circumstances, the status of the application, and the effects of the proposal on the environment. This may include conditions to be complied with on a continuing basis by any subsequent owner of a newly created property. These conditions in terms of Section 221 of the Act can relate to uses of and developments on the new properties.

26.1.6 NON-COMPLYING ASPECTS

No subdivision may render any activity or development non-complying, either on the subject site or *notional lot*, or any abutting site or *notional lot*, without specifically obtaining prior consent to that non-complying aspect, or seeking consent at the time of subdivision.

26.1.7 CODE OF PRACTICE FOR URBAN SUBDIVISION (NZS 4404:2010)

Unless this Plan specifies a different standard, the standards for the design and construction of subdivisions shall be determined in accordance with the provisions of NZS 4404:2010.

NZS 4404:2010 shall be read subject to the changes in the legislation that have occurred since 1981 (in particular the Resource Management Act 1991), and the Council will interpret and apply the provisions of this standard accordingly.

26.1.8 STAGING

Where a subdivision is to be staged this shall be clearly explained and depicted in the application. The Council will not release under the Act any one stage unless it is satisfied that all conditions pertaining to that stage have been satisfied, or that appropriate instruments have been entered into in respect of any conditions that have not.

Where a survey plan is submitted for approval the balance area (not subject to the approval) must comply with the relevant provisions of the Plan, remain accessible from a legal road, and must not be rendered incapable of accommodating one or more *Permitted* activities.

26.1.9 FINANCIAL CONTRIBUTIONS

Financial contributions will be set at the time of subdivision consent in accordance with the Policies and requirements of Part 10 of this Plan.

For the avoidance of doubt:- Unless a resource consent specifically states otherwise, those works and installations which a subdivider is required to complete in order that subdivided land is fully serviced and finished to the required standard ready for 'urban' use are not deemed to be "financial contributions", and the full cost of all such works, services and installations shall be met by the subdivider. Notwithstanding Section 108 (9) of the Act, esplanade reserves set aside at the time of subdivision may qualify as *financial contributions*. Refer to Part 10.1.9 of the Plan.

26.2 CONTROLLED ACTIVITIES

- i. Within the *Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural-Residential* and *Village Business* Zones the activities listed below are *Controlled* activities *except in respect of*:
 - Lot 19 DP 145211 (Clive Howe Road, Patumahoe).
- ii. All *Controlled* activities must comply with the requirements of Rule 26.6.
- iii. All *Controlled* activities are subject to the provisions of Rule 26.4.
- iv. Subject to the relevant provisions of the Act the Council will grant consent to these activities, but may impose conditions relating to those matters over which the Council has reserved control (Rule 26.4). The information submitted with the application must be in terms of Rule 52 and sufficient to enable a thorough assessment in terms of the provisions of Rules 26.4 and 26.6.
- v. Except as provided for by Section 94C of the Resource Management Act 1991, applications for controlled activity subdivision will be considered without notification or the need to obtain approval of, or serve notice on, affected persons.

- The creation of rights of way provided that all sites the subject of the application are within the same Zone.
- The adjustment of boundaries between two or more sites provided that all sites the subject of the application are within the same Zone.
- The creation of company leases in respect of any building.
- The creation of units in terms of the Unit Titles Act 1972, but not in stages unless a compliance certificate has been issued or resource consent granted for the ultimate form of development of the site.
- The creation of titles by cross leasing where a compliance certificate has been issued or resource consent granted for the development of the whole site and there is no further potential for residential development on the site. 'Further potential'² shall be deemed to exist where a land area exists which could contain a unit or house of 60 m² in gross floor area complying with the Plan in all respects.
- The leasing of any part of an allotment where a cross-lease, company lease or unit title is not involved. (Note: The Act provides that any lease less than 20 years does not constitute "subdivision").
- The creation of freehold titles where no length of public roading is involved, (excluding an identified Structure Plan Area, refer Part 54).
- The conversion of cross-lease titles into freehold titles where all the standards of this Plan relating to multi-unit residential developments can be complied with.
- Industrial 2 Zone and Light Industrial Zone: Subdivision consistent with an approved Land Use Consent, Building Consent or Certificate of Compliance which has been given effect to, i.e. the BUILDINGS have been constructed and required infrastructure has been provided.

26.2.A* RESTRICTED DISCRETIONARY ACTIVITIES
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- i. Within the *Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural-Residential* and *Village Business* Zones the activities listed below are *Restricted Discretionary* activities.
- ii. *Restricted Discretionary* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- iii. Applications will be assessed in terms of the matters set out in the assessment criteria, and any conditions of consent will only relate to those matters.
- iv. The information to be submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough consideration in terms of the matters over which the Council has reserved control (contained within the assessment criteria). The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- v. Except as provided for by Section 94C of the Resource Management Act 1991, applications for restricted discretionary activity subdivision will be considered without notification or the need to obtain approval of, or serve notice on, affected persons.

EXCEPT THAT in the case of the Drury the need to obtain approval from affected persons will be limited to the New Zealand Transport Agency and Auckland Transport in respect of the Transportation Network Development Requirements in Rule 26.4A and to Transpower New Zealand Limited where subdivision or development of land is within 32 metres of a National Grid Transmission Line (as shown on the Drury South Structure Plan). Where written approval is not obtained from those parties the application will be notified to those parties only under Section 95B of the Resource Management Act 1991.

1. Subdivision within the Patumahoe Structure Plan Area which complies with Rules 26.6.1 Shape Factor, 26.6.2 Residential Cross Lease Subdivision, 26.6.4 Frontage To Road (Vehicular Access Requirement), 26.6.5 Private Way (Roding) Standards, 26.6.6 Fire Hydrants, 26.6.9 Electricity and Telephone, 26.6.10 Undergrounding, 26.6.11 Gas Supply and 26.6.12 Stormwater Management – Volume Control, and also with the specific provisions of Part 54.9, will be processed as Restricted Discretionary activities. (Refer Rule 54.9.3.2 for Assessment Criteria).
2. Subdivision, not being a permitted or controlled activity, within an identified Structure Plan Area (including Pokeno Structure Plan, Kingseat Structure Plan) (refer Part 54 (excluding Patumahoe Structure Plan Area)) which complies with all the relevant subdivision standards, and is located outside the Historic Heritage Alert Overlay (Kingseat) identified in the Kingseat Structure Plan Area.
3. Subdivision not being a permitted or controlled activity, within an identified Structure Plan Area (including Pokeno Structure Plan, Kingseat Structure Plan) (refer Part 54 (excluding Patumahoe Structure Plan Area)) which complies with all the relevant subdivision standards and is located within or part within the Historic Heritage Alert Overlay (Kingseat) identified in the Kingseat Structure Plan Area (refer Appendix 54.19A):
 - i. Where any land disturbance, earthworks, accessway, formation work or SPECIFIED BUILDING AREA associated with the proposed subdivision are proposed, within the (Kingseat) Historic Heritage Alert Overlay, the person(s) undertaking the proposed subdivision shall provide the Council with a report from a qualified archaeologist (refer criteria for scheduling outlined in Part 8.2). The report shall identify whether any archaeological site is within the Historic Heritage Alert Overlay Area (Kingseat) of the proposed subdivision, and state whether any archaeological site will be damaged, modified or destroyed by such activities. If any archaeological site will not be damaged, modified or destroyed Rule 26.2.A.2 shall apply. (Note: this Rule is in addition to any requirements and Rules applying to archaeological sites identified in Schedule 8A).

- II. If the site will be damaged, modified or destroyed, in clause a) Rule 8.3.1 shall apply. Where a report of the type described above has been previously received by Council then a further report shall not be required.
 - III. Where a person who proposes to undertake subdivision instigates a survey of a property or properties by a qualified archaeologist, in accordance with clause (a) and no archaeological sites are recorded the (Kingseat) Historic Heritage Alert Layer provisions shall cease to apply.
4. Subdivision within the Karaka Village Business Zone, provided that the subdivision proposes a connection to a reticulated wastewater treatment and disposal system in accordance with Rule 22D.6.14 b.vi) a).

** NOTE: This number reflects the inclusion of a restricted discretionary activity for subdivision within the Patumahoe Structure Plan Area introduced by Plan Change 5, operative October 2002.*

26.3 DISCRETIONARY ACTIVITIES

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| <ul style="list-style-type: none"> i. Within the <i>Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural-Residential and Village Business Zones</i> the activities listed below are <i>Discretionary</i> activities. ii. All <i>Discretionary</i> activities are subject to the provisions of Rule 26.5. iii. All <i>Discretionary</i> activities must demonstrate a high degree of consistency with the requirements of Rule 26.6. The information submitted with the application must be in terms of Rule 52 and sufficient to enable a thorough assessment in terms of the provisions of Rules 26.5 and 26.6. iv. The Council may process applications under this Rule as <i>non-notified</i> in terms of Section 94 of the Act. v. Applications will generally be processed as <i>non-notified</i> where the proposed subdivision is clearly consistent with all the requirements of Rule 26.6. |
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1. Subdivision activities not provided for as *Controlled* or restricted discretionary activities (excluding within the Kingseat Structure Plan Area) but not including any subdivision activity in respect of Lot 19 DP 145211 (Clive Howe Road, Patumahoe).
2. Subdivision within an identified Structure Plan Area which does not comply with all the relevant subdivision standards (Rule 26.6), (excluding Lot(s)) within the Kingseat Structure Plan Area not connected to a public reticulated water supply or public reticulated wastewater network and which do not comply with all the relevant subdivision standards (Rule 26.6.8).
3. Subdivision within the Kingseat Structure Plan Area involving cul-de-sac ROAD(S).
4. Subdivision within an identified Structure Plan Area (refer Part 54, excluding Patumahoe Structure Plan Area) which does not comply with all the relevant subdivision standards (Rule 26.6) (excluding within the Kingseat Structure Plan Area which does not meet subdivision standards (Rule 26.6.7 and 26.6.8)).
5. Subdivision LOT(s) within the Kingseat Structure Plan Area not connected to a public reticulated wastewater network which do not comply with subdivision standards Rule 26.6.7 (Water Supply and Metering) and Rule 26.6.8 (Sewage Disposal) provided that, at the time at which the application is lodged with Council, all necessary resource consents have been obtained for a public reticulated water supply network and a public reticulated sewage disposal system, and where such resource consents are still in force at the time of determination.

26.3A NON-COMPLYING ACTIVITIES

- i. Within the *Residential, Residential 2, Business, Industrial 2, Light Industrial, Rural-Residential and Village Business* Zones and the Light Industrial Zone in the Drury South Structure Plan Area in Appendix 54.19A the activities listed below are Non-Complying activities.
- ii. Non-Complying Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- iii. Applications will be assessed in terms of the matters set out in Rule 53, the Objectives and Policies of the PLAN, and where appropriate, the matters applying to Controlled, Restricted Discretionary or Discretionary Activities. Where consent is granted, conditions of consent may be imposed.

1. Any new LOT which does not contain a SPECIFIC BUILDING AREA outside of the Floodway Policy Area, as identified on the Planning Maps.
2. Subdivision LOT(s) within the Kingseat Structure Plan Area not connected to a public reticulated water supply or a public reticulated sewage disposal system and where all necessary resource consents have not been granted for a public reticulated water supply network and a public reticulated sewage disposal system.
3. Any subdivision within the Kingseat Structure Plan Area relating to an area identified in Appendix 54.19C where no ROADING PLAN for the relevant section of existing public road has been prepared.
4. Any subdivision within the Kingseat Structure Plan Area within a DEVELOPMENT AREA identified in Appendix 54.19D where the REQUIRED ROAD WORKS associated with the full adjoining road frontage, either:
 - a) are not proposed as part of the subdivision application, or
 - b) are not covered by a roading infrastructure development agreement, or
 - c) have not already been completed.
5. Any new LOT within the Residential Large Lot Overlay Area, Residential Large Lot Overlay Area 2, Residential Large Lot Overlay Area 3 within the Kingseat Structure Plan Area (54.19A) and as shown on Planning Maps series 105 that does not comply with Rule 26.6.1.1A. [Clause 16.2]
6. Any subdivision or development within the Drury South Structure Plan Area in Appendix 54.18A not complying with Rule 26.6.16(a) – (d).

26.4 ASSESSMENT OF CONTROLLED ACTIVITIES

- A. The subdivision consent applications provided for in Rule 26.2 above will be assessed in terms of the matters set out below, over which the Council has reserved control.
- B. Conditions of consent will only relate to these matters, or to the more specific matters set out in Rule 26.6 below.

Note:

1. A subdivision proposal may also need to demonstrate that any relevant Regional Rules have been or will be satisfied (such as land area for sewage effluent soakage; control of runoff and siltation from earthworks).
2. Conditions arising out of the matters stated below are in addition to any conditions the Act permits):
 - The effects on the public services the Council is responsible for in the locality or District and which 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 "financial contributions" may be required to offset adverse effects or to ensure or achieve positive effects).
 - The supply of electricity, natural gas and telecommunications lines to each lot or *notional lot* within the subdivision.
 - The undergrounding of any utility lines within or outside the site being subdivided.
 - The relevant sections of the Building Act 2004 and Council bylaws relating to the structures on the land.
 - The need to encumber titles to highlight the unavailability of any 'balance area' for further development where no development potential is deemed to exist in terms of this Plan.
 - The relevant sections of the Local Government Act 1974 and Council bylaws relating to road access and vehicle crossings.
 - The extent to which any aspect of the subdivision complies with or would hinder or assist compliance with the Disabled Persons Community Welfare Act 1975.
 - The matters which are the subject of standards for *Permitted* land use activities in the Zone in which the activity is located, and the extent to which compliance with those standards will be affected as a result of the subdivision.
 - The extent to which conditions of any land use or other resource consent for the land or buildings will continue to be complied with, or otherwise.
 - The areas and buildings intended for public or common use within the development.
 - The outdoor living court, or storage or clothes drying areas for the activity and for each residential building or unit on the site.
 - The extent to which the subdivision could give rise to development opportunities which would have adverse consequences for the site, adjacent sites or other notional lots on the site, or for protected natural or cultural heritage resources (refer to Schedules 5A and 8A).
 - The extent to which the size, shape, slope and orientation of the new allotments would facilitate or hinder the use of passive solar heating and other energy saving methods in buildings.

- The extent to which the design and layout of parking, loading, and manouvering areas and vehicle crossings will be affected by the position of new boundaries.
- The position, design and construction of any vehicle crossing related to the activity.
- The position, design and construction standard of existing and proposed common driveways, service lanes, or common or on-site loading zones.
- The naming or signposting or illumination of any private way.
- The effects on, or the implications for, the provision of any public or private network utility services, including their efficient installation.
- The natural or heritage features of the site/s which are protected or which warrant protection or enhancement and the use of legal instruments such as covenants to secure protection.
- The safety, appearance and functioning of any open drain or natural or artificial water body within the site.
- The extent and engineering details of any earthworks related to the activity or the likely land use activities on, or in, the resultant titles.
- The stability and suitability of any building platforms and the practicality of the lot or notional lot boundaries relative to them.
- The position, design, construction and maintenance of any on-site effluent disposal system and the practicality of any lot boundaries relative to them.
- The position, design and construction of any sewage reticulation system that is, or is to be, connected to a public disposal system.
- The method or design of any on-site water supply system and the quality, or likely quality, of water supplied thereby.
- The position, design and metering of any water supply reticulation that is, or is to be, connected to a public system.
- The availability of, or need for, additional water supply capacity or fire hydrants for firefighting purposes.
- The position, design, appearance of any stormwater control or disposal system and the likely downstream effects of the flows through that system.
- The layout of buildings, building platforms or underground services and the way this might compromise future subdivision proposals, restrict reasonable development opportunities, or cause inefficient use of land.
- The need for easements or other mechanisms for securing access to services or utilities on properties that are not owned by the user/s of those utilities or services or the network utility operators or service providers.
- The extent to which the following factors of the catchment, subdivision and sites within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse effect on the subdivision and any other site or property:
 - The relationship of the individual site and stormwater system, to the location of other sites and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment.

- The change, from the site prior to development to the site once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system.
 - The change, from the site prior to development to the site once it has been developed, in volume and rate of stormwater discharged.
 - The potential for an increase in impervious surface cover of the site/s.
 - The stability of the site/s.
 - Natural drainage conditions of the site/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential.
 - The extent to which any modification of natural watercourses including overland flow paths maintains the continuity of water flows and maintains the capacity of the floodplain. Consent notices may be utilised to manage the location of fences, buildings and structures to avoid modification of overland flow paths.
- The matters which are referred to in Section 106 of the Act.
 - A structure plan and any relevant design assessment criteria.

26.4A ASSESSMENT OF RESTRICTED DISCRETIONARY ACTIVITIES, WITH THE ADDITIONAL MATTERS PROPOSED BY THE KINGSEAT STRUCTURE PLAN :

1. *For subdivision consent applications provided for in Rule 26.2A (excluding the Patumahoe Structure Plan Area), Council has restricted its discretion to the consideration of the following matters (refer 2. below for assessment criteria), and may impose conditions of consent in relation to these:*
 - a) *Servicing*
 - b) *Density in the Residential 2 Zone*
 - c) *Design and Layout*
 - d) *A Structure Plan (refer Part 54)*
 - e) Stormwater management and riparian planting
 - f) Geotechnical matters
 - g) Remediation of soil contamination and verification of effective completion of works.
 - h) Proximity to national grid transmission lines (refer Planning Maps)
 - i) Maintenance of opportunity for NEIGHBOURHOOD CENTRES (as identified by Part 54, Planning Maps or Part 29D.1).
 - j) EARTHWORKS, silt and sediment control.
 - k) Retention of appropriate vegetation
 - l) Noise attenuation and within the Kingseat Structure Plan includes:
 - m) Planning Maps for the Kingseat Structure Plan Area (Maps 103E, 104i, 105F, Appendix 54.19C1, 54.19C2, 54.19C and 54.19D)
 - n) Protection and/or enhancement of natural features
 - o) Protection and/or enhancement of archaeological sites, and cultural and heritage resources
 - p) Natural hazards
 - q) Amenity planting
 - r) The former Kingseat Hospital Site.
 - s) Consistency with any Concept Plan
 - t) Effects on and extent of retention of, existing trees (former Kingseat Hospital Site only)
 - u) Proposed landscaping
 - v) The retention and promotion of the function of key open spaces and vegetated areas, and the entrance feature roadway (former Kingseat Hospital Site only)
 - w) Effects of key roading layout and its functions, including the physical integration with the business zone (Town Centre)
 - x) The retention, protection and enhancement of stream and riparian environments and vegetated areas, and their ecological and landscape values.
 - y) Stormwater Management that incorporates Water Sensitive Design
 - z) The construction, location and/or extension of trails for walking, cycling and horse riding within the structure plan area including within any existing or required esplanade reserve or riparian margin.
 - aa) Implementation of any REQUIRED ROAD WORKS
 - bb) Transportation Network Development Requirements within the Drury South Structure Plan Area
 - cc) Ecology within the Drury South Structure Plan Area
 - dd) Counties Power 110kV Sub-transmission Lines within the Drury South Structure Plan Area

ee) Stormwater Management within the Drury South Structure Plan Area

Advice Note: Notwithstanding any other rule in this plan the need to obtain approval from affected persons will be limited to the New Zealand Transport Agency and Auckland Transport in respect of the Transportation Network Development Requirements and to Transpower New Zealand Limited where subdivision (or development of land preceding subdivision) is within 32 metres of a National Grid Transmission Line (as shown on the Drury South Structure Plan). Where written approval is not obtained from those parties the application will be notified to those parties only under Section 95B of the Resource Management Act 1991.

2. Applications for Restricted Discretionary Activity Resource Consent for subdivision will be assessed against the following criteria unless the matters are specified as not applicable to that zone.

a) Servicing

- i. Whether sites can be adequately serviced for stormwater, wastewater, water supply water supply for fire fighting purposes and utilities.
- ii. The effects on the public services the Council is responsible for in the locality or District and which 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 "financial contributions" may be required to offset adverse effects).
- iii. The undergrounding of any utility lines within or outside the site being subdivided.
- iv. Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that subdivision, development and the provision of infrastructure keep pace with each other.

b) Density

Whether residential subdivision in the Residential 2 Zone (inclusive of any lots created for future MEDIUM DENSITY HOUSING*) achieves an average minimum density of:

- Pokeno and Kingseat Structure Plan Areas (excluding any Residential Large Lot Overlay Area identified on a Structure Plan or Planning Map Series 105 or an area scheduled in Appendix 8A):

10 DWELLING HOUSES per gross hectare**.

* The DWELLING HOUSE yield from any lot intended for future MEDIUM DENSITY HOUSING shall be calculated on the basis of one dwelling per 325m² of the NET AREA of that lot, except that where a land use consent for a MEDIUM DENSITY HOUSING development has been granted for the lot, the DWELLING HOUSE yield shall be as per that consent.

** Density per gross hectare for the purpose of this criterion shall be the number of potential household units per hectare. This area (ha) includes land for:

- i. Residential purposes, including all open space, on-site parking and accessways associated with residential development;
- ii. Local and collector roads and roading corridors, including pedestrian and cycle ways, but excluding State Highways and arterial roads;
- iii. Local (neighbourhood) RESERVES.

The area (ha) excludes land that is:

- i. Stormwater retention and treatment areas and associated RESERVES;

- ii. Set aside to protect significant ecological, cultural, heritage or landscape values;
- iii. Set aside for esplanade reserves or access strips that form part of a larger regional or sub-regional RESERVE network;
- iv. Identified for NEIGHBOURHOOD CENTRES or schools;
- v. Set aside as a balance lot for a future subdivision stage.

Where a site for subdivision is bounded by an existing road within the structure plan area, half of that road area shall be included within the calculations.

Where the above cannot be demonstrated in assessing this criterion, Council shall also have regard to Planning Maps 105 "Special Controls within a Structure Plan Area" which identifies the anticipated total residential yield for various parts of a Structure Plan Area. If fewer than 10 DWELLING HOUSES per gross hectare are proposed with a subdivision, the applicant shall demonstrate how the balance will be accommodated in another location within the areas identified on Planning Maps 105.

c) Design and Layout

- i. Whether the subdivision is in general accordance with the relevant subdivision design assessment criteria in Part 54, and/or whether the subdivision gives appropriate consideration to the design and layout of reserves, walkways and cycle ways and street design, including connections to neighbouring properties. Conditions may be imposed to ensure access to adjoining sites is maintained through either the street network or the provision of walkways and cycle ways, particularly where community facilities, reserves and other residential or commercial areas are located nearby.
- ii. Whether the subdivision has appropriate regard to the matters outlined in NZS4404:2010.
- iii. Whether the subdivision provides for the natural or heritage features of the site which are protected, or warrant protection or enhancement and the use of legal instruments such as covenants to secure protection.
- iv. Whether the layout of building platforms and underground services is appropriate to avoid adverse effects on infrastructure.
- v. Whether there is a need for easements or other mechanisms for securing access to services or utilities on sites.
- vi. For the Kingseat Structure Plan Area: whether subdivision within the Business Zone establishes, or does not preclude the establishment and development of, a Village Square of at least 1,600m² in area with at least one continuous frontage to the Main Frontage Control Line shown on Planning Map 104i and as described in Appendix 29.3.

d) A Structure Plan

Whether the subdivision is consistent with the relevant Structure Plan (refer Part 54) and does not preclude the achievement of the structural elements identified therein. In the Drury South Structure Plan Area this includes consideration of whether the land identified for proposed roads, stormwater management areas and reserves on the Structure Plan in Appendix 54.19A, is to be vested in Council upon subdivision at no cost to the Council. In recognition of this, no reserve contributions will be levied under the District Plan within the DSSP area.

dd) Whether the subdivision is consistent with the relevant Planning Map(s) and:

- i. does not preclude the achievement of the structural elements identified therein; and/or
- ii. complies with any relevant special controls.

e) Stormwater management and riparian planting

Whether the subdivision has regard to the recommendations of the adopted Stormwater Catchment Management Plan or an approved stormwater discharge consent and appropriate measures are proposed to avoid, remedy or mitigate the effects of stormwater discharges on the subdivision and any other site or property.

f) Geotechnical Matters

Whether the subdivision LOTS are suitable for the DEVELOPMENT of a permitted activity or an activity for which resource consent has been obtained. This may include an assessment of the following:

- i. The acceptability of any fill materials.
- ii. Stability in areas of deep cut particularly adjacent to the boundaries of the DSSP area.
- iii. Settlement and stability issues associated with the Hingaia and Maketu streams.
- iv. Time dependent settlement.
- v. Ground seismicity and buffer zone.
- vi. Liquefaction.
- vii. Any new information available on ground shaking and liquefaction.

g) Remediation of soil contamination and verification of effective completion of works.

- i. Whether, upon investigation, soil has been found to be contaminated by substances associated with rural activities, horticultural uses or other contaminating uses.
- ii. Whether, in instances where CONTAMINANTS have been identified as being present, appropriate remediation works can be undertaken to satisfactorily deal with any potential adverse effects on human health.
- iii. Whether mitigating measures can be adopted to deal with any potential effects (if any) of undertaking these works.

h) Proximity to national grid transmission lines (refer Planning Maps).

For all areas except Drury South Structure Plan Area

Subdivision of land which creates new allotments within an area measured 32 metres either side of the centre point of a “National Grid Transmission Line” (as shown on the Planning Maps) designed to operate at or above 110kV will be assessed in terms of the following criteria:

- i. Subdivision design: The degree to which subdivision design, including the location of ROADS and RESERVES, recognises and provides for existing electricity lines so that reasonable access to the lines is maintained.
- ii. Location of SPECIFIED BUILDING AREAS and BUILDING envelopes: The extent of separation between SPECIFIED BUILDING AREAS including potential BUILDING envelopes and existing lines, taking into account the requirements of NZECP 34 and any advice received from the operator. Consent notices for SPECIFIED BUILDING AREAS including potential BUILDING envelopes and relevant requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001) or any subsequent code of practice will be registered on certificates of title.
- iii. Location of proposed tree planting: The extent of separation between the location of proposed trees and existing lines, taking into account the likely mature HEIGHT of the trees, whether they have potential to interfere with the lines, and whether an alternative location would be suitable to give the operational requirements of the lines’ owner to prune or remove trees which have the potential to interfere with the lines, taking into account the Electricity (Hazards from Trees) Regulations 2003 or any subsequent code of practice.

Advice Note: All new trees/vegetation planted in the transmission corridor must, at a mature height, achieve compliance with the Electricity (Hazards from Trees) Regulations 2003.

- iv. Extent and mode of EARTHWORKS: Whether appropriate safeguards are in place to avoid contact with flashovers from lines, and effects on the stability of support structures, taking into account the requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).

Advice Note: All EARTHWORKS, including the use of mobile plant, must comply with the requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP34:2001).

Advice Note: Consultation with Transpower New Zealand Ltd (or its successor) is advised when considering construction within 32 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice NZECP: 34 contains restrictions on the location of structures in relation to lines.

Subdivision within 32 m of a National Grid Transmission line in the Drury South Structure Plan Area

Subdivision of land which creates new allotments or any development of land preceding subdivision within an area measured 32 metres either side of the centre line of a National Grid Transmission Line” (either as shown on the Planning Maps or as subsequently relocated) designed to operate at or above 110kV will be assessed in terms of the following criteria:

- i. Subdivision design: The degree to which subdivision design, including the location of roads and reserves, recognises and provides for existing National Grid Transmission Lines so that reasonable access to the lines is maintained.
- ii. Location of building platforms: Whether building platforms are identified that provide a 12m setback from the centreline and outer edge of National Grid structures; and buildings and structures (excluding network utilities) are located to ensure compliance with NZECP34.

- iii. Location and choice of proposed tree planting: whether the location of trees and choice of tree species take into account whether compliance with the Electricity (Hazards from Trees) Regulations can be achieved.
- iv. Extent and mode of earthworks: whether there will be effects on the stability of support structures and whether NZECP 34:2001 can be complied with.

Note: Consultation with Transpower New Zealand Ltd is required when considering construction within 32 metres of a National Grid Transmission line. Compliance with the *New Zealand Electrical Code of Practice for Electrical Safe Distances* NZECP 34: 2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Any vegetation to be planted within the Transmission corridors should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

i) Maintenance of Opportunity for NEIGHBOURHOOD CENTRES

Whether the subdivision creates a LOT or LOTS which are of a suitable size and dimension to facilitate the development of a NEIGHBOURHOOD CENTRE to serve the local residential catchment once developed and is in the general location(s) shown on a Structure Plan (refer Part 54).

j) Earthworks, silt and sediment control

- i. Whether EARTHWORKS are to be undertaken with the establishment and maintenance of recognised methods and techniques for the retention of sediment on SITE and the prevention of discharges of sediment off-SITE or into waterbodies.
- ii. Whether SITE management methods and techniques will be put in place to ensure that vehicle movements to and from the SITE or location where EARTHWORKS are being undertaken do not result in any material being deposited on public ROADS creating a hazard or a nuisance to ROAD users.

Note: Recognised methods or techniques, as appropriate in the circumstances, are provided in publications by the Regional Councils. Correctly applied, such methods or techniques constitute the best practicable option.

- iii. In the Drury South Structure Plan Area whether construction management and communication methods will be put in place to minimise nuisances and disruption to surrounding residents and Ramarama School (in particular, dust, traffic and noise impacts) during the construction period.
- iv. In the Drury South Structure Plan Area :
 1. whether consideration has been given opportunities to recharge the aquifer using treated stormwater where permeable soils are available
 2. whether earthworks and the creation of level development platforms are contoured to integrate with the surrounding street environment and open space corridors
 3. Where retaining walls are required, whether they are screened from public view

k) Retention of appropriate vegetation

Whether the subdivision creates opportunities to retain existing notable vegetation in its design and layout and provides for its protection.

l) Noise attenuation

For any new LOT in the locations shown on the Noise Area Planning Maps (refer Planning Maps 107) as "High Background Noise Area" an acoustic report shall be provided detailing a solution which shall be implemented to control the noise from traffic on State Highway 1 to within 60dBA $L_{eq(24hour)}$ where practicable with an upper level of 65dBA $L_{eq(24hour)}$ within outdoor living areas. The traffic noise levels should be based on the traffic flow a minimum of 10 years after the subdivision of the Lots is complete.

m) Transportation Network Development Requirements within the Drury South Structure Plan Area

In the case of any subdivision (or development preceding subdivision) within the Drury South Structure Plan Area, the Council will assess the extent to which the following transportation network requirements are met and may refuse consent or apply conditions to the consent to ensure the requirements are achieved:

- i. Whether the subdivision or development will result in the central 'Spine Road' being progressively constructed southwards from the Quarry Road bridge over State Highway 1;
- ii. Whether the following road projects indicatively shown on Figure 5B.4.A will be completed before any buildings within the Drury South Structure Plan Area are occupied:
 1. The realignment of existing Quarry Road onto the alignment of the 'Spine Road' from the State Highway 1 over-bridge to the southern extent of the first stage of subdivision;
 2. The upgrading of the existing Quarry Road/Great South Road intersection;
 3. The provision of traffic signals or an alternative upgrade which achieves equivalent transport performance at the existing Great South Road/State Highway 22 (Karaka Road) intersection; and
 4. Under the scenario where development of the Drury South Structure Plan Area proceeds in advance of the Mill Road Corridor Project, the upgrading of the right turn bay on Waihoehoe Road at the Waihoehoe Road / Fitzgerald Road intersection.
- iii. Whether a new dedicated pedestrian path and cycleway has been constructed between the existing Drury township and the Drury South Structure Plan area before development and occupation of more than 25 hectares of Industrial zoned land within the Drury South Structure Plan area occurs.
- iv. Whether Ramarama Road, at the northern boundary of the Drury South Structure Plan area, will be closed to all vehicular traffic by the time 58 hectares of the developable area in the Ramarama Road Transport Area defined on Figure 5B.4.A has been subdivided or developed.
- v. Whether the Link Road from the Spine Road to Fitzgerald Road shown on Figure 5B.4.A is provided and shoulder widening, intersection treatments and localised widening works within the existing road reserve on Fitzgerald Road between the Link Road and Waihoehoe Road is undertaken before Ramarama Road is closed at the northern boundary of the Structure Plan Area;
- vi. Whether the 'Avenue' Road and the portion of the Spine Road shown on Figure 5B.4.A is provided as the adjacent Commercial Service Precinct is developed;
- vii. Whether Ramarama Road, at the southern boundary of the Drury South Structure Plan area, is closed to all vehicular traffic by the time 89 hectares of Industrial zoned land within the Drury South Structure Plan area has been subdivided or developed;

- viii. Whether the southern portion of the Spine Road that connects to Ararimu Road is constructed before:
1. Ramarama Road is closed at the southern boundary of the Drury South Structure Plan area; or
 2. Any development of the Drury South Structure Plan area south of the New Quarry Access Road shown on Figure 5B.4.A occurs;
- ix. Whether State Highway 1 Ramarama Interchange is capable of accommodating the traffic from the subdivided and developed portion of the Drury South Structure Plan area including the predicted traffic from the land which is the subject of the application.

To enable assessment of this criterion, applications for subdivision or development must include a traffic assessment of the effects of the subdivision or development on the interchange prepared by a qualified and experienced traffic engineer.

Advice note: This criterion will be considered to be met where such an assessment includes a review undertaken by or on behalf of NZTA which confirms that there is sufficient capacity or planned capacity at this interchange to accommodate the predicted increase in traffic.

n) **Ecology**

In respect of any new areas of planting in stormwater management and wetland areas the following shall be provided:

- i. A weed and pest management programme for any new areas of planting within the stormwater management areas and reserves and remaining indigenous forest fragments.
- ii. A herpetofaunal mitigation/rehabilitation plan which targets only potentially suitable lizard habitat for relocation searches.

In respect of those new areas of planting in stormwater management and wetland areas, the Council will assess the extent to which

- i. Plants are eco-sourced as close as possible to the developed area
- ii. The mechanisms proposed to ensure the management and mitigation/ rehabilitation plans are implemented

o) **Counties Power 110 Kv Sub-transmission Lines within the Drury South Structure Plan Area**

Whether the existing 110kv Counties Power electricity lines are provided for in the existing positions in any subdivision or whether the existing lines can be relocated in agreement with Counties Power.

p) **Stormwater Management within the Drury South Structure Plan Area**

Any application for subdivision or development preceding subdivision shall be accompanied by detailed stormwater management report and plans. Such report and plans shall:

- i. Describe how the plans comply with the conditions of any relevant Network Discharge Consent or other relevant discharge consent;
- ii. Identify overland flow paths;
- iii. Describe the nature and extent of any stormwater management devices and how these devices are to be delivered if they are on land outside the application site;

- iv. Describe the nature and extent of on site stormwater management devices (if any) and how individual on-site stormwater management facilities, or grouped/communal facilities, are to be maintained into the long term.
- v. Describe, if stormwater management devices are to be located within the modified 100 year ARI floodplain, how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities;
- vi. Describe, where streams are to be diverted and/or recreated as identified on the structure plan map, how this is to be achieved in a way that ensures that they function in a manner similar to natural stream systems. Detailed landscape treatment plans will be required to demonstrate the proposed long section and cross sections; how the new stream banks are to be stabilised; how pool – riffles - run sequences are to be formed and how stormwater outlets are controlled.

The Council will assess the extent to which the stormwater management plan and works proposed as part of the subdivision or development

- a) Comply with any approved Network Discharge Consent or other relevant discharge consent;
 - aa) Achieve the objective of ensuring that subdivision and development does not result in increased flood risk to habitable rooms for all flood events from the two year and up to the 100 year ARI flood event downstream and upstream of the Structure Plan Area;
- b) Are effective in avoiding, remedying or mitigating the potential adverse effects of stormwater discharge on water quality and flood hazards. In the case of stormwater management facilities within private land this assessment will include how the operation and maintenance of such facilities is to be secured by way of appropriate covenants or consent notices;
- c) Can effectively contain all the natural and diverted streams and their margins, wetlands, and other off-site stormwater management devices;
- d) Provide for overland flowpaths;
- e) Require a bond or other security to be provided to ensure that the stormwater management works will be completed, with such bond to be released when the works are completed and the stormwater management areas and their devices are vested in Council.
- q) Planning Maps for the Kingseat Structure Plan Area.
- r) The former Kingseat Hospital Site.

Whether the design and layout of subdivision including the location of roads, accesses and SPECIFIED BUILDING AREAS has particular regard to:

- i. the maintenance and/or enhancement of scheduled buildings, structures, trees and areas;
- ii. the overall character of the site including the heritage, environmental and amenity values, and the scheduled buildings, structures, trees and areas, and the integration of new subdivision and resulting development with these features;

- iii. ensuring that any adverse effects on the overall heritage or character of the former Kingseat Hospital site are avoided, remedied or mitigated;
 - iv. any relevant special controls; and
 - v. the achievement of the structural elements shown on the Kingseat Structure Plan Map in Appendix 54.19A.
 - vi) the physical integration of key roading layout of the Adaptive Re-use Overlay Area A and the Kingseat Heritage Mixed Use Overlay Area with the business zone (Town Centre) and avoidance of adverse effects upon key stream, riparian margins and existing vegetation and open space environment.
 - vii) those matters contained in Assessment Criteria 8.3.3 and 8.3.4.
- s) Consistency with any Concept Plan
- The extent to which the proposed subdivision is in accordance with the Concept Plan as shown on Appendix 54.19C1 "Concept Plan for the Former Kingseat Hospital Site" and Map 104k "Business Zone Concept Plan".
- t) Arboriculture and Landscaping (former Kingseat Hospital Site only)
- The extent to which existing trees that contribute to the visual amenity and treed character of the site are recognised and retained within a proposed subdivision; and
- The extent to which proposed landscaping contributes to the treed character of the site and maintains its future visual amenity, including its effectiveness in offsetting the effects arising from the removal of existing trees from the site
3. In addition to the requirements of 26.4, for subdivision requiring consent under Rule 26.6.1.1B.1, the extent to which the proposed LOT is of an appropriate size and has appropriate dimensions to accommodate a proposed DWELLING HOUSE or MULTI-UNIT HOUSING, and avoids noncompliances with the Residential Zone bulk, location and amenity standards that would result in adverse effects on the site's amenity and that of adjoining sites.
4. For subdivision consent applications provided for in Rule 26.2A.3 relating to the Karaka Village Business Zone, Council has restricted its discretion to the consideration of the following matters (refer 4. below for assessment criteria), and may impose conditions of consent in relation to these:
- a) Servicing Design and Layout
 - b) Stormwater management
 - c) Geotechnical matters
5. Applications for Restricted Discretionary Activity Resource Consent for subdivision in the Karaka Village Business Zone will be assessed against the following criteria:
- a) Servicing
 - i. Whether sites can be adequately serviced with reticulated wastewater, potable water supply, water supply for firefighting purposes, utilities and for the management of stormwater.
 - ii. The undergrounding of any utility lines within or outside the site being subdivided.

- iii. Whether subdivision provides appropriate infrastructure in a coordinated manner (including reticulated wastewater treatment and disposal), ensuring that subdivision, development and the provision of infrastructure keep pace with each other.

b) Design and Layout

- i. Whether the subdivision is in general accordance with the relevant subdivision design assessment criteria in Appendix 29A.1, the Village Overlay Plan in Part 55.5.7, and/or whether the subdivision gives appropriate consideration to the design and layout of future development. Conditions may be imposed to ensure access to adjoining sites is maintained through either the street network or the provision of pedestrian links, particularly where community facilities, reserves and other residential or commercial areas are located nearby.
- ii. Whether the subdivision is consistent with the Karaka Village Overlay Plan, provides for the establishment of the Village Square and does not preclude the achievement of the structural elements identified therein.
- iii. Whether the subdivision has appropriate regard to the matters outlined in NZS4404:2010.
- iv. Whether the layout of building platforms, and the location of underground services, is appropriate to avoid adverse effects on infrastructure.
- v. Whether there is a need for easements or other legal mechanisms for securing access to services or utilities on sites.

c) Stormwater management

Whether the design of the subdivision incorporates appropriate measures to manage stormwater; including whether or not the conditions of any relevant stormwater discharge consent/s are addressed.

d) Geotechnical Matters

Whether the subdivision LOTS are suitable for the DEVELOPMENT of a permitted activity or an activity for which resource consent has been obtained.

26.5 ASSESSMENT OF DISCRETIONARY ACTIVITIES
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- A. The provisions of Rule 26.4 above will apply to applications for *Discretionary* activities except that where consent is granted the Council may impose conditions that relate to matters other than those stated in Rules 26.4 and 26.6. The Council may refuse to grant consent to any application.
- B. Where any requirement of Rule 26.6 is clearly not satisfied or a subdivision incorporates designs or aspects which are inconsistent with the Plan's Objectives and Policies or outside accepted practice, then the assessment of effects accompanying the application must directly address those matters. It must incorporate specific and clear justification for, and outline the costs and benefits of, each aspect with particular regard to the implications for future landowners and occupiers, as well as for existing ratepayers and residents of the District. The Council may require further reports or impact assessments which address the actual or potential effect/s.
- C. Where a subdivision relates to a non-residential or multi-unit residential development that exists as at the date of notification of this Plan and no further potential for development exists on the site, the 'minimum' requirements of Rule 26.6 need not apply where the overall standard of site development, and the level of amenity and servicing available to each area or house or unit to be separately owned or occupied, are consistent with the objectives, policies and rules of the Plan.
- D. Additionally, applications will be assessed in terms of the following matters:
- Whether any adverse effects can be avoided, remedied or mitigated.
 - The extent to which alternative designs and engineering techniques have been, or could successfully be, incorporated into the subdivision.
 - The extent to which the ultimate pattern of development and character of the locality has been considered, including the wishes of local people.
 - The extent to which the development of individual sites has been built into the design of the subdivision.
 - The degree of conformity with the standards and guidelines of NZS 4404:2010 relating to the design, construction and completion of the subdivision, and the justification for any deviations therefrom.
 - The likely effects of traffic flows arising from the development of the new allotments and the implications for the roading hierarchy and the design and construction of affected roads and intersections.
 - The design of the illumination system for the road and its effectiveness in ensuring that driver visibility is assured in all conditions.
 - The effects in terms of any policies of the Council relating to the provision of recreational facilities.
 - The effects on the subdivision or development potential of land in the vicinity of the proposal, including the servicing of those lands.
 - The extent to which the subdivision may create unreasonable expectations as to the future development of any one or more of the new allotments, particularly in areas subject to drainage, land stability or other natural resource constraints.
 - The extent to which any earthworks would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff.
 - The extent to which it would be reasonable and appropriate to depart from the normal subdivision standards because of the nature of the existing or intended land use, particularly where that use is a 'network utility'.
 - The effects in terms of public health and safety, and the cultural, economic and social welfare of the people of the District.
 - Such other matters as are specified in Rule 53 which relate to the site or locality.

- E. Where subdivision is occurring within a “Structure Plan Area” depicted on the Plan Maps, applications will also, and primarily, be assessed in terms of the specific Structure Plan provisions applying to that area (Refer to Part 54 of this District Plan).
- F. Whether any subdivision is consistent with the objectives and policies of Part 19 of the Plan (to the extent that they are relevant and not inconsistent with specific Structure Plan provisions, objectives or policies of Part 54 of the Plan).
- G. Any other relevant matters under Sections 104 and 106 of the Resource Management Act 1991.

26.6 REQUIREMENTS FOR URBAN SUBDIVISION
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The following subdivision standards apply to Controlled and Restricted Discretionary Activities:

26.6.1 SHAPE FACTOR

26.6.1.1 RESIDENTIAL AND RURAL-RESIDENTIAL SUBDIVISION (EXCEPT RESIDENTIAL 2 ZONE)

Every lot and every *notional lot** intended for residential purposes must be capable of accommodating wholly within it a square having sides measuring at least 12 metres or a circle with a diameter of at least 15 metres, provided that for lots or *notional lots* that have building sites that are at least 16 metres from a road, a shape of 10 metres by 15 metres may be used as the alternative standard. (* see Rule 27.6.2.1)

Where a subdivision, or part thereof, relates to a new semi-detached residential development a lesser shape factor may be permitted for the relevant lots or *notional lots* where all the Plan's standards for multi-unit developments are complied with.

26.6.1.1A Residential 2 Zone Subdivision

1. Any new LOT in the Residential 2 Zone (other than those referred to in Points 2, 4, 5, or 6. below) shall either:
 - a) Have a minimum NET AREA of 450m² and for all lots below 800m² have a minimum average NET AREA no less than 500m² and be of sufficient size and dimensions to accommodate existing or proposed DEVELOPMENT as a Permitted Activity;
 - or
 - b) Be of sufficient size and dimensions to accommodate DEVELOPMENT for which a resource consent has been obtained.
2. Any new LOT within the "Residential Large Lot Overlay Area" as shown on Planning Map series 105 "Special Controls within a Structure Plan Area" shall:
 - a) have a minimum NET AREA of 1,200m².
 - b) and for FRONT SITES shall have a total frontage of no less than 30 metres.
3. Any REAR SITE shall have a minimum frontage of 4 metres or have ROAD access by way of a private way of not less than 6 metres in width.
4. Any new LOT within the "Residential Large Lot Overlay Area 2" as shown on Planning Maps series 105 "Special Controls within a Structure Plan Area" shall:
 - a) have a minimum NET AREA of 1,500m²;
 - b) have ROAD frontage of no less than 50 metres;
 - c) shall not be a rear lot;
 - d) have a minimum distance of 20 metres between any SPECIFIED BUILDING AREA and the boundary of the Rural and Coastal Zone.
5. Any new LOT within the "Residential Large Lot Overlay Area 3" as shown on Planning Maps series 105 "Special Controls within a Structure Plan Area" shall:
 - a) have a minimum NET AREA of 2,500m²;
 - b) have a minimum distance between any SPECIFIED BUILDING AREA and the boundary of an existing or proposed ESPLANADE RESERVE of 30 metres;

- c) Where adjoining an existing or proposed ESPLANADE RESERVE revegetate 25% of the area of the new LOT with indigenous vegetation and protect this area through consent notices (subject to requirements of the Historic Heritage Alert Overlay (Refer Rule 27A.2.5.6 Restricted Discretionary Activities – Residential 2 Zone).
6. Any new LOT within the “Residential Large Lot Overlay Area 4” as shown on Planning Maps series 105 “Special Controls within a Structure Plan Area” shall:
- a) have a minimum NET AREA of 1,000m².

26.6.1.1B Residential Zone Subdivision Minimum Lot Size

1. Any new LOT in the Residential Zone shall:
- a) Have a minimum NET AREA of 350m²
 - or
 - b) Be of sufficient size and dimensions to accommodate development for which a resource consent has been obtained.
2. Any new LOT of 349m² or less, unless 1. b) above applies, shall be accompanied by a land use consent application with the proposal for a DWELLING HOUSE/MULTI-UNIT HOUSING.

26.6.1.2 Non-residential subdivision (except Industrial 2, Light Industrial Zones)

Every lot and every *notional lot* intended for non-residential purposes and which is outside the *Business (retail) Centres* defined on Map 104 (Rule 29) must be capable of accommodating wholly within it a rectangle of dimensions 30 metres by 15 metres, provided that a rectangle of lesser dimensions may be permitted where:

- the ultimate form of development of the site is submitted for approval at the time of subdivision, and
- the Council is satisfied that the shape and size of the lot/s are appropriate to the intended activities, and
- all the development standards in the Zone will be satisfied, and
- the developed lot/s would not preclude a range of other *Permitted* activities from establishing.

26.6.1.2A Industrial 2 Zone and Light Industrial Zone subdivision

1. Any new LOT in the Industrial 2 Zone shall:
 - a) Have a minimum NET AREA of 2,000m²; and
 - b) A minimum frontage to a ROAD of:
 - i. FRONT SITE: 22 metres
 - ii. CORNER SITE: 22 metres
 - iii. REAR SITE: 9 metres
2. Any new LOT in the Light Industrial Zone shall:
 - a) Have a minimum NET AREA of 1,200m²; except in the Drury South Structure Plan Area where the minimum NET AREA shall be:
 - i. 2000m² in all parts of the Light Industrial Zone apart from the Motorway Edge Precinct; and
 - ii. 5000m² in the Motorway Edge Precinct shown on the Drury South Structure Plan

and
 - b) A minimum frontage to a ROAD of:
 - i. FRONT SITE: 22 metres
 - ii. CORNER SITE: 22 metres
 - iii. REAR SITE: 9 metres

26.6.1.3 Position of shape (except Residential 2 Zone)

Any required shape should be clear of any of the following whether existing or proposed:

- Areas required for landscaping;
- Any tree protected by Part 8 of the Plan, Schedule 8A;
- Network utility installations (other than private lines);
- Building line restrictions (of this Plan);
- Private ways;
- Rights of way;
- Access lots,

- Common areas;
- Esplanade reserves;
- Esplanade strips;
- Coastal protection yards or other required setbacks from water.
- The 1% ANNUAL EXCEEDANCE PROBABILITY floodplain or ponding level where the LOT is for residential purposes.

26.6.2 RESIDENTIAL CROSS LEASE SUBDIVISION (EXCEPT RESIDENTIAL 2 ZONE)

Every cross lease subdivision plan shall show the *notional lot boundaries* for each allotment and for each part of the site capable of being developed and separately owned or occupied. A part of the site shall be deemed capable of being developed where a land area exists which could contain a unit or house of 60m² in gross floor area complying with the Plan in all respects.

Notional lot boundaries shall:

- a) Comply with the *notional lot boundaries* (and common area boundaries) defined on the site plan of the building consent or compliance certificate or resource consent for the development of the site, or
- b) Be positioned so as to wholly contain the following and not render any aspect of them non-complying in terms of the relevant standards for the Zone as if the *notional lot boundaries* were freehold lot boundaries:
 - The proposed allotment (ie the house or dwelling unit) and
 - Any accessory buildings used, or to be used in connection with that allotment, and
 - The parking space/s used or to be used in connection with that allotment, such spaces to comply with the requirements of Rule 35, and
 - the outdoor living court area for that allotment, and
 - a yard of minimum dimension of 1.5 metres out from any wall of the house or unit except a wall which is a common boundary wall shared with any other house or unit on the site.

The notional lots defined under a or b above shall not contain or be traversed by any utilities or services which relate to any other house or unit unless they are to a public standard accepted by the Council or to a standard which the relevant utility operator or service provider accepts full financial responsibility for.

26.6.3 RURAL-RESIDENTIAL SUBDIVISION

Except for sites within the North Pukekohe Hill Structure Plan Area (refer to 54.8), the size of lots shall be in the range of 2500 to 8000 square metres, with an average of no less than 3000 square metres. Any balance sites over 8000 square metres will be excluded from the calculation of the average.

The standards for private ways shall be as in clause 26.6.5 below except that:

- there will be no maximum length; and
- no more than 6 lots shall be served (assuming one house per lot) provided that in determining the appropriate standard for the private way Council shall be guided by the standard that would apply if the potential number of houses that could be served is considered, such number to be determined by dividing the land area (to be served by the private way) by 3000 (square metres).

The Council may impose a condition under Section 221 of the Act in terms of the number of houses that may be built on any lot that is served by a private way.

26.6.4 FRONTAGE TO ROAD (VEHICULAR ACCESS REQUIREMENT)

Subject to the provisions of Section 106(1) (c) RMA 1991, every new lot shall have a minimum frontage to a legal road (which may be in the form of a common access lot) of:

- 3 metres where that lot is intended for residential purposes, or
- 5 metres where that lot is intended for any other purpose, provided that these may be reduced where:
 - A driveway (private way) is to be used in common and separate strips over which rights of access are to be granted or reserved combine to form a width not less than that specified, or
 - The subdivision involves existing lots which have less than the required frontage, no additional lots with a lesser frontage will be created, and all the lots in the subdivision will be capable of accommodating a range of *Permitted* activities without compromising on-site parking or loading requirements, or
- As specified in RULES 26.6.1.1A.2, 26.6.1.1A.4 and 26.6.1.1A.5 for the Residential 2 Zone subject to those Rules,
- As specified in Rule 26.6.1.2A for the Industrial 2 and Light Industrial Zone.
- As specified in RULES 26.6.1.1A.2, 26.6.1.1A.4 and 26.6.1.1A.5 for the Residential 2 Zone subject to those Rules.

26.6.5 PRIVATE WAY (ROADING) STANDARDS

1. Every private way shall comply with the following requirements (except Residential 2 Zone):

26.6.5.1 Design requirements

POTENTIAL NO. OF UNITS / HOUSES SERVED	LEGAL WIDTH MINIMUM (Metres)	FORMED WIDTH MINIMUM (Metres)	MAXIMUM LENGTH (Metres)
2 – 4	3.5	2.7	100 or longer where passing bay(s) provided
5 – 8	8	5	n/a
9 and above	Public Road applies: Refer to NZS 4404:2010 and/or Part 54		

2. Every private way in the Residential 2 Zone shall comply with the following requirements:

26.6.5.1A Design requirements

POTENTIAL NO OF UNITS / HOUSES SERVED	LEGAL WIDTH MINIMUM (Metres)	FORMED WIDTH MINIMUM (Metres)	MAXIMUM LENGTH (Metres)
Up to 5	6.0	3	100
6 and above	Legal ROAD applies - Refer to NZS 4404:2010 and/or Part 54		

or

3. Every private way for a lot identified for MEDIUM DENSITY HOUSING shall comply with the following requirements:

26.6.5.1B Design requirements for MEDIUM DENSITY HOUSING / MULTI-UNIT HOUSING

POTENTIAL NO OF UNITS / HOUSES SERVED	LEGAL WIDTH MINIMUM (Metres)	FORMED WIDTH MINIMUM (Metres)	MAXIMUM LENGTH (Metres)
Up to 5	6.0	3	100
6 and 15	10	5.5	100
16 and above	Legal ROAD applies - Refer to NZS 4404:2010 and/or Part 54		

26.6.5.2 Related requirements

- a) The number of dwelling units being served will be determined by dividing the area of the site by the figure of 425 (square metres) provided that in the case of a MULTI-UNIT HOUSING development the greater of the actual (proposed) number of units and the figure obtained from dividing the site by 425 shall be used (in Rule 26.6.5.1). Fractions of 0.6 or above will constitute one house/unit.
- b) The gradient of any part of a private way shall not be steeper than 1 (vertical) in 5 (horizontal).
- c) All underground utility services and, where practicable and agreed with the land owner, any ducting for likely future services, shall be positioned and completed prior to driveway construction in a way that facilitates maintenance activities. (Note: This shall not preclude the laying of new or additional capacity service lines in the future.)
- d) Where a fire hydrant is required to be sited in a private way then special provision shall be made to provide for the manoeuvring of fire fighting appliances (which may include extra width up to the hydrant from the road and extra width adjacent to the hydrant), and the flushing of any excess water in a way that will not cause damage to adjacent properties.
- e) The maximum length of a private way is measured from the public road. The length may be greater than 100 metres where the subdivision involves resubdivision of existing SITES or where the construction of a public road is impracticable and the subdivision has merit in all other respects.
- f) All private ways shall be formed to no less than the following standards provided that kerbing and/or channelling on one or both sides of the private way, and drainage pits at one or more points may be required, where there is likely to be an adverse effect for any adjoining road or SITE, or for the private way, due to uncontrolled stormwater flows. The stated basecourse metal depths are minimums and may need to be increased depending on the subgrade, intended uses, and surfacing option.

BASECOURSE:**SURFACE:**

1. 100 mm GAP 40
- or
2. 150 mm GAP 40

- 100 mm of 17.5 mPA concrete
- Grade 4 chip seal
- or 25 mm asphaltic concrete overlaying a Grade 5 membrane seal.

or

3. Such equivalent that is to be approved prior to the commencement of work.

26.6.6 FIRE HYDRANTS

The requirements of NZS 4404:2010 for fire hydrants shall apply.

26.6.7 WATER SUPPLY AND METERING

All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public water supply that can be metered at the road frontage in accordance with the Council's requirements.

Where a public supply is not available the applicant must demonstrate to Council's satisfaction that a supply meeting World Health Organisation standards can or will be secured before or at the time of building consent.

Any lot (and notional lots) located within the Kingseat Structure Plan Area, irrespective of the above provisions, shall be connected to a public reticulated water supply and network.

26.6.8 SEWAGE DISPOSAL

All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public sewage system.

Where a public system is not available the applicant must demonstrate that an on-site disposal system meeting relevant Regional Council standards can be installed. It shall be demonstrated in particular that a reserve area is available so that the system will cope with a combination of high effluent flows and very wet conditions without any likelihood that effluent will enter any abutting property or any land within 10 metres of a watercourse.

Where a site has an area below 2500 square metres and/or there is any doubt as to the performance of a proposed system with respect to compliance with Regional requirements or this rule, the Council will require that soakage or other appropriate tests are carried out prior to uplifting Section 224 certificates, and may impose consent notices to ensure ongoing performance of any system.

Any lot (and notional lots) located within the Kingseat Structure Plan Area irrespective of the above provisions, shall be connected to a public reticulated wastewater treatment and disposal system.

26.6.9 ELECTRICITY AND TELEPHONE

All lots and *notional lots* within the subdivision intended for individual ownership or occupation shall be supplied with electricity and telecommunication lines in accordance with the requirements of the relevant supply authority.

26.6.10 UNDERGROUNDING

Subject to what is more specifically provided for in terms of Part 15 of the Plan, all electricity and telecommunications lines within the land the subject of the subdivision proposal shall be placed underground unless the relevant supply authority confirms in writing that for specified reasons this is not practicable or reasonable.

26.6.11 GAS SUPPLY

Where an existing gas line is within 100 metres of a proposed subdivision and the subdivider does not intend to reticulate the subdivision with gas the applicant shall demonstrate to the Council that it is not practicable or economically feasible to do so.

26.6.12 STORMWATER MANAGEMENT - VOLUME CONTROL

Each new lot or site within the subdivision intended for individual ownership shall provide for a stormwater management system deemed by Council to be effective and appropriate.

Regional Council discharge consents may be required to accommodate stormwater discharges from some developments. The landowner shall be responsible for the ongoing maintenance of the private on site stormwater system upon its implementation.

An effective and appropriate stormwater management system in the Residential and Residential 2 Zones shall be achieved by providing for either A, B, C, D or E following:

- A. An independent connection to a PUBLIC STORMWATER SYSTEM, and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the site equivalent to that generated by: 70% impervious surface covering for all sites less than 425 m² in area; and 55% impervious surface covering for all sites between 425m² and 1000m² in area. The detention structure must be able to completely empty via an orifice controlled outlet over a 24 hour period. For sites over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

or:

- B. An independent connection to a PUBLIC STORMWATER SYSTEM, and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the site equivalent to that generated by: 70% impervious surface covering for all sites less than 425 m² in area; and 55% impervious surface covering for all sites between 425m² and 1000m² in area. The soakage system must be able to completely empty via soakage within a 24 hour period. For sites over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

or:

- C. Where connection to a PUBLIC SYSTEM IS NOT AVAILABLE, the applicant shall provide an on-site soakage system to contain a 5% AEP 10 minute storm event without overflowing, which is able to collect stormwater from the site equivalent to that generated by: 70% impervious surface covering for all sites less than 425 m² in area; and 55% impervious surface covering for all sites between 425m² and 1000m² in area. The soakage system must empty within a 24 hour time period. For sites over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

or:

- D. An alternative method of stormwater management for the subdivision and/or site/s which achieves a standard of stormwater management equal to or better than that achieved by compliance with A, B or C above, such that the adverse effects of stormwater are avoided, remedied or mitigated.

or:

- E. Where existing development has occurred in the Residential Zone, Business Zone or Village Business Zone, the on site stormwater management system shall be deemed to be effective and appropriate where it is found to be in compliance with Rule 27.6.1.18 for permitted residential activities and Rule 29.5.17 for permitted business activities.

Where subdivision consent is sought in the Business, Industrial 2, Light Industrial and Village Business Zones, the effective and appropriate stormwater management system provided for must be consistent with the method described in A, B, C or D, but be able to collect stormwater from the site equivalent to that generated by 100% impervious surface covering.

The stormwater management system shall be maintained to achieve the standard of management provided for under A, B, C, D or E.

Provided that where land is subject to instability, stormwater discharges directly to ground occur only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the SITE or on neighbouring properties.

26.6.12A Stormwater Management - Kingseat Structure Plan

Any subdivision within the Kingseat Structure Plan shall meet the following :

1. The only new ponds permitted for stormwater management shall be dry detention basins that temporarily detain water and, where practical, must be able to completely empty via an orifice controlled outlet over a 24 hour period.
2. All new stormwater management devices shall not be located on the bed of any stream (off-stream).
3. All stormwater from lots in the Light Industrial zones shall drain to a stormwater wetland that provides for secondary treatment prior to discharge. The treatment efficiency of a stormwater wetland shall be designed using Auckland Council Guidelines as the minimum standard.
4. All lots in the Residential 2 Large Lot Overlay shall manage stormwater on-site and not rely upon or require the use of public stormwater wetlands or wetland-swale systems.
5. All lots shall be designed to accommodate the on-site volume and quality standards set out in Rule 27A.5.13.
6. A 20m riparian margin shall be provided from the edge of any permanent stream and 10m from the edge intermittent streams.
7. Roads , uncovered parking areas, and jointly owned accessways are to be designed to meet the stormwater quality standards set out in Rule 27A.5.13A.
8. All concentrated point discharges are to be avoided and methods to disperse discharges are to be implemented.

26.6.13 OPEN DRAINS

Any open drain within the site being subdivided shall be piped to the Council's relevant standards unless it can be demonstrated that leaving it (or them) open would produce a more sustainable outcome without compromising safety, health or amenity considerations.

26.6.14 RIPARIAN MARGINS

Riparian margins shall be established either side of the edge of a stream identified on a Structure Plan (refer Part 54) as "perennial stream requiring riparian margin" to a minimum width of 10 metres from the edge of the stream.

These margins shall be planted in INDIGENOUS vegetation to provide ecological enhancement appropriate to manage the flow regime in the stream channel.

Explanation:

Plant species selection shall be based on not increasing channel roughness especially during low flow conditions.

26.6.15 ROAD WIDENING AND VESTING

ROAD widening from its current legal ROAD width (as at 18 December 2008) will be required in the locations shown and of the dimensions specified in Appendix 4 of the PLAN (ROAD Widening).

Where ROAD widening is required, any YARD requirement stipulated is to be measured from the new boundary of that ROAD in addition to the requirement.

26.6.16 STANDARDS FOR SUBDIVISION AND DEVELOPMENT WITHIN THE DRURY SOUTH STRUCTURE PLAN AREA

a) Roads

In the Drury South Structure Plan Area the proposed roads (including pedestrian and bicycle circulation routes) identified on the Structure Plan in Appendix 54.18A of the District Plan, shall be constructed and vested in Council upon subdivision or development of the relevant area at no cost to the Council. Proposed roads shall be located generally in the position indicated on the structure plan but precise location will be subject to detailed engineering and subdivision design.

b) Reserves and Stormwater Management Areas

In the Drury South Structure Plan Area the land identified for reserves and / or stormwater management areas on the Structure Plan in Appendix 54.18A of the District Plan, shall be developed and vested in Council upon subdivision or development of the relevant area at no cost to the Council. In recognition of this no reserve contributions will be levied under the District Plan within the DSSP area. Proposed reserves and stormwater management areas shall be located generally in the position indicated on the structure plan but precise location will be subject to detailed engineering and subdivision design. Vegetated buffers not less than 40 metres in total width are to be provided along stream corridors within stormwater management areas and shall include a minimum of 10 metres of native riparian planting either side of the stream edge. Off site stormwater management services including wetlands and the primary and secondary stormwater conveyance system is to be vested at no cost to the Council and in accordance with an Network Discharge Consent or a stormwater management plan approved by the Council.

All Stormwater management areas and wetlands shall be designed to serve a dual function to treat stormwater and provide ecological benefits.

c) Water and Wastewater Services

i. Reticulated water services shall be supplied to the land within the Drury South Structure Plan Area. All new water infrastructure for the Structure Plan Area shall be fully funded (including consenting costs) by the developer(s) of the land within the Structure Plan Area. Such services shall be provided to the relevant part of the Structure Plan in advance of or concurrent with a resource consent for subdivision and development provided that any necessary resource consents or designations for the reticulated services have been granted.

ii. Wastewater services are to be provided to the land within the Drury South Structure Plan Area either by (in no particular order):

The construction of a connection to Watercare's existing wastewater network and any necessary upgrading of that network that is required to service the Drury South Structure Plan Area; and/or the construction of a Wastewater Treatment Plant to service the Drury South Structure Plan Area, or a larger catchment if required.

In either case wastewater services are to be provided in a manner approved by Watercare and constructed to Watercare's design and operational standards. The developer(s) shall fully fund (including consenting costs) all new wastewater infrastructure required to service the Structure Plan Area. Wastewater reticulation and treatment services shall be provided to the relevant part of the Structure Plan Area in advance of or concurrent with a resource consent for subdivision and development provided that any necessary resource consents or designations for the wastewater reticulation and treatment services have been granted. In the event that a new regional wastewater treatment plant becomes available to service the Structure Plan Area, and subject to approval from Watercare, the Structure Plan Area could be connected to that plant.

(Note that for the purposes of rule 26.6.16. above references to “Watercare” means Watercare Services Limited and references to “development” means the carrying out of any work on the land including any earthworks or site preparation activities and the construction or alteration of any building)

- d) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Any application for subdivision or development shall be accompanied by a statement and information demonstrating compliance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

26.6.17 Rural Trail

In the Kingseat Structure Plan Area, subdivision shall provide a 10 metre wide strip of land on the boundary with the Rural and Coastal Zone in accordance with the location of the annotation ‘Rural Trail’ on the Kingseat Structure Plan Map (Refer Part 54.19A). The Rural Trail shall be vested as local purpose access.

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