

76 Subdivision Rules – Future Environments

76.1 Introduction

This chapter contains rules governing the subdivision of land shown as Future Environment on the Planning Maps. The boundaries of these Environments are shown on the Planning Maps. Future Environments are areas that have been identified to accommodate growth of a particular type of Environment, over time. These growth areas have been identified by way of strategic land use studies, either initiated privately or by Council, with the aim of providing greater certainty that the subdivision envisaged is appropriate and consistent with the resource management Objectives in the District Plan.

All Future Environments have both an Underlying and an Overlying Environment, and these are identified on the Planning Maps. The Underlying Environment controls the subdivision of the land in accordance with the controls associated with that particular Environment. The Overlying Environment indicates the Future Environment for the land, and subdivision is subject to the controls of the nominated Overlying Environment. Any subdivision that proposes to utilise the provisions of an Overlying Environment, will be subject to a discretionary activity resource (subdivision) consent application (unless the proposal is assessed to be a non-complying activity and therefore will be assessed as such) and will require the approval of a Comprehensive Development Plan. Any changes to an approved Comprehensive Development Plan will be by way of a restricted discretionary activity (subdivision) resource consent application.

All rules apply to subdivision in the Future Environments, unless otherwise stated within the Plan.

76.2 Application of Rules

Unless otherwise stated, the rules in the rule table do not apply to allotments that are intended exclusively for utility, road, reserve or access purposes. The following rules apply to all allotments, including those used for utility, road, reserve or access purposes:

- Property access
- Stormwater
- Existing buildings
- Earthworks
- Stone walls
- Sites of Significance to Maori
- Outstanding Natural Features, including Geological Sites

76.3 Future Environment - Subdivision Rule Table

76.3.1 Subdivision Generally

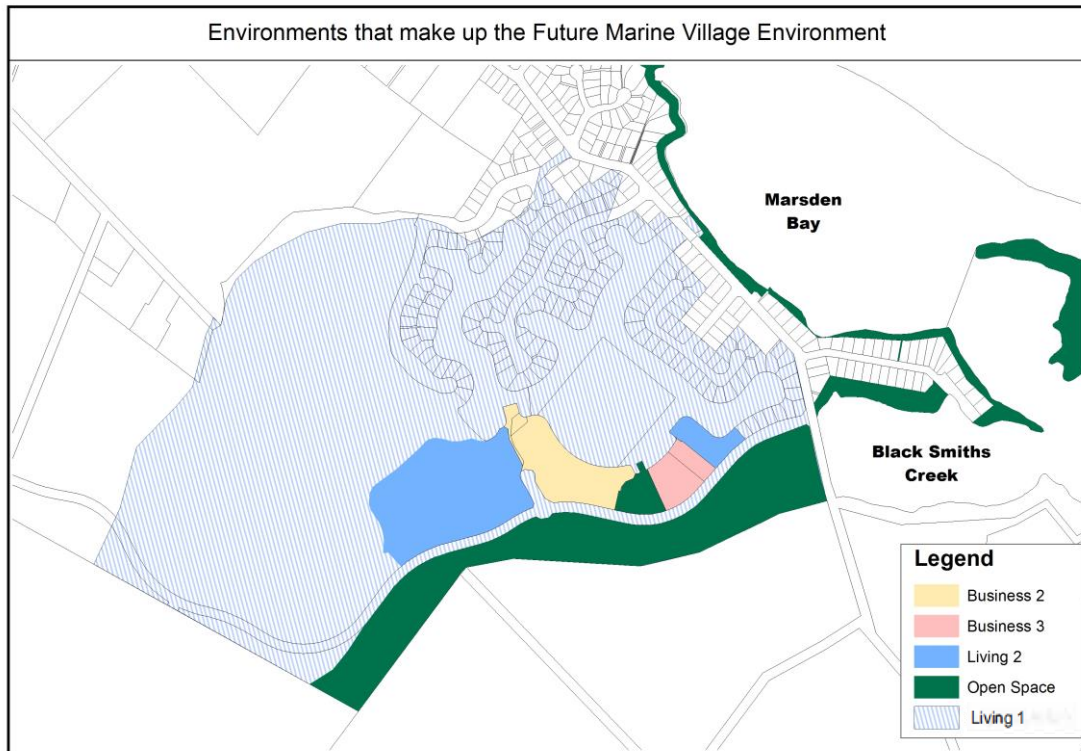
<p>Subdivision within a Future Environment is a controlled activity if it is in accordance with the controlled activity subdivision standards, as defined for the Underlying Environment of the Future Environment.</p> <p>Control is reserved over:</p> <p>a) The matters over which control is reserved in regards to the particular rule in the Underlying Environment of the Future Environment.</p> <p>Note: Regional plan resource consent requirements, including: stormwater management, earthworks, discharges, and coastal consents, need to be referred to the Northland Regional Council. The District Council may require joint processing for the purposes of better understanding the nature of the proposal. In such instances, Council will liaise with the Northland Regional Council with the aim of arranging joint hearings, if appropriate.</p>	<p>Any subdivision within a Future Environment that does not comply with the conditions for a controlled activity subdivision in the Underlying Environment is a discretionary activity, <u>unless</u> the subdivision is a non-complying activity within the rules applying to the Underlying Environment, whereby the proposal will be assessed as a non-complying activity; or</p> <p>Any subdivision within a Future Environment that is proposed to utilise the provisions of the Overlying Environment will require the approval of a Comprehensive Development Plan, and will be assessed as a discretionary activity, <u>unless</u> the activity is a non-complying activity within the Overlying Environment, whereby the proposal will be assessed as a non-complying activity.</p>
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76.4 Future Marine Village Environment - Subdivision Rule Table

76.4.1 Subdivision Generally – Future Marine Village Environment

<p>Subdivision within the Future Marine Village Environment is a controlled activity if it is in accordance with the controlled activity subdivision standards of the Underlying Environment.</p> <p>Control is reserved over:</p> <p>a) The matters over which control is reserved, in regards to the particular rule in the Underlying Environment of the Future Environment.</p> <p>Note: Regional plan resource consent requirements, including: stormwater management, earthworks, discharges, and coastal consents, need to be referred to the Northland Regional Council. The District Council may require joint processing for the purposes of better understanding the nature of the proposal. In such instances, Council will liaise with the Northland Regional Council with the aim of arranging joint hearings, if appropriate.</p>	<p>Any subdivision within the Underlying Environment that does not comply with the standards for a controlled activity subdivision in the Underlying Environment is a discretionary activity, <u>unless</u> the activity is a non-complying activity within the Underlying Environment, whereby the proposal will be a non-complying activity; or</p> <p>Any subdivision within the Future Marine Village Environment that is proposed to utilise the provisions of the Overlying Environment, will require the approval of a Comprehensive Development Plan. The Overlying Environment for the Marine Village Environment contains the Environments shown on Figure 76. The proposal will be assessed as a discretionary activity, <u>unless</u> the activity is a non-complying activity within the Overlying Environment, whereby the proposal will be assessed as a non-complying activity.</p>
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Figure 76 (If this figure appears in greyscale, refer to the maps in Volume II)



76.5 Changes to a Comprehensive Development Plan

	<p>Any changes to an approved resource consent, based on a Comprehensive Development Plan, will be a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> i. Effects on traffic safety; ii. Effects on amenity; iii. Effects on cultural (including tangata whenua) values, and/or ecological and/or heritage values; iv. Effects on public health and safety; v. Issues of reverse sensitivity; vi. Effects on the provision of services; vii. Compatibility of proposed development with surrounding environment; viii. Likely adverse effects, on-site and beyond the site; ix. Mitigation measure to reduce any adverse effects; x. Effects on natural character and landscape values.
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76.6 Subdivision After Approval of a Comprehensive Development Plan

<p>Any proposed subdivision of land that is subject to an approved resource consent, based on a Comprehensive Development Plan for land use activities, will be assessed in accordance with the subdivision rules of the relevant Overlying Environment.</p>	
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76.7 Comprehensive Development Plan

<p>Any comprehensive development plan submitted as part of a subdivision consent application must include the following:</p> <ul style="list-style-type: none"> • A clear indication of the area that is to be the subject of the comprehensive development plan; and • An assessment of the proposal against the rules and policies of the relevant overlying environment; and • An assessment of the proposal against the objectives and policies of the plan; and • Plans showing linkages to services, including sewerage, water supply, electricity, telecommunications and stormwater systems, where applicable; and • Details regarding the identified and proposed management of areas subject to flood susceptibility; and • Details regarding the management of effects of any proposed road stoppings or redirections/relocations, while maintaining the efficient operation of the roading network; and • Details of an amenity/buffer strip with a minimum width of 50 metres, in order to minimise the reverse sensitivity effects between any future living environment and adjoining business environments. • Plans showing proposed internal roads and linkages to external public roads; and • Plans for public open space and pedestrian access; and • Details of the site's significant natural and/or cultural/archaeological features, proposed environmental 	<p>Any comprehensive development plan submitted as part of a subdivision consent application for development within the future marine village environment must address the matters outlined (in the left column), and must also include the following:</p> <ul style="list-style-type: none"> • Details of earthworks; and • Details of any possible recreational and commercial facilities and structures and associated activities; and • Details of measures proposed to protect and manage the water quality and the ecological environment; and • Details of the methods proposed to avoid, remedy or mitigate any reverse sensitivity effect between any existing land uses, including the Marsden Bay Youth Camp and any land uses proposed as part of the marine village environment; • Details of measures for ongoing maintenance of any stormwater attenuation ponds.
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<p>enhancement areas, and the ways these will be managed; and</p> <ul style="list-style-type: none"> • Details of consultation undertaken with tangata whenua and the results of that consultation, including any consultation specifically required by Council in terms of Council's agreed protocols. • The capability of the land to accommodate the proposed development, and the proposed measures, including avoidance, to address any natural hazards and/or geotechnical issues; and • Any proposed staging of the development; and • Details of methods proposed to avoid, remedy or mitigate any effects of the proposed development; and • Details of methods proposed to avoid, remedy or mitigate any reverse sensitivity effects between any existing land uses and any land uses proposed as part of the comprehensive development plan; and • Any such additional information as is required to ensure that the proposal is consistent with the relevant policies of the New Zealand Coastal Policy Statement, The Regional Policy Statement, Regional Plans and the other requirements of this plan. 	
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76.8 Principal Reasons for Rules / Explanations

The Principal Reasons for Rules / Explanations are contained within each of the relevant Overlying and Underlying Environments. Those that relate specifically to the Future Environments and the Underlying and Overlying Environments are detailed below.

Future Environments

Future Environments are areas set aside in the Plan to accommodate future development in a particular area. These are largely undeveloped sites and therefore the development of an isolated portion of a Future Environment may result in new development being some way from existing development of a similar nature. For this reason, controlled activity subdivisions within the Underlying Environment are still a controlled activity in the Future Environment. Any other subdivision within the Underlying Environment is a **discretionary** activity (unless it is assessed according to the Underlying Environment to be **non-complying**) in order that the effects of that proposal can be adequately assessed, including reverse sensitivity issues related to any proposed development. Subdivision undertaken in accordance with the Overlying Environment is a **discretionary** activity to enable an assessment of the proposed development to occur, so as to ensure that any single development does not compromise the potential to develop another part of the Future Environment or cause inefficient service extensions.

Comprehensive Development Plans

This is a means of assisting in the assessment of any proposed subdivision within a Future Environment. The focus of the Comprehensive Development Plan is the assessment of the compatibility of the proposed subdivision with the surrounding environment, and the ability to adequately avoid, remedy or mitigate any potentially adverse effects of the proposal. Also the Comprehensive Development Plan enables a thorough assessment of the ability of the proposed subdivision to be adequately linked to services such as road, wastewater, stormwater etc.

Note: Regional plan resource consent requirements, including: stormwater management, earthworks, discharges, and coastal consents, need to be referred to the Northland Regional Council. The District Council may require joint processing for the purposes of better understanding the nature of the proposal. In such instances, Council will liaise with the Northland Regional Council with the aim of arranging joint hearings if appropriate.

Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
24 April 2008	FP	Fig 76	Correction of mapping error. The legend Future Marine Village should read Living 1.	Doc 08/31390 ES 29 April 2008	PW
21 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer exist.	Record 10/96471	PW
20 March 2014	MD	Figure 76	Corrections of mapping error. (Zoning colours within B1 & B2 zones)	TRIM:14/20335	PW

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