

## 73 Subdivision Rules - Countryside and Coastal Countryside Environments

### 73.1 Introduction

This section contains subdivision rules for the Countryside and Coastal Countryside Environments. Additional subdivision rules are also contained in the Esplanade Priority Areas rules (Chapter 61) and Financial Contributions (Chapter 80).

See Chapter 70.3 for a list of matters to which controlled is reserved. These apply to every controlled activity mentioned in the rule table. All rules apply to subdivision in the Countryside and Coastal Countryside Environments, unless otherwise stated.

### 73.2 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:

- Existing buildings
- Sites of Significance to Maori
- Property access
- Vehicle crossings
- Storm water
- Stone walls
- Earthworks
- Outstanding Natural Features, including Geological Sites.

### 73.3 Rule Tables – Countryside and Coastal Countryside Environments

#### 73.3.1 Allotment Area

<p>Subdivision is a <b>controlled</b> activity if:</p> <p>a) In the Countryside Environment, every proposed allotment has a minimum net site area of 20.0ha; or</p> <p>b) In the Coastal Countryside Environment, every proposed allotment has a minimum net site area of 20.0ha; or</p> <p>c) In the Countryside Environment or Coastal Countryside Environment the subdivision complies with Rule 73.3.3 Boundary Adjustment.</p> <p>For the purposes of this rule, “existing allotment” is defined as an allotment which:</p> <p>a) has a separate certificate of title,</p> <p><b>or</b></p> <p>b) is shown on a plan of subdivision which</p>	<p>Subdivision is a <b>discretionary</b> activity if:</p> <p>1. In the Countryside Environment the following three standards are met:</p> <p>i. The minimum average net site area of all proposed allotments is 4.0ha, and for the purpose of calculating average net site area, any proposed allotment with a net site area greater than 8.0ha will be deemed to have a net site area of 8.0ha, except where:</p> <p>a) Only two allotments are created by the subdivision, and one of those allotments has a net site area of less than 4.0ha while the other allotment has a net site area of 8.0 ha or greater; or</p> <p>b) proposed allotment is intended exclusively for reserve purposes and has a net site area of 8.0</p>
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<p>has been certified by the Council pursuant to section 223, and has not elapsed pursuant to section 224 of the Resource Management Act 1991.</p> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The location of vehicle crossings, access or right-of-ways and proposed allotment boundaries so as to avoid ribbon development;;</li> <li>ii. The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including the avoidance of reverse sensitivity effects;</li> <li>iii. The location of proposed allotment boundaries, building areas and access ways or right-of-ways so as to avoid sites of historic and cultural heritage including Sites of Significance to Maori;</li> <li>iv. The additional matters listed in Section 70.3.</li> </ul>	<p>ha or greater; and</p> <ul style="list-style-type: none"> <li>ii. The minimum net site area of any proposed allotment is 4000.0m<sup>2</sup>; and</li> <li>iii. There are a maximum of three proposed allotments with a net site area of less than 3.0ha, of which: <ul style="list-style-type: none"> <li>a) No more than two allotments may have a net site area of less than 2.0ha; and</li> <li>b) No more than one allotment may have a net site area of less than 1.0ha;</li> </ul> </li> </ul> <p><b>or</b></p> <p>2. In the Coastal Countryside Environment the following three standards are met:</p> <ul style="list-style-type: none"> <li>i. The minimum average net site area of all proposed allotments is 10.0ha, and for the purpose of calculating average net site area, any proposed allotment with a net site area greater than 20.0ha, will be deemed to have a net site area of 20.0ha except where: <ul style="list-style-type: none"> <li>a) Only two allotments are created by the subdivision, and one of those allotments has a net site area of less than 10.0ha while the other allotment has a net site area of 20.0ha or greater; or</li> <li>b) A proposed allotment is intended exclusively for reserve purposes and has a net site area of 20.0ha or greater; and</li> </ul> </li> <li>ii. The minimum net site area of any proposed allotment is 6000.0m<sup>2</sup>; and</li> <li>iii. There are a maximum of four proposed allotments with a net site area of less than 5.0ha, of which: <ul style="list-style-type: none"> <li>a) No more than three allotments may have a net site area of less than 4.0 ha; and</li> <li>b) No more than two allotment may have a net site area of less than 3.0 ha; and</li> <li>c) No more than one allotment may have a net site area of less than 2.0ha;</li> </ul> </li> </ul> <p>Assessment criteria for <b>discretionary</b> activities undertaken in accordance with the rule above include:</p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved; and</li> <li>ii. The likely location of future rural and urban development, including the effects of sporadic subdivision and ribbon development and effects on</li> </ul>
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	<p>the efficient provisions of infrastructure and services; and</p> <p>iii. The potential effects of the type and density of subdivision and development on rural amenity, landscape, open space, heritage value, ecological values, riparian management, and the natural character of the rural and coastal environment; and</p> <p>iv. The cumulative effects of subdivision and development on the environment and on the provision of infrastructure and services; and</p> <p>v. The risks from natural hazards.</p> <p>vi. Any other matters that council considers relevant.</p> <p><b>Note:</b> Notwithstanding the allotment area requirement of rule 73.3.1, allotments of a lesser area may be created where an environmental benefit is obtained in accordance with Rule 73.3.2.</p> <p>Subdivision that does not comply with a standard for a controlled or discretionary activity is a <b>non-complying</b> activity.</p> <p>Further subdivision of any allotment created as a consequence of the discretionary activity averaging requirements of Rule 73.3.1 pursuant to a resource consent granted after the 28<sup>th</sup> of February 2006 shall be a <b>non-complying activity</b> unless any lot created exceeds 40ha.</p>
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### 73.3.2 Environmental Benefit

This rule is an addition to Rule 73.3.1 and does not need to be complied with for every subdivision.

<p>There is <b>no controlled</b> activity subdivision.</p>	<p>Notwithstanding the allotment area requirements of Rule 73.3.1 subdivision is a <b>restricted discretionary</b> activity if:</p> <p>a) In the Countryside Environment:</p> <p>i. A new allotment with a minimum net site area of 4000.0m<sup>2</sup> is created in accordance with iii below; and</p> <p>ii. There is a balance area with a minimum net site area of 4.0ha created for each allotment created under (i); and</p> <p>iii. An 'Environmental Benefit' as specified in c) and d) is obtained;</p> <p>or</p> <p>b) In the Coastal Countryside Environment:</p> <p>i. A new allotment with a minimum net site area of 6000.0m<sup>2</sup> is created in accordance with iii</p>
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	<p>below; and</p> <ul style="list-style-type: none"> <li>ii. There is a balance area with a minimum net site area of 6.0ha created for each allotment created under (i); and</li> <li>iii. An 'Environmental Benefit' as specified in c) and d) is obtained.</li> </ul> <p>c) An Environmental Benefit is the permanent protection of a significant natural feature where:</p> <ul style="list-style-type: none"> <li>i. The feature is currently unprotected and for the purposes of this rule "unprotected" means that at the time of subdivision the feature is not already permanently protected by means of either the rules of the district Plan or other legal protection such as a covenant, wildlife refuge or reserve registered against the title.</li> <li>ii. The feature contributes in a significant manner to the natural character of the Whangarei District or an appropriately designed re-vegetation project is proposed; and</li> <li>iii. The boundaries of all allotments are drawn relative to the feature to be protected to ensure that the whole feature is entirely within one of the allotments produced by the subdivision; and</li> <li>iv. The feature shall be protected in perpetuity by means of a covenant, declaration, reservation or other similar instrument registered against the Certificate of Title; and</li> <li>v. A building area of at least 500.0m<sup>2</sup> and vehicular access to the building area is shown on the plan of subdivision for each site to be created. The building and access areas will be shown to not to reduce the significance of the natural feature to be protected; and</li> <li>vi. The feature to be protected and the proposed allotments to be created as an Environmental Benefit are within the boundaries of the same Certificate of Title or adjoining Certificates of Title, such to be in common ownership;</li> <li>vii. The extent of the feature to be protected must encompass all of the area assessed to be significant.</li> </ul> <p>For the purposes of this rule, each of the following are considered to be individual types of feature able to be considered individually against the Environmental</p>
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	<p>Benefit Criteria:</p> <ul style="list-style-type: none"> <li>• Stands of indigenous vegetation or indigenous fauna habitat, including indigenous wetlands;</li> <li>• Areas of appropriately designed indigenous re-vegetation or enhancement.</li> </ul> <p>d) An application for subdivision submitted under this rule shall be accompanied by all necessary information, to demonstrate to the Council the authenticity and significance (quality) of the feature for protection. This information shall be in the form of a detailed report from a suitably qualified and/or experienced expert and shall assess those matters over which discretion is reserved.</p> <p>A vegetation or habitat feature shall include an assessment against, and be in accordance with, the “Criteria for Ranking Significance of Areas of Indigenous Vegetation and Habitat in Relation to the Environmental Benefit Rule (Schedule 17D).</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The size of the feature to be protected;</li> <li>ii. The quality of the feature proposed to be protected;</li> <li>iii. The location of the feature and its surrounding environment e.g. whether it forms part of an outstanding landscape or adjoins/buffers an existing protected area;</li> <li>iv. The significance of the feature to the natural character of the Whangarei district;</li> <li>v. The rarity of the feature;</li> <li>vi. The extent to which the feature proposed for protection has been modified and the impact this has had on its significance;</li> <li>vii. The type of permanent protection proposed;</li> <li>viii. The future management of the feature , once protected;</li> <li>ix. The need for any enhancement of the feature, for example, by re-vegetation, fencing, weed/pest control or eradication;</li> <li>x. Identification of any other features on the site and the contribution (positive or negative) these make to the significance of the feature proposed to be protected;</li> </ol>
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	<p>xi. The ability of the protected feature to offset the effects of the allotment proposed to be subdivided;</p> <p>xii. Effects, including reverse sensitivity effects, due to the location and/or size of the allotments proposed to be created;</p> <p>xiii. The need for a bond or covenant, or both, to ensure performance or compliance with any conditions imposed;</p> <p>xiv. The need for restrictions on future, land use/development within proximity (but still within the boundary of the property prior to the subdivision) of the protected feature, in order to maintain its quality and significance.</p> <p>e) Subdivision creating an environmental Benefit under c) above, but which does not meet the standard of a) or b) above (as applicable), including the number and size of lots, is a discretionary activity. The matters that the Council will consider in its assessment of an application for a discretionary activity consent under this rule include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• The areas and/or the value of the significant natural or historical feature, or features, to be protected; and</li> <li>• The matters to which discretion is restricted under the restricted discretionary activity rule above; and</li> <li>• The effects of the extra environment benefit lots and their subsequent development in terms of visual effect, effects on natural character and effect on sustainable management of natural and physical resources.</li> </ul>
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### 73.3.3 Boundary Adjustment

This rule is an addition to Rule 73.3.1 and does not need to be complied with for every subdivision.

<p>Subdivision is a <b>controlled</b> activity if:</p> <p>1.</p> <p>a) In the Countryside Environment;</p> <p style="margin-left: 20px;">i. The boundaries of two or more adjacent allotments are adjusted; and</p> <p style="margin-left: 20px;">ii. The minimum net site area of any proposed allotment created by the boundary adjustment is</p>	<p><b>Note:</b> Any activity that does not comply with a standard for a controlled activity will be assessed against Rule 73.3.1.</p>
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<p>4000.0m<sup>2</sup>; and</p> <p>iii. No additional allotments will be created; and</p> <p>iv. The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10.0% of, the net site area of that allotment as it existed prior to the boundary adjustment;</p> <p><b>or</b></p> <p>b) In the Coastal Countryside Environment;</p> <p>i. The boundaries of two or more adjacent allotments are adjusted; and</p> <p>ii. The minimum net site area of any proposed allotment created by the boundary adjustment is 6000.0m<sup>2</sup>; and</p> <p>iii. No additional allotments will be created; and</p> <p>iv. The net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 10.0%, of, the net site area of that allotment as it existed prior to the boundary adjustment.</p> <p>2. For the purposes of this rule, “existing allotment” is defined as an allotment which:</p> <p>a) Has a separate Certificate of Title; or</p> <p>b) Is shown on a plan of subdivision which has been certified by the Council pursuant to section 223, and has not elapsed pursuant to section 224 of the Resource Management Act 1991.</p> <p><b>Control is reserved over:</b></p> <p>The matters listed in Rule 73.3.1 for controlled activities.</p>	
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**73.3.4 Building Area**

<p>Subdivision is a <b>controlled</b> activity if:</p> <p>a) Every allotment of less than 4.0ha on the subdivision, or every allotment on the subdivision where the land is identified as an Outstanding or Notable Landscape Area, contains a building area of at least 100.0m<sup>2</sup> on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.</p>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>discretionary</b> activity.</p>
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<p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The need for earthworks;</li> <li>ii. Provision for parking, loading, manoeuvring and access;</li> <li>iii. Effects of natural hazards;</li> <li>iv. Bulk, height, location, foundations and floor level of any structures on allotments;</li> <li>v. Protection of land from natural hazards;</li> <li>vi. Protection of residential units from the adverse effects of mineral extraction including noise, traffic, dust, vibration and visual impact;</li> <li>vii. The additional matters listed in Chapter 70.3.</li> </ul>	
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**73.3.5 Existing Buildings**

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) The boundaries of all allotments are drawn relative to existing buildings, so that there is compliance as a permitted activity with the rules in Chapter 47 (Road Transport), and any other rules relating to parking, loading, manoeuvring and access; and</li> <li>b) The boundaries of all allotments are drawn relative to existing buildings, so that the building complies as a permitted activity with the rules in this Plan relating to site coverage, set backs, daylight angles, and outdoor living space, except to the extent of any non-compliance that existed lawfully prior to subdivision.</li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. Effects on amenity, both on-site and on neighbouring properties, including other allotments in the subdivision;</li> <li>ii. Opportunities to reduce the extent of any existing non-compliance with the rules in this Plan;</li> <li>iii. The additional matters listed in Chapter 70.3.</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. Provision for on-site parking, loading, manoeuvring and access;</li> <li>iii. The matters referred to in any land use rules that are not complied with;</li> <li>iv. Effects on health and safety.</li> </ul>
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**73.3.6 Sites of Significance to Maori**

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) The boundaries of all allotments are drawn relative to a Site of Significance to Maori shown on the Planning Maps, to ensure that the whole site is entirely within one of the allotments produced by the subdivision.</li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. Effects of allotment boundaries on</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>discretionary</b> activity.</p>
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<p>cultural values;</p> <p>ii. The provision of mechanisms to achieve the permanent protection, where appropriate, of the Site of Significance;</p> <p>iii. The additional matters listed in Chapter 70.3.</p>	
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### 73.3.7 Property Access

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) Every allotment is capable of having vehicular access to a road; and</li> <li>b) Vehicular access to a road is shared where there are 2 or more allotments in the subdivision; and</li> <li>c) The access complies, in all respects, with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9; and</li> <li>d) No more than 8 allotments or 8 residential units are served by a shared access.</li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The relevant provisions of the Whangarei District Council's Environmental Engineering Standards 2010;</li> <li>ii. The adequacy of the access for the anticipated use;</li> <li>iii. The ability of the access to contain required services;</li> <li>iv. Traffic safety and visibility;</li> <li>v. The need for acceleration and deceleration lanes;</li> <li>vi. Type, frequency and timing of traffic;</li> <li>vii. Access design, number and location of vehicle crossings;</li> <li>viii. Efficiency and safety of roads;</li> <li>ix. Need for forming or upgrading of roads in the vicinity of the site;</li> <li>x. Need for traffic control, including signs, signals and traffic islands;</li> <li>xi. The additional matters listed in Chapter 70.3.</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. The need for access to the allotment;</li> <li>iii. The safe and efficient movement of people, vehicles and goods;</li> <li>iv. The ability of the road structure to withstand anticipated loads;</li> <li>v. The effects of water runoff.</li> </ul>
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### 73.3.8 Vehicle Crossings

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) No more than one new vehicle crossing per 200.0m of frontage to any existing Council-maintained road is created within the land being subdivided. (Under this rule, an existing paddock entrance will be counted as a new crossing if it will give access to a residential unit to be built following subdivision); and</li> <li>b) Vehicle crossings comply, in all respects, with the relevant standards in Whangarei District Council's Environmental Engineering Standards</li> </ul>	<p>Any activity that does not comply with a condition for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. The practicable alternatives for access to the allotment;</li> <li>iii. The safe and efficient movement of people, vehicles and goods;</li> <li>iv. Landscape and amenity values.</li> </ul>
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<p>2010 and the relevant provisions in Appendix 9.</p> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The relevant provisions of the Whangarei District Council's Environmental Engineering Standards 2010;</li> <li>ii. Adequacy of the access width, including potential future usage;</li> <li>iii. Crossing length;</li> <li>iv. The provision of acceleration and deceleration lanes;</li> <li>v. Distances between crossings and intersections;</li> <li>vi. Traffic safety and visibility;</li> <li>vii. The additional matters listed in Chapter 70.3.</li> </ul>	
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### 73.3.9 Road Formation

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) Any new road or cycleway laid out or formed in a subdivision complies in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9; and</li> <li>b) New roads or cycle ways are formed along the general alignment of any indicative road or cycleway shown on the Planning Maps.</li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The relevant provisions of the Whangarei District Council's Environmental Engineering Standards 2010;</li> <li>ii. Exact alignment of indicative road;</li> <li>iii. The need for forming or upgrading roads in the vicinity, due to increased traffic from the subdivision;</li> <li>iv. The need for traffic control measures on roads due to increased traffic from the subdivision;</li> <li>v. The need for footpaths, kerb and channel on roads in the vicinity;</li> <li>vi. The additional matters listed in Chapter 70.3.</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>discretionary</b> activity.</p>
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**73.3.10 Provision for Extension of Services**

<p>Subdivision is a <b>controlled</b> activity if:</p> <p>a) The design and layout of the subdivision provides for, and takes into account, the efficient and effective future extension of water and electricity supply, stormwater, sewerage and roads to any adjoining land.</p> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. Financial Contributions under Chapter 80;</li> <li>ii. The efficient provision of services to the land being subdivided, and to nearby land that might be subdivided in the future;</li> <li>iii. Without limiting Chapter 80.2: land required to be set aside; i.e. by way of easements, bonds, covenants, consent notices, or segregation strips;</li> <li>iv. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010;</li> <li>v. The additional matters listed in Chapter 70.3.</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>discretionary</b> activity.</p>
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**73.3.11 Water Supply**

<p>Subdivision is a <b>controlled</b> activity if:</p> <p>a) All allotments are provided, within their net site area with a connection to a Council-maintained water supply where available; or</p> <p>b) Where no Council system is available, all allotments can be provided with a safe potable water supply; and</p> <p>c) The water supply is constructed to comply in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9.</p> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The availability of water to each allotment sufficient for the likely land use;</li> <li>ii. Water infrastructure within the subdivision and linkage with existing supply systems outside the subdivision;</li> <li>iii. Where there is no Council reticulated water supply, the safety and reliability of any proposed water supply;</li> <li>iv. The need for land to be set aside and vested in the council as a site for any public water supply;</li> <li>v. The relevant provisions of Appendix 9 and the Whangarei District Council's</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. The need for a connection to a water supply for the allotment;</li> <li>iii. The proposed system's ability to ensure an adequate supply of potable water;</li> <li>iv. The proposed system's ability to accommodate anticipated flows and withstand pressures and loads.</li> </ul>
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Environmental Engineering Standards 2010; vi. The additional matters listed in Chapter 70.3.	
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**73.3.12 Stormwater**

<p>Subdivision is a <b>controlled</b> activity if:</p> <p>a) All allotments are capable of being provided, within their net site area, with a means for the disposal of collected stormwater from the rooves of all potential or existing buildings and from all impervious surfaces; and</p> <p>b) The disposal is by way of a connection to a Council-maintained stormwater system, where available; and</p> <p>c) The stormwater disposal system is constructed to comply in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9.</p> <p><b>Control is reserved over:</b></p> <p>i. Control of water-borne contaminants entering water bodies;</p> <p>ii. The capacity of the Council's stormwater system to cater for increased runoff from the proposed allotments;</p> <p>iii. Effects of the proposed subdivision on surface runoff and drainage to, or from, adjoining properties and mitigation measures;</p> <p>iv. The provision of stormwater infrastructure within the subdivision, and linkage with existing supply systems outside the subdivision;</p> <p>v. The need for land to be set aside and vested in the Council as a site for any public utility;</p> <p>vi. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010;</p> <p>vii. The additional matters listed in Chapter 70.3.</p>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. The matters over which control is reserved;</p> <p>ii. The need for a connection to a stormwater disposal system for the allotment;</p> <p>iii. The proposed system's ability to protect property and the environment from the adverse effects of surface water;</p> <p>iv. The proposed system's ability to accommodate the anticipated flows and withstand the anticipated loads.</p>
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**73.3.13 Stone Walls** (Deleted – refer to Historic Heritage Chapter)

**73.3.14 Sewage**

<p>Subdivision is a <b>controlled</b> activity if:</p> <p>a) All allotments are capable of being provided with a safe and effective means for the disposal of sewage within the net site area; or</p>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p>
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<p>b) All allotments are capable of being provided within their net site area, with a connection to a Council-maintained sewage system, where available; and</p> <p>c) The connection and sewage disposal system is constructed to comply in all respects with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9.</p> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The effectiveness and efficiency of the proposed system;</li> <li>ii. The effects of the disposal system on health, safety and amenities;</li> <li>iii. Effects of the proposed system on adjoining properties;</li> <li>iv. Control and monitoring of contaminants discharged to land or water;</li> <li>v. Where a Council system is not available, the effects of temporary systems pending the availability of a Council system;</li> <li>vi. The need for land to be set aside and vested in the council as a site for any public sewage utility;</li> <li>vii. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010;</li> <li>viii. The additional matters listed in Chapter 70.3.</li> </ul>	<ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. The need for a connection to a sewage disposal system for the allotment;</li> <li>iii. The capacity, availability and accessibility of any council system to serve the proposed subdivision;</li> <li>iv. The proposed system's ability to treat sewage;</li> <li>v. The proposed system's ability to accommodate anticipated flows and withstand the anticipated loads.</li> </ul>
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### 73.3.15 Electricity

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) All allotments are provided with the ability to connect to an electrical supply system at the boundary of the net site area; and</li> <li>b) Where the most efficient route for electrical supply to an allotment is across other allotments, or other land owned by the subdivider, easements are provided to secure that route; and</li> <li>c) Where an electrical supply system is provided to any allotment of less than 3.0ha in area, or the subdivision is within any Notable or Outstanding Landscape Areas the connection from the reticulated electricity supply system to the net site area of the new allotment shall be underground.</li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The capacity of the proposed reticulated system;</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. The need for an electrical supply system on the allotment.</li> </ul>
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<ul style="list-style-type: none"> <li>ii. The effect of the proposed systems upon landscape and ecological features;</li> <li>iii. The best route for electricity supply;</li> <li>iv. The additional matters listed in Chapter 70.3.</li> </ul>	
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### 73.3.16 Telecommunications

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) All allotments are provided with a connection to a telecommunications system at the boundary of the net site area; and</li> <li>b) Where: <ul style="list-style-type: none"> <li>i. A telecommunications system is provided to any allotment less than 3.0ha in area; or</li> <li>ii. The existing telecommunications system and service leads/lines/connections are underground or wireless; or</li> <li>iii. The subdivision is within any Outstanding or Notable Landscape Areas as depicted on the resource areas on the Planning Maps; all new lines including service leads/lines/connections shall be underground or wireless.</li> </ul> </li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. The need for a telecommunications system on the allotment;</li> <li>ii. The additional matters listed in Chapter 70.3.</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. The need for a telecommunications system on the allotment.</li> </ul>
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### 73.3.17 Earthworks

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) All earthworks comply with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010 and the relevant provisions in Appendix 9; and</li> <li>b) There are no changes to the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland as a result of the earthworks; and</li> <li>c) No earthworks occur within a Site of Significance to Maori or within 10.0m of any archaeological site; and</li> <li>d) No earthworks occur within an Outstanding Landscape Area in excess of those permitted by Rule 57.2.2.</li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. Machinery to be used and hours of operation;</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>discretionary</b> activity.</p>
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<ul style="list-style-type: none"> <li>ii. Effects on the locality;</li> <li>iii. Effects on ecological, heritage and landscape values;</li> <li>iv. Effects on water bodies, including wetlands;</li> <li>v. The relevant provisions of Appendix 9 and the Whangarei District Council's Environmental Engineering Standards 2010;</li> <li>vi. The additional matters listed in Chapter 70.3.</li> </ul>	
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**73.3.18 Mineral Extraction Area**

	<p>Subdivision is a <b>discretionary</b> activity within a Mineral Extraction Area as depicted on the Resource Area Planning Maps.</p>
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**73.3.19 Other Significant Features**

<p>Subdivision is a <b>controlled</b> activity if:</p> <ul style="list-style-type: none"> <li>a) The boundaries of all allotments are drawn relative to a significant or notable feature identified in Appendices 2, 3 and 13, to ensure that the whole feature is entirely within one of the allotments produced by the subdivision; and</li> <li>b) Any identified building areas avoid the significant feature;</li> <li>c) Permanent protection of the feature is achieved.</li> </ul> <p><b>Control is reserved over:</b></p> <ul style="list-style-type: none"> <li>i. Effects on allotment boundaries and/or identified building areas on the integrity of the significant features;</li> <li>ii. Methods of permanent protection of significant features;</li> <li>iii. The additional matters listed in Chapter 70.3.</li> </ul>	<p>Any activity that does not comply with a standard for a controlled activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The matters over which control is reserved;</li> <li>ii. Alternative location of allotment boundaries;</li> <li>iii. Alternative location of identified building areas;</li> <li>iv. Alternatives to the permanent protection of the significant feature.</li> </ul>
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## 73.4 Principal Reasons for Rules / Explanations

### General

The rules are based on the premise that there is a strong interrelationship between subdivision and future land use. Subdivision of land can have marked effects on land use expectations. Adequate provision of access, water, drainage and other requirements is essential to ensure development following subdivision does not have adverse impacts on the environment. In particular, control of subdivision in the coastal environment is a matter of national importance identified in the New Zealand Coastal Policy Statement. The financial contributions provisions also contribute to achieving appropriate subdivision and use.

### Allotment Area

Having taken into account the potential effects of subdivision and development on the rural and coastal environment, including effects on natural character, landscapes, ecosystems, biodiversity, open space, production potential of land, water quality, amenity, historic and cultural values, together with issues of reverse sensitivity and the efficient and orderly provision of infrastructure and services, a minimum net site area of 20 hectares has been assessed as appropriate for a controlled activity subdivision in both the Countryside Environment and Coastal Countryside Environment. At the same time, a range of allotment sizes has been provided for as a discretionary activity to enable flexibility in subdivision design. This has been achieved by using an average allotment size, together with restrictions on the number and size of allotments below 3 hectares in the Countryside Environment and 5 hectares in the Coastal Countryside Environment. Separate development rights in exchange for the protection of natural heritage or revegetation/enhancement have been incorporated by way of 'Environmental Benefit' allotments.

Subdivision that does not comply with a standard for a controlled or discretionary activity is a non-complying activity. Consequently, for any such proposal to be assessed as acceptable, the applicant would first need to show that the proposed subdivision would have no more than minor effects on the overall level of density appropriate to the Environment in question, and/or was consistent with the density of development in the immediate area surrounding the proposal. In other words, the proposed subdivision would need to be in keeping with the surrounding allotment sizes already in existence and should not increase the existing density of development by producing smaller allotment sizes.

It should also be noted that other assessment criteria, such as those listed for discretionary activities, will be considered in addition to the density criterion.

Further subdivision of any allotment, created as a consequence of the discretionary activity averaging requirements of Rule 73.4 in the case of a resource consent granted after the 28<sup>th</sup> of February 2006, shall be a non-complying activity, except where any lot created was not used to satisfy the averaging requirements of this rule. The Council will maintain a database of post 28/2/06 subdivision decisions made on 'averaging' applications for LIM and related plan administration purposes.

### Boundary Adjustments

This rule provides for minor changes to be made to the boundaries of adjacent existing allotments. The rule does not provide for boundary relocations that will result in significant alterations to allotment areas. Any activity not complying with all parts of this rule will be assessed against the general subdivision rule applying to the particular Environment, Rule 73.3 'Allotment Area'.

### Environmental Benefits

To encourage the protection of natural features, extra development rights in the form of an 'Environmental Benefit' allotment have been included in the rules. To qualify for an Environmental Benefit allotment the permanent protection of natural features identified as worthy of protection by a recognised expert must be instigated at the time of subdivision. The subdivision must achieve the protection in perpetuity of all of the

natural features within the existing allotment by way of a conservation covenant under the Reserves Act or some other recognised measure.

As a restricted discretionary activity subdivision, however, an extra 'Environmental Benefit' allotment must relate to a physically separate feature from the first i.e. one benefit lot per feature, regardless of the areal extent of that feature.

The protection of a feature may allow additional development potential, depending on the area and/value of the feature, by way of extra 'Environmental Benefit' allotments as a discretionary activity subdivision.

The information supplied in support of the Environmental Benefit shall be in the form of a detailed report from a recognised expert, as assessed against criteria contained in Schedule 17D, and may be supported in appropriate circumstances with information from long-term residents, local Kaumatua and/or any appropriate conservation body.

The Council recognises the following instruments as appropriate means of protecting any features and/or structures when obtaining an Environmental Benefit:

- Conservation Covenant – Reserves Act 1977
- Protected Private Land – Reserves Act 1977
- Open Space Covenants – Queen Elizabeth II National Trust 1977
- Maori Reservation – Maori Affairs Act 1953
- Wildlife Refuges – Wildlife Act 1953
- Conservation Covenants – Conservation Act 1987
- Local Purpose Reserve – Reserves Act 1977

Council will also consider other legal mechanisms to achieve the same desired outcome.

An Environmental Benefit will not be offered upfront on the basis of a remnant having potential/restoration value. However, if a land owner should choose to undertake restoration of a feature, providing this is done following a comprehensive rehabilitation programme designed by a suitably qualified professional and achieves the criteria specified in the 'Moderate value' category and to be completed within a maximum of 4 years, then the remnant will qualify for an Environmental Benefit.

Where an Environmental Benefit Lot is awarded on the basis of re-vegetation/restoration, a s224 certificate will not be issued for a proposed Environmental Benefit Lot unless/until re-vegetation/restoration has been successfully completed consistent with performance in the Criteria, or the consent holder provides a bond to the satisfaction of the Council to a value of not less than 150% of the value of the works.

#### **Building Area**

This rule protects landscape values and ensures compliance with this Plan. The buildable area is not confined to the footprint of an individual building, but could include a large area of the allotment.

#### **Existing Buildings**

This rule ensures that new allotment boundaries are placed so as to provide adequate on-site and off site amenity for existing buildings. Existing lawful non-compliance with bulk and location rules can be retained, but parking and access standards required under the Plan need to be upgraded through the subdivision design.

#### **Sites of Significance to Maori**

This rule prevents the splitting up of mapped sites by subdivision. Sites must be entirely within one of the lots produced by the subdivision. This is to protect the cultural values and the integrity of Sites of Significance to Maori.

### **Property Access**

Vehicle access must be provided to every allotment, as this is regarded as an essential aspect of community and individual well-being.

### **Vehicle Crossings**

This rule is intended to reduce the number of new vehicle crossings created at the time of subdivision. This is to promote traffic safety and efficiency, and to preserve landscape and amenity values. It is expected that the rule will influence subdivision design towards sharing of vehicle crossings, and that more 'rear allotments' will be created with access to the road across other land, secured by rights of way or access lots. Standards for crossing construction apply.

### **Road Formation**

Where roads are to be provided, these should be of a legal width and formation standard sufficient to serve the type of road. Indicative roads have been shown on the Planning Maps.

### **Provision for Extension of Services**

Subdivision acts as the framework for subsequent land use activities and, more importantly, is often the framework for the provision of services to subsequent land uses. Subdivision presents an opportunity to provide for the efficient servicing of adjoining land.

### **Water Supply**

Water supply for drinking is essential to ensure health and safety and efficient land use.

### **Stormwater and Sewage**

These rules ensure that stormwater and sewage drainage is available to all allotments. These are important to preserve health and safety as well as environmental and amenity values.

### **Electricity**

This rule ensures that electricity can be supplied efficiently to every allotment. Cables, transformers or other supply infrastructure do not have to be provided at the time of subdivision, but easements to secure the most efficient route to the allotment must be created, where necessary, over adjoining land.

### **Telecommunications**

The rules require access to telecommunications (which may include wireless connections, rather than physical connection) by all allotments to ensure that this is provided in the most efficient manner possible and that easements are created where necessary. Under grounding of telecommunications is desirable for amenity and traffic safety reasons.

### **Earthworks**

Earthworks must be engineered to ensure long-term land stability and suitability for the intended purpose, and for health and safety reasons. During the period when earthworks are carried out, there may be substantial effects on the locality and on environmental values, which need to be managed.

### **Mineral Resources**

Within defined Mineral Extraction Areas, the potential for subdivision to compromise mineral extraction activities needs to be recognised. Any subdivision should only occur if it is capable of avoiding, remedying or mitigating adverse effects on mineral resource extraction activities.

**Revision and Sign-off Sheet**

<b>Date Approved</b>	<b>Editor</b>	<b>Paragraph</b>	<b>Changed Reference</b>	<b>Decision Date</b>	<b>Approved By</b>
5 November 2007	FP	73.3.7 and 73.4	Insertion of hyperlinks to Plan Change 52.		PW
24 April 2008	FP	73.3.17	Change of cross reference 74.2.1 to 57.2.2		PW
13 October 2008	FP	73.3.7b and 73.4	Plan Change 52 – Property Access – Withdrawn	ES 8 October 2008	PW
14 July 2009	FP	73.3.2	Discretion is restricted to: bullet vi type: The extent of....	Emailed info from resource planner	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
	FP	73.3.7 to 73.3.17	Approved Plan Change 76 Environmental Engineering Standards	12 October 2011 Operative 26 October 2011	PW
14 September 2016	JM	73.3.13 73.4	Plan Change 124 becoming operative.	Operative date 28 September 2016 TRIM 16/106480	MM

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