

Subdivision (SUB)

Issues

Subdivision is the process of dividing a site or building into one or more additional sites or units, or changing an existing boundary location. The way a site is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but also impacts on adjacent sites and the future use of the land. Subdivision affects the natural and physical environment by introducing long-term development patterns that cannot be easily changed.

Large-scale and greenfield subdivisions should be designed in an integrated way that contributes to sense of place, supports connectivity to the surrounding neighborhood, and provides well-designed, accessible, sunny and safe open spaces.

Subdivision of land within overlays (Resource Areas) is subject to additional subdivision rules and standards in the relevant overlay chapter (e.g. Outstanding Natural Features and Landscapes, Historic Heritage, Coastal Area, Natural Hazard Areas).

Provision of infrastructure and services with the subdivision of land is achieved by compliance with district-wide chapters such as Transport and Three Waters Management.

Māori land is exempt from the subdivision provisions of the Resource Management Act 1991 and must be undertaken through the Māori Land Court.

Objectives

SUB-O1 – Zone, Overlay and District-Wide Objectives

Land is subdivided to achieve the objectives of each relevant zone, overlays and district-wide provisions.

SUB-O2 – Valued Features and Resources

Subdivision provides for the protection and enhancement of the District's:

1. Highly versatile soils.
2. Outstanding Natural Features.
3. Outstanding Natural Landscapes.
4. Coastal Area.
5. Areas of High Natural Character.
6. Outstanding Natural Character.
7. Significant Natural Areas.
8. Sites of Significance to Māori.
9. Historic Heritage.

SUB-O3 – Community Needs

Land is subdivided in a manner that provides for the changing needs of people and communities, and for future generations, while taking into account:

1. Amenity values including good quality urban design.
2. Local character and sense of place.
3. The outcomes anticipated by the relevant zone, overlay and district-wide provisions.

SUB-O4 – Infrastructure

Subdivision and development provides for the efficient and orderly provision of services and infrastructure.

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SUB-O5 –Managing Adverse Effects

Subdivision is designed to avoid, remedy or mitigate any adverse effects on the environment and occurs in a sequenced and coherent manner.

Policies

SUB-P1 – Zone, Overlay and District-Wide Policies

To enable subdivision where it meets the relevant zone, overlay and district-wide policies, where subdivision and development is designed to:

1. Reflect patterns of development that are compatible with the role, function, amenity values and predominant character of the zone.
2. Maintain the integrity of the zone with allotment sizes sufficient to accommodate intended land uses.
3. Respond positively to and integrate with the surrounding context.
4. Appropriately avoid, remedy or mitigate adverse effects on:
 - a. Outstanding Natural Features.
 - b. Outstanding Natural Landscapes.
 - c. Coastal Areas.
 - d. Areas of High Natural Character.
 - e. Areas of Outstanding Natural Character.
 - f. Sites of Significance to Māori.
 - g. Historic Heritage.
 - h. Significant Natural Areas.
 - i. Highly versatile soils.

SUB-P2 – Existing Development

To provide for subdivision:

1. That creates sites to recognise existing development.
2. Where it enables the creation of sites for uses that are expressly allowed by a resource consent.
3. Where there is compliance with district-wide, overlay and zone rules.

SUB-P3 – Boundary Adjustment

To provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with district-wide, overlay and zone rules.

SUB-P4 – Minor Residential Unit

To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.

SUB-P5 – Infrastructure

To achieve efficient and effective provision of services and infrastructure by ensuring new allotments are capable of being provided with adequate services and infrastructure.

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Note: This chapter uses unique identifiers in some of the rule tables below. Please use the following list to determine what each unique identifier is referring to.

FUZ	Future urban Zone
GRZ	General Residential Zone
HIZ	Heavy Industrial Zone
HPW	How the Plan Works
LIZ	Light Industrial Zone
LLRZ	Large Lot Residential Zone
MRZ	Medium Density Residential Zone
RLZ	Rural Living Zone
RPZ	Rural Production Zone
SETZ	Settlement Zone
SUB	Subdivision
SRIZ	Strategic Rural Industries Zone

Rules

SUB-R1	Any Subdivision
	<ol style="list-style-type: none"> Is subject to all relevant Overlay, Resource Area and District-Wide subdivision and land use rules. Is subject to all relevant Matters of Control and Matters of Discretion detailed in the How the Plan Works Chapter. In the following Zones, shall refer to the relevant zone chapter for subdivision rules (except for SUB-R2 below): <ol style="list-style-type: none"> Ruakaka Equine Zone. Marsden Primary Centre. Port Nikau Development Area

SUB-R2	Any Subdivision
All Zones	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of Significance to Māori or area of historic heritage is entirely within one of the allotments produced by the subdivision. The land contains existing buildings or major structures and the boundaries of the proposed allotments result in compliance with the relevant zone permitted activity building and major structure setback, building coverage, impervious areas, outdoor living court, and height in relation to boundary rules.
All Zones other than	<ol style="list-style-type: none"> Every allotment is provided with:

Activity Status when compliance not achieved with SUB-R2.2: Restricted Discretionary

Where:

- The activity status of the infringement with the zone [building](#) and [major structure setback, building coverage, impervious areas, outdoor living court, and height in relation to boundary](#) rules is Restricted Discretionary.

Matters of discretion:

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<p>SRIZ, HIZ, LIZ, FUZ, RLZ, RPZ, SETZ Centre and Industry Sub-Zones,</p>	<p>a. An underground connection or easements to secure connection to a <u>reticulated</u> electrical supply system at the <u>boundary</u> of the <u>allotment</u>.</p> <p>b. A connection, or the ability to connect to a wireless, above ground, or underground <u>telecommunications</u> system.</p>	<p>1. The <u>effect</u> of the design and layout of the <u>allotments</u> and whether it enables the efficient use of <u>land</u>.</p>
<p>FUZ</p>	<p>4. Every <u>allotment</u> is provided with:</p> <p>a. A connection, or easements to secure connection, to a <u>reticulated</u> electrical supply system at the <u>boundary</u> of the <u>net site area</u> of the <u>allotment</u>.</p> <p>b. A connection, or the ability to connect to a wireless, above ground, or underground <u>telecommunications</u> system.</p>	<p>2. The <u>effects</u> of <u>infrastructure</u> and servicing.</p> <p>3. The <u>effect</u> of the design and layout of the <u>allotments</u> and whether it enables the efficient use of <u>land</u>.</p>
<p>RPZ and RLZ</p>	<p>5. Every <u>allotment</u> is provided with:</p> <p>a. The ability to connect, or easements to secure the ability to connect, to an electrical supply system at the <u>boundary</u> of the <u>allotment</u>.</p> <p>b. A connection, or the ability to connect to a wireless, above ground, or underground <u>telecommunications</u> system.</p>	<p>4. The <u>effects</u> of <u>infrastructure</u> and servicing.</p> <p>5. The matters of discretion of the relevant zone <u>land</u> use rule that is infringed.</p>
<p>SRIZ, HIZ, LIZ, SETZ - Centre and Industry Sub-Zones</p>	<p>6. Every <u>allotment</u> is provided with:</p> <p>a. A connection to a <u>reticulated</u> electrical supply system at the <u>boundary</u> of the <u>allotment</u>; and the electrical supply is underground where new <u>roads</u> are to be formed within the <u>subdivision</u> or the existing electrical supply is underground.</p> <p>b. A connection, or the ability to connect to a wireless, above ground, or underground <u>telecommunications</u> system.</p>	<p>6. Matters listed in the How the Plan Works Chapter, HPW-R9.</p> <p>Activity Status when compliance is not achieved with any rule other than SUB-R2.2 or the <u>subdivision</u> is not a Controlled or Restricted Discretionary activity: Discretionary.</p>
<p>All Zones</p>	<p>7. An underground electrical supply system is provided where the <u>subdivision</u> is within an Outstanding Landscape Area or Outstanding Natural Character Area.</p>	
<p>All Zones</p>	<p>8. The most efficient route for electrical supply to any <u>allotments</u> is across other <u>allotments</u> or other <u>land</u> owned by the subdivider, and easements are provided to secure the route.</p> <p>Matters of control:</p> <p>1. Matters listed in the How the Plan Works Chapter, HPW-R9.</p>	

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SUB-R3	Subdivision in the Large Lot Residential Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. 50% of the total <u>allotment</u> area (excluding public <u>road</u>, <u>access</u> ways and <u>impervious areas</u>) shall be retained indefinitely: <ol style="list-style-type: none"> a. By legal protection such as covenant, consent notice or encumbrance that precludes <u>building principal residential units</u> and <u>minor residential units</u>. b. As a contiguous area. 2. The maximum <u>allotment</u> size does not exceed 2,500m², except that: <ol style="list-style-type: none"> a. 1 <u>allotment</u> may be larger. b. Any <u>allotment</u> may be larger where that <u>allotment</u> in its entirety is subject to a conservation covenant, Reserve Act covenant or similar restriction. 3. Every <u>allotment</u> connected to a <u>reticulated sewerage</u> system has a minimum <u>net site area</u> of at least 500m². 4. The yield of a <u>subdivision</u> shall not exceed 1 <u>allotment</u> per 5,000m² of <u>net site area</u>. 5. Every <u>allotment</u> shall identify a <u>building area</u> within 50m of an existing <u>building</u> or proposed <u>building area</u> within the Large Lot Residential Zone. 6. Every <u>allotment</u> contains an identified <u>building area</u> of at least 100m² within which a <u>residential unit</u> can be built so that there is compliance as a permitted activity with the zone rules. 7. Every <u>allotment</u> can contain a circle with a diameter of 16m, or a square of at least 14m by 14m. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Matters listed in the How the Plan Works Chapter, HPW-R9. 	<p>Activity Status when compliance not achieved: Discretionary</p>

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SUB-R4	Subdivision in the Low Density Residential Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment: <ol style="list-style-type: none"> a. Where the allotment is vacant contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the Low Density Residential Zone rules. b. Has a net site area of at least 2,000m². c. Can contain a circle with a diameter of 16m, or a square of at least 14m by 14m. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Matters listed in the How the Plan Works Chapter, HPW-R9. 	<p>Activity Status when compliance not achieved: Discretionary</p>
SUB-R5	Subdivision in the General Residential Zone and Neighbourhood Centre Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every vacant allotment: <ol style="list-style-type: none"> a. For subdivisions involving parent sites of less than 1ha, has a net site area of at least 400m²; or b. For subdivisions involving parent sites equal to or greater than 1ha: <ol style="list-style-type: none"> i. Has a net site area of at least 320m²; and ii. The average net site area of all proposed allotments is at least 400m². 2. Every allotment can contain a rectangle of at least 8m by 15m; and 3. Every allotment has a minimum frontage width of 14m in the Neighbourhood Centre Zone. 4. The allotment is in the General Residential Zone and is vacant, contains an identified building area of at least 100m² within which a residential unit can be built so there is compliance: <ol style="list-style-type: none"> a. As a permitted activity with the General Residential Zone. b. As a controlled activity with NAV.6.6. <p>Matters of control:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

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<ol style="list-style-type: none"> 1. Matters listed in the How the Plan Works Chapter, HPW-R9. 2. The ability of future buildings and access to comply with the relevant district-wide and zone rules. 3. The location and design of allotments to enable efficient use of land. <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> 1. <i>For the purposes of SUB-R5.1 and R5.4, “vacant” means an allotment that does not contain an existing residential unit.</i>
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SUB-R6	Subdivision in the Medium Density Residential Zone	
<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every unit title allotment created under the Unit Titles Act 2010 has a net site area of at least 50m². 2. Every vacant allotment: <ol style="list-style-type: none"> a. For subdivisions involving parent sites of less than 1ha, has a net site area of at least 300m²; or b. For subdivisions involving parent sites equal to or greater than 1ha, has a net site area of at least 240m². 3. Every allotment can contain a rectangle of at least 8m by 15m. 4. Where the allotment is vacant, contains an identified building area of at least 100m² within which a residential unit can be built so there is compliance as a permitted activity with the Medium Density Residential Zone rules. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Matters listed in the How the Plan Works Chapter, HPW-R9. 2. The ability of future buildings and access to comply with the relevant district-wide and zone rules. 3. The location and design of allotments to enable efficient use of land. <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> 1. <i>For the purposes of SUB-R6.2 and R6.4, “vacant” means an allotment that does not contain an existing residential unit.</i> 		<p>Activity Status when compliance not achieved: Discretionary</p>

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SUB-R7	Subdivision in the City Centre, Mixed Use, Waterfront or Local Centre Zones	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every unit title <u>allotment</u> created under the Unit Titles Act 2010 has a <u>net site area</u> of at least 50m². 2. Every <u>allotment</u> has a: <ol style="list-style-type: none"> a. <u>Net site area</u> not less than 100m². b. <u>Frontage</u> no less than 6m, or 12m in the case of a corner <u>allotment</u>. c. <u>Frontage</u> no greater than 30m, or 60m in the case of a corner <u>allotment</u>. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Matters listed in the How the Plan Works Chapter, HPW-R9. 2. Physical and visual linkages provided between <u>allotments</u> and surrounding <u>public places</u>. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The <u>effect</u> of the design and layout of the <u>allotments</u> and whether it enables the efficient use of <u>land</u>. 2. The <u>effects</u> of <u>infrastructure</u> and servicing. 3. Matters listed in the How the Plan Works Chapter, HPW-R9.
SUB-R8	Subdivision in the Commercial Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every unit title <u>allotment</u> created under the Unit Titles Act 2010 has a <u>net site area</u> of at least 50m². 2. Every <u>allotment</u> has a: <ol style="list-style-type: none"> a. <u>Net site area</u> not less than 300m². b. <u>Frontage</u> no less than 15m, or 30m in the case of a corner allotment. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Matters listed in the How the Plan Works Chapter, HPW-R9. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The <u>effect</u> of the design and layout of the <u>allotments</u> and whether it enables the efficient use of <u>land</u>. 2. The <u>effects</u> of <u>infrastructure</u> and servicing. 3. Matters listed in the How the Plan Works Chapter, HPW-R9.
SUB-R9	Subdivision in the Light Industrial Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

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<p>1. Every allotment has a net site area greater than 500m².</p> <p>Matters of control:</p> <p>1. Matters listed in the How the Plan Works Chapter, HPW-R9.</p> <p>2. The location and design of allotments to ensure that they are suitable for future industrial activities.</p>
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SUB-R10	Subdivision in the Heavy Industrial Zone	
<p>Activity Status: Controlled</p> <p>Where:</p> <p>1. Every allotment has a net site area greater than 8,000m².</p> <p>Matters of control:</p> <p>1. Matters listed in the How the Plan Works Chapter, HPW-R9.</p> <p>2. The location and design of allotments to ensure that they are suitable for future industrial activities.</p>		<p>Activity Status when compliance not achieved: Discretionary</p>

SUB-R11	Subdivision in the Rural Lifestyle Zone	
<p>Activity Status: Controlled</p> <p>Where:</p> <p>1. The proposed allotments are created from an allotment that existed on 12 December 2018.</p> <p>2. The proposed allotments have an average size of at least 2ha and a minimum size of 4,000m².</p> <p>3. Every proposed allotment can accommodate a minimum 100m² building area on which a sensitive activity can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.</p>		<p>Activity Status when compliance not achieved with SUB-R11.1 – 3: Discretionary</p>
<p>Activity Status: Non-Complying</p> <p>Where:</p> <p>4. A minimum 100m² building area is located within 500m of a Strategic Rural Industries Zone or a Mining Area of a Quarrying Resource Area; or</p> <p>5. The average allotment size is less than 1ha; or</p> <p>6. Any allotment is less than 2,000m².</p>		
		<p>Activity Status: Prohibited</p>

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Where:

- A [minor residential unit](#) is subdivided from a [principal residential unit](#).

SUB-R12	Subdivision in the Settlement Zone	
<p>SETZ-Residential Sub-Zone</p>	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> Every allotment connected to a public reticulated wastewater system has a net site area of at least 500m². Every allotment not connected to a public reticulated wastewater system has a net site area of at least 2,000m². Every allotment contains an identified building area of at least 100m² 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><i>Note:</i></p> <ol style="list-style-type: none"> Any application for subdivision within Lot 1 DP 559393 (Mahanga Road) shall comply with information requirement SUB-REQ1. 	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>SETZ-Centre Sub-Zone</p>	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> Every allotment connected to a public reticulated wastewater system has a minimum net site area of at least 100m². Every allotment not connected to a public reticulated wastewater system has a minimum net site area of at least 2,000m². 	
<p>SETZ-Industry Sub-Zone</p>	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> Every allotment has a net site area of at least 1,000m². Every allotment is provided with connections to Council maintained services (water, wastewater, stormwater, roading) within the net site area. 	
<p>All SETZ</p>	<p>Activity Status: Prohibited</p> <p>Where:</p> <ol style="list-style-type: none"> A minor residential unit is subdivided from a principal residential unit that is not serviced by a public reticulated wastewater system. 	

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SUB-R13	Subdivision in the Future Urban Zone	
	<ol style="list-style-type: none"> 1. <u>Subdivision</u> where the proposed <u>allotments</u> will be connected to Council <u>reticulated water</u>, <u>wastewater</u> and <u>stormwater</u> services and have a <u>net site area</u> of at least 500m² shall be: <ol style="list-style-type: none"> a. Addressed using the objectives, policies and rules that apply to the serviced <u>allotments</u> in the General Residential Zone. 	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 2. Every proposed <u>allotment</u> contains an identified <u>building area</u> of at least 100m² within which a <u>residential unit</u> can be built so that there is compliance as a permitted activity with the relevant rules in this Plan. 3. Every proposed <u>allotment</u> has a <u>net site area</u> of at least 1ha. 4. Every proposed <u>allotment</u> contains an identified <u>building area</u> that is located further than 500m from all <u>Strategic Rural Industries</u> Zones and all <u>Mining Areas</u> of a Quarrying <u>Resource Area</u>. <p>Except:</p> <ol style="list-style-type: none"> 5. In ToeToe Road and Whau Valley Road, the <u>subdivision</u> design and layout sets aside (by way of easements, bonds, covenants, consent notices or segregation strips) <u>land</u> for the future provision or extension of <u>reticulated water</u>, <u>wastewater</u> and <u>stormwater</u> and of <u>roads</u>, within the <u>site</u> and to adjoining <u>sites</u> to urban standards. <p>Matters of control:</p> <ol style="list-style-type: none"> 1. Matters listed in How the Plan Works Chapter. 2. The extent to which the <u>allotments</u> appropriately address <u>effects</u> on the transportation network, including through: <ol style="list-style-type: none"> a. The current or future provision of a well-connected street and transport network. b. Facilitation of walking, cycling and public transport. c. Methods to manage significant localised traffic effects. <p><i>Note:</i></p>	<p>Activity Status when compliance not achieved with SUB-R13.2: Discretionary</p> <p>Activity Status when compliance not achieved with SUB-R13.3 – 5: Non-Complying</p>

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	<p>1. <i>The Council will use SUB-REQ2 for assessing compliance with SUB-R13.5.</i></p>	
SUB-R14	Boundary Relocation Subdivision in the Rural Production Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Sites which are existing at 12 December 2018 result in: <ol style="list-style-type: none"> a. The boundaries of all allotments being drawn relative to existing buildings and major structures so that there is compliance as a permitted activity with any relevant zone, overlay or district-wide rules. b. No additional vehicle accesses. c. Every proposed allotment being able to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan. d. A minimum net site area of at least 2,000m². e. No additional capacity for residential units permitted on the proposed allotments beyond the overall number of residential units permitted on the parent sites in accordance with rule RPZ-R7 and R8.1. 	<p>Activity Status when compliance not achieved with SUB-R14.1(a) – (d): Discretionary</p> <p>Activity Status when compliance not achieved with SUB-R14.1(e): Non-Complying</p>
SUB-R15	Subdivision in the Rural Production Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment has a minimum net site area of 20ha. 2. Every allotment can accommodate an identified building area of at least 100m² on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan. 	<p>Activity Status when compliance not achieved: Non-Complying</p>
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 3. The subdivision is of existing lawfully established residential units: 	<p>Activity Status when compliance not achieved: Non-Complying</p> <p><i>Note:</i></p>

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	<ul style="list-style-type: none"> a. With a <u>net site area</u> of 2,000m² or less that are able to accommodate on-<u>site</u> servicing of <u>wastewater</u> disposal. b. Resulting in no more than one additional title from the parent title within any 10 year period. c. Providing a balance <u>allotment</u> equal to or greater than 80ha in <u>net site area</u>. <p>OR</p> <ul style="list-style-type: none"> 4. The <u>subdivision</u> is of a <u>site</u> greater than 20ha that existed on 12 December 2018: <ul style="list-style-type: none"> a. For categories A and C, that are outside areas of Outstanding Natural Landscape, Outstanding Natural Feature, Outstanding Natural Character or High Natural Character Resource Area and do not contain a Heritage <u>Building</u> or Site of Significance to Māori. b. Where the environmental protection area is: <ul style="list-style-type: none"> i. For Category A, an existing area of wetland or <u>indigenous vegetation</u> (terrestrial bush, riparian margin or coastal dune) of significant ecological value as determined by Appendix 5 of the Northland Regional Policy Statement 2016. ii. For Category B: <ul style="list-style-type: none"> a) An area of <u>land</u> identified in the District Plan <u>Resource Area</u> Maps as one or more of the following: Outstanding Natural Feature, Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character; or b) A <u>Heritage Building</u> or Site of Significance to Māori; and b) To include a covenant forming a legally established buffer of 50m around any area of Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character to be protected, preventing future <u>buildings</u> and <u>major structures</u> and <u>access</u>. iii. For Category C: 	<ul style="list-style-type: none"> 1. Any non-complying subdivision that proposes environmental protection and on-going management of an area or feature shall comply with RPROZ-REQ3.6 – 7.
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	<ul style="list-style-type: none"> a) An unvegetated area or area in pasture or non-indigenous plants to be retired and rehabilitated identified either as Highly Erodible Land or as <u>land</u> within a riparian margin of a <u>stream</u>, <u>river</u>, estuary or the coast located within Acutely or Chronically threatened <u>land environments</u> associated with Land Environments of New Zealand Level 4. b) To be planted to an average density of 1.4m centres (5,100 stems per hectare), reducing to 1m centres (10,000 stems per hectare) in kikuyu and riparian margins and 0.5 – 1m centres in wetland <u>environments</u>. i. Legally unprotected at the time of application. ii. To be: <ul style="list-style-type: none"> a) Legally protected in perpetuity in its entirety. b) Managed on an on-going basis in accordance with a Management Plan. c) Held within a single <u>site</u>. c. Where the environmental protection area shall include the entire area within the <u>site</u> that meets Category A, B or C (excluding any Highly Erodible Land not proposed to be retired and rehabilitated under this rule). d. Where every <u>allotment</u> shall be: <ul style="list-style-type: none"> i. Between 2,000m² and 4,000m² in <u>net site area</u>: <ul style="list-style-type: none"> a) Excluding one balance <u>allotment</u>. b) Provided that one <u>allotment</u> may contain the environmental protection area plus 2,000m² - 4,000m² <u>net site area</u>. ii. In-situ. iii. Able to accommodate a minimum 100m² <u>building area</u>. <ul style="list-style-type: none"> a) On which a <u>residential unit</u> can be built so that there is compliance as a permitted activity with the relevant rules within the district plan.
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	<p>b) Located no closer than 50m from the environmental protection area.</p> <p>e. Where the extent of the environmental protection area and the maximum number of additional <u>allotments</u> shall comply with the requirements specified in SUB-R17- Table 1, provided that an area of <u>land</u> must be nominated under only one type of environmental protection area.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. Any <u>subdivision</u> under SUB-R15.4(b)(i) shall comply with SUB-REQ3.1. 2. Any <u>subdivision</u> under SUB-R15.4(b)(iii) shall comply with SUB-REQ3.2 – 3. 3. Any <u>subdivision</u> under SUB-R15.4 where the <u>site</u> is located in the Coastal Environment, shall comply with SUB-REQ3.3. 4. Any <u>subdivision</u> under SUB-R15.4 resulting in 3 or less additional <u>allotments</u> (excluding one balance <u>allotment</u>) shall comply with SUB-REQ3.5 5. Any <u>subdivision</u> under SUB-R15.4 resulting in 4 or more additional <u>allotments</u> (excluding one balance <u>allotment</u>) shall comply with SUB-REQ3.6. 6. Any <u>subdivision</u> under SUB-R15.4 shall comply with SUB-REQ3.7.
	<p>Activity Status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> 4. A minimum 100m² <u>building area</u> is located within 500m of a <u>Strategic Rural Industries Zone</u> or a <u>Mining Area</u> of a Quarry <u>Resource Area</u>. 5. Any <u>subdivision</u> under RPROZ-R28.4 , where the <u>site</u> is located in the Coastal Area, resulting in 4 or more additional <u>allotments</u> (excluding 1 balance <u>allotment</u>).
	<p>Activity Status: Prohibited</p> <p>Where:</p> <ol style="list-style-type: none"> 6. A <u>minor residential unit</u> is subdivided from a <u>principal residential unit</u>. <p>Note:</p> <ol style="list-style-type: none"> 1. <u>Boundary</u> relocation under SUB-R14 is exempt from R15.

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SUB-R15 – Table 1

Type of environmental protection area(s)	Extent of environmental protection area(s) (increments)	Must be contiguous	Maximum number of additional allotments (per increment) (excluding 1 balance allotment)		
			Category A. Indigenous Vegetation	Category B. Resource Areas	Category C. Retirement & Rehabilitation
Wetland or Coastal dunes	5,000m ² – 1.99ha	No	1	Nil	Nil
	2ha – 4ha		+1		
	Every additional 2ha, beyond the first 4ha		+1		
Terrestrial indigenous vegetation (bush)	4ha – 9.99ha <i>*Where at least 4ha must be contiguous</i>	Yes*	1	Nil	Nil
	10ha – 15ha	No	+1		
	Every additional 10ha, beyond the first 15ha	No	+1		
Riparian margins of both banks of a freshwater stream or river in Acutely or Chronically threatened land environments associated with the LENZ Level 4.	At least 2ha*	Yes	1	Nil	1
	Every additional 2ha, beyond the first 2ha* <i>*Where every 2ha has a minimum width of 15m on each side of the water body and a minimum lineal length along the water body of 300m (except for one elevated stock crossing with a maximum width of 20m).</i>	No	+1		+1
Resource Areas identified in the District Plan (High Natural Character, Outstanding Natural Character, Outstanding Natural Feature or Outstanding Natural Landscape)	All mapped Resource Area (s) on the site , where the minimum extent of Resource Area (s) on the site is 1ha.	No	Nil	1	Nil
A Heritage Building or Site of Significance to Māori identified in the District Plan	All present on the site .	No		1	
Highly Erodible Land	At least 4ha	Yes		Nil	1
	Every additional 4ha, beyond the first 4ha	No			+1
Coastal or estuarine margins in Acutely or Chronically threatened land environments associated with LENZ Level 4	At least 2ha*.	Yes	1	Nil	1
	Every additional 2ha, beyond the first 2ha* <i>*Where every 2ha has a minimum width of 50m from the Coastal Marine Area and a minimum lineal length along the water body of 300m</i>	No	+1		+1

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SUB-R16	Subdivision by way of Boundary Adjustment in the Open Space, Sport and Active Recreation and Natural Open Space Zones	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> No additional <u>allotments</u> are created. <p>Matters of control:</p> <ol style="list-style-type: none"> Matters listed in the How the Plan Works Chapter, HPW-R9. 	<p>Activity Status when compliance not achieved: Discretionary</p>
SUB-R17	Subdivision of Consented Residential Units	
GRZ and MRZ	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> The <u>subdivision</u> enables the creation of <u>allotments</u> for <u>residential units</u> that have an approved <u>land</u> use consent under GRZ-R15.1, GRZ-R21, MRZ-R14.1 or MRZ-R20. <p>Matters of discretion:</p> <ol style="list-style-type: none"> Matters listed in the How the Plan Works Chapter, HPW-R9. The extent to which the design and layout of the proposed <u>allotments</u> result in new or increased non-compliance with the underlying zone or district wide rules. The extent to which there is appropriate provisions made for <u>infrastructure</u>. The extent to which there is appropriate creation of common areas over parts of the <u>parent allotment</u> that require <u>access</u> by more than one <u>site</u> within the <u>subdivision</u>. <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <i>Any <u>subdivision</u> proposed under SUB-R17 is exempt from compliance with SUB-R5 and R6 but shall be assessed against all other relevant <u>subdivision</u> rules.</i> 	<p>Activity Status when compliance not achieved: Discretionary</p>

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SUB-R18	Subdivision in the Strategic Rural Industries Zone
All SRIZ Areas	Activity Status: Discretionary
SUB-R19	Subdivision in the Shopping Centre, Port, Airport or Hospital Zones
	Activity Status: Discretionary
SUB-R20	Subdivision within Areas Subject to a 'No Residential Unit' Restriction
LLRZ	<p>Activity Status: Prohibited</p> <p>Where:</p> <ol style="list-style-type: none"> Any proposed allotment or part of any proposed allotment is within an area subject to any form of covenant, consent notice or encumbrance that precludes building principal residential units and minor residential units.
SUB-REQ1	Subdivision Information Requirement for Lot 1 DP 559393
SETZ-Residential Sub-Zone	<ol style="list-style-type: none"> Any application for subdivision within Lot 1 DP 559393 (Mahanga Road) shall include a comprehensive visual and landscape assessment and design, prepared by a suitably qualified and experienced landscape architecture professional which shall be referred to Council's Parks and Landscape Officer for review. The assessment shall provide detail regarding the following matters over which control is reserved (in addition to those contained within the How the Plan Works Chapter): <ol style="list-style-type: none"> The location, height and appearance of future buildings and major structures and their potential effect on the amenity and landscape values of the locality. The visibility of future buildings and major structures from the marine environment. Effect of buildings and major structures on the appearance of skylines and ridgelines. Effect of access and buildings and major structures on known historic heritage sites and Sites of Significance to Māori. Location and finished appearance of accesses. The potential effect of subdivision patterns on the landscape values of the locality. Extent and nature of landscape planting proposed, and measures proposed to implement and maintain such plantings. The use of recessive colours and non-reflective finishes to minimise potential adverse effects on landscape values. <p><i>Note:</i></p> <ol style="list-style-type: none"> <i>Refer to the How the Plan Works Chapter for Matters of Control and Assessment Criteria.</i>

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SUB-REQ2	Assessment Criteria for Subdivision in Future Urban Zone
FUZ	<p>1. When assessing whether provision SUB-R13.5 has been complied with Council will consider whether a plan has been provided that includes the following:</p> <ol style="list-style-type: none"> a. Indication of proposed urban allotment boundaries. b. The location of future urban infrastructure that demonstrates ease of access to the infrastructure for maintenance purposes and is sensitively placed to avoid environmental damage, including reticulated water, wastewater, and stormwater, roading network, and pedestrian network. c. Consideration of how future urban infrastructure will link to adjacent land and to any existing areas set aside for future urban infrastructure. d. How areas set aside for future urban infrastructure will be protected (for example through easements, covenants, bonds, consent notices or segregation strips). e. Regard to the natural features of the site, including recognising the natural values of streams, vegetation and fauna habitat and linkages between these areas. f. Identification and protection of any heritage and natural features. g. Provision of linkages to existing open space and consideration of proposed open space. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. <i>Acceptable means of compliance for urban standards required under SUB-R13.4 can be found in the Whangarei District Council Engineering Standards.</i>

SUB-REQ3	Information Requirement for Subdivision in Rural Production Zone
	<p>1. Any application under rule SUB-R15.4.b.i (Category A) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:</p> <ol style="list-style-type: none"> a. The ecological significance value of the indigenous vegetation or habitat within the site in terms of the standard ecological criteria - Representativeness, Rarity/Distinctiveness, Diversity and Pattern, and Ecological Context. Further details on the definitions of these criteria, and the matters that should be assessed are contained within: <ol style="list-style-type: none"> i. Appendix 5 of the Northland Regional Policy Statement 2016. ii. Department of Conservation guidelines for assessing significant ecological values 2016. b. The report shall also include at a minimum the following information: <ol style="list-style-type: none"> i. Size and extent of the environmental protection area. ii. Any other feature or area that does not meet the criteria in rule 1a that may require protection.

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	<ul style="list-style-type: none"> iii. Quantitative data confirming the current wildlife habitat values, where relied upon for assigning significance values. iv. The ecological long term viability of the environmental protection area, including but not limited to: <ul style="list-style-type: none"> a) Ecosystem function. b) Structure. c) Indigenous integrity, i.e. how natural is the environmental protection area? Is it self-sustaining and resilient? d) Health, i.e. the extent to which a more modified ecosystem (e.g. condition varies due to exotics, drainage, fragmentation etc.) is still stable and resilient. e) Restoration potential. v. The underlying physical characteristics of the environmental protection area, including but not limited to: <ul style="list-style-type: none"> a) Soil type. b) Topography. c) Aspect. d) LENZ classification. e) PNAP classification. vi. The effects of the potential development on the environmental protection area, including but not limited to: <ul style="list-style-type: none"> a) Location and proximity of proposed allotments and building platforms to the environmental protection area; b) Orientation of light, noise, reflective sources to minimise impact on resident fauna c) Building platforms; d) Access; e) Earthworks; f) Services, including: <ul style="list-style-type: none"> i. Stormwater to achieve hydrological neutrality; ii. Reticulated sewer or septic tanks, particularly effects on wetland fertility; iii. Reticulated freshwater or water tanks; iv. Telecommunications networks; v. Energy (electricity or gas) networks; g) Pets, farmed animals, weeds, garden escapes and green waste dumping.
	<p>2. Any application under rule SUB-R15.4(b)(iii) (Category C) where the environmental protection area is located on highly erodible land must include a soil assessment</p>

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report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of the existing conditions of the [site](#) and [land](#) to be retired and rehabilitated including the following:

- a. Topography and slope analysis;
- b. Existing vegetation;
- c. Hydrology;
- d. Soil analysis;
- e. [Land](#) use capability;
- f. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.

3. Any application under rule SUB-R15.4(b)(iii) (Category C) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:

a. A planting plan for the proposed revegetation planting which considers and identifies:

- i. The appropriateness and practicability of the proposed replanting:
 - a) To be native vegetation which is sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography;
 - b) To reflect the composition of former natural vegetation likely to have occupied the [site](#) and include appropriate native species that will enable natural processes of succession.
- ii. The ecological district of the [site](#).
- iii. The characteristics of the soil (i.e. clay, silt, loam etc.).
- iv. Soil drainage.
- v. Topography of the area to be planted.
- vi. Aspect of the area to be planted.
- vii. Exposure of [site](#) to wind, frost, sunlight and salt spray.
- viii. Presence of plant and animal pests.
- ix. Any restrictions on planting, such as safety or existing [access](#) issues etc.
- x. The purpose of the planting in relation to the surrounding [environment](#) (including buffering, corridors, linkages).
- xi. The location and extent of planting.
- xii. [Site](#) preparation for planting, including stock-proof fencing of planting areas, weed and animal pest control.
- xiii. [Site](#) planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants.

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- xiv. Maintenance plan of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and a management plan for animal and plant pest control.
- xv. An assessment of the [effects](#) of the potential development on the environmental protection area, including but not limited to RPZ.3.5.1(b)(vi).
- b. A plan that specifies the protection measures proposed to ensure the [indigenous vegetation](#) remain protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:
 - i. The establishment of secure stock exclusion.
 - ii. The maintenance of plantings, which must occur until the plantings have reached 80% canopy closure. Forest diversity planting (typically at Year 4 of the project) will have occurred. The survival rate must ensure a minimum 90% of the original density and species.
 - iii. The maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting [site](#) both at the time of planting and on an on-going basis to ensure adequate growth.
 - iv. The maintenance of [indigenous vegetation](#) must ensure animal and plant pest control occurs.
- 4. Any [subdivision](#) under rule SUB-R15.4, where the [site](#) is located within the Coastal Area, shall provide an assessment of environmental [effects](#), which shall contain the following information:
 - a. Context analysis, including how development integrates with existing and possible development in adjacent properties and other Environments.
 - b. Future [building](#) and [access](#) location and design assessment including consideration of [building](#) envelopes, exterior materials and colours, factors contributing to low energy sustainable design.
 - c. Timing of development.
 - d. Landscape and visual [effects](#) assessment, including natural character and rural character.
 - e. The extent to which the proposed location of any new [allotments](#) utilises existing topography and/or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to locate and design development within areas where impacts on the Coastal Area can be avoided or reduced.
 - f. The location of future [building areas](#) and [access](#), and the extent to which the proposal will mitigate adverse visual [effects](#) on the Coastal Area, including through methods such as [landscaping](#), screening, [building height](#), design and/or reflectivity.
- 5. Any application under rule SUB-R15.4 resulting in 3 or less additional [allotments](#) (excluding one balance [allotment](#)) must include an assessment of [effects](#) from the design and layout of the [subdivision](#) including the following:

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- a. The potential for reverse sensitivity effects arising from the location of the proposed allotments in relation to any existing rural production activity or strategic rural industry.
- b. Adverse effects on the productive potential of the site based on the topography and characteristics of the site, including soil qualities.
- c. Where the proposed allotments are not arranged in a cluster to share common boundaries:
 - iii. Adverse effects in relation to the fragmentation of productive land.
 - iv. Adverse effects on the openness and extent of rural outlook arising from sporadic and/or ribbon development.
 - v. Adverse effects on natural character elements such as indigenous vegetation, landforms and water bodies.
 - vi. Adverse effects on the transport network where multiple accesses are proposed.
6. Any application under rule SUB-R15.4 resulting in 4 or more additional allotments (excluding one balance allotment), or any non-complying subdivision that proposes environmental protection and on-going management of an area or feature, must include the following:
 - a. An Assessment of Environmental Effects, which shall contain the following information, as is relevant to the proposed development and activities and to a level of detail that is commensurate with the anticipated effects associated with the subdivision and/or development:
 - i. Context analysis, including how development integrates with existing activities and possible development in adjacent properties and other zones/Environments.
 - ii. Traffic effects assessment, within the site and on the local roading and state highway networks.
 - iii. Building and major structure design assessment including consideration of exterior materials and colours, and factors contributing to low energy sustainable design.
 - iv. Consideration of Adaptive Management Staging.
 - v. Timing of development.
 - vi. Landscape and visual effects assessment, including natural character and assessment of urban form.
 - vii. Infrastructure effects assessment.
 - viii. Stormwater management effects assessment.
 - ix. Cultural effects assessment by tangata whenua.
 - x. Archaeological effects assessment.
 - xi. Urban design assessment where development results in urban form.
 - xii. Additional management methods, such as Council bylaws, Memoranda of Encumbrance, and Memoranda of Understanding.

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- b. A Subdivision Layout Plan, which shall set out how the allotment area is to be subdivided or developed, responding to, and compatible with, the assessment of environmental effects and relevant objectives and policies and must depict, as a minimum, the following (as relevant):
 - i. Location and types of proposed activities.
 - ii. Building envelopes (footprints, height, separation/setbacks, coverage).
 - iii. Proposed public road and internal access layout.
 - iv. Pedestrian and cycle facilities.
 - v. Proposed landscaping.
 - vi. Proposed fencing.
 - vii. Areas of cultural significance, including archaeological sites.
 - viii. Subdivision or development design, including number, size and shape of allotments or building sites; infrastructure, servicing, access and engineering details; land tenure (e.g. freehold, leasehold, cross lease, company leases, unit titles); and any staging/timing of subdivision or development.

- c. An Ecological Plan, which shall describe the values on site to be protected and demonstrate how the attributes and values of the environmental protection area are to be maintained or restored and protected, including means of managing potential ecological effects identified in the ecological effects assessment. The ecological plan shall:
 - i. Be prepared by a suitably qualified ecologist.
 - ii. Provide a description and assessment of the existing ecological values of the site. It should detail the range of existing vegetation, wildlife, habitat values and special values within the application area and the surrounding area.
 - iii. Provide an assessment of ecological effects.
 - iv. Specify the range of management strategies required to avoid, remedy or mitigate adverse effects of development.
 - v. Specify monitoring requirements and performance indicators to identify when successful implementation of management options has been achieved and if desired outcomes have been realised.

- d. An Ecological Effects Assessment, which shall identify and assess actual and potential ecological effects arising from human disturbance and plant and animal pests associated with existing and proposed development within the application area. The Ecological Effects Assessment shall take into account:
 - i. The nature of development and level of intensity proposed.
 - ii. Direct effects (resulting from physical development of the application area including land clearance, earthworks, construction, stormwater).
 - iii. Secondary effects (resulting from increased activities and habitat modifications within the application area and the surrounding area, following proposed development).

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- iv. Cumulative effects (resulting from future development that might occur, and additional to the effects that can be expected to have already occurred as a result of development of the wider area which will also increase in the future).
- v. Existing threats and risks including:
 - a) Weed and plant pests.
 - b) Increased people pressure.
 - c) Threats/risks to plant communities based on existing and proposed use of site (e.g. fire, vehicle access, grazing, stock access, and plant pests).
 - d) Range of animal pest species.
 - e) Risks to wildlife from known animal pests.
 - f) Disturbance as a result of existing land use and activities.
 - g) Threats/risks to habitats as a whole from existing land use (e.g. stock access, human activities/disturbance, stormwater, wastewater).
 - h) Other threats/risks to special values.
- e. Any proposed conditions of consent, which may include (but shall not be limited to) the following matters:
 - i. Visual amenity, car parking, traffic management.
 - ii. Building and major structure design implementation.
 - iii. Fencing.
 - iv. Landscaping.
 - v. Adaptive Management Staging/Timing of development (if proposed).
 - vi. Stormwater management, including groundwater quality.
 - vii. Identification, protection, and monitoring of areas of cultural significance, including archaeological sites.
 - viii. Ecological requirements.
 - ix. Subdivision or development design and associated Whangarei District Council engineering standards including financial and monitoring mechanisms such as bonds.
 - x. A means by which conditions are binding such as covenants or consent notices.
 - xi. Compliance with Subdivision Layout Plan.
- f. A soil assessment report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of any land to be retired and rehabilitated including the existing conditions on the site including:
 - i. Topography and slope analysis.
 - ii. Existing vegetation.

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- iii. Hydrology.
- iv. Soil analysis.
- v. Freshwater habitat.
- vi. Land use capability.
- vii. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.

7. Any subdivision under rule SUB-R15.4 or any non-complying subdivision that proposes environmental protection and on-going management of an environmental protection area, must provide a Management Plan setting out (to the extent relevant to the proposal):

- a. The key protection and enhancement objectives and outcomes to be met, including the qualities and characteristics of the environmental protection area that are to remain protected in perpetuity
- b. The protection and ongoing management methods required to achieve the objectives and outcomes, including but not limited to:
 - i. Weed control.
 - ii. Pest animal control.
 - iii. Pest organism control, including kauri dieback disease and myrtle rust.
 - iv. Pet (including cat and dog) control.
 - v. Re-vegetation and restoration opportunities.
 - vi. Fencing plan.
 - vii. Fire risk management.
 - viii. Access limitations.
 - ix. Nutrient and sediment control.
 - x. Building, major structure and access location.
- c. The on-going monitoring methods to measure the success or otherwise of the implementation of the management methods, including feedback to Council and provision for review of the management plan.
- d. The mechanisms to ensure that the management plan applies to and binds future owners as responsible for the costs of implementing the management plan.

Note:

1. *Refer to the How the Plan Works Chapter for Assessment of Discretionary Activities.*

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Editor	Paragraph	Change Reference	Operative Date	Council Decision Date	Approved By
AKM	Rural Subdivision Rules	National Planning Standards 2019	9 March 2022	17 February 2022	DK
AKM	Note: Unique identifiers	Clause 16A Minor Amendment DSTPLN-721421080-203	17 May 2022	17 May 2022	DK

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