

Annexure A

Topic 057 Rural activities and controls - Council's proposed changes for mediation are shown in ~~strikethrough~~ and underline.

Green = Matters agreed at mediation.

Red = Rebuttal & consequential changes.

Blue = Changes proposed post hearing.

6 Subdivision

Background

Subdivision is the process of dividing a site or a building into one or more additional sites, or changing an existing boundary location. Subdivision is fundamental to place-shaping. It is the process where the relationship between the private and public space is defined and land allocated. The layout, design and location of subdivision needs to consider the land uses and development(s) which will occupy the new sites. It needs to consider the way the community will interact in the future.

Subdivision can deliver efficiency, amenity and functionality of subsequent development, but it can also generate significant environmental effects. This makes it important for subdivided land to have suitable access, adequate services and infrastructure.

There are consistently applied subdivision controls across Auckland. There are also specific subdivision controls for areas that are subject to constraints or which have local values which warrant retention. Such variations will be found in the [Auckland Wide Controls](#). ~~Additional Subdivision Control Overlay or in a precinct.~~

The Auckland Design Manual (ADM) provides supplementary, non-statutory guidance on preparing proposals for new subdivision by outlining options to achieve high standards of design and layout.

Urban subdivision

Subdivision is essential to enable growth in our existing urban areas and to establish the building blocks for new neighbourhoods. Subdivision is managed in accordance with the scale of the activity. In general, subdivision will be assessed as a restricted discretionary activity. The matters of assessment will vary depending on the number of sites proposed in an application. Where a larger number of sites are proposed, a greater emphasis is needed on place making, good design outcomes and infrastructure. Such subdivision needs to consider its relationship with the

surrounding existing neighbourhood. New neighbourhoods should create their own character and identity through the layout of blocks and open spaces. All subdivision needs to consider connectivity, layout of roads and blocks as well as provision for public transport, walking and cycling.

The Centres, Mixed Use, Terrace Housing and Apartment Building and Mixed Housing Urban zones are intended to enable a more intensive form of development. Within these zones a land use resource consent can be approved prior to or at the same time as the subdivision consent. With a land use resource consent approved, a more streamlined subdivision process can be enabled. Vacant site subdivision is provided for with a site shape factor requirement to ensure the proposed sites will achieve the outcomes intended by the zone.

Rural subdivision

Subdivision is limited in rural zones in order to preserve rural productivity, rural character and minimise adverse effects of development. Rural subdivision is managed differently from urban land subdivision because:

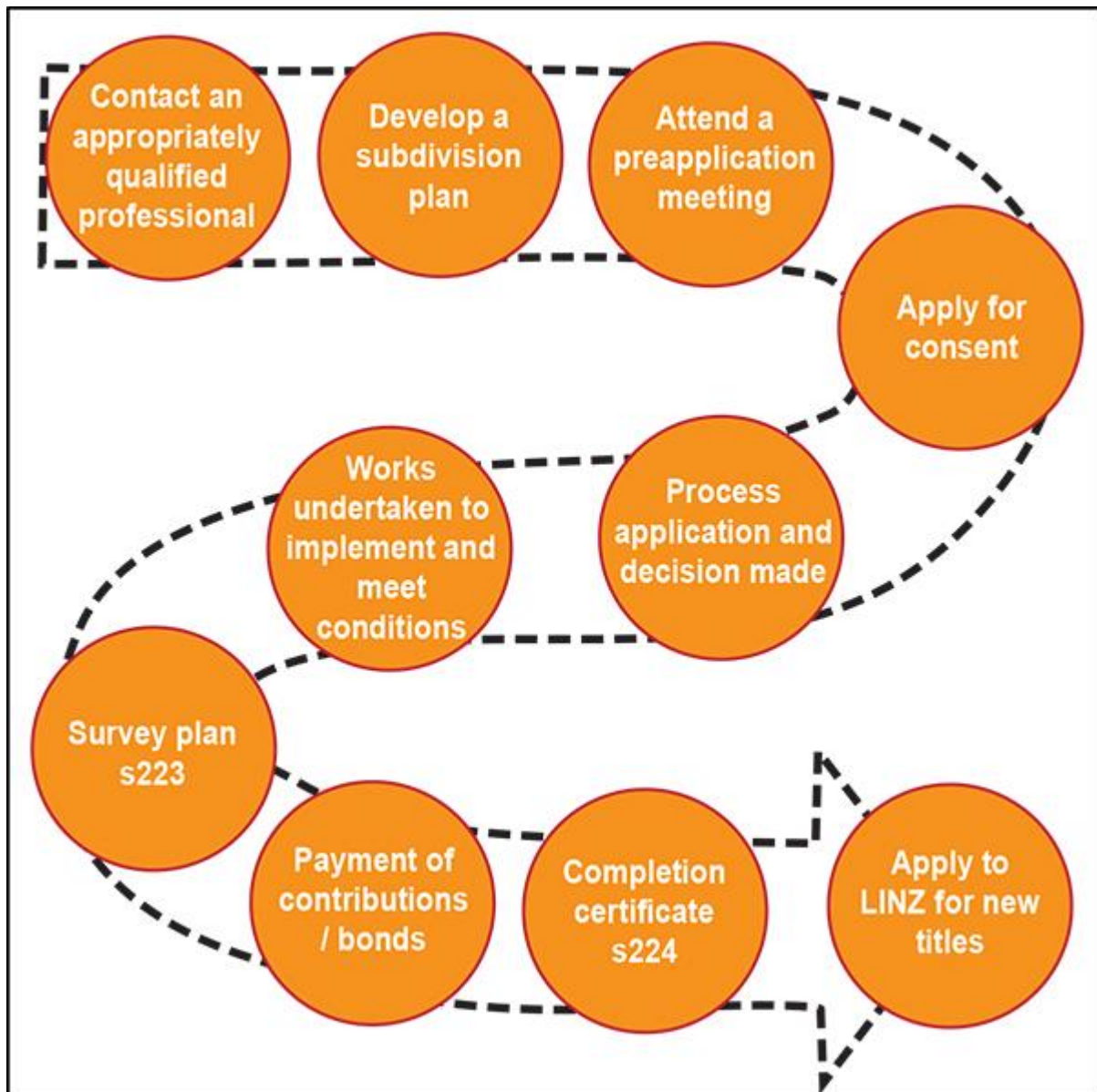
- the rural zones already feature a large number of sites. Many of these sites do not contain dwellings, meaning there is already potential for productive rural land to be used for countryside living. This is a significant threat to long-term, sustainable production from rural areas
- where countryside living is appropriate in rural areas, it has been provided for by zoning the land Countryside Living with controls that recognise landscape qualities and infrastructure limitations
- increasing the number of vacant rural sites, on which dwellings can be built, is likely to create adverse effects that will hinder rural productivity.

However, in rural zones owners of existing significant ecological areas are given additional opportunities for subdivision through transferable rights and in-situ development rights. This enables subdivision rights to be moved to a receiver area or remain with the parent property in return for legally protected areas of high-quality indigenous vegetation that are assessed as meeting the threshold for, and are likely to benefit from warranting protection. Covenanting an appropriately large areas of indigenous vegetation in this way ~~retains~~ protects areas with recognised high significant indigenous biodiversity values.

A typical subdivision process

Obtaining subdivision consent from the council generally follows the 10-step process outlined below. This may differ depending on the particular situation.

Figure 1: A typical subdivision process



OBJECTIVES

All subdivision (urban and rural)

Productive potential and reverse sensitivity

1. Adverse effects **including reverse sensitivity effects on productivity** from the fragmentation of **sites in rural areas** are avoided.

2. The productive potential of rural land is enhanced through the incentivised amalgamation of small ~~land holdings~~ **sites**.

3. Further subdivision is avoided on elite land ~~and~~ **or** prime land.

4. Further subdivision by way of transferable rural site subdivision is avoided in the Incentivised Land Amalgamation Area **(ILAA)**

5. Subdivision avoids, remedies or mitigates adverse effects of reverse sensitivity between agriculture, horticulture, mineral extraction activities, rural industry industries, major industrial activities, significant infrastructure and rural lifestyle living opportunities.

6. Subdivision avoids adverse effects of reverse sensitivity between mineral extraction sites and quarry transport routes, and rural lifestyle opportunities.

7. Subdivision is managed carefully so that versatile land resources are not compromised, reverse sensitivity issues are minimized, and rural character and amenity, landscape and biodiversity values are maintained or enhanced.

8. ~~The creation of n~~New sites ~~provided~~created through subdivision are an appropriate size for the wide range of activities undertaken in specific rural zones.

~~9. Limited rural lifestyle opportunities are provided for in rural areas outside of Serviced Villages and Countryside Living zones, and only where significant environmental protection and restoration occurs and where it does not undermine the approach to growth management.~~

109. Subdivision avoids contributing to the inappropriate, random, and wide dispersal of rural lifestyle lots throughout the rural and coastal areas of the District.

Rural lifestyle living

110. The demand for rural lifestyle subdivision is primarily directed to Countryside Living zones and Serviced Villages and areas identified in the Plan for this process, except as otherwise provided for within these objectives.

11A10A. The demand for rural lifestyle subdivision is directed to Countryside Living zones and rural lifestyle lots created as a result of protecting and restoring significant ecological areas consisting of indigenous vegetation.

11B10B. Limited rural lifestyle opportunities are provided for in rural areas outside of Serviced Villages and Countryside Living zones, and only where significant environmental protection and restoration occurs and where it does not undermine the approach to growth management.

1211. Further subdivision of land for subsidiary dwellings and farm worker's dwellingsworkers' accommodation in rural zones is avoided.

1312. Subdivision opportunities provide for rural lifestyle in Countryside Living zones that are managed in an integrated manner, recognising the location and visual characteristics, existing environment and natural values and relationship to the surrounding area with good accessibility to major transport networks.

1413. Subdivision for rural lifestyle living is in a form that has an open and spacious rural character and recognises distinct landscape characteristics.

Significant Ecological Areas

1514. Rural subdivision results in the protection and restoration of identified Significant Ecological Areas (SEAs) and natural features.

Natural Features & Landscape

1615. Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.

16A15A. Rural subdivision avoids or minimises the adverse effects of activities on outstanding natural features, landscapes and significant habitats.

Amenity

1716. Subdivision is well designed and provides for a high standard of amenity.

~~18. Rural subdivision avoids or minimises the adverse effects of activities on outstanding natural features, landscapes and significant habitats~~

1917. Subdivision maintains or enhances the character of land in all rural and coastal zones

Landscape, hazards, heritage

2018. Subdivision manages adverse effects relating to landscape amenity, natural resources, natural hazards or historic heritage.

Infrastructure

2119. Infrastructure supporting new development is planned in an integrated manner and in place at the time of subdivision.

2220. Adequately designed functioning infrastructure is provided through rural subdivision.

Safety, Convenience, Accessibility

2321. Subdivision has a layout which is safe, convenient and accessible through connections within the development and with the surrounding neighbourhood

2422. Safe, well connected vehicle access and recreational trails are provided.

Community

2523. Land is subdivided in a manner that provides for the long-term needs of the community and minimises the potential impacts of future development on the environment.

Supporting Zones

2624. Land is subdivided ~~efficiently~~ to reflect the intended objectives ~~outcomes~~ of the zones.

Policies

All subdivision

- 1.Require subdivision to give effect to an approved structure plan, framework plan, concept plan and/ or precinct plan.
- 2.Require earthworks required by subdivision to:
 - a.manage dust, noise and runoff
 - b.provide for building platforms and infrastructure at the time of subdivision to reduce significant post-subdivision earthworks
 - c.avoid unnecessary modification of landforms that contribute to local character and identity
 - d.ensure retaining structures are of an appropriate scale, allow ease of pedestrian movement and are visually unobtrusive.
- 3.Require subdivisions to avoid or mitigate natural hazards and provide safe and stable building platforms and vehicle access.
- 4.Subdivision design should respond to ~~the~~ natural landscapes by:
 - a.avoiding building platforms or infrastructure on identified or dominant ridgelines in Rural, Large Lot or Rural and Coastal Settlement zones
 - b.locating and designing roads, access and infrastructure in a manner which minimises earthworks
 - c.locating roads and blocks to follow land contours.
- 5.Require subdivisions to be designed to respond to and retain scheduled features, such as archaeological sites and historic heritage places.
- 6.Require subdivisions to provide servicing:
 - a.in a co-ordinated and integrated manner
 - b.so that the network can be expanded or extended to adjacent land where that land is zoned for urban development

c.on the basis that the costs of providing or upgrading local infrastructure are met by the developer

d.so that power and telecommunications services are reticulated underground to each site wherever practicable

7.Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to individually connect to the following networks:

a.wastewater

b.stormwater

c.potable water

d.electricity.

8.Require all new sites capable of containing a building, in areas with no reticulated stormwater or wastewater network, to be of a size and shape that provides for:

a.the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land stability, creation or exacerbation of flooding

b.management of wastewater via:

i.an on-site wastewater treatment system, or

ii.approval to connect to a private wastewater network.

c.potable water.

9.Require subdivisions to be designed to manage stormwater, in a manner that prioritises water sensitive design:

a.to protect land downstream, natural overland flow paths and streams

b.to maintain water quality

c.to integrate drainage reserves and infrastructure with surrounding development and public open space networks where appropriate

d.in an integrated and cost-effective way.

10.Recognise the requirements of significant infrastructure in subdivision design.

11.Require subdivisions to:

a.deliver sites that are an appropriate size and shape for development intended by the zone

b.where policy (a) above is not achieved or for subdivision where the site size and shape is dependent on the form of development, a land use resource consent should be sought for the intended development prior to or at the same time as the subdivision consent. The proposed site shall be consistent with the land use resource consent.

12.Encourage the retention of indigenous trees and vegetation to recognise and reflect landscape amenity, cultural and ecological values.

13.Require, where appropriate, resource consents for subdivision for additional residential land capacity, to be given effect to within specific timeframes, including through staging provisions and lapse periods.

14. Require significant physical works to be undertaken before granting any extension to the lapse date for any consent relating to a large-scale residential subdivision.

All urban subdivision

15. Prioritise shared vehicle access to avoid the proliferation of vehicle crossings that could affect the safety of the road and footpath, limit the opportunity to plant street trees, or provide on-street car parking.

16. Require shared vehicle access to serve no more than eight rear sites and to be of a width, length and form that:

- a. encourages low vehicle speed environments
- b. provides for the safety of users of the access and the adjoining road network.

17. Require subdivision in business zones to be designed to accommodate the anticipated range of activities in a manner that:

- a. encourages connectivity
- b. maintains larger sites with a road frontage for activities in the Business Park, Heavy Industry and Light Industry zones. Where a frontage cannot be achieved a sufficiently wide access that is short in length should be provided
- c. enables the intended built form for the zone.

18. Encourage the amalgamation of sites with appropriate road frontage to facilitate integrated and comprehensive development.

19. Avoid low-density subdivision in the Terrace Housing and Apartment Building zone.

20. Require subdivisions to contribute to or create a sense of place through a design that:

- a. enables the creation of distinct neighbourhoods
- b. incorporates and enhances landforms and natural features
- c. protects significant cultural heritage, archaeological sites and other scheduled features.

21. Require subdivision to be designed to create integrated communities and provide a street and block pattern that supports the concepts of liveable, walkable and connected neighbourhood including:

- a. a road network that:
 - i. is easy and safe to use for pedestrians and cyclists
 - ii. is connected with a variety of routes within the immediate neighbourhood and between adjacent sites
 - iii. is connected to public transport, shops, schools, employment, open spaces and other amenities
- b. limits cul-de-sacs to where site and topographical constraints inhibit connections
- c. vests roads as public infrastructure

d.road network which is set out in a manner that supports the needs of the public transport system

e.incorporates principles of crime prevention through environmental design.

22.Require subdivision applications to analyse the context of the application area and neighbourhood through a design statement, to demonstrate how the subdivision positively responds to its context, thereby enabling a high quality responsive design.

Urban subdivision of a parent site over 1ha with 15 or more proposed sites

23.Require subdivisions to include a design for roads and access with:

a.appropriate street widths for their function and place-making role

b.appropriate gradients for vehicle movements, pedestrians, cyclists and on-street car parking

c.berms that can accommodate street trees and reticulated infrastructure

d.footpaths of appropriate width and placement for ease of movement and safety

e.intersections which provide for the safety of pedestrians, cyclists and vehicles, and reflect the purpose of the road in the network

f.appropriate provision for overland flows.

24.Require subdivisions to be designed to achieve a high level of amenity and efficiency for future residents by:

a.aligning roads and sites for maximum sunlight access

b.aligning sites to the road to maximise opportunities for buildings fronting the road

c.limiting rear sites to places where topography, existing boundaries or natural features would prevent front sites

d.providing a range of site sizes and densities

e.providing for higher housing densities in locations where they are supportive of pedestrians, cyclists, public transport and the viability and vibrancy of centres.

25.Large-scale subdivision should provide adequate public open space to meet the recreation and amenity needs of their residents.

26.Require subdivisions to provide for the recreation and amenity needs of residents by providing:

a.public open spaces which are prominent and accessible by pedestrians

b.the number and size of public open spaces in proportion to the future density of the neighbourhood

c.passive surveillance of public open spaces and ensure all public open spaces are fronted with roads

d.pedestrian and/or cycle linkages.

Rural subdivision

POLICIES

Productive potential and reverse sensitivity

27. ~~Retain~~Preserve a diversity of site sizes in the Rural Production, Mixed Rural and Rural Coastal zones to accommodate a range of rural production activities.

28. Provide incentives for the amalgamation of small fragmented land parcels within the Incentivised Land Amalgamation Area.

29. Manage rural subdivision and boundary adjustments to:

- a. facilitate more efficient use of the land for rural production activities and
- ~~b. avoid creating~~restrict additional rural living sites outside of areas identified for Countryside Living zones or selected Serviced rural and coastal Villages

30. Require rural subdivision, including ~~should~~ site boundaries, and specified building areas, and access, areas to:

- a. reduce or constrain access to land and soil resources (particularly elite land or prime land) on the remainder of the property
- b. not be located on or cut off access to elite land ~~and~~ or prime land, and be located on land with moderate to low productive potential
- c. be sufficiently large that they maintain and enhance the ability of the site and balance area to support rural production activities, and avoid fragmentation of existing rural activities.

31. Provide for rural production activities that ~~utilise~~ use the soil, land and water resources in a sustainable manner.

32. Recognise the value of elite land and prime land and ensure that such land is protected from ~~any~~ subdivision, use or development, which adversely affects the life supporting capacity and versatility of the land.

33. Establish an Incentivised Land Amalgamation Area (~~ILAA~~) north ~~and west~~ of Pukekohe and require that:

- i. adverse effects on rural and coastal character ~~are~~ be avoided, remedied or mitigated,
- ii. cumulative effects of existing latent capacity ~~are~~ be reduced through incentives for land amalgamation,
- iii. the transfer of ~~lots from outside to inside sites into~~ the Incentivised Land Amalgamation Area ~~is~~ be avoided.

34. Avoid the transfer of ~~lots sites~~ to the Rural Production, Rural Coastal and Mixed Rural zones

35. Recognise that agricultural and horticultural activities, mineral extraction activities sites, rural industry and major industrial activities and significant infrastructure are present in rural areas.

36. Require new proposals for rural lifestyle subdivision to demonstrate that any development will avoid, remedy or mitigate any reverse sensitivity conflicts between existing or potential rural production activities primary productive activities and the use of rural land for rural lifestyle living.

37. Avoid the subdivision of small scale and non-viable rural activities and, as a consequence, the fragmentation of land in Rural Production, Mixed Rural and Rural Coastal zones.

Rural lifestyle living

3837. Restrict new subdivision and development for rural lifestyle living in rural areas except to where it either:

- a. provides for the protection and restoration of SEAs; or
- b. creates sufficiently large sites that maintain and support rural production and avoid reverse sensitivity (see table 4A); or
- c. is located in a Countryside Living zone.

3938. Identify appropriate receiver areas in selected Serviced rural and coastal Villages and areas identified for Countryside Living: within the Countryside Living, Rural Production, and Mixed Rural zones, and rural and coastal villages, where the landscape and infrastructure have adequate capacity to support additional dwellings. An appropriate receiver area should: where the following are satisfied:

a. the landscape and infrastructure have adequate capacity to support additional dwellings

ab. be able to provide building platforms identified building areas which can accommodate permitted activities and or development which complies with the relevant Auckland-wide, zone and precinct rules

bc. be able to provide access and driveways that will not result in significant land disturbance or vegetation removal

ed. avoid adverse effects will be avoided, including reverse sensitivity effects, of subdivision on existing rural uses and or identified mineral resources

de. consider the need for setbacks or buffers are will be provided between practicable building platforms and surrounding land uses, other developments, or natural features

ef. be able to provide adequate stormwater and wastewater collection, treatment, and disposal will be adequate

fg. ~~protect or enhance natural areas or features~~ will be protected or monitored with appropriate protection and monitoring mechanisms
gh. ~~protect or enhance archaeological sites and cultural resources~~ will be protected. and enhanced
hi. ~~avoid adverse effects of the subdivision on the area's indigenous vegetation, landscape sensitivity~~ values, and natural and rural character will be avoided
ij. ~~be able to provide mitigation or restoration planting~~ will be provided
jk. ~~demonstrate how the potential effects of natural hazards will be avoided or mitigated.~~

4039. Manage reverse sensitivity conflicts between rural lifestyle living and Countryside Living, and rural ~~production~~ activities by controlling design and layout of subdivisions and locations of ~~identified building areas house sites~~.

4140. Restrict ~~Limit~~ the proliferation and dispersal of rural subdivision for rural lifestyle living outside ~~of~~ Countryside Living zones and ~~selected Serviced rural and coastal Villages~~.

4241. Avoid the subdivision of subsidiary dwellings and ~~farm worker's dwellings~~workers' accomodation in rural areas

Significant Ecological Areas

4342. Encourage the ~~protection of Significant Ecological Areas and the transfer of their residential development potential; and the~~ amalgamation of rural titles and ~~the protection of SEAs through the~~ transfer of their residential development potential out of:

- a. areas of elite ~~land and~~ prime land
- b. Significant Ecological Areas
- c. ~~areas of Outstanding Natural Character~~
- db. the Incentivised Land Amalgamation Area (ILAA)

4443. Require ~~significant ecological areas~~ SEAs, scheduled areas, features and ~~scheduled sites and places of significance~~ to for Mana Whenua identified in the Unitary Plan, and riparian and coastal margins within a site being subdivided, to be permanently and legally protected at the time of subdivision.

4544. Provide opportunities for in-situ subdivision in rural areas where the protection of an SEA or additional restoration planting contiguous with an SEA occurs and where it is possible to ensure that:

- i. there will be significant environmental protection or restoration of indigenous vegetation;

- ii. subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;
- iii. subdivision avoids inappropriate development within areas of outstanding landscapes and natural character, and the coastal environment;
- iv. adverse effects on rural and coastal character are avoided, remedied or mitigated;
- v. land parcels new sites are of sufficient size to absorb and manage adverse effects within the site;
- vi. reverse sensitivity effects are managed in a manner that does not compromise the viability of rural sites for continued production, including mineral extraction areas.;
- vii. Require subdivision to avoid the establishment development of new identified building areas building platforms in the protected area and sensitive activities within the a Quarry Buffer Area and or Quarry Transport Route identified in the Unitary Plan.

Natural Features & Landscape

4645. Require sSubdivision should, including site boundaries, and specified building areas, and access, areas to:

- a. recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation
- b. avoid inappropriately located ~~locating~~ buildings ~~s areas~~ and associated accessways including highly prominent locations as viewed from public places
- c. ~~are set back sufficiently to avoid adverse effects on the riparian margins and protected natural features~~
- d. avoid ~~splitting~~ fragmenting SEAs, ONCs, HNCs, ONLs or ONFs, sites of ~~value or~~ significance to Mana Whenua ~~protected features or areas between sites.~~

4746. Require rural subdivision to maintain and or enhance landscape, cultural, archaeological, heritage and amenity values.

4847. Require all rural subdivision to be designed in a way that maintains or enhances landscape and ecological values.

4948. Require rural subdivision to protect areas of significant indigenous vegetation and fauna habitats.

5049. Avoid the transfer of ~~lots sites into~~ the Rural Conservation zone.

Amenity

5450. Require Manage subdivision to not adversely affect ~~so that adverse effects on~~ the rural character and amenity values of rural or coastal landscapes ~~will not be adversely affected.~~ are avoided, remedied or mitigated.

5251. ~~Avoid~~ Require subdivision to ~~that creates~~ avoid creating ribbon development ~~adjoining~~ along public roads ~~formed public roads and or~~ multiple access points that may adversely affect the character ~~and or~~ amenity values, or the adequate functioning of rural roads.

5352. ~~Require in the case of~~ access ways, public walkways and roads, ~~are of a design that to be designed so maintains and enhances rural and coastal character and amenity values are maintained or enhanced.~~ enhances public access.

5453. ~~Require~~ Restrict the location, design, and suitability of sites and specified building areas to those that:

- a. ~~integrate development with the existing landscape; to maintain and enhance the overall rural character, and~~
- b. ~~ensure the character and amenity values of adjacent sites and the locality are not adversely affected~~ rural amenity and character of adjacent sites and the area are not compromised.

5554. Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to relate to the rural or coastal character of the area.

Landscape, hazards, heritage

5655. Restrict the density of ~~lots sites~~ in a manner appropriate to ~~all each~~ rural zones and ensure that any subdivision opportunities provided within rural areas consider the absorption capacity of the landscape.

5756. Encourage cluster style rural ~~countryside living in countryside living zones, ensuring that specified building areas are grouped in clusters and that clusters are separated from identified road corridors and other clusters,~~ lifestyle living in Countryside Living zones to achieve an appropriate form of open spacious rural character in Countryside Living zone and amenity.

5857. Require ~~specified building areas~~ building platforms to avoid locations prone to natural hazards in rural areas.

5958. Require rural subdivision and the location of ~~specified building areas~~ building platforms to not adversely affect historic heritage.

Infrastructure

6059. Require efficient low impact infrastructure to serve rural subdivision.

6160. Require rural subdivision to provide an appropriate wastewater disposal system and low impact stormwater discharge system to service development.

61A60A. Recognise and provide for the operation, maintenance, upgrading and development of infrastructure and renewable energy while avoiding, remedying or mitigating any adverse effects on rural character and amenity values.

Safety, Convenience, Accessibility

6261. Require sSubdivision, including should-site boundaries, and specified building areas, and access, to areas-recognise and provide for existing and proposed buildings, developments, driveways, access sites, rights-of-way and easements or encumbrances of any type

6362. Require rural subdivision to provide and develop an expanding network of recreational trails.

Community

6463. Provide for rural subdivision opportunities where subdivision supports the sustainable use and management of land.

Supporting Zones

6564. Provide for subdivision which supports the objectives of the Rural Production, Mixed Rural, Rural Coastal, Rural Conservation and Rural Countryside Living zones.

Esplanade reserves

66. Require esplanade reserves on the subdivided land adjoining the coast and other qualifying water-bodies.

67. Avoid the reduction of the width of an esplanade reserve or strip, or the waiving of the requirement to provide an esplanade reserve or strip, except where:

- a.safe public access and recreational use is already possible and can be maintained for the future
 - b.the following will not be adversely affected:
 - i.the maintenance and enhancement of the natural functioning and water quality of the adjacent sea, river or other water body
 - ii.the land and water-based habitats on and adjoining the subject land area
 - iii.the natural values, geological features and landscape features
 - iv.any historic or cultural heritage place or Māori cultural values
 - c.it can be demonstrated that an esplanade reserve or strip will not benefit the management of natural hazards or the maintenance of character and amenity of the coastal environment
 - d.a reduced width in certain locations can be offset by an increase in width in areas which would result in positive public benefit, in terms of access and recreation
 - e.restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances
 - f.direct access to the sea or other water body is required for a business activity in limited circumstances.
- 68.Avoid the establishment of an esplanade strip instead of an esplanade reserve, except where the:
- a.land has limited conservation and recreational value
 - b.conservation and historic heritage values that are present can be adequately protected in private ownership
 - c.opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable
 - d.creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership
 - e.land is not subject to natural hazards or stability issues.

Place based subdivision

The locations of the place based policies are identified by the Additional Subdivision Controls overlay.

69.Maintain the existing pattern and density of subdivision in identified locations to protect their low density character.

70.Avoid subdivision that detracts from the natural landscape qualities which are defined by the low density settlement pattern.

5 Subdivision

1. Activity table

The following tables specify the activity status of subdivision activities in all zones. Activity table 1 includes activities for all zones, unless specified. Activity tables 2 to 5 include activities for particular zones.

Activity table 1 - General	
Activity	Activity Status
Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
Conversion of a cross-lease to a fee simple title, except in any rural zone	C
Amendments to a cross-lease, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners, except in any rural zone	C
Cross lease, company lease, unit title and strata-title subdivision except in any rural zone	C
Subdivision of a site with two zones or subdivision along an undefined boundary	RD
Subdivision establishing esplanade reserves and esplanade strips	RD
Subdivision of land within the 1 percent AEP floodplain, other than in any rural zone	RD
Activity table 2 - Business, Public Open Space and Residential zones	
Activity	Activity Status
Subdivision for a network utility	P
Boundary adjustments which do not exceed 10% of the net site area of each site	C
Subdivision around existing buildings and development	RD

Subdivision in accordance with an approved land use resource consent	RD
Any other subdivision not listed in table 1 and 2	RD

Activity table 3 - Future Urban zone	
Activity	Activity Status
Amendments to a cross-lease, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
Boundary adjustments which do not exceed 10 per cent of the net site area of each site	RD
Subdivision for a network utility	RD
Any subdivision not listed in table 3	Pr
Activity table 4 - Ferry Terminal, Marina, Minor Port, Defence, Special Purpose Airport, Special Purpose Cemetery, Special Purpose Healthcare Facilities, Special Purpose Major Recreational Facilities, Special Purpose Quarry and Special Purpose Retirement Village zones	
Activity	Activity Status
Subdivision for a network utility	P
Boundary adjustments which do not exceed 10% of the net site area of each site	RD
Any other subdivision not listed in table 1 and 4	D

Activity table 5 - Rural zones	
Activity	Activity Status
Subdivision for public open spaces, reserves, network utilities, or road realignment	D

Subdivision provided for in the rural subdivision rules:	D
– transferable rural site subdivision	
– boundary adjustments and boundary relocations	
– subdivision in the Countryside Living zone	
Any other subdivision not provided for in this table or in the rural zones subdivision rules	Pr
Activity table 6 – Any other zone not listed in activity tables 1 to 5	
Activity	Activity Status
Subdivision	D

Activity Table 5 – Rural Zones					
Subdivision Activity	Zone				
	Rural Production	Mixed Rural	Rural Coastal	Rural Conservation	Countryside Living
Subdivision for public open spaces, reserves, network utilities or road realignment.	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
Subdivision complying with the relevant controls of section 2.3.3 Rural zones including the minimum average and minimum site sizes detailed in table 4A and 10.	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
Subdivision : <u>not</u> complying with the relevant controls of section 2.3.3 Rural zones including the minimum average and minimum site sizes detailed in table 4A and 10; <u>or</u> subdivision within any ONL, <u>ONC</u> , <u>HNC</u> <u>and</u> <u>or</u> SEA overlay.	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
TRSS subdivision (Amalgamation)	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>

& SEA) complying with relevant controls.					
TRSS subdivision (Amalgamation & SEA) not complying with relevant controls.	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
TRSS subdivision (Amalgamation & SEA) where the receiver site: contains elite and /or prime land; or is in the ILAA; or is anywhere other than a Countryside Living zone or within the RUB/urban area of a selected Serviced rural/coastal Village.	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	=
In-situ (non- transferable) subdivision protecting or restoring an SEA and complying with the relevant controls	<u>RDA</u>	<u>RDA</u>	<u>RDA</u>	<u>RDA</u>	<u>RDA</u>
In-situ (non- transferable) subdivision protecting or restoring an SEA and not complying with the relevant controls	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Any subdivision of a subsidiary dwelling or workers' accommodation from a principal household unit dwelling on the site	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>
Subdivision of any site created by way of rule 2.3.3(1) table 4A using rule 2.3.3(7) table 8b and vice versa	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>	<u>Pr</u>

Boundary adjustments that comply with all applicable controls.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Boundary adjustments that do not comply with all applicable controls.	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
Boundary adjustments in a Quarry Buffer Area or Quarry Transport Route	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
Any other subdivision not provided for in this table	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>

Activity table 6 Any other zone not listed in activity tables 1-5	
Activity	Activity Status
Subdivision	D

2. Development controls

2.1 General controls

The following controls apply to all subdivision that is a permitted, controlled, restricted discretionary or discretionary activity.

Subdivision that does not comply with the following controls is a discretionary activity unless otherwise specified.

1. Framework, structure, precinct and concept plans

a. Where a framework, structure, concept and/or precinct plan has been approved, all subsequent subdivision must be in accordance with that approved plan including the location and layout of:

i. roads and access

ii. public open space

iii.infrastructure

iv.density and site size/design

v.any environmental protection or restoration areas

vi.any other relevant subdivision component.

b.In any rural zone, a subdivision that is not in accordance with the approved framework, structure, precinct or concept plan is a non-complying activity.

2.Site size and shape

a.Except where the purpose of the site is a network utility (including a site to be vested in council), all proposed sites must:

i.meet the minimum size and shape factor requirements for each zone specified in clause 2.3.1, 2.3.2 and 2.3.3 below and in any relevant precinct or overlay, or

ii.be in accordance with an approved land use resource consent.

3.Access and entrance strips

a.All proposed sites must be provided with legal and physical access to a road, unless they:

i.are being created for reserves or road closure, or

ii.will be amalgamated with another site that already has legal and physical access to a road.

b.Other than in any rural zone, entrance strips must be less than 7.5m wide. Any entrance strip 7.5m or more in width shall be considered a front site.

4.Services

a.All proposed sites capable of containing a building, or in the case of a cross-lease or unit title, strata title, company lease, each building must be designed and located so that provision is made for:

i.collection, treatment and disposal of stormwater

ii.collection, treatment and disposal of wastewater, via

- a connection to a wastewater network

- on-site

- a private wastewater network

iii.underground water and electricity supply

iv.telecommunications in rural zones

b.The services required by clauses (i)-(iv) above must comply with the council's current engineering standards.

5.Staging

a.Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the intended timetable and sequencing of the staging at the time they apply for the first subdivision consent. This detail must include:

i.the time period over which the development is likely to take place

ii.the area of land subject to the different proposed stages

iii.the balance area of the site remaining after the completion of each stage.

6.Esplanade reserves

a.Where any subdivision, including the creation of a site of 4ha or more, is proposed of land adjoining the MHWS, or bank of a river subject to tidal influence 3m or more in width, or any lake, the survey plan, must provide for a minimum 20m wide esplanade reserve or esplanade strip.

b.Any esplanade reserve or esplanade strip must be measured in a landward direction at 90 degrees to MHWS, bank of a river, stream or margin of any lake.

c.Any reduction in width or any request to waive the esplanade reserve or esplanade strip requirement is a discretionary activity.

d.The replacement of an esplanade reserve with an esplanade strip no less than 20m wide is a discretionary activity.

2.2 Controls for specific activities

Subdivision that does not comply with the following controls is a discretionary activity unless otherwise specified.

2.2.1 Permitted activity controls

1. Lease of a building or part of a building where a cross-lease, company lease or unit title subdivision is not involved

a. The subject building must be lawfully erected.

b. The boundaries of the proposed sites created by these provisions must follow existing or proposed walls, ceilings and floors, and the scheme plan must show the

proposed sites in relation to the exterior of the building and provides upper and lower elevations in terms of a datum to be established.

c. Each lease area must have either frontage to a legal road or allows for access through common areas to a legal road.

2. Subdivision for a network utility

a. The network utility must be a permitted activity or have all necessary resource consents or notices of requirements approved.

b. The balance sites must comply with the relevant Auckland-wide and zone rules.

2.2.2 Controlled activity controls

1. Boundary adjustment that does not exceed 10 per cent of the net site area of each site

a. Each site must not change by more than 10 per cent in net site area.

b. All sites prior to the boundary adjustment must be contained within the same zone.

c. All service connections and on-site infrastructure must be located within the boundary of the site it serves, or have access provided by an appropriate legal mechanism.

d. Where applicable under s. 230 of the RMA, any esplanade reserve must be shown on the survey plan.

2. Conversion of cross-lease titles to fee simple titles

a. All existing development must comply with relevant Auckland-wide and zone rules or be in accordance with an approved resource consent or have existing use rights.

b. Any development required as part of the conversion must be in accordance with the relevant Auckland-wide and zone rules or an approved building consent or certificate of acceptance.

c. All service connections and on-site infrastructure must be located within the boundary of the site it serves, or have legal rights provided by an appropriate legal mechanism.

3. New cross leases and amendments to cross-leases, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners, and company lease, unit titles and strata title subdivisions

a. All buildings must:

- i. have existing use rights, or
 - ii. comply with the relevant Auckland-wide and zone rules, or
 - iii. be in accordance with an approved land use resource consent.
- b. All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- c. Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant Auckland-wide and zone rules.
- d. Parking spaces must be created as accessory units or common areas when associated with an approved use or activity. Parking spaces must not be created as principal units, unless provided for by a resource consent.
- e. All service connections and on-site infrastructure must be located within the boundary of the site it serves or have access provided by an appropriate legal mechanism.

2.2.3 Restricted discretionary activity controls

1. Subdivision of a site with two zones

- a. Where a proposed site is located entirely within a single zone, that site must comply with the respective subdivision controls for that zone.
- b. Where a proposed site is located over two or more zones, that site must comply with the subdivision controls for the zone which covers the greatest proportion of the site area.

2. Subdivision of a site within the 1 per cent AEP floodplain

- a. Subdivision design must ensure that roads and all vehicle access:
 - i. are designed so that maximum depth of floodwater during a 100-year ARI flood event does not exceed 200mm and a velocity of 2m/second over the lowest part of the road or access way
 - ii. incorporate a primary stormwater system designed to adequately and safely transmit storm flows having an 10-year ARI
 - iii. where necessary, be designed as a secondary flow path to transmit storm flows exceeding the 10-year ARI value within the road boundary.
- b. Each proposed site which is to contain a residential building must be able to:

- i. wholly contain a square of 8m x 15m which is clear of any overland flow path and the 1 per cent AEP floodplain
 - ii. contain a building with a finished floor level at least 500mm above any 1 per cent AEP floodplain flood level.
 - c. Subdivision design and an appropriate mechanism must maintain the natural functioning of the 1 per cent AEP floodplain and ensure there is no encroachment into the floodplain by additional buildings, structures and land modification.
3. Boundary adjustments which do not exceed 10 per cent of the net site area of each site
- a. Clause 2.2.2.1 above applies.
4. Subdivision in accordance with an approved land use consent
- a. Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.
 - ~~b. In the Rural Conservation, Rural Coastal, Mixed Rural, and Rural Production zones the approved land use consent must include an application for and approval of the subdivision being proposed in this control. Subdivision that does not comply with this control is a prohibited activity.~~
5. Subdivision around existing buildings
- a. Prior to subdivision occurring, all development must:
 - i. have existing use rights, or
 - ii. comply with the relevant Auckland-wide and zone rule, or
 - iii. be in accordance with an approved land use consent.

2.3 Controls for activities in particular zones

Subdivision that does not comply with the following controls is a discretionary activity unless otherwise specified.

2.3.1 Residential zones

1.Site size

- a.Site sizes for proposed sites must comply with the minimum net site areas specified in the table 1 below.
- b.In addition to the controls in table 1, subdivision of a parent site of 1ha or more and where 15 or more vacant sites are proposed, each site that will contain a building

must comply with the average net site area for the zone below, provided that the proposed site size is no more or less than 20 per cent of the average net site areas:

i.600m² for Single House zone

ii.400m² for Mixed Housing Suburban zone

iii.300m² for Mixed Housing Urban zone.

c.Clause (b) above does not apply to sites in areas listed in table 3.

d.Subdivision that does not comply with this control is a non-complying activity.

Table 1: Minimum net site area

Zone	Minimum net site area
Terrace Housing and Apartment Buildings	1200m ²
Mixed Housing Urban	300m ² for vacant proposed sites
Mixed Housing Suburban	400m ² for vacant proposed sites
Single House	600m ²
Large Lot Residential	4000m ²
Rural and Coastal Settlement	4000m ²

2.Site shape factor Each proposed vacant site must contain the following:

a.access and manoeuvring that meets the requirements of the Auckland-wide and zone rules

b.private outdoor space required by the zone

c.a rectangle measuring 8m by 15m must be able to be located outside any of the following:

i.natural hazard area identified in a council natural hazard register/database or GIS viewer

ii.slopes greater than an average of 1 in 5

iii.protected root zone of a notable tree

- iv. Significant Ecological Area or Outstanding Natural Feature or Outstanding Natural Landscape overlay
- v. scheduled historic heritage place, or site or place of significance to Mana Whenua
- vi. network utility installations, including private and public lines
- vii. building line restrictions in the Unitary Plan and on a Certificate of Title
- viii. right-of-way easements
- ix. area of esplanade reserves and esplanade strips required by clause 2.1.6.
- x. yard setback required by the underlying zone
- xi. riparian, lake or coastal protection yard.
- xii. separation distance from national grid transmission lines.

3. Rear sites

a. On a parent site greater than 1ha where 15 or more vacant sites are proposed, the total number of rear sites must not exceed 5 percent of the total number of proposed sites.

4. Access to rear sites

a. A single jointly owned access lot or right-of-way easement must not serve more than eight proposed rear sites.

b. Vehicle access to proposed sites for residential purposes without direct vehicular access to a formed legal road must be by way of an entrance strip, jointly owned access lot or right-of-way easement over adjoining land or by a combination of these, provided the total width and other dimensions of the access complies with the controls in table 2 below.

Table 2: Access to rear sites

Total number of sites served	1	2-5	6-8
Minimum legal width	3m	3m	6.5m
Minimum formed width	2.5m	2.5m	5.5m
Service strip	0.5m	0.5m	1m
Maximum length	50m	50m	50m

Maximum gradient	1 in 5
Minimum vertical clearance from buildings or structure	4.5m
Minimum inside turning radius for bends	6.5m

5. Pedestrian access to rear sites

a. Driveways serving six or more rear sites must provide separate pedestrian access, which can be located within the formed driveway. The pedestrian access:

i. must have a minimum width of 1m

ii. can include the service strip

iii. must be distinguished from the vehicle carriageway through the use of a raised curb or different colour or surface treatment.

6. Additional subdivision controls

a. Proposed sites identified in the Built Environment - Additional Subdivision Control overlay must comply with the minimum net site area in table 3.

b. Subdivision that does not comply with the minimum net site area in table 3 below is a non-complying activity.

Table 3: Additional subdivision controls

Area	Minimum net site area
Albany North	1500m ²
Albany West	600m ²
Beachlands	700m ²
Bombay	800m ²
Buckland	800m ²
Clarks Beach	800m ²

Glenbrook Beach	800m ²
Herald Island	800m ²
Howick East	700m ²
Kawakawa Bay	750m ²
Kingseat	800m ²
Manurewa	750m ²
Maraetai/Omana Beach	700m ²
Patumahoe	800m ²
Point Wells	1000m ²
Riverhead	800m ²
Waiau Beach	800m ²
Waimauku	800m ²

2.3.2 Business zones

1.Site size

a.Where any subdivision is proposed on a vacant site, all proposed sites must comply with the following controls:

Table 4: Standards for vacant site subdivision in the City Centre and Business zones

Standard	City Centre	Metropolitan Centre	Town Centre	Local Centre	Neighbourhood Centre
Minimum site size	200m ²	200m ²	200m ²	200m ²	200m ²
Minimum frontage	10m for sites over 2000m ²	10m for sites over 2000m ²	10m for sites over 2000m ²	n/a	n/a

Shape factor	Each proposed site is capable of containing a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides				
Carriageway width for entrance strips/rear sites	n/a	5.5m	5.5m	5.5m	5.5m
Standard	Mixed Use	General Business	Business Park	Light Industry	Heavy Industry
Minimum site size	200m ²	200m ²	1000m ²	1000m ²	2000m ²
Minimum average site size	n/a	n/a	n/a	2000m ²	5000m ²
Minimum frontage	n/a	n/a	10m	20m	20m
Shape factor	Each proposed site is capable of containing a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides				
Carriageway width for entrance strips/rear sites	5.5m	5.5m	5.5m	6.5m	6.5m

2.Rear sites

a.Rear sites must not exceed 20 per cent of the total number of proposed sites.

3.Site shape factor

a.To demonstrate that proposed sites can accommodate a building, all vacant sites must be able to contain a building that complies with all applicable controls of the zone while avoiding:

i.natural hazard area identified in a council natural hazard register/database or GIS viewer.

ii.slopes greater than an average of 1 in 5

iii.protected root zone of a notable tree

iv.Significant Ecological Area or Outstanding Natural Feature or Outstanding Natural Landscape overlay

v.scheduled historic heritage place, or site or place of significance to Mana Whenua

vi.network utility installations, including private and public lines

vii.building line restrictions in the Unitary Plan and on a Certificate of Title

viii.right-of-way easements

ix.area of esplanade reserves and esplanade strips required by clause 2.1.6

x.yard setback required by the underlying zone

xi.separation distance from national grid transmission lines

xii.riparian, lake or coastal protection yard.

4.Parking areas

a.Where parking spaces are permitted in association with a development or required as part of a development, where resource consent has been obtained and any such development is subdivided under the Unit Titles Act, the parking spaces identified as accessory units must be:

i.held together with the principal units, or

ii.form a part of the common property.

b.Any parking spaces identified as a principal unit must be tied to the approved land use by way of a legal instrument on the title.

c.Discretion may be applied where specific approval has been granted by resource consent for shared car parking with other development within the same precinct.

5.Signs

a. Where signs have been approved on a building with resource consent and the development is subdivided under the Unit Titles Act, the signs must not be created as principal units on the survey plan. The sign must be identified as an accessory unit or alternatively form a part of the common property.

2.3.3 Rural zones

The following controls apply to all subdivision in the rural zones unless otherwise specified

1. Site Size

Table 4A

<u>Zone</u>	<u>Minimum Average site size (ha)</u>	<u>Minimum site size (ha)</u>
<u>Rural Production</u>	<u>100</u>	<u>80</u>
<u>Mixed Rural</u>	<u>50</u>	<u>40</u>
<u>Rural Coastal</u>	<u>50</u>	<u>40</u>
<u>Rural Conservation</u>	<u>20</u>	<u>10</u>
<u>Countryside Living</u>	<u>See table 10</u>	

2.4. Specified building area

a. A specified building area must be clearly identified on every site on a scheme plan of subdivision on which a building is anticipated.

b. Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include the existing dwelling, or indicate that the dwelling will be removed from the site altogether, or relocated to the specified building area for that site.

c. The specified building area must:

i. be at least 5000m²

ii. include a single area of at least 2000m² clear of all yards and 1 per cent AEP floodplain

iii. be able to be linked by adequate and appropriate vehicle access to a formed public road

iv. be identified as the only place within the site where dwellings, their accessory buildings, and related parking and manoeuvring areas can be located

- iv. be outside of any identified coastal inundation overlay area or any area subject to inundation from a 2 metre rise in sea level in rural areas and a 1 metre rise in sea level in Countryside Living zones
- v. be outside any identified floodplain
- vi. be located outside of the any Quarry Buffer area or Quarry Transport Route identified in the Unitary Plan
- vi. be located the specified distance from activities in table 4b below. Mark T changes

Table 4b

<u>Column A</u> <u>Activity</u>	<u>Column B</u> <u>Minimum distance that a building platform must be located from an activity listed in column A (metres)</u>
<u>Mineral Extraction Activities</u>	<u>500</u>
<u>Any identified Quarry Transport Routes shown on a Unitary Plan Map</u>	<u>40</u>
<u>Any identified Future Indicative Mineral Resource Area shown on a Unitary Plan map</u>	<u>500</u>

d. ~~Subdivision that does not comply with this control is a non-complying activity.~~

3. 2. Protection and enhancementrestoration of significant ecological values

a. All subdivision plans, excluding boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:

i. any areas of indigenous vegetation (SEA) within the significant ecological area overlay

ii. all wetlands and waterways feeding wetlands (SEA) within the significant ecological area overlay

iii. all waterways including streams and rivers and lakes and streams wetlands where there is proposed protection or restoration of an SEA

~~iv. a minimum 10m-wide riparian strip around all rivers, lakes, streams, and wetlands.~~

b. The applicant must provide an assessment of whether any of the SEA features identified in 3 2(a) above exists. The assessment must be undertaken by a suitably qualified and experienced person.

c. All subdivisions must give effect to objectives and policies that promote the protection of ~~valuable natural features~~. values associated with any: ONC, HNC, ONL, SEA, cultural heritage site or Incentivised Land Amalgamation Area (ILAA).

d. The Council may require the landowner to facilitate public access or protect SEA or restore SEA natural features by:

(i) legally creating an esplanade strip with a 10 metre minimum width around a stream or river or lake or wetland except where circumstances make it necessary to:

- maintain the natural character of rivers and lakes and their margins;
- protect private property rights and infrastructure;
- safeguard the ecological, intrinsic or recreational attributes of rivers and lakes;
- avoid conflicts between competing uses;
- protect cultural and spiritual values of tangata whenua;
- protect public health and safety;
- protect the integrity of river control works;
- protect historic heritage; and
- provide for other circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.

~~iii.~~ fencing off or otherwise permanently excluding livestock from the feature SEA and any appropriate buffer around it

~~iiiii.~~ Three yearly monitoring of the critical determinants for the health of any condition of the feature SEA, by an independently approved person, and sending the monitoring results to the Council which may include but not be limited to the:

- effectiveness of fencing;
- presence of animal and plant pests;
- health of the SEA;
- presence of pollutants;
- vegetation clearance; and by

requiring monitoring results to be forwarded to Council for audit by an Auckland Council Biodiversity Operations ecologist.

~~iiiv.~~ effectively managing animal and plant pests and weeds

~~ivv.~~ providing appropriate access to any sites and places of significance to Mana Whenua

~~vvi.~~ providing for cultural harvest by Mana Whenua in accordance with tikanga Māori, if the site or place is significant to Mana Whenua, or if it is to be controlled by a

public authority and may require an appropriate legal protection mechanism to be established to give effect to any or all of the above.

~~e.Subdivision that does not comply with this control is a non-complying activity.~~

4.3. Transferable rural site subdivision: explanation of terms and process

a. Terms

- i. The site being amalgamated is referred to as a 'donor site'.
- ii. The site containing a Significant Ecological Area being protected is also referred to as a 'donor site'.
- iii. The site being subdivided to create an additional site is referred to as a 'receiver site'.

b. Process

i. A transferable rural site subdivision is the transfer of the residential development potential of rural sites from one location to another through the subdivision process. This process may be carried out in either of following ways. The full process is set out in table 5:

• Amalgamating two existing sites in a rural zone (excluding a Countryside Living zone), and transferring the development potential of the lost site to land ~~in another location in a Countryside Living zone or selected Serviced rural or coastal Village~~ by subdividing a new site there (left-hand column)

• Permanently protecting SEA in one location and subdividing a new site in a Countryside Living zone (right-hand column)

Tables 8 and 8A set out the maximum number of sites for transfer under the transferable rural site subdivision process.

Table 5: Transferable rural site subdivision process

Amalgamation of two donor sites and subdivision of a receiver site into two new sites (2.3.3.4 below).	Protection of an SEA on a donor site, and subdivision of a receiver site (2.3.3.5 below).
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Amalgamation of two donor sites and subdivision of a receiver site into two new sites (2.3.3.4 below).	Protection of an SEA on a donor site, and subdivision of a receiver site (2.3.3.5 below).
<p>Step 1. Identify:</p> <p>a. Two donor sites abutting each other, one of which is vacant</p> <p>b. One receiver site for every two donor sites in an identified Countryside Living zone <u>or identified Serviced Village</u> (or other identified receiver site location) capable of being subdivided into two new sites</p>	<p>Step 1. Identify:</p> <p>a. An area of indigenous vegetation or wetland (on the donor site) that is large enough to meet the minimum Unitary Plan qualifying area and comprises of an identified SEA which is not already subject to legal protection other than in the Unitary Plan</p> <p>b. A receiver site in an identified Countryside Living zone <u>or identified Serviced Village</u>. It is not necessary to identify this site before starting the covenanting process</p>
<p>Step 2. Apply to Council:</p> <p>a. To amalgamate the two donor sites into one new site</p> <p>b. To subdivide the receiver site into two new sites <u>(see table 8A).</u></p>	<p>Step 2. Apply to Council:</p> <p>a. Permanently protect the SEA on the donor site</p> <p>b. Prepare a subdivision application to subdivide the receiver site <u>(see table 8).</u> into two or more new sites</p>
Step 3. Gain subdivision consent	Step 3. Gain subdivision consent
<p>Step 4. Comply with consent conditions</p> <p>a. Carry out any work required by subdivision consent conditions</p>	<p>Step 4. Compliance with consent conditions</p> <p>a. Carry out any work required by subdivision consent conditions</p>
<p>Step 5. Apply to the District Land Registrar to:</p> <p>a. Issue one new certificate of title in place of the original donor sites</p> <p>b. Issue two new certificates of title for the new sites created from the receiver site after the title for the donor sites has been issued</p>	<p>Step 5. Apply to the District Land Registrar to:</p> <p>a. Attach an appropriate legal protection mechanism to the donor site</p> <p>b. Issue two new certificates of title for the new sites created from the receiver site</p>

Note: the process is the same if more than two donor sites are amalgamated, or if more than one block of qualifying indigenous vegetation or wetland is protected.

45. Transferable rural site subdivision: Controls for transferable rural site subdivision through amalgamation of donor sites

a. Prior to amalgamation of donor sites, all donor sites must possess all of the following elements:

i) Donor sites must be abutting and one of the two donor sites must be vacant (i.e. not contain a dwelling)

ii. be located on land within any one or more of the following zones: within the Rural Production, Mixed Rural or Rural Coastal zones

• Rural Production

• Mixed Rural

• Rural Coastal

• Rural Conservation

• Future Urban

ii contain entirely at least 90% elite land or at least 90 % prime land (i.e. Classes 1-3).

(The applicant must commission a detailed Land Use Capability (LUC) soil assessment to determine that donor sites possess at least 90% elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person)

iii have a net site area of between one and twenty hectares

iv have been either: in existence; or shown on an approved scheme plan of subdivision which would, if given effect to, create sites that could be used under these rules as at or before 1st November 2010.

v. ii-not be comprised of part or all of a closed road, road severance, or designation

vi. iii. have a minimum net site area of one hectare (as detailed above) unless the site is one that has been created by a subdivision consent granted by the territorial local authority (in which case no minimum net site area applies)

vii. iv. for every two donor sites being amalgamated, once amalgamated, not result in more than one dwelling per 40ha

~~v.either be:~~

~~•separately recorded on the Council Valuation Roll and exist when the application is made, or~~

~~•shown on an approved scheme plan of subdivision which would, if given effect to, create sites that could be used under these rules.~~

b.Following amalgamation of donor sites, all donor sites must be:

i.redefined as a single site

ii.rescinded in such a way that replacement titles cannot be re-issued

iii.made subject to a legal protection mechanism that states:

•the residential development rights attaching to the land have been used to create a transferable rural site subdivision under the Unitary Plan and must not accommodate any further residential development unless it is allowed as a permitted activity or by the granting of a resource consent

•the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment ~~or boundary relocation~~

•the new site has no further potential to be used for the purpose of a transferable rural site subdivision

~~•such legal mechanism must be removed for sites in the Future Urban zone once a plan change to introduce urban zones has been made operative.~~

c.Following amalgamation of donor sites, all receiver sites must:

i.be subdivided into no more than sites than those permitted by table 8A.~~one receiver site for every two donor sites amalgamated.~~ A donor site must not be the same site as a receiver site

ii.be located within ~~any one or more of the following zones:~~ a Countryside Living zone or within the RUB of a selected Serviced rural or coastal Village or where no RUB has been established for a selected Serviced rural or coastal Village, within the urban areas existing at the date this Unitary Plan becomes operative

•Rural Production

•Mixed Rural

•Countryside living.

iii.be located outside any:

- ONC overlay
- HNC overlay
- ONL overlay
- SEA overlay
- ~~Receiver Site Exclusion~~Incentivised Land Amalgamation Area (Refer to Appendix 12.1).

iv.~~have a minimum net site area~~ for sites and balance sites of:

- Compatible with the anticipated zones 2ha, if located within the RUB of a ~~selected~~ Serviced rural or coastal Village an identified receiver area other than the Countryside Living zone, or
- ~~comply with the applicable minimum net site area for subdivision~~ If located in the Countryside Living zone, refer to which- comply with table 10

v.~~leave the balance site with a minimum net site area of 2ha~~

~~vii~~vi.meet all the applicable Auckland-wide subdivision rules , except as otherwise provided for in this rule

~~viii~~vi.comply with the general rules for subdivision in the applicable zone, except as otherwise provided for in this rule ~~with the exception of the minimum net site area and minimum average net site area~~

viii.~~other than in the Countryside Living zone, contain no elite or prime land. The applicant must commission a detailed Land Use Capability (LUC) soil assessment to determine this. The assessment must be prepared by a suitably qualified and experienced person~~

~~viii~~vii be located so as to ensure that the provision of any essential water, wastewater, stormwater and roading infrastructure can be funded, co-ordinated and provided in a timely, integrated, efficient and appropriate manner. be located so as to ensure that the provision of any water, wastewater, stormwater and roading infrastructure has capacity available."

~~ix~~viii.be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after and not before the plan of subdivision for the amalgamation of donor sites has been deposited

~~x.in the Rural Production zone only, no more than one receiver site may be subdivided out of an existing site~~

~~xix.~~result in a transfer only between the following donor and receiver areas set out in Table 6 below.

~~d.Any proposed transferable rural site subdivision by amalgamation of donor sites that does not comply with the controls for receiver sites is a non-complying activity.~~

Table 6: Transfer of sites provided for under these rules by amalgamation of donor sites

Donor site in: (Note: see criteria above)	Receiver site must be in: (Note: see criteria above)
Rural Conservation zone <u>Rural Production</u> <u>Mixed Rural</u> <u>Rural Coastal</u>	Rural Conservation zone Countryside Living zone Mixed Rural zone Rural Production zone <u>Within the RUB of a selected Serviced rural or coastal Village or where no RUB has been established for a selected rural or coastal Serviced Village within the urban areas existing at the date this Unitary Plan has become operative</u>
Rural Coastal zone	Rural Coastal zone Countryside Living zone Mixed Rural zone Rural Production zone.
Mixed Rural zone	Mixed Rural zone Countryside Living zone Rural Production zone

Donor site in: (Note: see criteria above)	Receiver site must be in: (Note: see criteria above)
Rural Production zone	Rural Production zone Countryside Living zone Mixed Rural zone
Future Urban Zone	Rural Production zone Countryside Living zone Mixed Rural zone

5. Transferable rural site subdivision: Controls for transferable rural site subdivision through legal protection of an SEA

a. All transferable rural site subdivision through legal protection of an SEA must comply with the controls below:

i. All areas proposed to be legally protected in order to support an application for a transferable rural site subdivision must be located in an area identified as a SEA.

ii. All transferable rural site subdivisions under this control must be between only those donor and receiver sites set out in Table 7 below:

Table 7: Transfer of sites provided for under these rules through legal protection of indigenous vegetation or wetland

Donor site in:	Receiver site must be in:	Receiver site must not be in:
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An SEA	1. Land in a Countryside Living zone specified in the table of minimum site area and minimum average site area for subdivision, or 2. Land <u>within the RUB of in the following identified a selected Serviced rural or coastal Village.</u> (to be identified). <u>or where no RUB has been established for a selected rural or coastal Serviced Village within the urban areas existing at the date this Unitary Plan has become operative</u>	1. Land within any ONC overlay. 2. Land within any HNC overlay. 3. Land within any ONL overlay. 4. Land within any SEA overlay. 5. Land within any Incentivised Land Amalgamation Area "Receiver Site Exclusion Area" 6. Land within any RUB area of investigation.
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- Sites being subdivided in an identified receiver area must:

-have a minimum net site area that complies with the applicable minimum net site area for subdivision located in the Countryside Living zone (Refer Table 10 setting out minimum net site areas.

In the case of or a ~~selected serviced rural or coastal~~ Serviced Village the minimum net site area must be compatible with the zones anticipated within the RUB of the relevant ~~selected coastal or rural~~ Serviced Village. (Refer table setting out minim net site areas) Where no RUB exists for a ~~selected Serviced rural or coastal~~ Village the minimum net site area must be compatible with the urban area into which a new site is to be created.

-meet all the applicable Auckland-wide subdivision rules, [except as otherwise provided for in this rule](#)

-comply with the general rules for subdivision in the applicable zone, [except as otherwise provided for in this rule](#)

-be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after and not before the protective covenant has been legally attached to the title containing the covenanted indigenous vegetation or wetland as applicable.

- All applications must include a management plan that:

- specifies the protective measures proposed to ensure the SEA and buffer area remains protected in perpetuity
- specifies any restoration measures proposed to be carried out within or adjacent to the indigenous vegetation or wetland proposed to be protected
- includes a planting plan for restoration of the wetland buffer, where planting is required to provide indigenous vegetation cover,
- This planting plan should follow the specifications in 7i and 7j
- has been prepared by a suitably qualified and experienced person
- the assessment of whether the maintenance of plantings has been achieved shall be undertaken by a suitably qualified and experienced person.
- All applications must include a management plan that includes the following matters, which must be implemented prior to the council issuing a s. 224(c) certificate:
 - the establishment of secure stock exclusion
 - the maintenance of plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have been in the ground for at least three years for wetlands, and have reached 80 per cent canopy closure for other ecosystem types. The survival rate shall ensure a minimum 90 per cent of the original density and species
 - the maintenance of plantings must include the ongoing replacement of plants that do not survive
 - 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 and plants released from kikuyu as necessary to ensure adequate growth
 - the maintenance of plantings must ensure animal and plant pest control occurs.
- ~~- Any proposed transferable rural site subdivision that does not comply with this control is a non-complying activity.~~
- ii. Areas of indigenous vegetation or wetland within any SEA or areas of threatened ecosystem or threatened species within any SEA proposed to be legally protected to support an application for transferable rural site subdivision must:

- be comprised of contiguous indigenous vegetation or wetland
- not be legally protected other than under the Unitary Plan
- not have been used to support a transferable rural site subdivision under this Unitary Plan or a previous district plan
- ~~•if a wetland, be at least 0.5ha plus a 20m buffer area around the wetland~~
- ~~•if indigenous vegetation, be at least 5ha~~
- ~~•if an area of threatened ecosystems or threatened species, be at least 3ha~~
- not be used to create more than the number of new sites set out in Table 8.

Table 8: Maximum number of new sites for transfer from the protection of SEA

<u>Protection of SEA</u>			
<u>A (in ha)</u>	<u>B (in ha)</u>	<u>C (in ha)</u>	<u>D</u>
<u>Total minimum area of SEA indigenous vegetation required to be legally protected to produce no more than the number of new sites in column D</u>	<u>Total minimum area of SEA wetland required to be legally protected to produce no more than the number of new sites in column D</u>	<u>Total minimum area of SEA threatened ecosystems or threatened species to produce no more than the number of new sites in column D</u>	<u>Maximum number of new sites for transfer that can be created in accordance with columns A and B and C combined.</u>
<u>5.0ha</u>	<u>0.5ha plus a 20m buffer</u>	<u>3.0</u>	<u>1</u>
<u>10ha to 15ha</u>	<u>1.0ha plus a 20m buffer</u>	<u>=</u>	<u>2</u>
<u>15 plus ha to 20ha</u>	<u>=</u>	<u>=</u>	<u>3</u>

<u>For every 10 ha increment of SEA (indigenous vegetation) which is protected beyond the protection of 20ha</u>	<u>=</u>	<u>=</u>	<u>1 new site for every 10ha of SEA (indigenous vegetation) - with no limit.</u>
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A (in ha)	B (in ha)	C
Total minimum area of SEA indigenous vegetation required to be legally protected to produce no more than the number of new sites in column C	Total minimum area of SEA wetland required to be legally protected to produce no more than the number of new sites in column C	Maximum number of new sites for transfer that can be created in accordance with columns A and B*
5.0ha	0.5ha plus a 20m buffer	1
8.0ha or greater	1.0ha plus a 20m buffer	2 (maximum yield)
* Transitional provision: The maximum number of new sites that can be created where previous consents granted under a former legacy council District Plan have not fully realised the allowable maximum new site yield in accordance with Table 3 above.		

Table 8A: Maximum number of new sites for transfer from the amalgamation of sites

<u>TRSS Subdivision by way of amalgamation</u>	
<u>Criteria</u>	<u>Maximum Number of new sites for transfer</u>
<u>Amalgamation of 2 eligible donor sites in the Incentivised Land Amalgamation</u>	<u>2 sites for every 2 donor sites</u>

<u>Area (LAA)</u>	<u>amalgamated</u>
<u>Amalgamation of 2 eligible donor sites</u>	<u>1 site for every 2 donor sites</u> <u>amalgamated</u>

viii.be made subject to a legal protection mechanism that:

- protects all the [SEA](#) indigenous vegetation or [SEA](#) wetland and wetland buffer, [or SEA threatened ecosystem or SEA threatened species habitat](#) existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area
- is consistent with the legal protection mechanism noted in clause 6 below.

ix.the legal protection mechanism must require all of the following:

- permanent protection of the site
- implementation of the management plan
- permanent exclusion of all livestock from the protected area
- the protected area to be maintained in perpetuity, including carrying out pest control measures
- the consent holder to meet the full cost of complying with the above terms

x.following legal protection of the indigenous vegetation or wetland and wetland buffer areas, land in an identified receiver area may be subdivided.

6.Legal protection mechanism

a.Where the plan refers to indigenous vegetation or wetland being subject to a legal protection mechanism, that mechanism must include the following features:

i.legal protection in perpetuity of the indigenous vegetation or wetland and any area of required restoration plantings. An agreement to the satisfaction of the council regarding an encumbrance, bond, consent notice, covenant or vesting as reserve must be entered into before the issue of the s. 224(c) certificate under the RMA. The legal protection mechanism must be in accordance with the relevant terms of the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977. The legal

instrument must provide protection in perpetuity, and must include enforcement and penalty provisions. Legal protection must be prepared and implemented at the applicant's expense

ii.the indigenous vegetation or wetland and any area of required restoration plantings to be protected is maintained free of livestock through appropriate stock proof fencing or where livestock access is prevented by topographical or natural features

iii.in every case where restoration planting is required as a condition of the subdivision consent, the s. 224(c) certificate will be issued only after the required works have been undertaken and the planting has satisfied the required consent conditions

iv.in every case where legal protection is to be placed on an area of indigenous vegetation or wetland and any area of required restoration plantings, the release of a s.224(c) certificate will occur only after the effective implementation of an animal [and plant](#) pest management plan. "Animal pests" are those animal species listed as "total control pests", "containment pests", or "surveillance pests" in the Auckland Council's current Regional Pest Management Strategy

v.a condition of consent must be recorded as a consent notice and must be placed on the certificate of title containing the protected indigenous vegetation or wetland and any area of required restoration plantings, requiring the ongoing control of animal and plant pests in accordance with an approved management plan [and the ongoing succession planting in accordance with Rule 7i to ensure that full SEA standard \(in terms of complexity and diversity\) is achieved. SEA standard will be met once the restoration planting is assessed by a suitably qualified ecologist and confirmed by an audit from an Auckland Council biodiversity officer as meeting the criteria for assessing significant ecological areas in Part 5 Appendix 3.1. A three yearly monitoring report is to be supplied to Auckland Council outlining the progress that has been made to achieve SEA standard \(in terms of complexity and diversity\).](#)

vi.all certification required must be carried out by a suitable qualified and experienced person and at the applicants expense as appropriate.

ii.Certification prior to issue of s.224(c) certificate:

- A report from a suitably qualified and experienced person that certifies that the restoration requirements of the relevant controls in clause 5 above have been achieved. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.

7. In-Situ (non-transferable) Subdivision Protecting or Restoring SEA

The following controls apply to in-situ non-transferable subdivision protecting or restoring SEA (consisting of Indigenous vegetation)

a. The maximum number of new sites from the protection or restoration of SEA (consisting of indigenous vegetation) shall not exceed those in Table 8b.

Table 8b: Maximum number of new sites from protection and restoration of SEA (consisting of indigenous vegetation)

<u>In-situ (non-transferable) Subdivision Protecting or Restoring SEA (consisting of Indigenous Vegetation)</u>	
<u>A (in ha)</u>	<u>B</u>
<u>1. Total minimum area of existing SEA (<u>consisting of</u> indigenous vegetation) required to be legally protected; or</u>	<u>Maximum number of new sites that can be created in accordance with column A.</u>
<u>2. Total area of restoration planting to be added to an existing SEA (consisting of indigenous vegetation)</u>	
<u>5ha</u>	<u>1</u>
<u>10 to 15ha</u>	<u>2</u>
<u>Greater than 15ha</u>	<u>3</u>

b. Any new rural lifestyle site shall have:

- i. A minimum site size of 1ha
- ii. A maximum site size of 2ha

c. The ~~indigenous vegetation identified as~~ SEA (indigenous vegetation) to be protected **or** the restoration planting to be undertaken ~~to SEA standard (in terms of complexity and diversity)~~ is to shall remain on the residual site parent site along with any remaining land, and shall not be located within any newly created rural lifestyle sites provided for in table 8b.

d. Any indigenous vegetation proposed to be legally protected must be identified as SEA.

e. Any restoration planting must be:

- contiguous to existing indigenous vegetation identified as SEA;
- located on land other than elite land or prime land;
- Located outside any ONC, HNC or ONL layer.

f. New sites created must meet all the applicable Auckland-wide subdivision rules, except as otherwise provided for in this rule

g. New sites created must comply with the general rules for subdivision in the applicable zone except as otherwise provided for in this rule.

h. Sites being subdivided must be made subject to a condition of subdivision consent that requires the subdivision plan creating the ~~site or~~ sites to be deposited after and not before the protective covenant has been legally attached to the title containing the covenanted indigenous vegetation or area of restoration planting to be protected as applicable.

I Prior to a section 224 certificate issuing and any protective covenanting of restoration planting a Planting Plan is required identifying:

- (i) The ecological district of the site.
- (ii) The characteristics of the soil (i.e. clay, silt, loam etc.).
- (iii) Soil drainage.
- (iv) Topography of the area to be planted.
- (v) Aspect of the area to be planted.
- (vi) Exposure of site to wind, frost, sunlight and salt spray.
- (vii) Presence of plant and animal pests.
- (viii) Extent of the existing SEA (~~indigenous vegetation~~) and an outline of the biodiversity of the SEA (~~indigenous vegetation~~) and the land in the subdivision.
- (ix) Any restrictions on planting, such as existing infrastructure, safety or existing access issues.
- (x) How restoration planting will be ecologically linked to an area of contiguous SEA (~~indigenous vegetation~~) and if possible any other additional existing ecological corridors or connections.
- (xi) ~~How restoration planting will provide robust and high value ecological corridors and or connections without gaps between to the SEA and other natural features, including native forest, shrubland, streams or wetlands.~~
- (xii) ~~How restoration planting will buffer the SEA and ensure long term viability and resilience of the SEA.~~
- (xiii) ~~The location and species composition of the restoration planting will achieve the following:~~
 - ~~Provide necessary protection and restoration of the SEA to ensure its long term viability, health, and significance;~~
 - ~~Facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over;~~

- Provide for the protection and restoration of the SEA and provide robust linkages between ecological features;
- ~~Provide restoration of the long-term health and viability of any stream and wetland areas.~~
- Provide a sustainable, potentially significant forest, wetland or shrubland.

j. The Planting Plan for restoration planting shall also contain:

- (i) Location and extent of planting.
- (ii) Site preparation for planting, assurances that site preparation avoids adversely affecting any threatened species and if necessary the process for the translocation of threatened species, stock-proof fencing that should be at least a full 7 wire, post and batten fence, planting areas, weed and animal pest control.
- (iii) 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.
- (iv) Measures for the maintenance of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and measures for animal and plant pest control.
- (v). Protective measures proposed to ensure the SEA (indigenous vegetation) and any proposed restoration planting remains protected in perpetuity
- (vi). Details confirming that restoration planting is only to be carried out contiguous to the SEA (consisting of indigenous vegetation)
- (vii). That the planting plan has been prepared by a suitably qualified and experienced person
- (viii). Confirmation that the assessment of whether the maintenance of plantings has been achieved shall be undertaken by a suitably qualified independent ecologist Auckland Council Biodiversity Operations ecologists according to a quantitative monitoring programme
- (ix) Confirmation that the following matters shall be implemented prior to council issuing a section 224(c) certificate:

- the establishment of secure stock exclusion that is at least a full 7 wire, post and batten fence

- the planting of native vegetation at a density detailed below **or** at some other density considered more appropriate for the site circumstances by an Auckland Council Ecologist:

(a) an average density of 1.4 metre centres (5,100 stems per hectare) reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and wetland and riparian margins;

(b) sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography;

(c) 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.

- the maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure and are of SEA standard. The survival rate shall ensure a minimum 90 per cent of the original density and species

- the maintenance of any plantings must include the ongoing replacement of plants that do not survive

- the maintenance of any 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 and plants released from kikuyu as necessary to ensure adequate growth

-the maintenance of any plantings must ensure animal **and plant** pest control occurs.

k. Areas of SEA (indigenous vegetation) proposed to be legally protected and areas to be restored by planting to support an application for subdivision must:

(i) be comprised of contiguous indigenous vegetation

(ii) not be legally protected other than under the Unitary Plan

(iii) not have been used to support a subdivision under this Unitary Plan or a previous district plan

l. Areas of indigenous vegetation proposed to be legally protected and areas to be restored to support an application for subdivision must be made subject to a legal protection mechanism that:

(i) protects all the **SEA** indigenous vegetation existing on the site at the time the application is made and the entire area subject to any restoration planting

contiguous with the SEA, even if this means protecting an area of vegetation larger than the minimum qualifying area

(ii) Is consistent with the legal protection mechanism noted in clause (o) below.

m. The legal protection mechanism must require all of the following:

- (i) permanent protection of the site containing the SEA to be protected and any restoration planting
- (ii) implementation of the planting plan and ongoing management requirements
- (iii) permanent exclusion of all livestock from the protected area
- (iv) the protected area to be maintained in perpetuity, including carrying out pest control measures
- (v) the consent holder to meet the full cost of complying with the above terms

n. Following legal protection of the indigenous vegetation and any area of restoration planting, land may be subdivided.

o. Legal protection mechanism

- Where the plan refers to indigenous vegetation or restoration planting being subject to a legal protection mechanism, that mechanism must include the following features:

- legal protection in perpetuity of the indigenous vegetation or restoration planting. An agreement to the satisfaction of the council regarding covenant or vesting as reserve must be entered into before the issue of the s. 224(c) certificate under the RMA. The legal protection mechanism must be in accordance with the relevant terms of the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977. The legal instrument must provide protection in perpetuity, and must include enforcement and penalty provisions. Legal protection must be prepared and implemented at the applicant's expense
- the indigenous vegetation or restoration planting to be protected is maintained free of livestock through appropriate stock proof fencing.
- in every case where restoration planting is required as a condition of the subdivision consent, the s. 224(c) certificate will be issued only after the required works have been undertaken and the planting has satisfied the required consent conditions to the satisfaction of an Auckland Council ecologist.
- in every case where legal protection is to be placed on an area of indigenous vegetation or any area of required restoration plantings, the release of a s.224(c) certificate will occur only after the effective implementation of an animal and plant pest management plan. "Animal pests" are those animal species listed as "total

control pests', "containment pests", or "surveillance pests" in the Auckland Council's current Regional Pest Management Strategy

- a condition of consent must be recorded as a consent notice and must be placed on the certificate of title containing the protected indigenous vegetation and any area of restoration planting, requiring the ongoing control of animal and plant pests in accordance with an approved management plan and the ongoing succession planting to ensure that full SEA standard (in terms of complexity and diversity) is achieved **and complies with the planting plan requirements in Rule 7i.** Three yearly a report is to be supplied to Auckland Council outlining the progress that has been made to achieve SEA standard (in terms of complexity and diversity). Once Auckland Council is satisfied that full SEA standard (in terms of complexity and diversity) has been achieved the area of restoration planting shall be added to Council's official record of SEA.
- all certification required must be carried out by a suitably qualified and experienced person and at the applicant's expense as appropriate.

p. Certification prior to issue of s.224(c) certificate:

- (i) A report from a suitably qualified and experienced person that certifies that any **restoration** planting requirements have been satisfied. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.
- (ii) Any such report shall be deemed satisfactory following audit by an Auckland Council Biodiversity Operations ecologist.

78. Boundary adjustments and boundary relocations

a. Table 9 below, specifies the activity status for boundary adjustments and boundary relocation subdivision activities in all rural zones

Table 9: Boundary adjustments ~~and boundary relocation~~

Activity	Activity status
Boundary adjustments that exceed 10% of the original site area of any of the sites involved in the subdivision. (Note: These may be considered as boundary relocations)	Pr

Boundary adjustments that result in a larger number of sites following subdivision than prior to it	NG
Boundary <u>adjustments</u> relocations that comply with all the applicable controls, <u>for</u> boundary relocations	<u>D_C</u>
<u>Boundary adjustments that do not comply with all the applicable controls.</u>	<u>D</u>
Boundary relocations that: <ul style="list-style-type: none"> • do not result in a larger number of sites following subdivision than prior to it, but • do not comply with all other applicable controls for boundary relocations 	NG
Boundary relocations that result in a larger number of sites following subdivision than prior to it	NG

b. All boundary adjustments ~~and boundary relocations~~ must:

i. comply with the rules in the general subdivision section, [except that any site that existed at the date of notification of this Unitary Plan which does not satisfy the appropriate site size for the relevant rural zone need not comply with Table 4A.](#)

ii ~~i. boundary adjustments must not~~ exceed 10 per cent of the original site area. Any boundary adjustment that exceeds 10 per cent of the original site area may be considered as boundary relocation if it meets the controls for boundary relocation.

iii ~~ii.~~ be sites comprised of Certificates of Title that existed on the date of notification of this Unitary Plan.

iv ~~iii ensure that~~ if any subdivision ~~to adjust or relocate boundaries~~ under this control creates the potential for additional subdivision or dwellings over and above what was possible for each site prior to the boundary adjustment ~~or boundary relocation, that~~ a legal covenant or consent notice under s. 221 of the RMA ~~is~~ must be registered on the titles prohibiting;

- any further subdivision; and/or

- new dwellings.

v. not result in the creation of additional titles.

vi. ~~iv. ensure minimum net site area of that~~ all sites that are [comply](#) [compliant](#) with the applicable [following boundary adjustment or boundary relocation](#): [minimum site area and minimum average site area for the Countryside Living, Rural Conservation, Rural Coastal, Mixed Rural, or Rural Production zones prior to any boundary adjustment remain compliant after the boundary adjustment.](#)

~~•sites in the Countryside Living zone: the applicable Countryside Living zone minimum site area and minimum average site area rules apply~~

~~•sites in the Rural Conservation, Rural Coastal, Mixed Rural, or Rural Production zones: 2ha.~~

~~89.~~ Subdivision in the Countryside Living zone.

a. Minimum and average net site areas

i. The minimum net site area and the average net site area of all countryside living sites is as stated in Table 10. below, or as stated in an applicable precinct.

ii. The average net site area of all residential sites following subdivision is calculated per scheme plan, and no credits will be carried forward to future scheme plans. Note: The purpose of this rule is to provide guidance about the anticipated density of development within each Countryside Living zone.

~~iii. Subdivision in a Countryside Living zone that does not comply with the applicable minimum net site area, or average net site area set out in Table 16. below is a non-complying activity.~~

b. Minimum frontage for all sites intended for countryside living

i. The minimum frontage for front sites is 15m.

ii. The minimum frontage for rear sites is 6m.

iii. The minimum frontage for all sites intended for any purpose other than countryside living must demonstrate that the site has a shape that can accommodate the proposed activity.

~~iv. Subdivision that do not comply with this control is a non-complying activity.~~

c. Table of minimum and average net site areas

i. Site sizes for proposed sites must comply with the minimum net site areas specified in Table 10 below.

ii. Transferable rural site subdivision receiver sites must be located in the Countryside Living zones listed in Table 10 below. In the table, 'N/A' means the transferable rural site subdivision mechanism is not available in the particular Countryside Living zone. Sites shall not be transferred in to these Countryside Living zones.

iii. ~~Subdivision that does not comply with this control is a non-complying activity unless otherwise stated.~~

Table 10: Minimum and average net site areas for subdivision in Countryside Living zones

Location of Countryside Living zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8000m ² . Minimum average: Not < 1ha
<u>Warkworth</u>	<u>Minimum: 2ha</u>	<u>Minimum: 8000m²</u> <u>Minimum average:</u> <u>not < 1ha</u>
Matakana - Kumeu - Huapai Paremoremo - Albany Heights- Warkworth	Minimum: 2ha	N/A
Algies Bay	Minimum: 2ha	Minimum: 8000m² Average: Not < 1ha <u>N/a</u>
Puhoi Parakai – Helensville Waimauku	Minimum: 2ha	N/A <u>Minimum: 8000m²</u> <u>Average: Not < 1ha</u>
Waimauku	Minimum: 2ha	N/a

Location of Countryside Living zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Okura (West of SH1)	Minimum: 2ha	N/A
Okura (East of SH1)	Minimum: 4ha	N/A
Okura		
South Rodney	Minimum: 2ha	Minimum: 8000m² Average: Not < 1ha <u>Minimum of 1ha</u>
Mangere - Puhinui Whitford (excluding Precinct)	Minimum: 2ha Average Not < 4ha	N/A
Papakura	Minimum: 1ha	N/A
Point Wells Omaha Flats	Minimum: 5000m ² Minimum average: Not < 7500m ²	N/A

d. Specified building area

i. Every site on which a dwelling is anticipated must contain a specified building area which must be shown on the scheme plan of subdivision. Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include the existing dwelling, or indicate that the dwelling will be removed from the site altogether, or relocated to the specified building area for that site.

ii. Every specified building area must be:

- no less than 2000m²
- provide a stable, flood-free platform for buildings which is not located in areas subject to flood plains, flood prone areas, areas which are identified as being subject to bushfire hazards, coastal hazards including a 1m rise in sea level or land instability.
- located clear of all yards

- clearly marked on the scheme plan of subdivision
- the only area in which future dwellings and accessory buildings and related parking and manoeuvring areas can be located.

9. ~~Minimum site area in the Mixed Rural and Rural Production Zones~~

~~a. Minimum site area: 150ha~~

~~b. Any subdivision that does not comply with clause 9(a) above shall be a prohibited activity.~~

3. Assessment - Controlled activities

3.1 Matters of control

The council will reserve its control to the matters in table 11 below for the activities listed as controlled in the activity table.

Table 11: Matters of Control

Matters of Control	Boundary Adjustments	Cross leases, company leases and unit titles
1. The requirements of an approved framework plan, structure plan, concept plan or precinct plan.	X	X
2. The design, size, shape, gradient and location of any site.		X
3. The design, safety, location, construction, staging of any driveway, manoeuvring areas, roads, and other legal access.		X
4. Location of existing buildings, access, and manoeuvring and private open space.	X	X
5. Compliance with a resource consent including its conditions.	X	X

Matters of Control	Boundary Adjustments	Cross leases, company leases and unit titles
6. Protection, restoration and enhancement of natural or cultural landscape, heritage or archaeological features.	X	X
7. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure.	X	X
8. Effects on significant infrastructure.	X	X
9. Reserves, including esplanade reserves and strips.	X	X
10. Avoidance or mitigation of natural or man-made hazards.	X	X
11. The location of sites in proximity to high voltage transmission lines.	X	X

3.2 Assessment criteria

1.The council will consider the relevant assessment criteria below for the controlled activities listed above.

Table 12: Controlled activity assessment criteria

Assessment Criteria	Boundary Adjustments	Cross leases, company leases and unit titles
1. Subdivision should implement the provisions of any relevant framework plan, structure plan, concept plan or precinct plan.	X	X

Assessment Criteria	Boundary Adjustments	Cross leases, company leases and unit titles
2. Subdivision should provide vehicle access, manoeuvring areas, roads and other legal accesses designed to maintain the safety of pedestrians, cyclists and other road users.		X
3. Subdivision should ensure compliance with any relevant resource consent including its conditions.	X	X
4. Subdivision should result in proposed sites that are of a usable shape and size that can accommodate development in accordance with relevant Auckland-wide and zone rules.	X	X
5. Subdivision should have regard to existing development and maintain or provide new infrastructure connections and access.	X	X
6. Subdivision should be designed to protect, restore and enhance natural or cultural landscape, heritage or archaeological features present on a site.	X	X
7. Sites should manage and be adequately serviced for stormwater and wastewater and water supply.	X	X

Assessment Criteria	Boundary Adjustments	Cross leases, company leases and unit titles
<p>8. The design and layout of subdivision on land that may be subject to a hazard should:</p> <p>a. avoid or remedy <u>or where appropriate mitigate</u> the relevant hazard</p> <p>b. avoid the potential for future damage to property or infrastructure or risk to life resulting from any hazardous event</p> <p>c. account for the geotechnical constraints that may exist</p> <p>d. give regard to the land being physically suited to the proposed development, having considered topography, stability, proximity to waterways and high voltage transmission lines, the possibility of inundation, <u>including the effects of climate change</u> from flooding and the extent to which the proposal includes setbacks</p>	X	X
<p>9. Where contaminants have been identified as being present:</p> <p>a. whether appropriate remediation works can be undertaken to satisfactorily deal with any potential adverse effects on human health</p> <p>b. mitigating measures can be adopted to deal with any potential effects of undertaking these works.</p>	X	X

Assessment Criteria	Boundary Adjustments	Cross leases, company leases and unit titles
10. Subdivision should provide coordinated and appropriately designed and located infrastructure consistent with the standards and specification that meet the requirements of Auckland Transport and Watercare as well as any relevant Code of Practice or engineering standards.	X	X
11. Boundary adjustments should enable a more efficient and effective use of land.	X	
12. Where reserves are provided, they should meet the following: a. provide a variety of recreation opportunities b. be of a sufficient size for the proposed uses and density of the subdivision c. be in a location to provide a neighbourhood focal point d. be bounded entirely by public roads where possible. Where a road boundary is not practical, the site layout should ensure that the fronts of houses face onto the reserve across driveways/lanes e. be designed for safety and meet best practice CPTED standards f. incorporate natural features including streams and vegetation.		X

Assessment Criteria	Boundary Adjustments	Cross leases, company leases and unit titles
13. Consideration of the esplanade reserve requirement should include: a. the particular effects and circumstances of the proposed subdivision b. the intended or potential use of the resulting sites c. the need for an esplanade reserve on the particular sites involved as assessed by the purpose of esplanade reserves.	X	

4. Assessment - Restricted discretionary activities

4.1 Matters of discretion

The council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity table.

1. Boundary adjustments

i. refer to section 3.1.

2. Subdivision establishing esplanade reserves

i. the provision, design, purpose and location of any reserve, esplanade reserve or strip.

3. Subdivision of land within 1 per cent AEP floodplain

i. design of development

ii. treatment of overland flow paths

iii. treatment of natural stream systems

iv. use of water sensitive design approaches

v. on-site retention of stormwater where needed; and

vi. de-compaction of soils.

4.Subdivision for network utility in the Future Urban zone

i.the provision, design, purpose and location of any proposed site for a network utility.

5.Subdivision around existing development and subdivision in accordance with a resource consent.

i.the design and layout of the proposed sites in relation to existing or approved development.

6. Transferable Rural Site Subdivision by Amalgamation of Sites

i. The appropriateness of donor sites in terms of their location and the qualities that they possess

ii. The future residential potential and subdivision possibilities of amalgamated donor sites

iii. The appropriateness of receiver sites in terms of their location and the qualities that they possess

iv. The number and size of new sites created from receiver sites

v. The degree to which new sites created from receiver sites comply with Auckland wide rules and general rules for subdivision

vi. The funding, co-ordination and provision of infrastructure for new sites created from any receiver site

vii.The timing of the creation of new sites from any receiver site relative to the amalgamation of donor sites

viii.The location of **identified** building areas **platforms** relative to the location of areas of significant mineral **extraction** resources

ix. Other matters listed in table 13 below in relation to subdivision for up to 4 proposed sites

7. Transferable Rural Site Subdivision by the Protection of an SEA

i. The appropriateness of any donor site in terms of its location and the qualities that it possesses

ii. The appropriateness of any receiver site in terms of location and the qualities that it possesses

- iii. The number and size of new sites created from any receiver site
- iv. The degree to which any new site created from a receiver sites complies with Auckland wide rules and general rules for subdivision
- v. The timing and co-ordination of the protection of a donor site (i.e. SEA) relative to the creation of new sites from a receiver site
- vi. The content of any management plan for the ongoing protection and management of a donor site (i.e. SEA)
- vii. The legal protection mechanisms for a donor site (i.e. SEA) and the means of any associated certification.
- viii. The location of identified building areas platforms relative to the location of areas of significant mineral extraction resources
- ix. Other matters listed in table 13 below in relation to subdivision for up to 4 proposed sites

8. In-Situ (non-transferable) Subdivision Protecting or Restoring SEA (Indigenous vegetation)

- i. Number of sites and site size
- ii. Location of legal boundaries for new sites in relation to existing dwellings where more than one existing dwelling is located on the parent site
- iii. Location of the SEA relative to the location of new sites, including the location of new sites in general
- iv. Whether the indigenous vegetation is of SEA standard
- v. The Unitary Plan subdivision rules that should apply
- vi. The timing of the deposit of any subdivision plan
- vii. The content of planting and management plans
- viii. Legal protection and certification requirements for an SEA to be protected or for restoration planting
- ix. The location, composition and area of restoration planting and the degree to which restoration planting is contiguous with an SEA
- x. The size and location of identified building areas platforms
- xi. The location and construction of any access

xii. The co-ordination, funding and provision of infrastructure and essential services

xiii. Reverse sensitivity effects

xiv. The building envelope for any potential dwellings and the mitigation measures to avoid adverse effects on rural character and amenity.

xv. The location of identified building areas ~~platforms~~ relative to the location of areas of significant mineral ~~extraction~~ resources

69. Any other restricted discretionary subdivision, see table 13 below.

Table 13: Matters for discretion

Matters of discretion	Subdivision for up to 4 proposed sites	Subdivision for between 5 and 15 proposed sites	Subdivision for over 15 proposed sites
Framework Plan			
1. The requirements of an approved framework plan, structure plan, concept plan or precinct plan.	X	X	X
Neighbourhood, blocks and roads			
2. The integration of the subdivision with its surrounding neighbourhood.	X	X	X
3. The layout and connections of blocks and roads.		X	X
4. Provision of, and linkages to, public and active transport routes.		X	X

5. Solar orientation of blocks and sites.	X	X	X
6. The diversity of site sizes.		X	X
7. The staging of subdivision.		X	X
Site design			
8. The ability to provide for future development which will comply with the rules of the Unitary Plan and/or any resource consent.	X	X	X
9. The orientation, design, size, shape, gradient and location of any site, building platform, or shape factor.	X	X	X
Access			
10. The design, safety, location construction of any access, off-road pedestrian and cycling facilities, car parking, on-site-manoeuving areas.	X	X	X
Cultural and natural features			
11. Protection, restoration enhancement of significant natural or cultural, heritage or archaeological features.	X	X	X

12. The extent of earthworks and landscape modification.	X	X	X
Reserves			
13. The provision, design, purpose and location of any reserve, esplanade reserve or esplanade strip.	X	X	X
Infrastructure and servicing			
14. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure.	X	X	X
15. The management of waste and potable water.	X	X	X
16. The management of stormwater and the use of water sensitive design, including: a. the layout and design of the subdivision b. the location, design, capacity, integration and appropriateness of infrastructure c. flooding, overland flow paths and sub-surface water d. stormwater detention, quality and disposal e. staging f. vesting of infrastructure.	X	X	X

17. The vesting of infrastructure.	X	X	X
18. Implementation of a relevant integrated catchment management plan or network discharge consent.	X	X	X
19. Effects on significant infrastructure.	X	X	X
Site suitability			
20. Avoidance or mitigation of natural or man-made hazards and site contamination.	X	X	X
21. The location of sites in proximity to high voltage transmission lines.	X	X	X

4.2 Assessment criteria

The council will consider the relevant assessment criteria below for the restricted discretionary activities listed above.

1. Boundary adjustments

a. Refer to section 3.2.

2. Subdivision establishing esplanade reserves

a. Sites proposed for reserves should:

i. integrate with the surrounding open space network where possible

ii. be physically suitable and designed appropriately for the intended recreational use.

b. An esplanade reserve or strip greater than 20m wide may be required where there is a potential increased demand for recreational use or the area is required to assist in the protection of conservation values particularly to:

i. maintain or enhance the natural functioning of the adjacent waterbody

ii. maintain or enhance water quality or aquatic habitats

iii. protect the natural values associated with the reserve.

c. An esplanade reserve or strip greater than 20m wide may be required where access to an existing or possible future reserve or strip can be enhanced.

d. An esplanade reserve or strip greater than 20m wide may be required where the additional area is required to mitigate effects of natural hazards.

e. The council may, with the consent of the landowner, enter into an agreement to covenant or to acquire an easement for an access strip where it is desirable to:

i. enable public access to an esplanade reserve which otherwise would be land-locked, or

ii. to create a network linking esplanade reserve with public road or other public space.

3. Subdivision of land within 1 per cent AER floodplain

a. Subdivision of land that is within the 1 per cent AER floodplain must provide for:

i. design of developments so that the greatest intensity of future development (impervious area coverage) is located in places where necessary earthworks and resulting stormwater discharges have least impact on the amenity and ecological values of natural drainage systems

ii. identification and protection of overland flow paths

iii. identification and maintenance of natural stream systems, including intermittent streams where they contribute to the ecological values of streams

iv. incorporation of water sensitive design approaches, including in the design of roads, reserves and sites

v. ensuring the sites can accommodate on-site retention of stormwater where this is needed due to Stormwater Management Areas: Flow rules, and or catchment management or structure plan requirements

vi. decompaction of soils after earthworks or otherwise remediation to enhance natural absorption capability of soils.

4.Subdivision for network utility

a.Whether the subdivision, through its design, location or purpose, will adversely affect the future development of any land within the Future Urban zone.

5.Subdivision around existing development and subdivision in accordance with a resource consent

a.Subdivision should not result in any existing part of an development ceasing to comply or increasing any existing degree of non-compliance with the applicable Auckland-wide and zone rule in relation to the new boundaries created, except where:

- any part of the land to be subdivided is to be permanently set aside as an area of common use. Such an area must be taken into account, proportionate to the number of sites which it serves, in assessing compliance with building coverage controls

- a land use resource consent has been approved for the infringement

-the scale and effects associated with the infringement were assessed in an approved land use resource consent.

6. Transferable Rural Site Subdivision by Way of Amalgamation of Sites

- (i) Donor sites must be sourced from the Rural Production, Mixed Rural ~~and~~ or Rural Coastal zones.
- (ii) Donor sites must contain ~~entirely at least 90%~~ elite ~~land~~ or prime land (classes 1-3)
- (iii) Donor sites must be abutting. One of the two donor sites must be vacant (i.e. not contain a dwelling)
- (iv) (iv) Donor sites must have a net site area of between 1 to ~~10~~ 20 ha ~~unless they were created by way of an approval by a territorial authority, in which case no minimum net site area applies~~
- (v) Donor sites must have come into existence before 1st November 2010
- (vi) Donor sites must not comprise closed road, road severance or a designation
- (vii) ~~For every two donor sites amalgamated there must not be more than one dwelling per 40ha~~
- (vii) Following amalgamation of donor sites there must be a new single site created so that ~~old former certificates of title titles~~ cannot reissue and it must be ensured that further residential development on the new single site cannot occur. Furthermore, it must be ensured that the new single site

is not capable of being used again for the purpose of transferable rural site subdivision

- (viii) New sites created from any receiver site should not be located in areas with high rural amenity, conservation and natural values **such as ONC, ONL, HNC, SEA** or in any area identified as an incentivised land amalgamation area.
- (ix) The area of any new site created from a receiver site should be compatible with the relevant zone or character of the area in which it is being created. [Rural amenity should be maintained and consideration given to the proximity and orientation of existing dwellings, the screening effects of vegetation, and the visibility of earthworks required for access and a building platform.](#)
- (x) New sites created from any receiver site must comply with Auckland wide and **appropriate applicable** zone rules for subdivision
- (xi) New sites **sudivided** from any receiver site must be located where ~~essential~~ infrastructure can be provided in a timely, integrated, efficient and appropriate manner
- (xii) The extent the proposal develops **specified** building areas **platforms** within areas of significant mineral **extraction** resources identified in the Unitary Plan and the potential that the activity has to generally constrain mineral extraction activities
- (xiii) Other matters identified in table 14 for subdivision which creates up to 4 additional sites

7. Transferable Rural Site Subdivision by Way of Protecting an SEA

- (i) Donor sites must contain an SEA
- (ii) Any new sites created from a receiver site should not be located in areas with high rural amenity, conservation and natural values **such as HNC, ONL, ONC, SEA** or in any area identified as an incentivised land amalgamation area.
- (xiv) The area of any new site created from a receiver site should be compatible with the relevant zone or character of the area in which it is being created. [Rural amenity should be maintained and consideration given to the proximity and orientation of existing dwellings, the screening effects of vegetation, and the visibility of earthworks required for access and a building platform.](#)
- (iii) New sites created from any receiver site must comply with Auckland wide and **appropriate applicable** zone rules for subdivision
- (iv) New sites created from any receiver site must **be located** where ~~essential~~ infrastructure can be provided in a timely, integrated, efficient and appropriate manner

- (v) Management plans must include methods to ensure that the SEA is protected in perpetuity, and must identify potential threats and outline the methods to be used to minimise the risk from such threats.
- (vi) SEA areas must be subject to appropriate and effective legal protection mechanisms
- (vii) The extent the proposal develops ~~specified building areas~~ ~~building platforms~~ within areas of significant mineral ~~extraction~~ resources identified in the Unitary Plan and the potential that the activity has to generally constrain mineral extraction activities
- (viii) Other matters identified in table 14 for subdivision which creates up to 4 additional sites

8. In-Situ (non-transferable) Subdivision Protecting or Restoring SEA (Indigenous vegetation)

i. The limited number of sites created and the size of sites must be appropriate for the rural location. Where there is potential for cumulative adverse effects on rural landscapes building areas on new sites must be clustered or clustered around existing development or the effects adequately mitigated through the location of building sites and planting.

ii. Where the parent site contains multiple dwellings new sites must accommodate existing dwellings to avoid adverse cumulative effects on rural character and amenity.

iii. Any new sites created for rural lifestyle living must not contain SEA. SEA ~~is to~~ must be retained on the ~~residual parent~~ title to prevent fragmentation of areas of high ecological value.

iv. Any area of indigenous vegetation to be protected must be identified as SEA and any area for restoration planting must be contiguous with existing indigenous vegetation identified as SEA

v. Any restoration planting must not occur ~~on elite land or prime land.~~

vi. Any restoration planting and new sites created under this rule must not occur on land located within an ONC, HNC or ONL layer

vii. The new sites must be designed so as to comply with Unitary Plan subdivision rules ~~applicable~~ for the rural environment and the ecology of the locality

viii. The subdivision plan must not deposit ~~with the applicable District Land Registrar~~ until adequate protection mechanisms are in place to protect the identified SEA or any area of restoration planting

ix. Planting and management plans must contain appropriate and adequate provisions to ensure the sustainable management of identified SEA to be protected or restoration planting in perpetuity

x. Planting and management plans must contain appropriate and adequate provisions to ensure the protection of identified SEA or restoration planting in perpetuity

xi. Restoration planting must be significant in area and density, contiguous with an identified area of SEA (consisting of indigenous vegetation) so that it expands and enlarges the area of identified SEA, and consist of appropriate indigenous species

xii. Specified building areas platforms must not be located in any area of restoration planting or in any location that would adversely affect the wider rural character and amenity

xiii. The location and construction of any access from a road crossing into new sites must not produce any greater than minor adverse visual effects on rural landscapes and must not pass through any area of identified SEA or restoration planting. Where possible specified building areas on new sites must share accessways.

xiv. New sites must not create a need for infrastructure and essential services which is unable to be efficiently provided in a timely, co-ordinated and cost effective way.

xv. Dwellings and sites must be located to avoid any reverse sensitivity effects.

xvi. The scale and associated effects of any dwelling or building must not produce more than minor adverse effects on rural character and amenity

xvii. The ~~extent the~~ proposal ~~must not~~ develop ~~specified building areas platforms~~ within areas of significant mineral ~~extraction~~ resources identified in the Unitary Plan ~~and the potential that the activity has so as to generally~~ constrain ~~future~~ mineral extraction activities

69. .Any other restricted discretionary subdivision see table 14 below.

Table 14: Restricted discretionary activity assessment criteria

Assessment criteria	Subdivision that creates <u>up to 4</u> additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
Framework plan			
1. Subdivision should implement the provisions of any relevant approved framework plan, structure plan, concept plan or precinct plan.	X	X	X
2. Infrastructure, including roads, and open space must be provided in accordance with an approved framework plan, structure plan, concept plan or precinct plan.	X	X	X
3. Any opportunities identified in the an approved framework plan, structure plan, concept plan or precinct plan to protect or enhance natural features, such as vegetation, shall be incorporated into the subdivision.	X	X	X
Neighbourhood, blocks and roads			
4. The layout and design of roads and blocks should maximise the ability to provide front sites.		X	X
5. The layout and pattern of roads and blocks should maximise convenient, direct and legible access to: a. arterial and collector roads b. bus routes c. community focal points such as schools, public open space and recreation facilities d. coastal marine area, lakes, and rivers.		X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
6. Connection and integration with the surrounding neighbourhood and other sites should be provided through roads which provide for pedestrian and cycle use.		X	X
7. Subdivision should be designed and laid out to reflect the planned function of the road within the roading hierarchy.		X	X
8. Roads should be aligned north/south to establish blocks and site layouts that are oriented east/west to enable proposed sites and future buildings and associated private open space to derive maximum possible benefit from solar gain. The shape factor for each site should demonstrate a future dwelling and private open space can achieve maximum solar gain.		X	X
9. Provide pedestrian and cycle routes that are safe, convenient and legible. As far as possible roads should be multimodal and therefore integrate cycle and pedestrian movement.		X	X
10. Subdivision should provide for mitigation measures within the existing road network to address any significant increase in traffic volumes.			X
11. Any proposed road shall be designed and located to meet the roads intended primary transport function as well as support the intended liveability and land use outcomes.	X	X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
12. Blocks should be of a scale, length and shape to achieve a connected road layout with a choice of routes that prioritise walking and cycling.		X	X
13. Block layout and design should enable the creation of sites which can meet the development standards of the Unitary Plan and an approved framework plan, precinct plan, structure plan and/or concept plan.		X	X
14. Where staging is to occur, detail should be given as to the area and number of sites included in each stage and the timeframes for the development.		X	X
15. Manage further inappropriate subdivision, which does not achieve the outcomes sought by the underlying zone, through an appropriate legal mechanism.	X	X	X
Site design			
16. Proposed sites should be able to accommodate development intended by the underlying zone. Where this is not demonstrated, a land use resource consent should be approved for that development prior to the approval of the subdivision.	X	X	X
17. Proposed sites intended for detached dwellings should have a frontage width to length ratio of between 1:1.3 and 1:3. The ratio can be determined by measuring from the midpoints along the sites width and length.		X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
18. Proposed sites should front onto, and be accessed directly from, a legal road with a single road frontage (except corner sites). Rear sites should be avoided unless it can be demonstrated that there are topographical or other constraints that prevent the creation of front sites.		X	X
19. Proposed sites should ensure safe, legible and convenient pedestrian and vehicle access can be achieved. Vehicle manoeuvring should be accommodated on site.	X	X	X
20. Subdivision should provide a mix of site sizes. Smaller sites should be located closer to public open space, public transport nodes, community facilities and commercial centres.			X
21. Proposed sites should be designed to be accessed from the southernmost point of the road boundary where the roads are oriented north-south.	X	X	X
22. Proposed sites should be designed to maximise opportunities to create private outdoor space on-site without the need for high front fences.	X	X	X
23. Apart from corner sites, proposed sites should have a single road frontage.	X	X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
<p>24. A proposed site's shape factor and its layout should provide:</p> <ul style="list-style-type: none"> a. site size and shape b. the intended building and where required open space and car parking c. vehicle and pedestrian access and manoeuvring, d. infrastructure services <p>that will meet the relevant Auckland-wide, zone, precinct or framework plan rules.</p>	X	X	X
<p>25. Proposed sites should be designed and located to prioritise maximum solar gain. Proposed site location, shape and orientation should enable future buildings (including the windows to habitable rooms) and private open space achieves maximum solar gain.</p> <p>Proposed sites with a frontage facing south should be narrower in width and have longer length to allow for a dwelling to the front and the private outdoor space to the rear.</p> <p>Proposed sites with a frontage facing north should be wider and shallower to provide a dwelling and private outdoor space to site along side each other.</p>	X	X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
26. In the Large Lot and Rural and Coastal Settlement zones subdivision should be designed to minimize visual impacts on the landscape. Sites, roads, building platforms and access should be located and designed to minimise effects on topographical features and avoid the removal of protected vegetation or vegetation within a Significant Ecological Area.	X	X	X
Access			
26. Access to proposed sites should achieve an attractive streetscape appropriate to the location and character of the neighbourhood.	X	X	X
27. Proposed residential sites should be located within 135m from a fire hydrant. Proposed sites for business activities should be located within 90m of a fire hydrant.	X	X	X
28. Proposed sites should provide vehicle access, parking, manoeuvring areas and vehicle crossings that enables the safe movement of pedestrians, cyclists and vehicles	X	X	X
29. A pedestrian access strip should employ colours and materials to clearly identify to vehicles that pedestrians have priority.		X	X
30. All shared driveways should be designed as low speed environments (approximately 10km/h or slower).	X	X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
<p>31. Driveways serving over eight sites or over 50m in length should be avoided, unless it can be demonstrated that a shared driveway can provide safe and convenient access and can be reasonably managed and maintained through private ownership.</p> <p>Any driveway serving over eight sites should have a legal width of 6.5m and formed width of 5.5m.</p>		X	X
32. Shared driveway design should, where appropriate, provide for the storage of rubbish bins.		X	X
33. Share driveways in the business zone must be short in length and shall be design to accommodate the anticipated volume of traffic, including heavy vehicles movements, to maximise safety.	X	X	X
34. The position of any on-street car parking bays should take account of the likely position of driveway crossings.		X	X
35. Cul-de-sacs should be avoided. They should only be used where connected road patterns are not possible because of natural features or where a connecting road network will result in a significant loss of developable land. Where cul-de-sacs are provided, they should be short in length, straight and include pedestrian and cycle links to surrounding roads.		X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
36. Where an interconnected road network is not possible, pedestrian and cycle links that are wide, short in length, observed, landscaped and accessible, should be provided.			X
37. Pedestrian and cycle links should run along the fronts of sites and not the rear of sites.			X
Cultural and natural features			
36. Subdivision should: a. retain existing vegetation where it contributes to the future desired character of the area b. protect, restore and enhance natural waterbodies, riparian margins and other ecological sites and corridors c. protect and enhance any cultural or historic heritage feature.	X	X	X
37. Subdivision should respond to identified topographical features, characteristics and landscape patterns to: a. form a focal point for the subdivision layout b. ensure access is maintained to those features.	X	X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
<p>38. Any earthworks associated with subdivision should:</p> <p>a. be minimised unless it serves to limit the visual impact of future development and its effects can be managed</p> <p>b. be undertaken, as far as practicable, in one stage rather than having prolonged or repeat land modification works</p> <p>c. avoid the need for large retaining structures or relying solely on a cut or fill. Land modification should be graded to appear as natural as possible by distributing cuts and fills across a site</p> <p>d. significant landscape modifications which only purpose is to form additional developable sites should be avoided.</p>	X	X	X
39. Subdivision design shall ensure that any natural and cultural features are accessible to the public and where appropriate form prominent features within the overall design.	X	X	X
40. Subdivision design should maximise access to coastal environments by orientating blocks perpendicular rather than parallel to the coastal edge.	X	X	X
41. Proposed sites adjacent to the coastal edge should be deeper to allow for a greater setback of any future building.	X	X	X
Public open space			

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
42. Sites proposed for reserves and public open spaces should: a. demonstrate good design principles and practices b. integrate with the surrounding open space network c. be physically suitable and designed appropriately for the intended function.	X	X	X
43. Public access to public open space should be secured in perpetuity.	X	X	X
44. The public open space administering body should provide written advice that a proposed open space is acceptable for addition to the public open space network.	X	X	X
45. Clear sight lines into all areas of reserves should be available from public roads or nearby proposed sites intended for residential use.	X	X	X
Infrastructure and servicing			
46. Subdivision should provide coordinated and appropriately designed and located infrastructure consistent with the standards and specification that meet the requirements of Auckland Transport and Watercare as well as any other relevant Code of Practice.	X	X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
47. Where subdivision takes place on unserviced land, any proposed site should be of appropriate size, shape and location to manage wastewater on-site. Consideration should given to: a. soil type b. topography c. location of water bodies d. type of waste management system e. intensity of development.	X	X	X
48. Proposed sites should connect to infrastructure that has sufficient capacity for the intended development. Where necessary, subdivision should upgrade existing infrastructure to accommodate the additional sites.	X	X	X
49. Subdivision should provide for the appropriate management of wastewater.	X	X	X

Assessment criteria	Subdivision that creates <u>up to 4</u> additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
<p>50. Subdivision should provide for the appropriate management of stormwater through the use of water sensitive design principles that:</p> <p>a. enables design of developments so that the greatest intensity of future development (impervious area) is located in places where necessary earthworks and resulting stormwater discharges are minimised and have least impact on the amenity and ecological values of ecological areas and natural drainage systems, and Mana Whenua values</p> <p>b. identifies and protects floodplains and overland flow paths</p> <p>c. identifies, maintains and enhances natural hydrology and freshwater systems,</p> <p>d. integrates water sensitive design elements in the design of roads, reserves and sites including the use of:</p> <p>(i)</p> <p>minimised impervious areas</p> <p>(ii)</p> <p>grassed or landscaped swales and other vegetated areas</p> <p>(iii)</p> <p>infiltration trenches and bio-retention systems</p> <p>(iv)</p> <p>wetlands and sediment ponds</p> <p>(v)</p> <p>rainwater tanks – harvesting and reuse</p> <p>(vi)</p>	X	X	X

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
51. Subdivision should have regard to the recommendations of an integrated stormwater catchment management plan or an approved network stormwater discharge consent.	X	X	X
52. Subdivision should provide for the appropriate management of stormwater, including treatment, detention and disposal as relevant that will avoid or mitigate adverse effects of any subsequent development.	X	X	X
53. Subdivision should have regard to any integrated stormwater catchment management plan or an approved network stormwater discharge consent.	X	X	X
54. Drainage reserves should: a. be integrated into the layout of the subdivision and neighbourhood, including reserve and pedestrian links b. be designed to fit in with the surrounding landscape and appear as a natural component of the overall setting	X	X	X
55. Proposed subdivision shall be designed and located to recognise the requirements of significant infrastructure.	X	X	X
Site suitability			

Assessment criteria	Subdivision that creates <u>up to</u> 4 additional sites	Subdivision that creates between 5 and 15 additional sites	Subdivision that creates over 15 additional sites
<p>56. The design and layout of subdivision on land that may subject to a hazard should:</p> <p>a. avoid or remedy the relevant hazard</p> <p>b. avoid the potential for future damage to property or infrastructure, or risk to life resulting from any hazard event</p> <p>c. account for the geotechnical constraints that may exist</p> <p>d. give regard to the land being physically suited to the proposed development, having considered topography, stability, proximity to waterways, significant infrastructure, the possibility of inundation from flooding</p>	X	X	X
<p>57. The extent to which the design of the subdivision allows for earthworks, building and structures to comply with the New Zealand Electrical Code of Practice (NZECP34:2001).</p>	X	X	X
<p>58. Whether, in instances where contaminants have been identified as being present:</p> <p>a. appropriate remediation works can be undertaken to satisfactorily deal with any potential adverse effects on human health</p> <p>b. mitigating measures can be adopted to deal with any potential effects of undertaking these works.</p>	X	X	X

5. Special information requirements

A design statement is required for the activities specified in the table below. The design statement is required to include as a minimum the matters indicated within the table as set out in clause 2.7.2 of the general provisions. Drawings, illustrations and supporting written explanation should be proportionate to the complexity and significance of the development proposal. Refer to the ADM for guidance on the preparation of design statements.

Table 15: Design Statements

Activity	Creation of fee simple sites in all Residential zones			Creation of fee simple sites in the General Business, Light Industry, Mixed Use and Business Park zones	Creation of fee simple sites in the City Centre, Metro Centre, Neighbourhood Centre and Local Centre zones
Number of proposed sites	1 - 4 sites	5 - 15 sites	15 + sites	All sites	All sites
A. Context analysis					
1. Site Analysis					
a. Existing site plan	X	X	X	X	X
b. Streetscape character					
2. Neighbourhood analysis					
a. Natural and cultural environment		X	X	X	X
b. Movement		X	X	X	X
c. Neighbourhood character					
d. Use and activity			X	X	X
e. Urban structure			X	X	X
3. Opportunities and constraints analysis					

a. Opportunities and constraints diagram	X	X	X	X	X
B. Design Response					
a. Concept design	X	X	X	X	X
b. Proposed site plan	X	X	X	X	X
c. Proposed elevations					
d. Sunlight access					
e. Landscape					
f. Streets, accessways and lanes	X	X	X	X	X
g. Urban structure		X	X	X	X
h. Publicly accessible open space		X	X	X	X

Table16: Design statements

Activity	Creation of fee simple sites in the Countryside Living, Mixed Rural and Rural Production zones and transferable rural site subdivision	Creation of fee simple sites in Public Open Space zones	Creation of fee simple sites in Retirement Village, Healthcare Facilities, Major Recreational Facilities and Cemetery Special Purpose zones
Number of proposed sites	All sites	All sites	All sites
A. Context analysis			
1. Site Analysis			
a. Existing site plan	X	X	X
b. Streetscape character			
2. Neighbourhood analysis			
a. Natural and cultural environment	X	X	X
b. Movement	X	X	X
c. Neighbourhood character	X		
d. Use and activity	X	X	X
e. Urban structure		X	X
3. Opportunities and constraints analysis			
a. Opportunities and constraints diagram	X	X	X
B. Design Response			
a. Concept design	X	X	X

b. Proposed site plan	X	X	X
c. Proposed elevations			
d. Sunlight access			
e. Landscape	X		
f. Streets, accessways and lanes	X	X	X
g. Urban structure		X	X
h. Publicly accessible open space	X	X	X