

TOPIC 064 – Subdivision

Chapter C6 Auckland Wide Subdivision Background, Objective and Policies

Chapter H5 Auckland Wide Subdivision Rules

Clean version of the provisions with Auckland Council's proposed track
changes (dated 19 August 2015) having been accepted

(Provided for the purposes of mediation on 26 August – 2 September 2015)

C.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 areas will function and 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 Additional Subdivision Control rules or in a precinct.

The 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 and its potential effects. 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 Buildings 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:

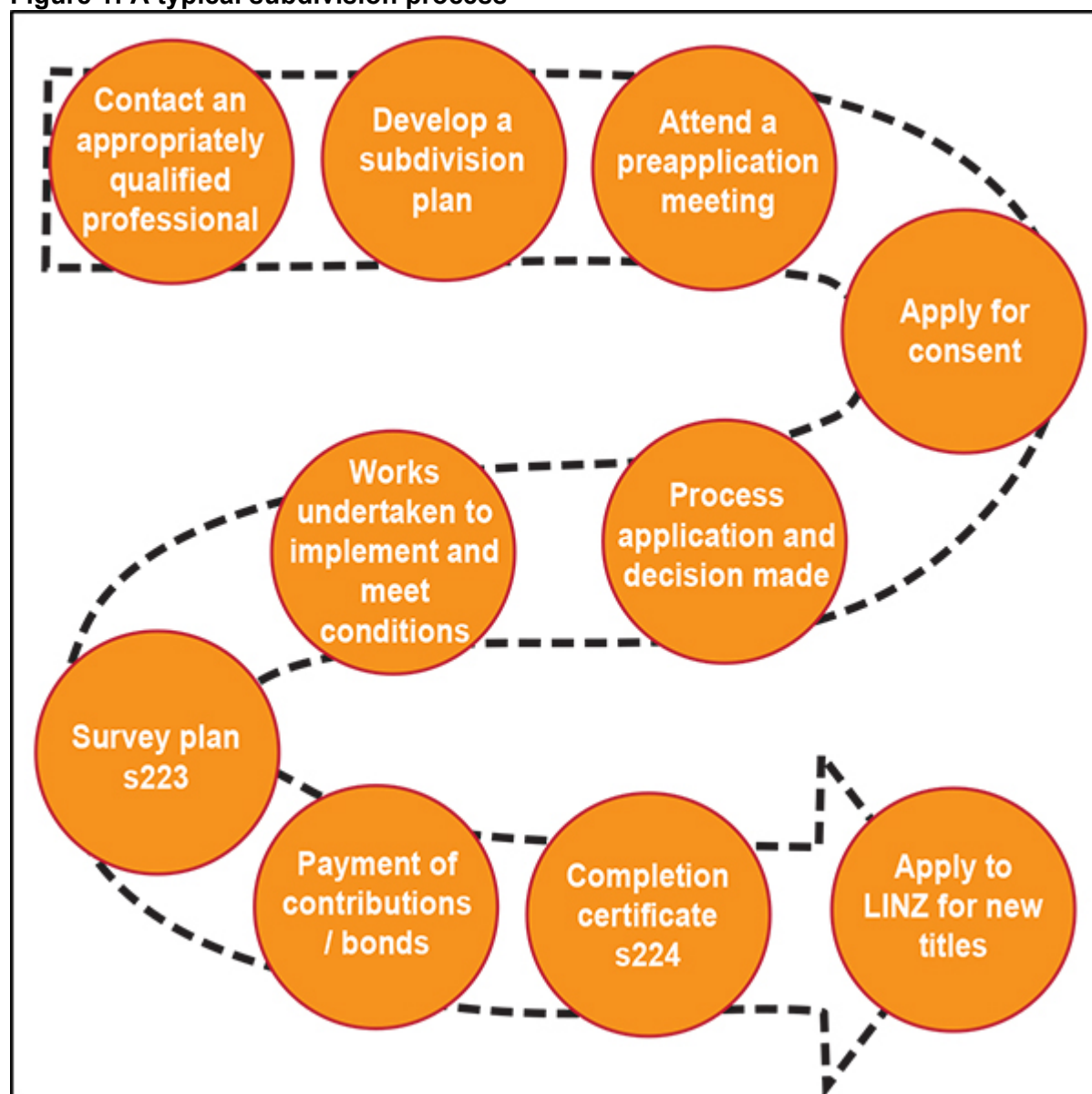
- the rural zones already feature a large number of sites. Many of these sites do not contain dwellings, meaning there is already potential for productive rural land to be used for countryside living. This is a significant threat to long-term, sustainable production from rural areas
- where countryside 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 protection. Covenanting areas of indigenous vegetation in this way protects areas with recognised 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)

General

1. Land is subdivided to reflect the intended objectives of the zone, precinct, and overlay.
2. 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.
- 2a. Subdivision and development positively contributes towards a planned future form and quality, creating a sense of place.

Infrastructure

3. Infrastructure supporting new development is planned in an integrated manner and provided for at the time of the development or subdivision.
- 3a. Subdivision provides for sufficient road reserves to accommodate the needs of all transport modes, and other place making or stormwater elements.

Amenity, Landscape, Cultural and Heritage

4. Subdivision is well designed and provides for a high standard of amenity.
5. Subdivision has a layout which is safe, convenient and accessible through connections within the development and with the surrounding neighbourhood.
6. Subdivision manages adverse effects relating to landscape amenity, natural resources, historic heritage or Maori cultural heritage or landscapes.
7. The distinctive landscape and spacious character of identified locations in the additional subdivision controls or precincts are maintained.

Natural Hazards

8. Subdivision manages land subject to natural hazards appropriately to not increase or avoid the risks associated with natural hazards.

Rural Objectives

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 sites.
3. Further subdivision is avoided on elite land or prime land.
4. Further subdivision by way of transferable rural site subdivision is avoided in the Incentivised Land Amalgamation Area

5. Subdivision avoids, remedies or mitigates adverse effects of reverse sensitivity between agriculture, horticulture, mineral extraction activities, rural 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 minimised, and rural character and amenity, landscape and biodiversity values are maintained or enhanced.

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

9. 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

10. The demand for rural lifestyle subdivision is primarily directed to Countryside Living zones and Serviced Villages, except as otherwise provided for within these objectives.

10A. 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.

10B. Limited rural lifestyle opportunities are provided for in rural areas outside 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.

11. Further subdivision of land for subsidiary dwellings and workers' accommodation in rural zones is avoided.

12. 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.

13. 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

14. Rural subdivision results in the protection and restoration of identified Significant Ecological Areas and natural features.

Natural Features & Landscape

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

15A. Rural subdivision avoids or minimises the adverse effects of activities on outstanding natural features, landscapes and significant habitats.

16 Subdivision maintains or enhances the character of land in all rural zones

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

Policies

All subdivision

1. Require subdivision to give effect to an approved structure plan, framework plan, and/or precinct plan where applicable

2. Require earthworks required by subdivision to:

- a. manage dust, noise and runoff
- b. where appropriate provide for building platforms and infrastructure at the time of subdivision to reduce significant works post-subdivision
- 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 subdivision to avoid, remedy or mitigate the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in Chapter C.5.12 Natural Hazards, and to provide safe and stable building platforms and vehicle access. Where building platforms and accessways are to be located in flood hazard areas, a land use resource consent should be sought for the intended development prior to or at the same time as the subdivision consent.

4. Subdivision design should respond to the natural landscapes by:

- a. avoiding building platforms or, where practicable, 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 minimise effects on historic heritage and 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 that is compatible with the existing infrastructure network.
- 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 necessary to service the subdivision are met by the developer

- d. so that natural gas 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 water supply, 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 instability, 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 subdivision to be designed to manage stormwater:
 - a1. in accordance with any applicable approved stormwater discharge consent or network discharge consent;
 - a2. in a manner consistent with C5.15.1 policies 6, 7, 9 and 10
 - a3. applying a water sensitive design approach to the planning and design of development in accordance with C5.15.1 policy 8A, and providing for its implementation in future development;
 - a. to protect 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
 - d. in an integrated and cost-effective way.
 10. Recognise the requirements of significant infrastructure in subdivision design.
 11. Require subdivision 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 application. 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 Enable subdivision for network utility purposes, while avoiding, remedying or mitigating the adverse effects

All urban subdivision

15. Encourage shared vehicle access to avoid the proliferation of vehicle crossings to avoid adverse effects on the safety of the road and footpath, limitations on the opportunity to plant street trees, and inefficiencies in the provision of on-street car parking.
16. Require shared vehicle access 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 Buildings zone.
20. Require subdivision 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 a 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
 - b1 vehicle crossing and associated access to be designed and located to provide for safe and efficient movement to and from sites and minimise potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network
 - c. the vesting of roads as public infrastructure
 - d. a road network which is set out in a manner that supports the needs of the public transport system
 - e. the incorporation of the principles of crime prevention through environmental design (CPTED).
22. Require subdivision applications to demonstrate how the subdivision positively contributes to its context at a range of scales, thereby creating a high quality responsive sense of place.

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

23. Require subdivision to include a design for roads and access with:
 - a. appropriate street widths for both their existing or future transport function and place-making role
 - b. appropriate gradients for vehicle movements, pedestrians, cyclists and on-street car parking

- c. berms that can accommodate both street trees and reticulated infrastructure in a way that will not create future safety and maintenance issues.
 - 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 subdivision to be designed to achieve a high level of amenity and efficiency for residents by:
- a. aligning roads and sites for maximum sunlight access where possible
 - 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 subdivision 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 ensuring all public open spaces are fronted with roads
 - d. pedestrian and/or cycle linkages.

Esplanade reserves or strips

27. Require esplanade reserves or strips (subject to the relevant Policy below) on subdivided land adjoining the coast and other qualifying water-bodies.
28. 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 is not required to manage the risk of adverse effects resulting from natural hazards, taking in to account the likely long term effects of climate change.
 - cc it can be demonstrated that an esplanade reserve or strip is not required to maintain the 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 very limited circumstances such as land utilised exclusively for naval activities or port activities
 - f. direct access to the sea or other water body is required for a business activity in limited circumstances.
29. Avoid the establishment of an esplanade strip instead of an esplanade reserve.
Esplanade Strips may be appropriate where the:
- a. land has limited conservation and recreational value, and
 - b. conservation and historic heritage values that are present can be adequately protected in private ownership, and
 - c. opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable, and
 - d. creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership, and
 - e. land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change.

Place based subdivision

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

- 30. Manage the existing pattern and density of subdivision in identified locations to protect their low density character.
- 31. Avoid subdivision that detracts from the natural landscape qualities which are defined by the low density settlement pattern.
- 32: Maintain the distinctive pattern of subdivision in historic character areas.
- 33: Manage subdivision of land where there are known infrastructure constraints

Rural

Productive potential and reverse sensitivity

- 34. Maintain large site sizes in the Rural Production, Mixed Rural and Rural Coastal zones to accommodate a range of rural production activities.
- 35. Provide incentives for the amalgamation of small fragmented land parcels within the Incentivised Land Amalgamation Area.
- 36. Manage rural subdivision and boundary adjustments to:
 - a. facilitate more efficient use of land for rural production activities and
 - b. restrict additional rural living sites outside areas identified for Countryside Living-zones or Serviced Villages

30. Require rural subdivision, including site boundaries, specified building areas, and access, 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 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 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 north and west of Pukekohe and require that:

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

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

35. Recognise that agricultural and horticultural activities, mineral extraction activities, 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 and the use of rural land for rural lifestyle living.

Rural lifestyle living

37. Restrict new subdivision and development for rural lifestyle living 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.

38. Identify receiver areas in Serviced Villages and areas identified for Countryside Living: where the following are satisfied:

- a. the landscape and infrastructure have adequate capacity to support additional dwellings
- b. identified building areas can accommodate permitted activities or development which complies with the relevant Auckland-wide, zone and precinct rules
- c. access and driveways will not result in significant land disturbance or vegetation removal
- d. adverse effects will be avoided, including reverse sensitivity effects, on existing rural uses or identified mineral resources

- e. setbacks or buffers will be provided between identified building areas and surrounding land uses, other developments, or natural features
- f. stormwater and wastewater collection, treatment, and disposal will be adequate
- g. natural areas or features will be protected or monitored
- h. archaeological sites and cultural resources will be protected.
- i. adverse effects of subdivision on the area's indigenous vegetation, landscape, and natural and rural character will be avoided
- j. mitigation or restoration planting will be provided
- k. potential effects of natural hazards will be avoided or mitigated.
- l. Potential reverse sensitivity effects for existing capital intensive land use activities such as airfields and infrastructure can be avoided, remedied or mitigated.

39. 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.

40. Limit the proliferation and dispersal of rural subdivision for rural lifestyle living outside of Countryside Living zones and Serviced Villages.

41. Avoid the subdivision of subsidiary dwellings and workers' accommodation in rural areas

Significant Ecological Areas

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

- a. areas of elite land and prime land
- b. the Incentivised Land Amalgamation Area

43. Require SEAs, scheduled areas, sites and places of significance to 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.

44. 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. new sites are of sufficient size to absorb and manage adverse effects;
- vi. reverse sensitivity effects are managed in a manner that does not compromise the viability of rural sites for continued production;
- vii. subdivision avoids the development of new identified building areas in the protected area and sensitive activities within a Quarry Buffer Area or Quarry Transport Route.

Natural Features & Landscape

45. Require subdivision, including site boundaries, specified building areas, and access, to:

- a. recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation

- b. avoid inappropriately-located buildings and associated accessways including highly prominent locations as viewed from public places

- c. avoid adverse effects on the riparian margins and protected natural features

- d. avoid fragmenting SEAs, ONCs, HNCs, ONLs or ONFs, sites of significance to Mana Whenua or areas between sites.

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

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

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

49. Avoid the transfer of sites into the Rural Conservation zone.

Amenity

50. Manage subdivision so that adverse effects on the rural character and amenity values of rural or coastal landscapes are avoided, remedied or mitigated.

51. Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values, or the adequate functioning of rural roads.

52. Require access ways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.

53. Restrict the location, design, of sites and specified building areas to those that:

- a. integrate development with the existing landscape; and

- b. ensure the character and amenity values of adjacent sites and the locality are not adversely affected.

54. 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, natural hazards, heritage

55. Restrict the density of sites in a manner appropriate to each rural zone and ensure that any subdivision opportunities provided within rural areas consider the absorption capacity of the landscape.

56. Encourage cluster style, lifestyle living in Countryside Living zones to achieve an appropriate form of open spacious rural character and amenity.

57. Require specified building areas to avoid locations prone to natural hazards.

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

Infrastructure

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

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

60A. 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

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

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

Community

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

Supporting Zones

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

H.5 Subdivision

The rules in this section implement the objectives and policies in Chapter C6.

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. For subdivision within the National Grid Corridor, refer to Chapter J, Section 1.4.

| 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 or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners | 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 in accordance with an approved Structure Plan, Precinct Plan or Framework Plan | RD |
| Subdivision of land within any of the following natural hazard areas other than in any rural zone: <ul style="list-style-type: none">• 1 percent AEP floodplain• Flood prone areas• Present day coastal storm inundation 1 percent AEP• Coastal storm inundation 1 percent AEP plus 1m sea level rise• Land which may be subject to land instability | RD |

| | |
|--|------------------------|
| Subdivision of land potentially subject to coastal erosion as identified by the following characteristics: <ul style="list-style-type: none"> • within a horizontal distance of 20m landward from the top of any coastal cliff with a slope angle steeper than 1 in 3 (18-degrees) • at an elevation less than 7m above MHWS if the activity is within: <ul style="list-style-type: none"> - 40m of MHWS (Inner Harbours and Inner Hauraki Gulf) or - 50m of MHWS (Open west, outer and Mid Hauraki Gulf) | D |
| 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, and Special Purpose Quarry | |
| 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 | | | | | |
|---|------------------|-------------|---------------|--------------------|--------------------|
| Subdivision Activity | Zone | | | | |
| | Rural Production | Mixed Rural | Rural Coastal | Rural Conservation | Countryside Living |
| Subdivision for public open spaces, reserves, or road realignment. | D | D | D | D | D |
| Subdivision for Network utilities | RD | RD | RD | RD | RD |
| 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. | D | D | D | D | D |
| Subdivision : not 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; or subdivision within any ONL, ONC, HNC or SEA overlay. | NC | NC | NC | NC | NC |
| TRSS subdivision (Amalgamation & SEA) complying with relevant controls. | RD | RD | RD | RD | RD |
| TRSS subdivision (Amalgamation & SEA) not complying with relevant controls. | NC | NC | NC | NC | NC |
| TRSS subdivision (Amalgamation | Pr | Pr | Pr | Pr | - |

| | | | | | |
|--|-----|-----|-----|-----|-----|
| & SEA) where the receiver site: contains elite 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 Serviced Village | | | | | |
| In-situ (non-transferable) subdivision protecting or restoring an SEA and complying with the relevant controls | RDA | RDA | RDA | RDA | RDA |
| In-situ (non-transferable) subdivision protecting or restoring an SEA and not complying with the relevant controls | NC | NC | NC | NC | NC |
| Any subdivision of a subsidiary dwelling or workers' accommodation from a principal dwelling on the site | Pr | Pr | Pr | Pr | Pr |
| 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 | Pr | Pr | Pr | Pr | Pr |
| Boundary adjustments that comply with all applicable controls. | C | C | C | C | C |
| Boundary adjustments that do not comply with all applicable controls. | D | D | D | D | D |
| Boundary adjustments in a Quarry Buffer Area or Quarry Transport Route | D | D | D | D | D |
| Any other subdivision not | NC | NC | NC | NC | NC |

| | | | | | |
|-------------------------------|--|--|--|--|--|
| provided for in this table | | | | | |
|-------------------------------|--|--|--|--|--|

| Activity table 6 - Any other zone not listed in activity tables 1 to 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, and precinct plans

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

- i. roads and access including any pedestrian, public transport and cycle networks
- ii. public open space
- iii. infrastructure
- iv. density, site size and 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, or precinct 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, or
- iii. be around an existing legally established development.

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.

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, via

- a connection to the public stormwater network
- on-site management
- a discharge to the environment

ii. collection, treatment and disposal of wastewater, via

- an existing public reticulated wastewater network with capacity to service the development
- 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 overall subdivision consent. This detail must include:

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

ii. the areas 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 is proposed of land adjoining the MHWS, or bank of a river or stream 3m or more in width, or any lake, the application plan and the subsequent Land Transfer plan, must provide for a minimum 20m wide esplanade reserve or esplanade strip in accordance with S230 of the RMA.

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.
- e. Where an esplanade reserve is set aside on subdivision or redevelopment of any site zoned for residential activities, the reserve areas will be included in the assessment of density limitations and maximum building coverage for that site.

7. Overland flow paths

All proposed sites must be designed to incorporate overland flow paths where required to transmit stormwater flows that;

- a. exceed the capacity of the piped network on the site
- b. enter the site from the upstream and adjoining properties
- c. exit the site in a location that does not cause damage to downstream properties.

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 either 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 unless consent has been granted for any infringements.

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 they serve, or have legal rights provided by an appropriate legal mechanism.
- d. Where applicable under s. 230 of the RMA, any esplanade reserve must be shown on the application plan and the subsequent Land Transfer 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 resource consent, building consent or certificate of acceptance.

c. All service connections and on-site infrastructure must be located within the boundary of the site they serve, 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 they serve 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 site has two or more zones and/or overlays applying to it, or is affected by a precinct, the lot boundaries of the subdivision shall follow the zone boundaries and the lots created must comply with the zone, overlay or precinct rules applying to that particular part of the site.

2. Subdivision of a site within the 1 per cent AEP floodplain and flood prone areas

a. Subdivision design must ensure that private roads and all vehicle accessways that serve two or more lots:

- i. are designed so that maximum depth of floodwater during a 1 per cent AEP flood event does not exceed 200mm and a velocity of 2m/second over the lowest part of the road or access way

b) each proposed site within the 1 per cent floodplain or floodprone area that is to contain a more vulnerable activity must either:

- i contain a shape factor that meets the requirements of 2.3.1 2.3.2, 2.3.3, or.
- ii be in accordance with a land use consent that authorises development or building in the floodplain or flood prone area, or
- iii. contain a building with a finished floor level at least 500mm above any 1 per cent AEP floodplain flood level.

c. Subdivision of a site within the 1 per cent floodplain must provide an appropriate legal mechanism to ensure there is no encroachment into the floodplain by additional buildings, structures and land modification.

Note: an appropriate legal mechanism may be the use of a consent notice to ensure that the floodplain is kept free of buildings and structures which would inhibit the conveyance function of the floodplain or displace floodwaters onto adjacent properties in a 1 per cent event.

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 resource consent

a. Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

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 resource 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.

Site Shape factor: Vacant site subdivision in the residential zones which is unable to accommodate a rectangle measuring 8m by 15m outside of the 1 per cent AEP floodplain is a non-complying activity

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 for vacant proposed sites |
| 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 | 3000m 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. In addition to c below, an area sufficient for the 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. the 1 per cent AEP floodplain

- land affected by present day coastal storm inundation 1 per cent AEP (CSI)
- land affected by coastal storm inundation 1 per cent AEP plus 1m sea level rise (CSI1)
- land which may be subject to land instability

ii. protected root zone of a notable tree

iii. Significant Ecological Area or Outstanding Natural Feature or Outstanding Natural Landscape Overlay

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

v. network utility installations, including private and public lines

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

vii. right-of-way easements

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

ix. yard setback required by the underlying zone

x. riparian, lake or coastal protection yard.

xi. separation distance from national grid transmission lines.

3. Rear sites

a. For all greenfield development, and on a parent site greater than 1ha where 30 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 ten proposed rear sites or as defined in an approved precinct plan or structure plan.

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 | 6-10 |
| Minimum legal width | 3m | 3m | 6.5m |
| Minimum formed width | 2.5m | 3.0m | 5.5m |
| Service strip | 0.5m | 0.5m | 1m |
| Maximum length | 50m | 50m | 100m |
| Maximum gradient | 1 in 4 | 1 in 5 | |
| Minimum vertical clearance from buildings or structure | 3.8m | | |
| 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 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 East | 600m ² |
| Beachlands | 700m ² |
| Bombay | 2500m ² |
| Buckland | 800m ² |
| Clarks Beach | 800m ² |
| Eastern Whangaparaoa Peninsula | 700m 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 | 1600m ² |

Table 4: Historic Character Overlay subdivision controls

| Sub-area | Minimum net site area |
|-------------------|---|
| Isthmus A | 400m ² or 500m ² where the site does not comply with the shape factor (net site area) |
| Isthmus B1 and B3 | 1000m ² |
| Isthmus B2 | 600m ² |
| Isthmus C1 | 400m ² or 500m ² where the site does not comply with the shape factor (net |

| | |
|--|--------------------|
| | site area) |
| Isthmus C2 and C3 | 600m ² |
| Isthmus C2a (refer figure 1 in J3.3.3.1) | 1000m ² |
| North Shore Area A (refer to maps 2-5 in J3.4.9) | 450m ² |
| North Shore Area B (refer to maps 2-5 in J3.4.9) | 500m ² |
| North Shore Area C (refer to maps 2-5 in J3.4.9) | 600m 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 |
| 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 |
| 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. All vacant sites must be able to contain 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 to accommodate a building that complies with all applicable controls of the zone and is located outside of the following:

- i. the 1 per cent AEP floodplain:
 - land which may be subject to coastal hazards;
 - land affected by coastal storm inundation 1 per cent AEP plus 1m Sea level rise
 - land which may be subject to land instability;

- ii. protected root zone of a notable tree
- iii. Significant Ecological Area or Outstanding Natural Feature or Outstanding Natural Landscape overlay
- iv. scheduled historic heritage place, or site or place of significance to Mana Whenua
- v. private and public network utility installations
- vi. private and public stormwater and wastewater 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 must be:

- i. held together with the principal units, or
- ii. form a part of the common property.
- iii 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.

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

c. Except that this rule does not apply to building or land used exclusively for car parking

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

| Zone | Minimum Average site size (ha) | Minimum site size (ha) |
|--------------------|--------------------------------|------------------------|
| Rural Production | 100 | 80 |
| Mixed Rural | 50 | 40 |
| Rural Coastal | 50 | 40 |
| Rural Conservation | 20 | 10 |
| Countryside Living | See table 10 | |

2. 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 any present day coastal storm inundation 1 per cent AEP area or any area subject to coastal storm inundation from 1 per cent AEP plus a 1 metre rise in sea level in Countryside Living zones

v. be outside any identified 1 per cent AEP floodplain

vi. land which may be subject to land instability

vii. be located outside any Quarry Buffer area or Quarry Transport Route

3. Protection and restoration 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 wetlands where there is proposed protection or restoration of an SEA
- b. The applicant must provide an assessment of whether any of the SEA identified in 3 (a) above exists.
- c. All subdivisions must give effect to objectives and policies that promote the protection of values associated with any: ONC, HNC, ONL, SEA, cultural heritage site or Incentivised Land Amalgamation Area.
- d. The Council may require the landowner to facilitate public access or protect SEA or restore SEA 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.*
 - ii. fencing off or otherwise permanently excluding livestock from the SEA and any appropriate buffer around it
 - iii. Three yearly monitoring of the critical determinants for the health of any SEA, by an independently approved person, 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.
 - iv. effectively managing animal and plant pests
 - v. providing appropriate access to any sites and places of significance to Mana Whenua

vi. 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.

4. 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 a Countryside Living zone or Serviced 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). |
|--|---|

| | |
|--|--|
| 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 or identified Serviced Village 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 or identified Serviced Village. 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 (see table 8A).</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 (see table 8).</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 the Rural Production, Mixed Rural or Rural Coastal zones

iii. contain at least 90% elite land or 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)

iv. have a net site area of between one and twenty hectares

v. 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.

vi. not be comprised of part or all of a closed road, road severance, or designation

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

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

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

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

ii. be located within a Countryside Living zone or within the RUB of a Serviced Village or where no RUB has been established for a Serviced Village, within the urban areas existing at the date this Unitary Plan becomes operative

iii. be located outside any:

- ONC overlay

- HNC overlay

- ONL overlay
- SEA overlay
- Incentivised Land Amalgamation Area (Refer to Appendix 12.1).

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

- Compatible with the anticipated zones within the RUB of Serviced Village
- If located in the Countryside Living zone which comply with table 10

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

v. comply with the general rules for subdivision in the applicable zone, except as otherwise provided for in this rule

vi. be located so as to ensure that the provision of any water, wastewater, stormwater and roading infrastructure has capacity available.

vii. 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

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

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 Production | Countryside Living zone |
| Mixed Rural | Within the RUB of a Serviced Village or where |
| Rural Coastal | no RUB has been established for a Serviced Village within the urban areas existing at the date this Unitary Plan has become operative |

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: |
|----------------|--|---|
| 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 within the RUB of a Serviced Village, or where no RUB has been established for a Serviced Village within the urban areas existing at the date this Unitary Plan has become operative | 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 6. Land within any RUB area of investigation. |

- 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 a Serviced Village the minimum net site area must be compatible with the zones anticipated within the RUB of the relevant Serviced Village. Where no RUB exists for a Serviced 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.
- 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
 - 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

| Protection of SEA | | | |
|--|--|---|---|
| A (in ha) | B (in ha) | C (in ha) | D |
| 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 | Total minimum area of SEA wetland required to be legally protected to produce no more than the number of new sites in column D | Total minimum area of SEA threatened ecosystems or threatened species to produce no more than the number of new sites in column D | Maximum number of new sites for transfer that can be created in accordance with columns A and B and C combined. |
| 5.0ha | 0.5ha plus a 20m buffer | 3.0 | 1 |
| 10ha to 15ha | 1.0ha plus a 20m buffer | - | 2 |
| 15 plus ha to 20ha | - | - | 3 |
| For every 10 ha increment of SEA (indigenous vegetation) which is protected beyond the protection of 20ha | - | - | 1 new site for every 10ha of SEA (indigenous vegetation) - with no limit. |

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

| TRSS Subdivision by way of amalgamation | |
|---|---|
| Criteria | Maximum Number of new sites for transfer |
| Amalgamation of 2 eligible donor sites in the Incentivised Land Amalgamation Area | 2 sites for every 2 donor sites amalgamated |
| Amalgamation of 2 eligible donor sites | 1 site for every 2 donor sites amalgamated |

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)

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

- b. Any new rural lifestyle site shall have:
 - i. A minimum site size of 1ha
 - ii. A maximum site size of 2ha
- c. The SEA (indigenous vegetation) to be protected **or** the restoration planting to be undertaken shall remain on the residual 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 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 connections without gaps to the SEA.
- (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 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 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. 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.

8. 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

| Activity | Activity status |
|---|-----------------|
| Boundary adjustments that comply with all the applicable controls. | C |
| Boundary adjustments that do not comply with all the applicable controls. | D |

b. All boundary adjustments 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. not exceed 10 per cent of the original site area.
- iii. be sites comprised of Certificates of Title that existed on the date of notification of this Unitary Plan.

iv. ensure that if any subdivision 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, that a legal covenant or consent notice under s. 221 of the RMA is registered on the titles prohibiting;

- any further subdivision; and/or
- new dwellings.

v. not result in the creation of additional titles.

vi. ensure that all sites that are compliant with the applicable 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.

9.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.

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.

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.

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 |
| Warkworth | Minimum: 2ha | Minimum: 8000m ² Minimum average: not < 1ha |
| Matakana - Kumeu - Huapai Paremoremo - Albany Heights | Minimum: 2ha | N/A |
| Algies Bay | Minimum: 2ha | N/a |
| Puhoi Parakai – Helensville | Minimum: 2ha | Minimum: 8000m ² Average: Not < 1ha |
| Waimauku | Minimum: 2ha | N/a |
| Okura (West of SH1) | Minimum: 2ha | N/A |
| Okura (East of SH1) | Minimum: 4ha | N/A |
| South Rodney | Minimum: 2ha | Minimum of 1ha |
| 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 the 1 per cent AEP flood plain, flood prone areas, areas which are identified as being subject to present day coastal storm inundation 1 per cent AEP, coastal storm inundation 1 per cent AEP plus 1m sea level rise, wildfire hazards, or land which may be subject to 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.

3. Assessment - Controlled activities

3.1 Matters of control

Notwithstanding the activity status below, Council may refuse any application for subdivision which in its opinion the circumstances outlined in Section 106 (a), (b) or (c) are likely to occur

1. The council will reserve its control to the following matters:

- i. Boundary adjustments;
- ii. Cross leases;
- iii. Company leases; and
- iv. Unit Titles

2. Matters of Control for Boundary Adjustments, Cross Leases, Company Leases and Unit Titles:

- i Compliance with plans or approved consents
- ii Site design, access, and location of existing buildings, manoeuvring and private open space
- iii. Cultural and natural features
- iv Effects on infrastructure and servicing, including reverse sensitivity effects.
- v. Public open space
- vi. Avoidance or mitigation of manmade hazards (ie land contamination)
- vii. Avoidance or mitigation of natural hazards listed in section 106 RMA (erosion, falling debris, subsidence, slippage, or inundation from any source), and geotechnical stability such as liquefaction, compressible soils, and wildfire risk).

3. Assessment criteria

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

1. Compliance with Plans and Approved Consents

- i. Subdivision should implement the provisions of any relevant framework plan, structure plan, or precinct plan, where relevant.
- ii. Subdivision should ensure compliance with any relevant resource consent including its conditions.

2. Site Design and Access

- i. For cross leases, company leases, and unit titles, subdivision should provide vehicle access, manoeuvring areas, roads and other legal accesses designed to maintain the safety of pedestrians, cyclists and other road users.
- ii. 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.
- iii. Boundary adjustments should enable a more efficient and effective use of land.

3. Cultural and Natural Features

- i. Subdivision should be designed to protect, restore and enhance natural or cultural landscape, heritage or archaeological features present on a site.

4. Infrastructure and Servicing

- i. Subdivision should have regard to existing development and maintain or provide new infrastructure connections and access.
- ii. Stormwater, wastewater and water supply servicing should be adequately provided for and connections be made to a public reticulated system where available.
- iii. Subdivision should provide coordinated and appropriately designed and located infrastructure consistent with the standards and specification of Auckland Council, the standards for new water and wastewater infrastructure set out in the Water and Wastewater Code of Practice for Land Development and Subdivision, Watercare Services Limited 2011 and any relevant Code of Practice or engineering standards.
- iv. Subdivision should avoid the potential for reverse sensitivity effects on significant infrastructure
- v. Subdivision should ensure sites can have a building platform clear of high voltage transmission lines in accordance with the National Environmental Standards (NES)

5. Public Open Space

- i. For cross leases, company leases, and unit titles, where reserves are provided, they should meet the following:
 - i. provide a variety of recreation opportunities
 - ii. be of a sufficient size for the proposed uses and density of the subdivision
 - iii. be in a location to provide a neighbourhood focal point
 - iv. 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
 - v. be designed for safety and meet best practice CPTED standards
 - vi. incorporate natural features including streams and vegetation.
- ii. Consideration of the esplanade reserve requirement should include.
 - i. the particular effects and circumstances of the proposed subdivision
 - ii. the intended or potential use of the resulting sites
 - iii. the need for an esplanade reserve on the particular sites involved as assessed by the purpose of esplanade reserves.

6. Natural Hazards

- i. The design and layout of subdivision on land that may be subject to a natural hazard should:
 - a. avoid or remedy the relevant hazard
 - b. avoid the potential for future damage to property or infrastructure or risk to life resulting from a natural hazard event including the likely effects of climate change over at least 100 years
 - c. account for the geotechnical or land stability constraints that may exist
 - d. give regard to the land being physically suited to the proposed development, having considered topography, stability, proximity to waterways, and the consequences of inundation from flooding

6A. Man made hazards

- ii. The design and layout of subdivision on land that is be subject to a man made hazard should:
 - a. avoid or remedy the relevant hazard
 - b. avoid the potential for future damage to property or infrastructure or risk to life resulting from any hazardous event
 - c. give regard to the land being physically suited to the proposed development, having considered topography, and high voltage transmission lines, and the extent to which the proposal includes setbacks

- iii) Subdivision of land subject to an identified high wildfire risk area or stability hazard including the effects of liquefaction and compressible or peat soils or other unstable soils should identify and address the risk of adverse effects to the site and other people property or the environment taking into account the likely effects of climate change over at least 100 years
- iv) Where contaminants have been identified as being present:
 - i. whether appropriate remediation works can be undertaken to satisfactorily deal with any potential adverse effects on human health
 - ii. mitigating measures can be adopted to deal with any potential effects of undertaking these works.

4. Assessment - Restricted discretionary activities

Notwithstanding the activity status below, Council may refuse any application for subdivision which in its opinion the circumstances outlined in Section 106 (a), (b) or (c) are likely to occur

4.1 Matters of discretion

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

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 subject to any of the following natural hazards: 1 per cent AEP floodplain, overland flow path, flood prone areas, coastal storm inundation 1 per cent AEP, coastal storm inundation 1 per cent AEP plus 1 metre sea level rise, land instability or wildfire

- i. General matters
 - a. The type and purpose of the subdivision being undertaken and the future uses vulnerability to natural hazard events
 - b. location and design of development including building platforms and access ways
 - c. the likely effects of climate change to the natural hazard, including sea level rise
 - d. Effects on landscape values resulting from associated earthworks, structures and land form modifications required to mitigate hazard risks
 - e. Effects on public access

- f. Methods of providing for long term maintenance of areas affected by hazards, such as easements, covenants or other such mechanisms
- ii. Flood plains and flood prone areas:
 - a. measures to ensure long term protection of flood plain conveyance functions.
- iii. Overland Flow Paths
 - a. location and design of overland flow paths
 - b. on-site retention of stormwater where needed
- iv. Coastal Storm Inundation 1 per cent AEP and coastal storm inundation 1 per cent AEP plus 1 metre sea level rise
 - a. the ability to relocate uses within the proposed site area, taking into account the long term likely sea level rise.
- v. Land instability hazards (including those areas identified as '*land which may be subject to land instability*', liquefaction, compressible or peat soils or other unstable soils as identified through a specific site assessment)
 - a. the ability to remediate the hazard
 - b. the suitability of the site to provide for the intended use, including the provision for onsite infrastructure (where applicable) and accessways
- vi. Wild fire
 - a. provision of access and exit for emergency service vehicles
 - b. the location of permanent static or mains reticulated water supply fitted with appropriate coupling for emergency services
 - c. presence of, separation from and management of hazardous vegetation including the biodiversity and landscape values.

4. Subdivision for network utility in the Future Urban and Rural zones

- 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 an approved land use resource consent.

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

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

Table 13: Matters for discretion

"X" indicates a matter to be included as a matter for discretion

| Matters of discretion | Subdivision for up to 3 proposed sites | Subdivision for between 4 and 14 proposed sites | Subdivision for 15 + proposed sites |
|--|---|--|--|
| Framework Plan | | | |
| 1. The requirements of an approved framework plan, structure 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 public open space including reserves, esplanade reserves 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 application of a water sensitive design approach, including: a. the layout and design of the subdivision b. the location, design, capacity, integration and appropriateness of infrastructure c. stormwater flow, and quality management and stormwater disposal d. consistency with any applicable stormwater network discharge consent, stormwater discharge consent, stormwater or catchment management plan or analyses e. The staging and 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, including reverse sensitivity effects. | X | X | X |
| Site suitability | | | |
| 20. Avoidance or mitigation of man-made hazards, geo-technical and stability issues, 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 avoid or 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 which is subject to any of the following natural hazards: flood hazards (flood prone, over land flow paths, floodplains) coastal storm inundation, land instability or wildfire.

- i. General matters:
 - a. the subdivision should not increase natural hazard risks experienced by other sites
 - b. the subdivision should avoid or mitigate adverse effects from natural hazards where possible by maintaining or improving the functioning of natural processes and systems in the area
 - c. the subdivision may mitigate natural hazard risks through changes to the environment where this can be achieved without causing

outcomes that are incompatible with the amenity of the environment in which the site is located.

- d. the subdivision should not result in material damage to people or property from natural hazards that would render the site unsafe to occupy or use, over the foreseeable future including the likely effects of climate change.
 - e. the subdivision should ensure that areas of a site subject to natural hazards are appropriately identified and managed to ensure that hazard risks are not increased by inappropriate development.
- ii. Subdivision of land within 1 per cent AEP floodplain and flood prone areas
Subdivision of land that is within the 1 per cent AEP floodplain and flood prone areas must provide for:
 - a. the long term protection of the 1% AEP floodplain from future development, including avoiding encroachment of buildings into the flood plain
 - b. safe access during a flood event to building platforms.
- iii. Overland Flow Paths
 - a. identification and protection of overland flow paths
- iv. Subdivision of sites within the coastal storm inundation 1 per cent AEP or coastal storm inundation 1 per cent AEP plus 1m sea level rise
 - a. the ability to relocate uses within the proposed site area, taking into account the long term likely sea level rise.
 - b. the need for hard protection structures to protect the land and future use from coastal hazards including the likely effects of climate change
- v. Land instability hazards (including those areas identified as 'land which may be subject to land instability', liquefaction, compressible or peat soils or other unstable soils as identified through a specific site assessment)
 - a. the ability to remediate the site to ensure that the risk of adverse effects resulting from land instability hazards are managed to provide for the likely intended use of the site
 - b. the suitability of the site to provide for the intended use, including the provision for onsite infrastructure (where applicable) and accessways
- vi. Wildfire
 - a. provision of access and exit for emergency service vehicles
 - b. the location of permanent static or mains reticulated water supply fitted with appropriate coupling for emergency services
 - c. separation from and management of hazardous vegetation having regard to; extent of contiguous vegetation, vegetation type, slope, aspect, the ability to manage understory vegetation on an ongoing basis, the biodiversity value of any vegetation that may require removal or management.

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 an approved land use resource consent

- a. Subdivision should not result in any existing part of a 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:
 - i. 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
 - ii. a land use resource consent has been approved for the infringement
 - iii. the scale and effects associated with the infringement were assessed in an approved land use resource consent.

6. Assessment criteria for any other restricted discretionary subdivision:

1. Framework Plan

- a. Subdivision should implement the provisions of any relevant approved framework plan, structure plan or precinct plan.
- b. Infrastructure, including roads, and open space should be provided in accordance with an approved framework plan, structure plan or precinct plan.
- c. Any opportunities identified in an approved framework plan, structure plan, or precinct plan to protect or enhance natural features, such as vegetation, are incorporated into the subdivision.
- d. Proposed sites should be able to accommodate development intended by the underlying zone by complying with the shape factor and lot size for the zone. Where this is not demonstrated, a land use resource consent should be approved for that development prior to the approval of the subdivision.

3. Neighbourhood, Blocks and Roads

- a. Proposed sites should ensure safe, legible and convenient pedestrian, cycle and vehicle access can be achieved that enables the safe movement of pedestrians, cyclists and vehicles. Vehicle manoeuvring should be accommodated on site.

4. Site Design

- a. Apart from corner sites, proposed sites should have a single road frontage.
- b. A proposed site's shape factor and its layout should provide:
 - i. site size and shape
 - ii. the intended building and where required open space and car parking
 - iii. vehicle and pedestrian access and manoeuvring,
 - vi. infrastructure services

- c. 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.

5. Access

- a. All shared driveways should be designed as low speed environments (approximately 10km/h or slower).
- b. Share driveways in the business zone should be short in length and should be design to accommodate the anticipated volume of traffic, including heavy vehicles movements, to maximise safety.
- c. Driveways should not be located through an existing, or proposed bus stop, to ensure that the bus stops are fully accessible for disability access.

6. Cultural and Natural Features

- a. Subdivision should:
 - i. retain existing vegetation where it contributes to the future desired character of the area
 - ii. protect, restore and enhance natural waterbodies, riparian margins and other ecological sites and corridors
 - iii. protect, and enhance and restore Māori cultural heritage and Māori cultural landscapes and any cultural or historic heritage feature.
- b. Subdivision should respond to identified topographical features, characteristics and landscape patterns to:
 - i. form a focal point for the subdivision layout
 - ii. ensure access is maintained to those features.
- c. Subdivision design shall ensure that any natural features are accessible to the public and where appropriate any cultural features are accessible to the public and form prominent features within the overall design.
- d. Subdivision design should maximise access to coastal environments by orientating blocks perpendicular rather than parallel to the coastal edge.
- e. Proposed sites adjacent to the coastal edge should be deeper to allow for a greater setback of any future building.

7. Public Open Space

- a. Sites proposed for reserves and public open spaces should:
 - i. demonstrate good design principles and practices
 - ii. integrate with the surrounding open space network
 - iii. be physically suitable and designed appropriately for the intended function.
- b. Public access to public open space should be secured in perpetuity.
- c. 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.
- d. Clear sight lines into all areas of reserves should be available from public roads or nearby proposed sites intended for residential use.

8. Infrastructure and Servicing

- a. Subdivision should provide for the appropriate management of stormwater applying a water sensitive design approach as appropriate, in a way that:
- i. is consistent with any relevant stormwater network discharge consent or stormwater discharge consent
 - ii. has particular regard to the recommendations of any applicable approved integrated stormwater management plan, integrated catchment management plan or current Auckland Council stormwater analysis
 - iii. implements, or ensures sites can accommodate on-site retention, detention and treatment of stormwater that may be required to comply with rules or consents under H4.14 Stormwater management discharge, flow, and quality, J7.x Stormwater Management Areas: Flow, or applicable precinct provisions
 - iv. locates impervious area in places where necessary earthworks and resulting stormwater discharges can be managed to have the least impact on freshwater systems
 - v. identifies and protects the functions of floodplains and provides overland flow paths
 - vi. maintains and where practicable enhances freshwater systems
 - vii. integrates water sensitive design elements in the design of reserves and sites
 - viii. minimises or mitigates changes in natural hydrology as far as practicable, including loss of infiltration
 - ix. identification and maintenance of natural stream systems, including intermittent streams where they contribute to the ecological values of streams
 - x. minimise potential erosion and associated effects on stream health and values
 - xi. ensuring the sites can accommodate on-site retention of stormwater where this is needed for flood management due to Stormwater Management Areas: Flow rules, and or catchment management or structure plan requirements
 - xii. decompaction of soils after earthworks or otherwise remediation to enhance natural absorption capability of soils
 - xiii. maintain stream baseflows
 - xiv. support groundwater recharge
 - xv. optimises stormwater management, applying an appropriate mix of communal and catchment scale mitigation together with local or site based approaches
 - xvi. minimises contaminant loads to freshwater and coastal receiving environments
- b. Drainage reserves should:
- i. be integrated into the layout of the subdivision and neighbourhood, including reserve and pedestrian links
 - ii. be designed to fit in with the surrounding landscape and appear as a natural component of the overall setting

- c. Proposed subdivision shall be designed and located to recognise the requirements of significant infrastructure.
- d. 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

9. Site Suitability

- a. Whether, in instances where contaminants have been identified as being present:
 - i. appropriate remediation works can be undertaken to satisfactorily deal with any potential adverse effects on human health
 - ii. mitigating measures can be adopted to deal with any potential effects of undertaking these works.
- b. The extent to which the design of the subdivision allows for earthworks, building and structures to comply with the New Zealand Electrical Code of Practise (NZECP34:2001).
- c. Any earthworks associated with subdivision should:
 - i. be minimised unless it serves to limit the visual impact of future development and its effects can be managed
 - ii. be undertaken, as far as practicable, in one stage rather than having prolonged or repeat land modification works
 - iii. 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
 - iv. significant landscape modifications which only purpose is to form additional developable sites should be avoided.

Additional restricted discretionary assessment criteria for subdivision that creates 4 or more additional sites:

10. Neighbourhood, Blocks and Roads

- a. The layout and design of roads and blocks should maximise the ability to provide front sites.
- b. The layout and pattern of roads and blocks should maximise convenient, direct and legible access to:
 - i. arterial and collector roads
 - ii. bus routes
 - iii. community focal points such as schools, public open space and recreation facilities
 - iv. coastal marine area, lakes, and rivers
- c. Connection and integration with the surrounding neighbourhood and other sites should be provided through roads which provide for pedestrian and cycle use.
- d. Subdivision should be designed and laid out to reflect the planned function of the road within the roading hierarchy.
- e. Where topography and parent site shape allows, roads should be aligned north/south to establish blocks and site layouts that are oriented east/west to enable proposed sites and future buildings (including the windows to habitable rooms) and associated private open space to derive good solar access. Proposed sites with a south to north orientation should demonstrate design principles that allow for different widths and lengths to maximise solar access. Consideration should be given to:

- i. South frontage sites being narrower in width and longer in length to allow for a dwelling to the front and the private outdoor space to the rear
 - ii. North frontage sites being wider and shallower to allow for a dwelling and outdoor space to site alongside each other.
- f. Provide pedestrian and cycle routes that are safe, convenient and legible. Road designs should be multimodal provide for cycle and pedestrian movement.
- g. 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.
- h. 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
- i. 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.

11. Site Design

- a. As many proposed sites as possible should front onto, and be accessed directly from, a legal road. Rear sites should be avoided unless it can be demonstrated that there are topographical, parent site shape or other constraints that prevent the creation of front sites.
- b. Proposed sites should be designed where practicable for vehicular access from the southernmost point of the road boundary where the roads are oriented north-south unless there are specific reasons (gradient, intersection proximity etc) why this should not occur .

12. Access

- a. A pedestrian access strip should be designed and built to clearly identify to vehicles that pedestrians have priority through the use of design, materials and/or colours.
- b. Driveways serving over ten sites or over 100m 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.
The design of driveways serving six or more sites should provide for pedestrian access, which can be located within the formed driveway or service strip. The pedestrian access should generally be distinguished from the vehicle carriageway through the use of a raised curb, inset beam, cobble or paver strip, or different colour or surface treatment. As an alternative the use of design techniques which promote a "shared surface" approach (e.g. textured materials, traffic calming, and signage) may be appropriate.
- c. Shared driveway design should, where appropriate, provide for the storage of rubbish bins.
- d. The position of any on-street car parking bays should take account of the likely position of driveway crossings, proposed or existing bus stops, and in road infrastructure.
- e. 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 would result in excessive traffic volumes attracted onto local roads, particularly in residential areas. Where cul-de-sacs are provided, they should be short in length, straight and include pedestrian and cycle links to surrounding roads.

Additional restricted discretionary assessment criteria for subdivision that creates over 15 additional sites:

13. Neighbourhood, Blocks and Roads

- a. Subdivision should provide for reasonable and necessary mitigation measures within the existing road network to address any significant increase in traffic volumes (including pedestrians and cyclists).
- b. 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.
- c. Pedestrian and cycle links should run along the fronts of sites or public open spaces and not the rear of sites.

14. Site Design

- a. 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.

15. Affordable Housing

- a. Subdivision should provide affordable housing in accordance with the Auckland Wide Affordable Housing Rules under Chapter H6.6. The required affordable housing should be secured by an appropriate legal mechanism to secure their delivery.

2. 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 Tables 15 and 16 below.

The extent of information provided for each matter should correspond with the scale and complexity of the proposed development and the scale and significance of any potential effects in relation to the locality. The general provisions of G1.4C provide further explanation as to the information that may be expected within a design statement for each of the specified matters.

Table 15: Design Statements

“X” indicates a matter to be included in a design statement

| Information requirements | 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 – 3 sites | 4 – 14 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. Existing Neighbourhood Context | | | | | |
| a. Natural and cultural environment | | X | X | X | X |
| b. Movement | | X | X | X | X |
| c. Built Form character | | | | | |
| d. Use and activity | | | X | X | X |
| e. Urban structure | | | X | X | X |
| 3. Planning Context | | | | | |
| a. Planning Context | X | X | X | X | X |
| 4. 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 layout | X | X | X | X | X |
| c. Proposed building design | | | | | |
| d. Sunlight access | | | | | |
| e. Landscape & Open Space | | | | | |
| f. Streets, accessways and lanes | X | X | X | X | X |

Table16: Design statements

“X” indicates a matter to be included in a design statement

| Information requirements | 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. Existing Neighbourhood Context | | | |
| a. Natural and cultural environment | X | X | X |
| b. Movement | | X | X |
| c. Built Form character | | | |
| d. Use and activity | X | X | X |
| e. Urban structure | | X | X |
| 3. Planning Context | | | |
| a. Planning Context | X | X | X |
| 4. Opportunities and constraints analysis | | | |

| | | | |
|--|---|---|---|
| a. Opportunities and constraints diagram | X | X | X |
| B. Design Response | | | |
| a. Concept design | X | X | X |
| b. Proposed site layout | X | X | X |
| c. Proposed building design | | | |
| d. Sunlight access | | | |
| e. Landscape & Open Space | | | |
| f. Streets, accessways and lanes | X | X | X |