

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Appendix 1 – Officers Recommended Amendments to the Subdivision Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Amendments proposed to be inserted as part of Variation 1 to the Proposed District Plan are shown in blue underline for new text and ~~strikethrough~~ for deleted text. Recommendations made through the previous Chapters are shown in purple underline for new text and ~~purple strikethrough~~ for deleted text. Recommendations made throughout the Reporting Officer's right of reply are shown in red underline for new text and red ~~strikethrough~~ for deleted text. Recommendations made throughout the Reporting Officer's right of reply addendum are shown in yellow highlight underline for new text and yellow ~~highlight strikethrough~~ for deleted text.

Overview

Subdivision is the process of dividing an allotment or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape is important as it not only determines the quality and character of development, but it also impacts on surrounding sites and the future use of the land. Subdivision affects the natural and physical environment and introduces long-term development patterns that are unlikely to be reversed.

Subdivisions should be designed in an integrated way that contributes to a sense of place, supports connectivity and provides well-designed, accessible and safe spaces. It should not result in reverse sensitivity effects that cause land to be sterilised and result in the inability to undertake the activities enabled in the relevant zone. The subdivision process also provides the opportunity to create esplanade reserves or strips adjacent to the coast and rivers to enable public access and recreation, or to manage conservation values.

Te Ture Whenua Māori Act 1993 exempts hapū partitions and combined partitions from the subdivision provisions of the Act and these are administrated by the Māori Land Court. However, full partitions are subject to the subdivision provisions.

Subdivision of land that contains an identified feature or resource overlay may be subject to additional provisions. Regard should be given to the relevant chapter managing that feature/resource, including its objectives and policies. Zone rules may also have a bearing on subdivision applications. For example, a subdivision may result in an existing land use activity failing to comply with rules in the Plan due to the change in allotment size. Other sections of the Plan will be relevant for land use activities, which may be associated with and/or required to implement the subdivision e.g. earthworks or the formation of roads.

Consent for subdivision or land use may also be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), unless it can be demonstrated that the NESCS does not apply to the application site.

Council has a responsibility under the RMA, NPS-HPL and the Northland Regional Policy Statement to ensure that there is sufficient land available to meet the future demands of the district, that development is in the right location, and manage the rural land resource to protect highly productive

land from inappropriate subdivision and¹ provide for the economic, social and cultural well-being of people and communities while managing adverse effects on natural and physical, historic heritage and cultural values, natural features and landscapes or indigenous biodiversity.

Objectives	
SUB-01	Subdivision results in the efficient use of land, which: <ul style="list-style-type: none"> a. achieves the objectives of each relevant zone, <u>precinct, development area,</u>² overlays and <u>the</u> district wide provisions; b. contributes to the <u>existing or planned</u>³ local character and sense of place; c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate; d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located; e. does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and f. manages adverse effects on the environment.
SUB-02	Subdivision <u>recognises and</u> provides for the: <ul style="list-style-type: none"> a. Protection of highly productive land; and⁴ b. Pprotection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character,⁵ wetland, lake and river margins, <u>Significant Natural Areas areas of significant indigenous vegetation and significant habitats of indigenous fauna</u>⁶, Sites and Areas of Significance to Māori, and Historic Heritage.
SUB-03	Infrastructure is planned to service the proposed subdivision and development where: <ul style="list-style-type: none"> a. there is existing infrastructure connection, infrastructure should<u>is</u> provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and b. where no existing connection is available infrastructure should be<u>is</u> planned and consideration be given to connections <u>made</u>⁷ with the wider infrastructure network.
SUB-04	Subdivision is accessible, connected, and integrated with the surrounding environment including by and ⁸ <u>providing</u> for: <ul style="list-style-type: none"> a. <u>safe transport connections including active modes of public transport where practicable;</u> b. <u>new, and connection to existing</u>⁹ public open spaces; c. esplanade where land adjoins the coastal marine area; and d. esplanade where land adjoins other qualifying waterbodies.
SUB-0X	<u>Subdivision protects the long-term availability and productive capacity of highly productive land by avoiding inappropriate subdivision that would compromise its use for farming and forestry activities.</u> ¹⁰

¹ S359.029 and others

² Clause 10(2)(b), Schedule 1, RMA

³ S463.041

⁴ S364.053

⁵ Clause 10(2)(b), Schedule 1, RMA

⁶ S451.004 and others

⁷ S356.074

⁸ S271.022

⁹ S271.022

¹⁰ S359.029 and others

SUB-OY	Subdivision occurs in a sequenced and coherent manner in locations and at a rate that enables growth and development to be supported by additional infrastructure. ¹¹
Policies	
SUB-P1	Enable boundary adjustments that: <ul style="list-style-type: none"> a. do not alter: <ul style="list-style-type: none"> i. the degree of non compliance with District Plan rules and standards; ii. the number and location of any access; and iii. the number of certificates of title; and b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.¹²
SUB-P2	Enable subdivision for the purpose of public works, infrastructure, reserves or access.
SUB-P3	Provide for subdivision where it results in allotments that: <ul style="list-style-type: none"> a. are consistent with the <u>planned environment</u>¹³ purpose, characteristics and qualities of the zone or precinct; b. comply with the minimum allotment sizes for each zone or precinct¹⁴; c. have an adequate size and appropriate shape to contain a building platform; and d. have legal and physical access.
SUB-P4	Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan¹⁵
SUB-P5	Manage subdivision design and layout in the General Residential, Mixed Use, <u>Medium Density Residential, Town Centre</u> ¹⁶ and Settlement zone to provide for safe, connected and accessible environments by: <ul style="list-style-type: none"> a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network; b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections; c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces; d. contributing to a well connected transport network that safeguards future roading connections; and e. maximising accessibility, <u>(including for emergency response) and</u>¹⁷ connectivity by creating walkways, cycleways and an interconnected transport network; and f. <u>providing additional infrastructure where required</u>¹⁸.
SUB-P6	Require infrastructure to be provided in an integrated and comprehensive manner by: <ul style="list-style-type: none"> a. demonstrating that the subdivision will be appropriately serviced <u>(including telecommunications)</u>¹⁹ and integrated with existing and planned infrastructure if available; and b. ensuring that the infrastructure is provided is in accordance with the planned environment purpose, characteristics and qualities²⁰ of the zone.

¹¹ S331.049¹² S368.088¹³ S463.041 and others¹⁴ Clause 10(2)(b), Schedule 1, RMA¹⁵ S463.044¹⁶ Clause 10(2)(b), Schedule 1, RMA¹⁷ S512.030¹⁸ S331.055¹⁹ S278.001 and others²⁰ Clause 10(2)(b), Schedule 1, RMA

SUB-P7	Require the vesting of esplanade reserves <u>or esplanade strips</u> ²¹ when subdividing to <u>specific allotment sizes</u> ²² land adjoining the coast or other qualifying waterbodies.
SUB-P8	Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision: <ol style="list-style-type: none"> will protect <u>areas of significant indigenous vegetation, or significant habitats of indigenous fauna or natural inland wetlands</u> a qualifying SNA in perpetuity <u>as required in SUB-R6</u> and result in the SNA being added to the District Plan SNA schedule;²³ and achieves the environmental outcomes required in SUB-R7; Provides a management plan which results in superior environmental outcomes, including through, where relevant: <ol style="list-style-type: none"> <u>the protection of natural character, landscape, amenity, heritage or cultural values; and/or</u> <u>the restoration, enhancement and legal protection of indigenous biodiversity;</u>²⁴ or²⁵ is around an existing residential unit as provided for by SUB-R3;²⁶ will not result in the loss of versatile soils²⁷ for primary production activities.—
SUB-PX	Avoid subdivision that: <ol style="list-style-type: none"> Within the Horticulture Precinct, is not provided for in PREC1-P5; In all other parts of the Rural Production Zone: <ol style="list-style-type: none"> results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities; cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term; fragments land into parcel sizes that are no longer able to support farming or forestry activities in accordance with RPROZ-P6(c); Results in rural lifestyle subdivision unless provided for in SUB-P8.²⁸
SUB-P9	Avoid subdivision rural lifestyle subdivision in the Rural Production zone and R- Restrict rural residential subdivision in the Rural Lifestyle zone unless the development <u>achieves the environmental outcomes required in the management plan subdivision rule</u> ²⁹ SUB-R7 , <u>provides a management plan which results in superior environmental outcomes, including through, where relevant:</u> <ol style="list-style-type: none"> <u>The protection of natural character, landscape, amenity, heritage, or cultural values; and/or</u> <u>The restoration, enhancement and legal protection of indigenous biodiversity.</u>³⁰
SUB-P10	To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.
SUB-P11	Consider the following matters where relevant when assessing and managing the effects of subdivision: ³¹ Manage subdivision to address the effects of the activity requiring resource

²¹ S118.001²² S167.051²³ S451.004 and others consequential amendments²⁴ S167.052 and others²⁵ Clause 10(2)(b), Schedule 1, RMA²⁶ S257.008 and others²⁷ S159.068²⁸ S359.029 and others²⁹ Clause 10(2)(b), Schedule 1, RMA³⁰ S167.053 and others³¹ Clause 10(2)(b), Schedule 1, RMA

	<p>consent including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. <u>the potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate</u>³² b. consistency with the scale, density, design and character of the environment and purpose of the zone; c. the location, scale and design of buildings and structures; d. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity; e. managing natural hazards; f. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and g. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.
Rules	

Notes:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. Subdivision of land within the Treaty Settlement Overlay is subject to the subdivision rules and standards for the underlying zone
3. Where a site has a split zoning the more restrictive rules relating to minimum allotment sizes will apply.
4. Any application for a resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion including an assessment of whether the site includes an area of land susceptible to instability.
5. A boundary adjustment or subdivision that occurs wholly outside the Natural Open Space Zone and does not create or alter a boundary within land zoned Natural Open Space, shall be assessed under the subdivision rules of the zone(s) in which the boundary adjustment or subdivision occurs.³³

SUB-R1	Boundary adjustments	
All zones (except Open Space zones, Motorua Island zone, and Airport zone)	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1</p> <p>1. The boundary adjustment complies with standards: SUB-1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-</p>	<p>Activity status where compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. matters of any infringed standard; and b. any relevant matters of control.

³² S55.017³³ S463.047

	<p>compliant, the degree of non-compliance shall not be increased; SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose;</p> <p>CON-2</p> <p>1. the boundary adjustment does not <u>alter</u>³⁴:</p> <ol style="list-style-type: none"> <u>Alter</u> the ability of existing activities to continue to be permitted under the rules and standards in this District Plan; <u>Alter</u> the degree of non compliance with zone or district wide standards; <u>Alter</u> the number and location of any access; and <u>Increase</u> the number of certificates of title. <p>CON-3</p> <p>1. The boundary adjustment complies with standard: SUB -S8 Esplanades.</p> <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; the provision of easements or registration of an instrument for the purpose of public access and reserves; the effects of development phase works on the surrounding area; extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga; adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists; natural hazards or geotechnical constraints; 	<p>Activity status where compliance not achieved with CON-2 and CON-3: Discretionary</p>
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³⁴ S502.081

	<p>g. where relevant compliance with Far North District Council Engineering Standards April 2022;³⁵ and</p> <p>h. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.</p> <p>NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	
<p>Natural Open Space zone</p> <p>Open Space zone</p> <p>Sport and Active Recreation zone</p> <p>Motorua Island zone</p> <p>Airport zone</p>	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
SUB-R2	Subdivision of land solely to create an allotment that is for the purpose of public works, infrastructure, reserves or access	
All zones	<p>Activity status: Controlled</p> <p>Matters of control are limited to:</p> <ul style="list-style-type: none"> a. the size, design and layout of lots for the purpose of public works, infrastructure, reserves or access; b. the provision of easements or registration of an instrument for the purpose of public access and reserves; c. the effects of development phase works on the surrounding area; d. the effects on cultural values; e. preservation of the natural character of the coastal environment and the margins of lakes, rivers and wetlands; f. protection of natural features/landforms, waterbodies, 	

³⁵ S516.034 and others. Plan wide consistency

	<p>indigenous vegetation, indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists, historic heritage, sites of significance to tangata whenua, archaeological site or identified feature;</p> <p>g. natural hazards or geotechnical constraints;</p> <p>h. where relevant compliance with Far North District Council Engineering Standards April 2022;³⁶</p> <p>i. effects on notable trees within or adjoining the site; and</p> <p>j. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.</p> <p>NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	
SUB-R3	Subdivision of land to create a new allotment	
Rural Production Rural Lifestyle Rural Residential General Residential zone Kororāreka Russell Township zone Settlement zone Mixed Use zone	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1</p> <p>1. The subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose.</p> <p>CON-2</p> <p>1. The subdivision complies with standards: SUB-S1 Minimum allotment sizes <u>(except subdivision under SUB-R3 CON-3 below)</u>; and SUB-S8 Esplanades.</p> <p>CON-3</p> <p>1. <u>Except where there is a Precinct or Development Area overlay, Ss</u>ubdivision around an existing residential unit in the Rural Production zone where:</p>	<p>Activity status where compliance not achieved with CON- 1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. matters of any infringed standard; and</p> <p>b. any relevant matters of control.</p> <p>Activity status where compliance not achieved with CON-2: Discretionary</p> <p>Where:</p> <p>DIS-1</p> <p>1. compliance with SUB-S1 Minimum allotment sizes - controlled activity is not achieved, but discretionary activity achieved</p> <p>Activity status where compliance not achieved with DIS-1:Non-complying</p>

³⁶ S516.034 and others. Plan wide consistency

Light Industrial zone	a. <u>The residential unit has been legally established or building consent granted on or before the [DATE OF CL10 DECISIONS ON PDP];</u>	
Heavy Industrial zone	b. <u>one rural lifestyle allotment is created;</u>	
Horticulture zone	c. <u>allotment size is between 2000m²- 2ha; and</u>	
Horticulture Processing zone	d. <u>Balance allotment is a minimum of 40ha in size.</u> ³⁸	
Hospital zone	Matters of control are limited to:	
<u>Medium Density Residential Zone</u>	a. the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses;	<u>Activity status where compliance not achieved with CON-3,d. : Discretionary</u>
<u>Town Centre Zone</u> ³⁷	b. the provision of easements or registration of an instrument for the purpose of public access and reserves;	<u>Where:</u>
	c. the effects of development phase works on the surrounding area;	<u>DIS-2</u>
	d. extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga;	1. <u>The balance allotment is greater than 8ha in size</u>
	e. adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists;	<u>Activity status where compliance not achieved with CON -3 a,b,c or DIS-2: Non-complying</u> ⁴¹
	f. natural hazards or geotechnical constraints;	
	g. where relevant compliance with Far North District Council Engineering Standards April 2022; ³⁹ and	
	h. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray; and	
	i. <u>where relevant, measures to provide for active transport, protected cycleways and for walking</u> ⁴⁰	
	NOTE:	

³⁷ Consequential amendment³⁸ S257.008 and others³⁹ S516.034 and others. Plan wide consistency⁴⁰ S431.072 and others⁴¹ S257.008 and others

If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.

Orongo Bay zone	Activity status: Controlled	Activity status where compliance not achieved with CON-1: Restricted Discretionary		
	Where:	Matters of discretion are restricted to:		
	CON-1: 1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose.	a. matters of any infringed standard; and b. any relevant matters of control in SUB-R3.		
	CON-2 1. The subdivision complies with standard: SUB-S8 Esplanades.	Activity status where compliance not achieved with CON-2: Discretionary		
	CON- 3 1. The subdivision complies with the following table:	Activity status where compliance not achieved with CON-3: Non-complying		
	<table><tr><td>Orongo Bay zone</td><td>1. the minimum lot sizes are:<ul style="list-style-type: none">3,000m2 (onsite sewerage disposal);1,000m2 (reticulated sewerage disposal);2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.</td></tr></table>	Orongo Bay zone	1. the minimum lot sizes are: <ul style="list-style-type: none">3,000m2 (onsite sewerage disposal);1,000m2 (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.	
Orongo Bay zone	1. the minimum lot sizes are: <ul style="list-style-type: none">3,000m2 (onsite sewerage disposal);1,000m2 (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.			
	Matters of control are limited to: a. Matters on control in SUB-R3.			

Carrington Estate zone	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1:</p> <ol style="list-style-type: none"> The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose. <p>CON-2</p> <ol style="list-style-type: none"> The subdivision complies with standard: SUB-S8 Esplanades. <p>CON-3:</p> <ol style="list-style-type: none"> The subdivision is a Unit title subdivision of the accommodation units and lodge/golf club complex, as identified in the Carrington Estate Development Plan. <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> Matters on control in SUB-R3 	<p>Activity status where compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> matters of any infringed standard; and any relevant matters of control in SUB-R3. <p>Activity status where compliance not achieved with CON-2: Discretionary</p> <p>Activity status where compliance not achieved with CON-3: Non-complying</p>
Kauri Cliffs zone	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1:</p> <ol style="list-style-type: none"> The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; SUB-S7 Easements for any purpose; and SUB-S8 Esplanades. <p>RDIS-2:</p> <ol style="list-style-type: none"> <u>The Ssubdivision is within the Golf Living subzone and:</u> <ol style="list-style-type: none"> <u>no greater than of up to</u> 60 new lots for residential <u>(golf living)</u> purposes; <u>are created; provided that:</u> no lot is less than <u>4,0500m²</u> in area; on-site treatment and disposal of wastewater is provided for; <u>and</u> <u>defined the building platforms footprints, identified through a professional landscape assessment, are specified; and on an approved plan of subdivision.</u> 	<p>Activity status where compliance not achieved with RDIS-1 <u>or RDIS-2</u>: Discretionary</p> <p>Activity status where compliance not achieved with RDIS-2: Discretionary</p>

	<p>e. <u>a landscape planning and management plan is provided with the application with a purpose to integrate development into the surrounding property and wider landscape context.</u></p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. matters of control in SUB-R3; b. the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone; c. the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated; and d. the effect on adjoining activities⁴²; e. <u>the measures proposed for the implementation and ongoing management of planting within the subdivision;</u> f. <u>the matters in CE-P10;</u> g. <u>the stability of land, buildings and infrastructure;</u> h. <u>serving and infrastructure requirements; and</u> i. <u>design of the lot layout and building selection to reduce adverse visual effects, including by clustering development and being setback from high points and major ridges.</u>⁴² <p>NOTE: Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained.</p>	
<p>Māori Purpose zone</p> <p>Ngawha Innovation and Enterprise Park</p> <p><u>Waitangi Estate Special Purpose Zone</u>⁴³</p>	<p>Activity status: Discretionary</p>	<p>Activity status where compliance not achieved: Not applicable</p>

⁴² S463.048 Hearing 15A Kauri Cliffs

⁴³ Clause 10(2)(b), Schedule 1, RMA Hearing 15B

Open space zones Motorua Island zone Quail Ridge zone Airport zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
SUB-R4	Subdivision that creates a private accessway	
All zones	Activity status: Controlled Where: CON -1 1. A private accessway serves a maximum of 8 sites <u>allotments</u> . CON-2 1. Where a subdivision serves 9 or more <u>allotments sites</u> ⁴⁴ , access shall be by public road.	Activity status where compliance not achieved with CON-1 and CON-2: Discretionary <u>Note: the transport chapter may apply and needs to be addressed.</u> ⁴⁵
SUB-R5	Subdivision around an approved multi-unit <u>residential</u>⁴⁶ development	
General Residential zone <u>Medium Density Residential zone</u>	Activity status: Controlled Where: CON-1 1. Subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment ; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose. CON-2 1. Subdivision complies with standards	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: a. matters of any infringed standard; and b. any relevant matters of control in SUB-R4 ⁵ . Activity status where compliance not achieved with CON-2: Discretionary

⁴⁴ Clause 10(2)(b), Schedule 1, RMA Hearing 11- Transport

⁴⁵ S178.007 and others

⁴⁶ S561.048

	<p>SUB-S1 Minimum allotment sizes – Controlled activity; and⁴⁷ SUB-S8 Esplanades</p> <p>CON-3</p> <p>1. The multi-unit <u>residential</u> development <u>(excluding minor residential units)</u> has already been constructed or the subdivision is proposed around a multi-unit <u>residential</u> development that has been approved by way of resource consent.</p> <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; the provision of easements or registration of an instrument for the purpose of public access and reserves; the effects of development phase works on the surrounding area; extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga; adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists; natural hazards or geotechnical constraints; where relevant compliance with Far North District Council Engineering Standards 2022;⁴⁸ and adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray. <p>NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for</p>	<p>Activity status where compliance not achieved with CON-3: Non-complying</p>
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⁴⁷ S138.009

⁴⁸ S516.034 and others. Plan wide consistency

	any activity where the adverse effects are considered to be minor or more than minor.											
SUB-R6 Environmental benefit subdivision												
Rural Production zone	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS -1</p> <p>1. Subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; SUB-S7 Easements for any purpose; and SUB-S8 Esplanades.</p> <p>RDIS -2</p> <p>The Environmental benefit subdivision complies with either Table 1 or Table 2 as follows:</p> <p>Table 1.</p> <table><tr><td>Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title</td><td>Maximum Number of additional lots that can be created on an individual Record of Title</td></tr><tr><td>Greater than 4ha — less than 10ha</td><td>1</td></tr><tr><td>Greater than 10ha — less than 20ha</td><td>2</td></tr><tr><td>Greater than 20ha</td><td>3</td></tr></table> <p>Table 2.</p> <table><tr><td>Total area of natural <u>inland</u> wetland to be legally protected on an individual Record of Title</td><td>Maximum Number of additional lots that can be created on an individual Record of Title</td></tr></table>	Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title	Greater than 4ha — less than 10ha	1	Greater than 10ha — less than 20ha	2	Greater than 20ha	3	Total area of natural <u>inland</u> wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title	<p>Activity status where compliance not achieved with RDIS -1, RDIS-2, <u>RDIS-3</u>, RDIS-4 and RDIS-5 is not achieved: Discretionary</p> <p><u>Activity status where compliance not achieved with RDIS-6, 2.: Discretionary</u></p> <p><u>Where:</u></p> <p><u>DIS-1</u></p> <p>1. <u>The balance allotment is greater than 8ha in size⁵⁷</u></p> <p>Activity status where compliance not achieved with RDIS-6, <u>1</u>, <u>DIS-1</u> and RDIS-7 and RDIS-8 is not achieved: Non-complying</p>
Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title											
Greater than 4ha — less than 10ha	1											
Greater than 10ha — less than 20ha	2											
Greater than 20ha	3											
Total area of natural <u>inland</u> wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title											

⁵⁷ S167.057 and others

Greater than 0.5ha (5,000m ²) — less than 1ha	1
Greater than 1ha — less than 2ha	2
Greater than 2ha	3

RDIS-2
Each separate area of ~~significant~~ indigenous vegetation, ~~significant~~⁴⁹ indigenous habitat or natural inland wetland included in the proposal must be assessed by a suitably qualified and experienced ecologist as satisfying at least one criteria in Appendix 5 of the Northland RPS (Criteria for determining significance of indigenous biodiversity).

RDIS-3
All of an area of indigenous vegetation, indigenous habitat or natural inland wetland assessed as significant under RDIS-2 contained within the individual Record of Title is protected.⁵⁰

~~The significant indigenous vegetation, significant indigenous habitat or natural wetland must be added to the list of scheduled Significant Natural Areas in the District Plan, which will be incorporated into the District Plan as part of the next plan update plan change.~~⁵¹

RDIS-4
The subdivision proposes to protect all areas of indigenous vegetation, indigenous habitat or natural inland wetland by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977.

RDIS-5
An ecological management plan is prepared to address the ongoing management of the covenanted area to ensure that the values are maintained and the plan includes:

1. Fencing requirements for the covenant area;
2. Monitoring and reporting measures;⁵²
3. Ongoing pest plant and animal control; and
4. Any enhancement or edge planting required within the covenant area

⁴⁹ S364.055

⁵⁰ S431.086 and others

⁵¹ S167.057 and consequential amendments

⁵² S431.086 and others

	<p>RDIS-6 All proposed new environmental allotments are to be:</p> <ol style="list-style-type: none"> 1. a⁵³ minimum size of 21⁵³ha in area; and 2. t⁵⁴ The balance lot must be greater than 40ha.⁵⁴ <p>RDIS-7 This rule has not been used previously to gain an additional subdivision entitlement.</p> <p>RDIS-8 Where the land to be subdivided contains versatile soil (as determined by a property scale site specific Land Use Capability Classification prepared by a suitably qualified person), the proposed new allotments created by the new environmental benefit lot subdivision, exclusive of the balance area, must not individually contain more than 15% versatile soils within the allotment.⁵⁵</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. subdivision design and layout and proximity to the significant indigenous vegetation, significant indigenous habitat or natural inland wetland being protected; b. the ecological benefits that will result from the subdivision and level of protection and enhancement proposed; c. matters contained in the ecological management plan for the covenant area; d. effects of the subdivision on rural character and amenity values; e. the extent of earthworks including earthworks for the location of building platforms and access ways; f. effects on rural productivity and the availability and productivity capacity of versatile soils; g. potential for reverse sensitivity effects; h. how the subdivision layout and design may impact on the operation, maintenance, upgrading and development of existing infrastructure assets; and i. any relevant matters of control in SUB - R3. 	
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⁵³ S290.001 and others

⁵⁴ S167.057 and others

⁵⁵ Clause 10(2)(b), Schedule 1, RMA

	<p>j. <u>the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.</u>⁵⁶</p> <p>NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	
SUB-R7	Management plan subdivision	
Rural Production zone Rural Lifestyle zone	Activity status: Discretionary Where: DIS-1 <ol style="list-style-type: none"> 1. the average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves is no less than <u>24</u>ha in the Rural Production zone and 5,000m² in the Rural Lifestyle zone; 2. This is the only management plan subdivision for the specified portion of a site; 3. The portion of a site that is not subject to the management plan shall be no less than 8ha in the Rural Production and <u>21</u>ha Rural Lifestyle zone; and 4. The application contains the information listed in APP3- Subdivision management plan criteria. 	Activity status where compliance not achieved with DIS-1: Non-complying
Note: Rules SUB-R8 — SUB-R210⁵⁸ are specific rules relating to subdivision of land in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan and apply in addition to SUB-R1 — SUB-R7.		
SUB-R8	Subdivision of a site containing land susceptible to land instability	
All zones	Activity status: Controlled Where: CON-1 The proposed development area, including the ⁵⁹ building platform and any area that is required for access and services, is located wholly outside of any area on the site that is	Activity status where compliance not achieved with CON-1: Discretionary

⁵⁶ S431.086 and others

⁵⁸ Clause 10(2)(b), Schedule 1, RMA

⁵⁹ S117.001 Hearing 13 Hazards

	<p>identified as being land susceptible to land instability.</p> <p>Matters of control are limited to:</p> <ul style="list-style-type: none"> a. the location of lots, building platforms, access and services; b. the management of the land instability hazard to enable the intended use of the land and protect other property; and c. the feasibility and integrity of any physical mitigation measures required so that land instability hazard risk to the subject site or other property is not increased. 	
SUB-R9	Subdivision of a site within the National Grid <u>Subdivision</u>⁶⁰ Corridor	
All zones	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS- 1 Proposed building platforms are identified for each allotment and located wholly outside of the National Grid Yard (except where the⁶¹ allotments are for roads, esplanades, accessways and infrastructure).</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; b. the location of any future building platform as it relates to the National Grid Yard; c. the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the National Grid; d. the nature and location of any vegetation to be planted in the vicinity of the National Grid; e. the ability of future development to comply with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; f. the risk of electrical hazards affecting public or individual safety, and the risk of public and private property damage; and 	<p>Activity status where compliance not achieved with RDIS-1: Not applicable Non-complying⁶²</p>

⁶⁰ S454.095 Hearing 11 Infrastructure

⁶¹ Clause 16 correction

⁶² Clause 16 correction Hearing 11 Infrastructure

	<p>g. <u>the outcome of any consultation with the owner and operator of the National Grid.</u></p> <p>a. <u>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001);</u></p> <p>b. <u>The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for physical vehicle access to existing transmission lines and support structures for maintenance, inspections and upgrading;</u></p> <p>c. <u>The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms.</u></p> <p>d. <u>The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines;</u></p> <p>e. <u>The nature and location of any proposed vegetation to be planted within the National Grid Yard;</u></p> <p>f. <u>The outcome of any consultation with, and technical advice from, Transpower; and</u></p> <p>g. <u>The extent to which the subdivision plan clearly identified the National Grid and proposed building platforms.</u></p>	
SUB-R10	Subdivision of site within 32m of the centre line of a Critical Electricity Line <u>Overlay</u>	
All zones	<p>Activity status: <u>Restricted Discretionary Controlled</u></p> <p><u>Where:</u></p> <p><u>RDISCON-1</u> <u>Proposed building platforms identified for each allotment can accommodate a building(s) that comply with the safe distance requirements in the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP34:2001)</u></p>	<p>Activity status where compliance not achieved <u>with RDIS-CON-1: Not applicable Discretionary</u></p>

	<p><u>(except where the allotments are for roads, esplanades, accessways and infrastructure)⁶³</u></p> <p>Matters of <u>discretion control</u> are <u>restricted limited</u>⁶⁴ to:</p> <ul style="list-style-type: none"> a. the safe and efficient operation and maintenance of the electricity supply network; b. the location of any future building platform and access as it relates to the critical electricity line; c. effects on access to critical electricity lines and associated infrastructure for inspections, maintenance and upgrading purposes; d. the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the critical electricity line; e. the mature size, growth rate, location, and fall zone of any associated tree planting; f. including landscape planting and shelterbelts; g. compliance with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; h. effects on public health and safety; and i. the outcome of any consultation with the owner and operator of the potentially affected infrastructure. 	
SUB-R11	Subdivision of a site within flood hazard areas	
All zones	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS -1</p> <ul style="list-style-type: none"> 1. Building platforms are located wholly outside the spatial extent of the 1 in 100 year floodplain; 2. Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site; and 3. Any private roads, right of ways or accessways must be located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level. 	Activity status where compliance not achieved with RDIS-1: Non-complying

⁶³ S483.168 Hearing 11 Infrastructure

⁶⁴ Consequential amendment S483.168

	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. location of suitable and stable building platforms, access and servicing, including on-site wastewater/ stormwater disposal where applicable; b. the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone, and the vulnerability of the uses to flood hazard events; c. the degree to which there may be material damage, through inundation or erosion, in a 1 in 100 year flood event; d. the provision of safe access and egress to and within the created lots during a flood event, including consideration of depth and velocity of flood water over private roads and accessways; e. effects on the functions of floodplains and overland flow paths; f. the effects of potential changes in flood depth, velocity and frequency on other properties, including upstream and downstream from the site; and g. the proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard. 	
SUB-R12	Subdivision of a site within coastal hazard areas	
All zones	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 All building platforms and associated access for each allotment are located wholly outside the spatial extent of the Coastal Hazard Area.</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. location and structural integrity of the building platforms, access and services where they may be affected by inundation or erosion from coastal hazards; b. the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone and the vulnerability of these uses to coastal storm inundation and erosion events; c. the effects of any proposed hazard mitigation works including any earthworks 	Activity status where compliance not achieved with RDIS-1: Non-complying

	<p>on public access, landscape and other environmental values; and</p> <p>d. the proposed use of, necessity for and design of hard protection structures to mitigate hazards.</p>	
SUB-R13	Subdivision of a site within a heritage area overlay	
<p>All zones</p> <p>All Heritage Area overlays</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the heritage values of the Heritage Area Overlay; b. whether the allotments are of a size that will ensure sufficient land is provided around any scheduled Heritage Resource to provide a suitable heritage setting and protect associated heritage values; c. whether there are measures to minimise obstruction of views of any scheduled Heritage Resource from adjoining public spaces that may result from any future land use or development; d. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and e. provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it. 	<p>Activity status where compliance not achieved: Not applicable</p>
SUB-R14	Subdivision of a site that contains a scheduled heritage resource	
All zones	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the particular heritage values associated with the scheduled Heritage Resource; b. whether sufficient land is provided around the scheduled Heritage Resource to protect its heritage values; c. whether the allotments are of a size that will continue to provide the scheduled Heritage Resource with a suitable setting to maintain, protect or enhance the associated heritage values; d. whether there are measures to minimise obstruction of views of the scheduled Heritage Resource from adjoining public spaces that may result from any future land use or development; 	<p>Activity status where compliance not achieved: Not applicable</p>

	<ul style="list-style-type: none"> e. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and f. provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it. 	
SUB- R15	Subdivision of a site containing a scheduled site and area of significance to Māori	
All zones	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the particular cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the site which may be affected; b. whether sufficient land is provided around the Site and area of significance to Māori to protect associated cultural, spiritual and/or historical values, interests or associations; c. consultation with and/or cultural advice provided by tangata whenua, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design, development and/or operation of activities that may affect the site; d. opportunities for the relationship of tangata whenua with the site or area to be maintained or strengthened on an ongoing or long term basis, including practical mechanisms to access, use and maintain the identified site; and e. whether the allotments are of a size that will continue to provide the Site or Area of Significance to Māori with a suitable cultural setting to maintain, protect or enhance the associated cultural values. 	Activity status where compliance not achieved: Not applicable
SUB-R16⁶⁵	Subdivision of a <u>land within site containing a the</u> mineral extraction overlay zone	
<u>All zones- Mineral Extraction Zone</u>	<p>Activity status: Discretionary</p> <p>Where:-</p> <p>DIS-1</p>	Activity status where compliance not achieved with DIS-1: <u>N/A Non-complying</u>

⁶⁵ Hearing 8 Mineral Extraction Zone

	A building platform for each allotment can be setback 100m or more from the Mineral extraction overlay.	
SUB-R17	Subdivision of a site containing a scheduled SNA⁶⁶	
All zones	Activity status: Discretionary - Where: - DIS-1 The site is located outside the coastal environment. - DIS-2 The subdivision does not divide an SNA.	Activity status where compliance not achieved with DIS-1 and DIS-2: Non-complying
SUB-R18	Subdivision <u>creating one or more additional allotments of a site</u>⁶⁷ within an Outstanding Natural Landscape and Outstanding Natural Feature	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R19	Subdivision <u>creating one or more additional allotments of a site</u>⁶⁸ within wetland, lake and river margins	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R20	Subdivision <u>creating one or more additional allotments of a site</u>⁶⁹ within the Coastal Environment (excluding Outstanding Natural Character Areas)	
All zones (excluding Kauri Cliffs Golf Living sub-zone)⁷⁰	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-RXX⁷¹	Subdivision of land within 100m of a Mineral Extraction Zone	
All zones (excluding Kauri Cliffs Golf Living sub-zone)⁷²	Activity status: Discretionary	Activity status where compliance not achieved: N/A

⁶⁶ S337.008 and others – Hearing 3 Indigenous Biodiversity

⁶⁷ S222.054 and others – Hearing 3 Natural Features and Landscapes

⁶⁸ S33.054 and others – Hearing 3 Natural Character

⁶⁹ S222.056 and others – Hearing 3 Coastal Environment

⁷⁰ S463.048 Hearing 15A Kauri Cliffs

⁷¹ Hearing 8 Mineral Extraction

⁷² S463.048 Hearing 15A Kauri Cliffs

SUB-RYY⁷³	Subdivision creating one or more additional allotments that contain highly productive land	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R21	Subdivision creating one or more additional allotments of a site⁷⁴ within Outstanding Natural Character Areas in the Coastal Environment	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
Standards		
SUB-S1	Minimum allotment sizes	
Zone/Precinct	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	4ha-2ha ⁷⁵	2ha-1ha ⁷⁶
General Residential	600m ²	300m ²
Mixed Use	2,000m ² onsite wastewater disposal 250m ² reticulated wastewater disposal	no minimum lot size
Light Industrial	2,000m ² onsite wastewater disposal 500m ² reticulated wastewater disposal	no minimum lot size
Heavy Industrial	2ha	5,000m ²
Horticulture Processing Facility	2ha	5,000m ²
Horticulture Precinct (applies in place of Rural Production minimum allotment size)	10ha N/A ⁷⁷	4ha 8ha ⁷⁸
Settlement	3,000m ²	1,500m ²
Kororāreka Russell Township	1,000m ²	800m ²
Medium Density Residential zone ⁷⁹	No minimum subdivision requirements around	No minimum lot size.

⁷³ S359.029 and Hearing 9 Rural

⁷⁴ S222.057 and others – Hearing 3 Coastal Environment

⁷⁵ S401.003 and others – Hearing 9 Rural Lifestyle

⁷⁶ S401.003 and others – Hearing 9 Rural Lifestyle

⁷⁷ S359.015 and others – Hearing 9 Horticulture

⁷⁸ Ibid – Hearing 9 Horticulture

⁷⁹ Consequential Amendment

	<u>existing dwellings where no vacant allotment is created.</u> <u>Vacant allotment 300m²</u>	<u>Subdivision creating allotments with a minimum net site area of 700m² or greater</u>
<u>Town Centre Zone</u> ⁸⁰	<u>No minimum lot size</u>	<u>No minimum lot size</u>
All other zones	N/A	N/A
All allotments created for public works, network utilities, reserves or access	No minimum lot size	no minimum lot size

SUB-S2 Requirements for building platforms for each allotment

General Residential zone <u>Medium Density Residential zone</u> Kororāreka Russell Township zone Settlement zone Rural Production zone Horticulture zone ⁸⁴ Rural Lifestyle zone Rural Residential zone	Allotments created must be able to accommodate a square building envelope of the minimum dimensions specified below. which does not encroach into the permitted activity boundary setbacks for the relevant zones, or into an area that does not allow a building to be located.		Matters of discretion are restricted to: a. allotment area and dimensions for intended purpose or land use, having regard to the relevant zone standards and any district wide rules for land uses; b. allotment sizes and dimensions are sufficient for operational and maintenance requirements; c. compatibility with the pattern of the surrounding subdivision, land use activities, and access arrangements (<u>including emergency response access</u>) ⁸⁵ ; d. any physical constraints; and e. whether a suitable alternative building platform can be provided.
	Zone	Minimum dimensions	
	General Residential, Kororāreka Russell Township, Settlement	14m x 14m	
	Rural Production, Horticulture⁸², Rural Lifestyle, Rural Residential	320m x 320m ⁸³	
	<u>Medium Density Residential zone</u> ⁸⁴	<u>8m x 15m</u>	

SUB-S3 Water supply

All zones	1. All new allotments shall have the ability to connect to a safe potable water supply with a capacity that is adequate for the anticipated potential land uses;	Matters of discretion are restricted to:
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⁸⁰ Consequential Amendment

⁸¹ Clause 10(2)(b), Schedule 1, RMA

⁸² Ibid – Hearing 9 Horticulture

⁸³ S349.018

⁸⁴ S561.052

⁸⁵ S512.034

	<p>2. Where a connection to Council's reticulated water supply systems is available, all allotments must connect;</p> <p>3. Where a connection to Council's reticulated water systems is not available all allotments <u>shall be provided with a means to must⁸⁶</u> provide a water supply system; and</p> <p>4. All new allotments must have access to sufficient water supplies for fire fighting consistent with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</p> <p>Note: This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which water supply is not necessary.</p>	<p>a. adequacy of the supply of water to every allotment, and its suitability for the likely land use;</p> <p>b. adequacy of water supplies, and access for fire fighting purposes; and</p> <p>c. the standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.</p>
SUB-S4	Stormwater management	
All zones	<p>1. All allotments shall be provided, within their site area, with a means for the disposal of collected stormwater from the roof of all impermeable surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP); and</p> <p>2. All stormwater management shall be in accordance with Far North District Council Engineering Standards April 2022.</p> <p>3. <u>The primary stormwater system is capable of conveying 10% AEP design storm events without surcharge;</u></p> <p>4. <u>The secondary stormwater system is capable of conveying the 1% AEP storm event within a defined path and without causing undue risk or damage to persons or property;</u></p> <p>5. <u>The stormwater system will not connect or be able to overflow to the wastewater network.</u></p> <p>6. <u>The primary, secondary and attenuation systems are designed to accommodate an additional 20% for climate change.</u></p> <p>7. <u>The stormwater system is designed and constructed for an asset life of at least 50 years.⁸⁷</u></p>	<p>Matters of discretion are restricted to:</p> <p>a. control of water-borne contaminants, litter and sediments;</p> <p>b. the capacity of existing and proposed stormwater disposal systems (refer also to the Council's various urban stormwater management plans and any relevant Northland Regional Council stormwater discharge consents);</p> <p>c. the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including low <u>impact design-water sensitive design⁸⁸</u> principles;</p> <p>d. the location, scale and construction of stormwater infrastructure; and</p> <p>e. measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area;;</p> <p>f. <u>adverse effects on the surrounding environment and neighbouring properties from the collection.</u></p>

⁸⁶ S368.087

⁸⁷ S516.034 and others. Plan wide consistency

⁸⁸ Hearing 17 S215.056

		<p><u>treatment and disposal of stormwater; and</u></p> <p>g. <u>The ability of the stormwater system to ensure that the peak discharge flow rates from the site are not increased beyond the levels that exist prior to the proposed subdivision and future land uses (except in circumstances where that is not appropriate).</u></p> <p><u>Note: Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Far North District Engineering Standards⁸⁹</u></p>
SUB-S5 Wastewater disposal		
All zones	<p>1. Where a connection to Council owned reticulated wastewater scheme is available, all allotments must connect; <u>and</u></p> <p>2. Where connection is not available, all allotments shall be provided with a means of <u>collecting, treating and disposing of wastewater within the site area of the allotment;</u> <u>and</u></p> <p>3. All wastewater disposal shall be in accordance with Far North District Council Engineering Standards April 2022.⁹⁰</p> <p>Note: This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which wastewater disposal is not necessary.</p>	<p>Matters of discretion are restricted to:</p> <p>a. the method and adequacy of wastewater disposal where a Council owned reticulated system is not available;</p> <p>b. the capacity of, and impacts on, the existing reticulated wastewater disposal system;</p> <p>c. <u>feasibility of connection to and logical extension of the existing reticulated wastewater networks;</u> <u>and</u></p> <p>d. the location, capacity and environmental effects of the proposed wastewater disposal system.</p> <p><u>Note: Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Far North District Engineering Standards⁹¹</u></p>
SUB-S6 Telecommunications and power supply		
General Residential zone	<p><u>Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to:</u></p>	<p>Matters of discretion are restricted to:</p>

⁸⁹ S516.034 and others. Plan wide consistency

⁹⁰ S516.034 and others. Plan wide consistency

⁹¹ S516.034 and others. Plan wide consistency

<p>Medium Density Residential zone</p> <p>Town Centre zone⁹²</p> <p>Kororāreka Russell Township zone</p> <p>Mixed Use zone</p> <p>Light Industrial zone</p> <p>Heavy Industrial zone</p> <p>Settlement zone</p> <p>Rural Residential zone</p> <p>Horticulture Processing Facility zone</p>	<p>1. <u>A reticulated electricity supply system at the boundary of the new allotment⁹³; and</u></p> <p>2. <u>Telecommunications services at the boundary of the new allotment, provided by:</u></p> <p>i. <u>An open access fibre network, where it is available to the boundary of each new lot; or</u></p> <p>ii. <u>Where connection to an open access fibre network is not available, by a mobile/wireless, which includes satellite service; and</u></p> <p>iii. <u>The applicant shall provide, with any subdivision consent application written confirmation from a telecommunication network operator confirming that a suitable connection can be made; and</u></p> <p>iv. <u>At the time of subdivision, sufficient land for telecommunications, transformers, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, proof of consultation with the telecommunications network utility operators will be required.⁹⁴</u></p> <p>Connections shall be provided at the boundary of the site area of the allotment for:</p> <p>1. telecommunications</p> <p>i. Fibre where it is available; or</p> <p>ii. Copper where fibre is not available; and⁹⁵</p> <p>2. Electricity supply through the local electricity distribution network.</p> <p>Note: This standard does not apply to allotments for a utility, road, reserve or for access purposes.</p>	<p>a. alternative provision of <u>telecommunication and</u> electricity supply.</p>
SUB-S7	Easements for any purpose	
All zones	<p>Easements shall be provided where necessary for:</p> <p>1. public works and utility services;</p> <p>2. easements in gross where a service or access is required by the Council;</p>	Matters of discretion are restricted to:

⁹² Clause 10(2)(b), Schedule 1, RMA

⁹³ S483.169

⁹⁴ S517.003 and others

⁹⁵ S178.005 and others

	<p>3. easements in favour of nominated allotments or adjoining Certificates of Title;</p> <p>4. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement of services. Centre line easements shall apply when the line is privately owned⁹⁶; and</p> <p>5. The need for easements for any of the following purposes:</p> <ul style="list-style-type: none"> i. accessways, whether shared or not; ii. stormwater, wastewater disposal, water supply, utilities; iii. party walls and floor/ceilings; and iv. other utilities. 	<p>a. whether the easement is located appropriately for its purpose and users.</p>
SUB-S8	Esplanades	
All zones	<p>Any subdivision involving the creation of one or more allotments less than 4ha which adjoins:</p> <ul style="list-style-type: none"> 1. The line of MHWS; 2. The bank of a river whose bed has an average width of 3m or more; or 3. A lake that is larger than 8 ha in size. <p>An esplanade reserve <u>or esplanade strip</u>⁹⁷ must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.</p>	<p>Activity status when compliance is not achieved: Discretionary</p>

⁹⁶ S368.086

⁹⁷ S98.002-4 – Hearing 5 Public Access