

PART 22:

Subdivision Rural and Coastal Areas

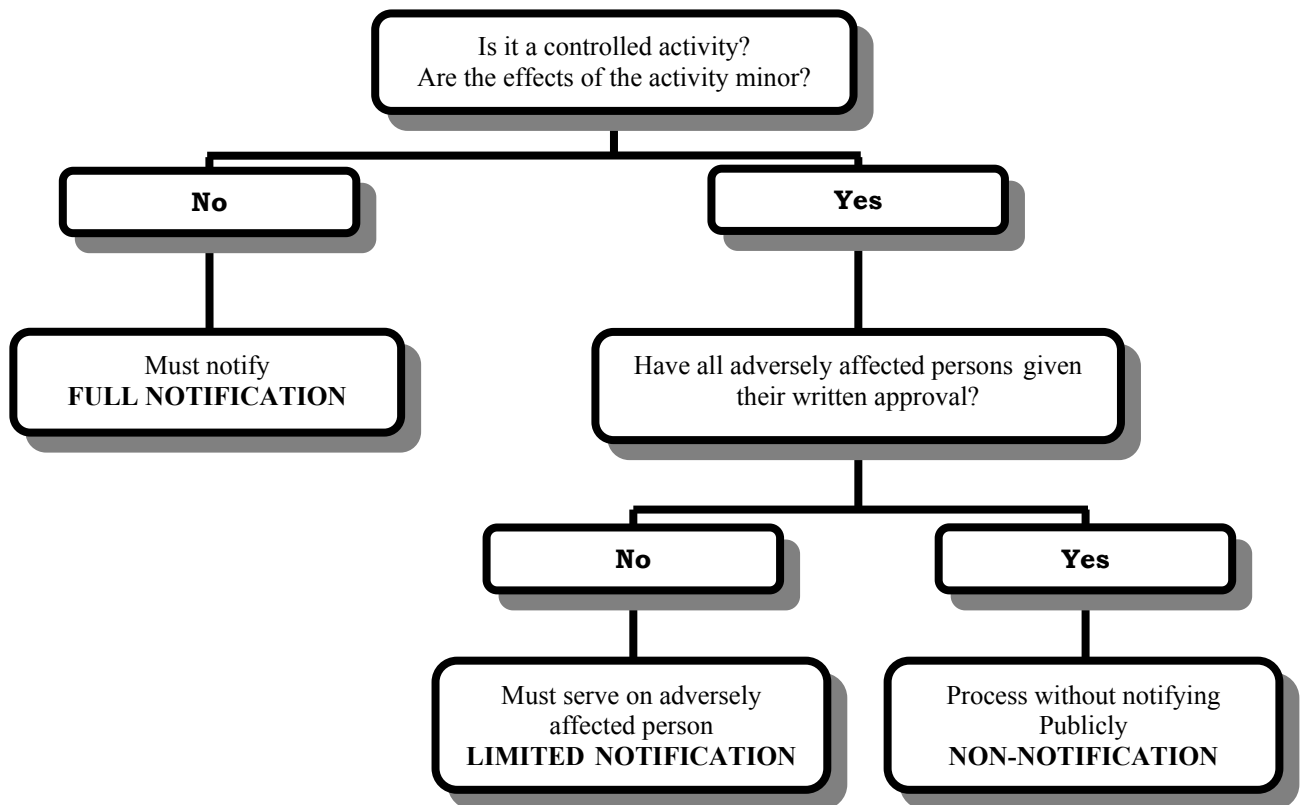


PART 22 RULE 22 – SUBDIVISION: RURAL AND COASTAL AREAS

Modifications made to PART 22 by Proposed Plan Change 14 are as follows:
Delete PART 22 entirely and insert a new PART 22 as follows:

Note:
To assist with the interpretation of the provisions of Part 22, two charts have been provided that outline the linkages between different subdivision activities and the relevant performance standards, assessment criteria and matters for control.
The Diagram below summarises the Resource Management Act 1991 Notification Process. This diagram provides an indication as to when a Resource Consent Application may require Full Notification, Limited Notification or Non-Notification.
If you require further assistance with interpreting these provisions, contact Franklin District Council's Customer Services Team.

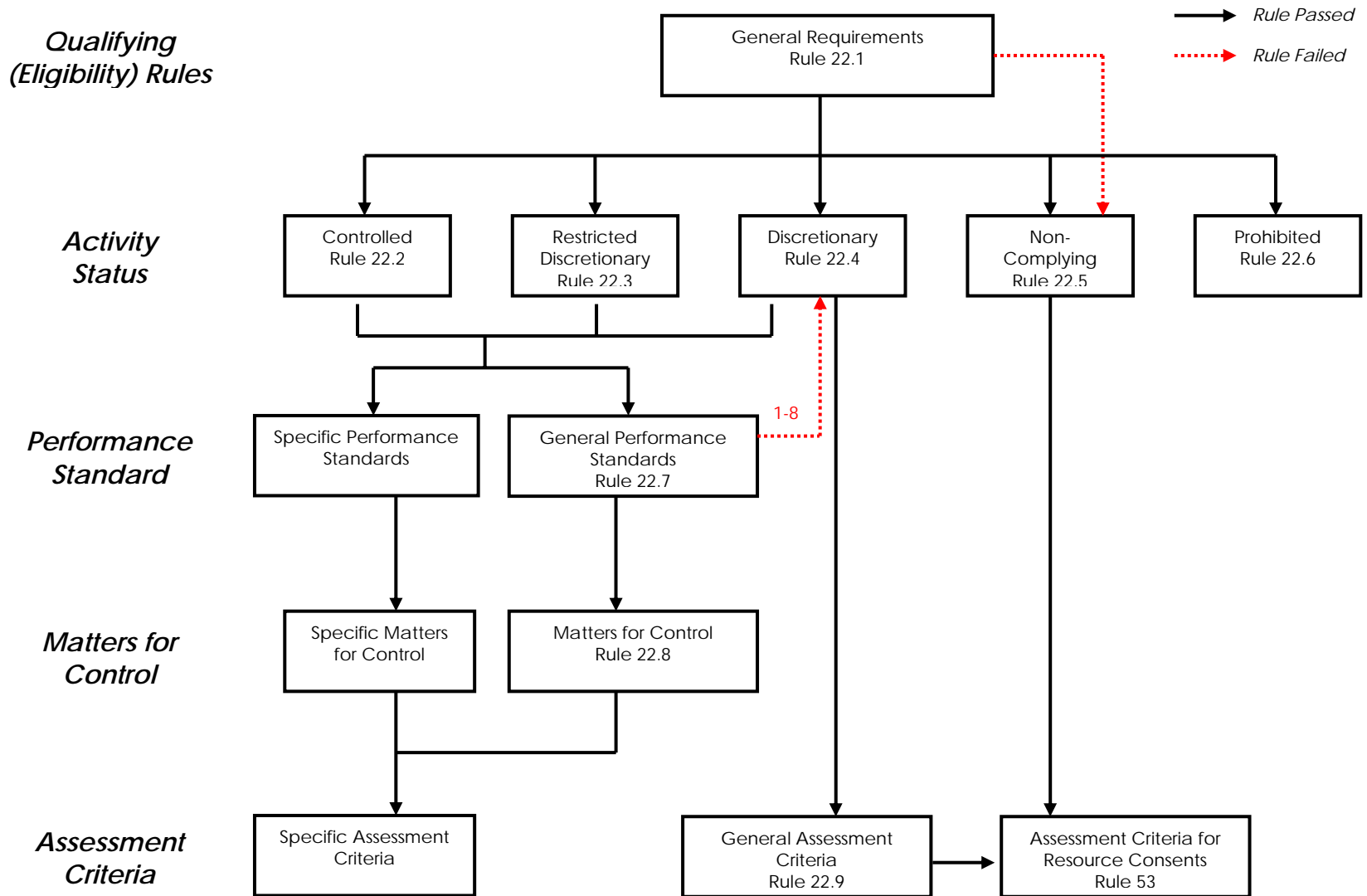
SUMMARY OF NOTIFICATION PROCESS





[THIS PAGE IS INTENTIONALLY BLANK]

Rural and Coastal Subdivision Flowchart



PROPOSED PLAN CHANGE 14:



[THIS PAGE IS INTENTIONALLY BLANK]

Rural and Coastal Subdivision Matrix

Components of Rules	General Purpose Lots	Environ. Lots	Farm Parks	Utilities Lots	Road Severance	Boundary Relocation or Adjustment	Village Country Living Zone Lots	Transfer to Village	Transfer Within Manage Area	Transfer Between Manage Area
Qualifying (Eligibility) Rules	22.1	22.1	22.1	22.1	22.1	22.1	22.1	22.1	22.1	22.1
Activity Status	CA 22.2	RDA 22.3	RDA 22.3	CA 22.2	CA 22.2	CA 22.2	CA 22.2	CA 22.2	RDA 22.3	DA 22.4
Performance Standards	22.7 22.10.1	22.7 22.11.1.1 22.11.(2-7).1 52.3.1	22.7 22.12.1	22.7 22.13.1	22.7 22.14.1	22.7 22.15.1	22.7 22.16.1	22.7 22.17.1	22.7 22.18.1	22.7 22.19.1
Matters for Control	22.8 22.10.2	22.8	22.8	22.8 22.13.2	22.8 22.14.2	22.8 22.15.2	22.8 22.16.2	22.8	22.8	
Assessment Criteria		22.11.1.2 22.11.(2-7).2	22.12.3						22.18.2	22.9 22.19.2 53

PROPOSED PLAN CHANGE 14:



[THIS PAGE IS INTENTIONALLY BLANK]



**SUBDIVISION – RURAL ZONE, COASTAL ZONE, WETLAND CONSERVATION ZONE,
FOREST CONSERVATION ZONE & VILLAGE COUNTRYSIDE LIVING ZONE.**

22.1 GENERAL REQUIREMENTS

1. APPLICATION OF THIS RULE

a) The General Requirements set out in 22.1 shall apply to the following zones as shown on the Planning Maps:

- **Rural Zone**
- **Coastal Zone**
- **Wetland Conservation Zone**
- **Forest Conservation Zone**
- **Village Countryside Living Zone**

Rule 22.1 does not apply to the **Rural Village Zone** and **Coastal Village Zone**. The General Requirement rules applicable to these zones are in section '22.20 Rural Village and Coastal Village Subdivision.'

b) Where subdivision is occurring within a "Village Structure Plan Area" or "Village Countryside Living Zone" as depicted on the Plan Maps, applications will, in addition to meeting these General Requirements, be assessed in terms of the specific Concept Plan and Structure Plan provisions applying to that area (Refer to Part 54 and 55).

c) Where any rule under 22.1 is not complied with, Council may:

- (i) request further information in accordance with the Act where the rule is related to information requirements; or
- (ii) consider the application as a Non-Complying Activity

2. PROPERTY TO BE CAPABLE OF "RURAL" USE

a) Where there is a legal instrument in place on the whole of or part of a property which restricts further subdivision, the subdivision of that whole or that part of the property, which is subject to the legal instrument, shall be a Non-Complying Activity unless that subdivision is specified in Rule 22.6 as a Prohibited Activity.

3. CONSENT REQUIRED

a) Subject to the provisions of the Act, the subdivision of land for any purpose can only proceed following the grant of resource consent by the Council and compliance with any conditions of consent.

b) No work on the subject land in connection with the subdivision may be commenced without prior written approval from Council, unless it is essential investigatory work or it is a Permitted Activity in the zone.



- c) Applications shall be in the prescribed form and must contain all the information, assessments and reports as required by the Act and this Plan. (Refer also to 'Rule 52-Information Requirements' and Rule '53-Assessment Criteria' as appropriate).
- d) The status of the subdivision activity in the Rural, Coastal, Wetland Conservation, Forest Conservation and Village Countryside Living Zones shall be that stated in Rules 22.2, 22.3, 22.4, 22.5 and 22.6 that follow.
- e) The status of the subdivision activity in the Rural Village and Coastal Village Zones will be as stated in Rules 22.21, 22.22 and 22.23 that follow.

4. ASSESSMENT & INFORMATION REQUIREMENTS

- a) Assessment of applications for subdivision in the Rural, Coastal, Wetland Conservation, Forest Conservation and Village Countryside Living Zones, shall be in accordance with the standards terms and conditions, matters over which Council exercises control or criteria set out in the Plan. The general, particular and specific sections that shall apply are set out under the activity status for each type of subdivision:

PARTICULAR SUBDIVISION REQUIREMENTS

In some instances particular sets of Rules for particular subdivision types also apply.

- (i) for General Purpose Lots - Rule 22.10
 - (ii) for Environmental Lots Rule – Rule 22.11
 - (iii) for Farm Parks – Rule 22.12
 - (iv) for Network & Other Utility Lots – Rule 22.13
 - (v) for Road Severances – Rule 22.14
 - (vi) for Boundary Relocation or Adjustment – Rule 22.15
 - (vii) for Village Countryside Living Lots – Rules 22.16
 - (viii) for Transferable Rural Lot Right to Village Countryside Living Zone – Rule 22.17
 - (ix) for Transferable Rural Lot Right within the same Management Area – Rule 22.18
 - (x) for Transferable Rural Lot Right between different Management Areas – Rule 22.19
- b) For Rural Village and Coastal Village Subdivision, assessment shall be in accordance with the standards, terms and conditions, matters over which Council exercises control, or criteria set out in Rules:
 - (i) 22.24 General Performance Standards
 - (ii) 22.25 Matters of which Council will exercise control
 - (iii) 22.26 Assessment of Discretionary Activities

Note:

All subdivisions shall also be assessed in terms of the relevant provisions of the Act. In particular, the Act provides for Councils discretion to refuse consents on land that is or is likely to be subject to erosion, falling debris, inundation, or subsidence (refer to Section 106 of the Act) unless the effects will be avoided, remedied or mitigated.

5. REPORTS

- a) In accordance with the Act, Council may require an applicant to provide technical or other reports prepared by suitably qualified specialists to address matters pertaining to or arising from the proposal, including:



- (i) Geotechnical/soil mechanics/coastal erosion reports.
 - (ii) Landscape change assessment reports.
 - (iii) Water quality/quantity analyses.
 - (iv) Effluent disposal/soakage field tests and design calculations.
 - (v) Bush quality and condition analysis.
 - (vi) Stormwater flow analysis and design calculations.
 - (vii) Heritage/archaeological/ecological/biological value investigations.
 - (viii) Land Use Capability (LUC) Soil assessment reports including the effect of subsequent development on soil resources. LUC soil assessment reports may be required at scales of at least 1:5,000 in order to show accurate soil types more accurately than they are shown on published worksheets. See definition for VERSATILE SOILS.
- b) Where SITES proposed for subdivision consent include contaminated land, reports prepared in accordance with the following Ministry for Environment Guideline, may be required:
- (i) Preliminary Site Investigation Report (PSI).
 - (ii) Detailed Site Investigation Report (SIR).
 - (iii) Site Remedial Action Plan (RAP).
 - (iv) Site Validation Report (SVR).
 - (v) Ongoing Monitoring and Management Plan (MMP).
- The report structure can be found in the Ministry for Environment Guidelines for Reporting Contaminated Sites in New Zealand – Contaminated Site Management Guidelines No.1

6. CONDITIONS

Where a resource consent is granted, conditions may be imposed to deal with any matter as provided for by the Act or this Plan, and as appropriate to the circumstances, the status of the application, and the effects of the proposal on the environment. This may include:

- a) Conditions which are necessary to ensure the subdivision is in the public interest;
- b) Conditions to be complied with on a continuing basis by any subsequent owner of a newly created property. These conditions in terms of Section 221 of the Act can relate to uses of and developments on the new properties;
- c) The requirement to remove or put in place, a bond, covenant or deed or other legal instrument.

7. NON COMPLYING ASPECTS

No subdivision may render any land use, building, activity or development "non-complying", either on the subject SITE or any abutting SITE, without specifically obtaining prior consent to that non-complying aspect, or seeking consent at the time of subdivision.

8. STAGING

- a) Where subdivision is to be staged this shall be clearly explained and depicted on plans, in the application and the assessment of environmental effects. The Council will not release under the Act any one stage unless it is satisfied that all conditions pertaining to that stage have been satisfied, or that appropriate instruments have been entered into in respect of any conditions that have not been satisfied.
- b) Where a survey plan is submitted for approval the balance area (not subject to the approval) must comply with the relevant provisions of the Plan, remain accessible from a legal road, and must not be rendered incapable of accommodating one or more Permitted Activities.



9. FINANCIAL CONTRIBUTIONS

- a) Financial contributions will be set at the time of subdivision consent in accordance with the policies and requirements of Part 10 of the Plan.
- b) Esplanade reserves or strips set aside at the time of subdivision are not deemed to be financial contributions [refer to Section 108(9) of the Act and Part 11 of the Plan].

10. SUBDIVISION LIMITATION

- a) Except as provided for in 22.1.10.(d) below, land that has been subject of previous subdivision under any of the following rules shall not be eligible for any further subdivision under the same rule:
 - (i) for General Purpose Lots - Rule 22.10
 - (ii) for Environmental Lots Rule – Rule 22.11 (the same protected feature shall not be used for additional lots unless the area protected qualifies for additional lots in accordance with the minimum area requirements)
- b) Except as provided for in 22.1.10.(d) below, where land has been subject to a previous Transferable Rural Lot Rights subdivision consent under Rules 22.17, 22.18 or 22.19 it shall not be eligible for additional lots under Rule 22.10 General Purpose Lot.
- c) Except as provided for in 22.1.10.(d) below, where any feature or area has been protected as a condition of any previous subdivision consent under the previous Operative District Plan or any former Transitional District Plans that feature or area will not be eligible for further subdivision.
- d) Notwithstanding 22.1.10.(a, b or c) above, land which has been subject of a previous subdivision may be eligible for further subdivision as a Discretionary Activity under any of the rules in Part 22 in either of the following cases:
 - (i) where the proposed subdivision formed a stage of subdivision approved under a previous subdivision consent for the land under Rule 22 and where the consent for that stage has lapsed; or
 - (ii) when viewed together as one composite proposal the previous subdivision and the proposed subdivision together comply with all relevant provisions of the Plan.

Notes:

There may be instances where the Rules in 22.1.10 above, and 22.1.10(d)(ii) in particular may apply where a covenant or legal instrument of the kind referred to in 22.1.2 above was imposed prior to a Rural Plan Change becoming operative.

A Council “Practice Note” is to be prepared to clarify the circumstances where this rule would apply in such cases.



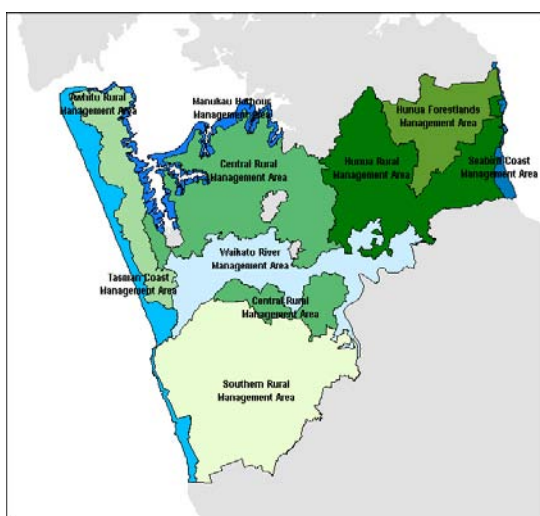
22.2 CONTROLLED ACTIVITIES

Within the Rural Zone, Coastal Zone, Wetland Conservation, Forest Conservation and Village Countryside Living Zones, the subdivision activities listed below are Controlled Activities.

1. Boundary relocation or adjustments in accordance with Rule 22.15
2. Lots for Road Severances in accordance with Rule 22.14
3. General Purpose Lots in accordance with Rule 22.10
4. Subdivision For Network And Other Utilities in accordance with Rule 22.13
5. Village Countryside Living Lots in accordance with Rule 22.16
6. TRANSFERABLE RURAL LOT RIGHT to Village Countryside Living Zone Subdivision in accordance with Rule 22.17

Notes:

- a) Controlled Activities require a resource consent, and consent will be granted. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in 22.7 and 22.8, as well as any specific matters in the relevant subdivision rule. Conditions of consent will only relate to those matters.
- c) The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough consideration in terms of the matters over which the Council has reserved control. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Controlled Activity may be considered without public notification or with limited notification, where Council so determines, in terms of Section 94 of the Act.





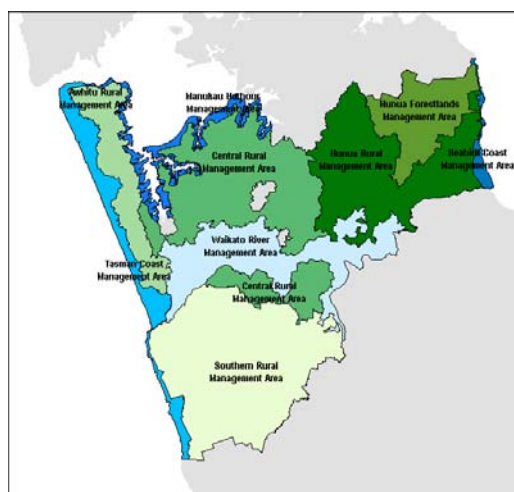
22.3 RESTRICTED DISCRETIONARY ACTIVITIES

Within the Rural Zone, Coastal Zone, Wetland Conservation, Forest Conservation and Village Countryside Living Zones, the subdivision activities listed below are Restricted Discretionary Activities:

1. An Environmental Lot in accordance with Rule 22.11
2. Farm Parks in accordance with Rule 22.12
3. TRANSFERABLE RURAL LOT RIGHT Subdivision within the same Management Area in accordance with Rule 22.18

Notes:

- a) Restricted Discretionary Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in 22.7, and 22.8, as well as any specific matters in the relevant rule. Conditions of consent will be restricted to those matters.
- c) The information to be submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough consideration in terms of the matters over which the Council has reserved control (contained within the assessment criteria). The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Restricted Discretionary Activity may be considered without public notification or with limited notification, where Council so determines in terms of Section 94 of the Act.





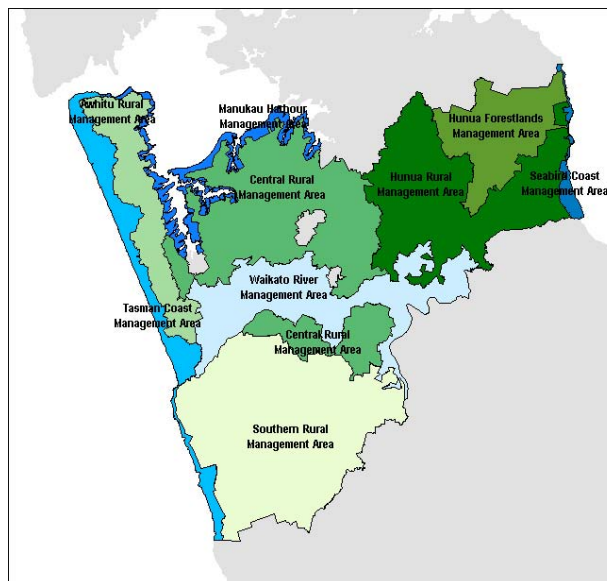
22.4 DISCRETIONARY ACTIVITIES

Within the Rural Zone, Coastal Zone, Wetland Conservation, Forest Conservation and Village Countryside Living Zones: the subdivision activities listed below are Discretionary Activities

1. Any subdivision activity listed under Rule 22.2 (excluding General Purpose Lots in accordance with Rule 22.10) or Rule 22.3 which does not meet one or more than one of the standards set out in its relevant Rule or Rule 22.7 (General Performance Standards 1-8 inclusive).
2. Subdivision that utilises a combination of subdivision provisions provided for as a Controlled, Restricted Discretionary or Discretionary Activity in any part of Part 22.
3. Subdivision which is undertaken in accordance with Rule 22.1.10(d).
4. TRANSFERABLE RURAL LOT RIGHT Subdivision between different Management Areas in accordance with Rule 22.19.

Notes:

- a) Discretionary Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in Rules 22.7, 22.9 and 53, and where appropriate, the matters specified in the relevant rule including those applying to Restricted Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- c) The information submitted with the application must be in terms of Rule 52.





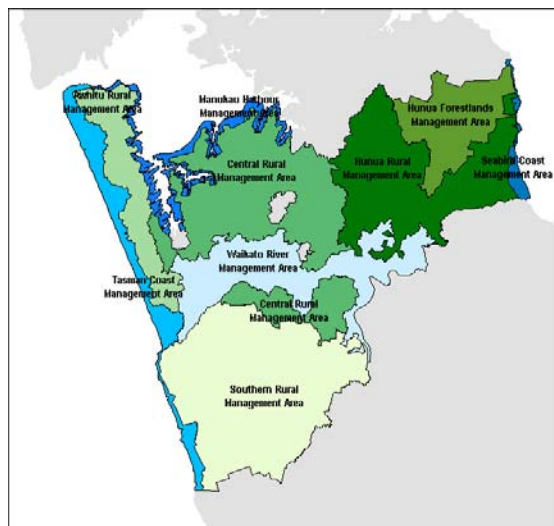
22.5 NON-COMPLYING ACTIVITIES

Within the Rural Zone, Coastal Zone, Wetland Conservation, Forest Conservation and Village Countryside Living Zones the subdivision activities listed below are Non-complying Activities

1. Subdivision activities which do not meet the rules set out in 22.1.
2. Subdivision activities that do not comply with the specific Performance Standards for General Purpose Lots of Rule 22.10.
3. Any activities not provided for under Rules 22.2 or 22.3 or 22.4.
4. Subdivision Activities for any lots created for Mineral Extraction and Processing (Coastal Zone only).

Notes:

- a) Non-complying Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in Rule 53, the Objectives and Policies of the Plan, and where appropriate, the matters applying to Controlled, Restricted Discretionary or Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- c) The information submitted with the application must be in terms of Rule 52.





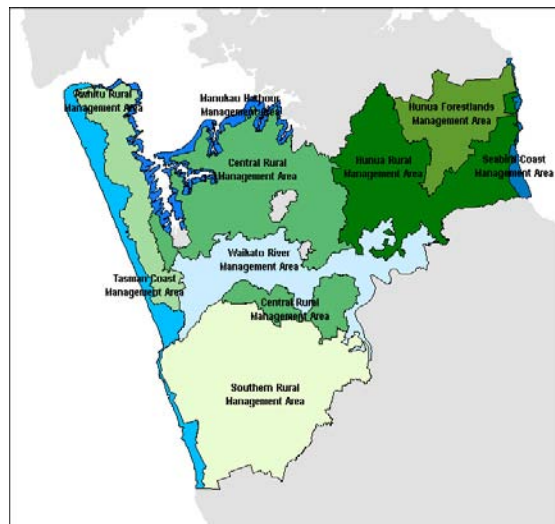
22.6 PROHIBITED ACTIVITIES

The activities listed below are Prohibited Activities in the Rural Zone, Coastal Zone, Wetland Conservation, Forest Conservation and Village Countryside Living Zone:

1. Within all Management Areas, an additional new lot located wholly within a Floodway Policy Area, as identified on the Planning Maps.
2. Within Coastal Management Areas (Tasman Coast, Manukau Harbour Fringe and Seabird Coast Management Areas), an additional new lot located wholly within a COASTAL PROTECTION SETBACK.

Notes:

- a) Prohibited Activities cannot be applied for and therefore cannot be granted a resource consent.
- b) A Plan change can be initiated privately or by Council as a way of proposing a change to a Prohibited Activity rule in the Plan.





22.7 GENERAL PERFORMANCE STANDARDS

1. Physical And Legal Access

Lots shall have physical and legal access to a formed legal road.

2. Private Ways

- a) Where access from the road to one or more lots is by way of Right of Way, Common Access lot, or similar, then the "private way" standards set out below shall apply.

Private Way Standards:

RURAL and COASTAL ZONES			
Number Of LOTS Served	Legal Width Minimum (Metres)	Carriageway Width (Metres)	Seal* Width Minimum (Metres)
1-3	5m	3m with Passing Bay every 200m (4.5m width)	3m
4-6	12m	6m	6m
6 or more	Public ROAD Standard Applies		

VILLAGE COUNTRYSIDE LIVING ZONE			
Number Of LOTS Served	Legal Width Minimum (Metres)	Formed Width Minimum (Metres)	Maximum Length (Metres)
Up to 5	5m	3m	100 or longer where passing bay(s) provided
6 to 10	8m	5.4m with T turning head	100
11 or more	Public ROAD Standard Applies		

*Tar seal, concrete or other surface to the satisfaction of the Chief Executive or officer(s) acting under delegated authority.

- b) Private ways shall not have any part of their length with a gradient steeper than 1 (vertical) in 5 (horizontal).



3. Access To State Highways

Where any form of access is to be provided from a State Highway, consent must first be obtained from Transit New Zealand, and this shall be submitted to the Council in writing with the subdivision consent application.

4. SITE Suitability

Lots shall contain a safe and stable building platform along with sufficient land for effluent disposal including a reserve soakage field. Alternative Wastewater treatment in accordance with Regional Council manuals may be considered for assessment.

5. Wastewater

Where a public system is not available the applicant must demonstrate to the District Council that each lot has sufficient area to adequately dispose of domestic wastewater, in accordance with any relevant Regional rules. If not, Discharge Permits must be obtained from the relevant Regional Council prior to the subdivision commencing.

Note:

So that an application is not unnecessarily delayed where doubt exists as to the suitability of the new lots, conditions of consent to enforce the above standard may be imposed.

6. Stormwater

Lots shall be so sited or designed so that they would be capable of being served by an effective stormwater disposal system, as outlined in Rule 22.9.7.

7. Natural Hazards

Lots shall be sited so as to avoid or mitigate natural hazards.

8. Contaminated Sites

- a) Lots shall not be located on contaminated sites.
- b) Soil testing is required for the purpose of identifying contaminated sites if the lot:
 - (i) was used for any horticulture processes prior to 1975.
 - (ii) had a sheep dip occupying on any part of the lot.
 - (iii) had a history of storage of contaminants.
- c) SITES identified as having a history of contamination shall provide a detailed Site Investigation Report (SIR). Refer 21.1.5



22.8 MATTERS OVER WHICH COUNCIL MAY EXERCISE CONTROL

1. The size, shape, layout and location of lots and/or house sites.
2. Vehicle access and access-ways, including formation, gradients, sight distances, width, common use and extent of earthworks.
3. Earthworks including sediment control.
4. Addressing reverse sensitivity issues
5. Financial Contributions in terms of Part 10 of the Plan
6. Setbacks, buffers or SPECIFIED BUILDING AREAS in relation to surrounding landuse, development or features, including Development Setback Rule 23.A.2.1.8
7. Stormwater and wastewater disposal and management
8. Provision of power, telephone, and utility service
9. Provision of water supply
10. Protection and enhancement of natural areas and cultural resources including monitoring and compliance.
11. Remediation of contaminated sites.
12. The effect of subdivision on landscape sensitivity and natural and rural character of the area.



22.9 GENERAL ASSESSMENT CRITERIA

Each subdivision proposal shall be assessed against the relevant matters specified in the Act and the following matters:

1. The extent to which boundaries will assist, or constrain, the effective and efficient management and development of the resultant lots, in terms of the likely uses to which they will be put, given their size, shape and location. In particular each new boundary shall be located in accordance with the topography of the area to assist the fencing, stock control and land management and development of any new lot.
2. Each new boundary shall be designed to take account of responsible water management and the protection of land from erosion, inundation, falling debris or subsidence.
3. The extent to which each new lot will have safe and stable vehicular access to the Identified Building Site, including its gradient, width and the extent of any cutting and filling that may be required to ensure this.
4. The Council will have regard to the effect that the subdivision and subsequent development will have on, or in terms of:
 - a) The roading network in the locality or District, existing reserves (and the need for additional reserves or recreational facilities), and on any other services or facilities provided by the Council. The Council will consider the extent to which "financial contributions" in terms of Part 10 of the Plan would avoid or minimise any adverse effect, or ensure positive effects.
 - b) Areas of native bush or wildlife or other natural areas of significance on the property, which is the subject of the application or on adjacent properties.
 - c) Where relevant, the coastal environment and in Coastal Management Areas, the effect of COASTAL PROTECTION SETBACK or ADDITIONAL NATURAL CHARACTER PROTECTION SETBACK on the future use of the land.
 - d) Schedule 5: Conservation of Outstanding Natural Features, 5A: Sites of Special Wildlife Interest 5B: Important Geological Sites, and 5C: Other Important Sites.
 - e) Other schedules of important features or sites held by Council.
 - f) Heritage features as identified in Schedule 8A of the Plan.
 - g) Identified archaeological features on the property.
5. The Council will have regard to any potential for mineral extraction activities to be unreasonably or inappropriately curtailed by sensitive activities (such as dwellings) located in the vicinity. In carrying out this assessment, the Council will be guided by, in the case of rock extraction sites, the desirable 'buffer' distance of 500 metres between the extraction site and the sensitive activity and for sand extraction sites, the desirable 'buffer' distance of 200 metres. The extraction sites to which such buffer distances apply are as follows:
 - (i) those specifically zoned, or proposed to be zoned, for such activities by this Plan (not including those proposed to be zoned for such activities by a private plan change);
 - (ii) those established by a resource consent (land use) which is in force at the time of receipt of the application for the 'sensitive' land use activity;
 - (iii) those which hold existing use rights under Section 10 of the Act;



- (iv) adjacent or sensitive activities nearby and the need for subdivision and landuse consents to provide for adequate buffers internally, either through setbacks, minimum lot sizes or SPECIFIED HOUSE SITE, to avoid or mitigate adverse effects.
 - (v) the extent to which any aspect of the proposed subdivision might worsen or give rise to any land use conflict between incompatible activities on adjoining properties (including conflict due to the legitimate expectations of land owners or resource users).
 - (vi) the cumulative effects of the proposed subdivision.
6. In assessing any proposal the Council will have regard to whether the subdivision and subsequent development will require power and telephone services. The Council will generally require as a condition of consent that each new lot be served by power and telephone unless the applicant can demonstrate that this is unnecessary or inappropriate in the circumstances.
7. An "effective stormwater disposal system", as required in Rule 22.7, is one where stormwater flows related to any natural or altered water course or any impervious surfaces likely to be formed or constructed on the SITE, or from other activities on the SITE, would not cause or contribute to any "adverse effects" for adjacent SITES or any natural and physical resources in the locality. The "effective system" may include natural or constructed elements, but low impact design is preferred where:
- a) Stream courses are maintained or restored as natural systems;
 - b) Culverts and stream crossings are minimised;
 - c) Sediments are controlled during construction;
 - d) Infiltration is optimised (especially over volcanic aquifers);
 - e) Low impact devices are utilised for storage, detention or flow restriction, such as artificial wetlands; and
 - f) Hydrological neutrality should be achieved where possible.
8. "Adverse effects", as referred to in 22.9.7, relates primarily to activities and developments most likely to proceed on the new lots, given their size and location, and includes scouring from uncontrolled discharges; overland flow picking up contaminants when passing over operational or farming areas; overland sheeting from heavy flows leaving impervious surfaces; and stormwater penetrating sewage effluent disposal areas.
9. Where access from the road to the lot is not by way of a Right of Way or similar then the lot shall have sufficient frontage to the road to allow safe ingress and egress. A six meter frontage is considered necessary.
10. Where subdivision includes a contaminated site or a partly contaminated site, appropriate mitigation measures are required and these shall be specified in accompanying assessment reports provided as necessary. The reports shall show the levels of contamination before and after mitigation, mitigation techniques and any on going monitoring requirements.
11. The extent to which the subdivision, and the proposed or probable subsequent development of any lot, would constrain, maintain or enhance:
- a) The ACCESSIBILITY, VERSATILITY and life-supporting capacity of the land (particularly 'VERSATILE SOILS') and soil resources of the property;
 - b) The ACCESSIBILITY or VERSATILITY of the land and soil resources (particularly 'VERSATILE SOILS' of any adjoining property).

(Note: A detailed Land Use Capability (LUC) Soil assessment may be required).



12. The extent to which the Objectives and Policies of the District's Management Areas are met and promoted.
13. In addition to the above matters, where an application is made because the standards in Rule 22.7 have not been met, the following matters will be considered:
 - a) Whether there are unusual or special reasons for not meeting the standard so that consent would not undermine the relevant rule.
 - b) Whether not meeting the standard would have any adverse effect.



22.10 GENERAL PURPOSE LOTS

1. SPECIFIC PERFORMANCE STANDARDS

- a) Compliance with Rule 22.7.
- b) From a Lot in excess of 40 hectares existing at 30 September 2003 one new Lot can be created provided that;
- c) The new Lot shall have a minimum area of 4000m²

2. SPECIFIC MATTERS OVER WHICH COUNCIL MAY EXERCISE CONTROL

- a) Matters specified in 22.9.11
- b) In addition to 22.9.11, the following matters will be considered:

The extent to which the size, shape, minimum dimensions, and placement of boundaries of the lots recognises and provides for-

- (i) topography, aspect, water supplies, and mature vegetation;
- (ii) the location and extent of the various land and soil types of the property and the consequences of any division of continuous areas of CLASS I, II or IIIe LAND (See VERSATILE SOILS Rule 50);
- (iii) existing and proposed buildings, developments, driveways, access lots, rights-of-way and easements or encumbrances of any type;
- (iv) probable buildings and developments on the lots (given the provisions of the zone and the Management Area in which they are located);
- (v) existing and probable activities on adjoining properties (given the provisions of the zone and the Management Area in which they are located);



22.11 ENVIRONMENTAL LOTS

Explanation:

Opportunities are available for a number of Environmental Lots where features are protected, certified, restored and enhanced. This encourages significant environmental enhancement while providing a sustainable approach to growth in the rural and coastal areas. Features that may be protected and enhanced include:

1. Remnant Indigenous Vegetation and Wetlands;
2. Restoration of Indigenous Vegetation and Wetlands;
3. Cultural, Historic or Archaeological Features;
4. Riparian Vegetation Protection and Enhancement;
5. Manukau Harbour Fringe: Wader Bird Habitat Protection and Public Coastal Access;
6. Retirement and management of land classed as Class VIII Soils

Note:

A new lot can be created off the property in another location using the TRANSFERABLE RURAL LOT RIGHT subdivision option in rules 22.18 and 22.19.

22.11.1 PERFORMANCE STANDARDS AND ASSESSMENT CRITERIA FOR ALL ENVIRONMENTAL LOTS

1. SPECIFIC PERFORMANCE STANDARDS FOR ALL ENVIRONMENTAL LOTS

- a) Compliance with Rule 22.7.
- b) The features are to be protected and certified in accordance with 22.11.8.1 and 22.11.8.2.
- c) The new lot shall have a minimum area of 4000m².
- d) Potential building platforms (on the new Lot and parent Lot) shall be identified on the plan for subdivision. A consent notice may be registered against the title requiring the house to be located on a SPECIFIED HOUSE SITE.

2. ASSESSMENT CRITERIA FOR ALL ENVIRONMENTAL LOTS

Each subdivision for the creation of Environmental Lots shall be assessed against the following matters:

- a) The Assessment Criteria set out in General Assessment Criteria in Rule 22.9
- b) The location and siting of building areas and lots in relation to amenity, reverse sensitivity, ecology, natural character and landscape and soil values.
- c) The effect that a dwelling will have on the protected feature. Where there is likely to be an adverse effect, the Council may decline consent or require that the house site or lot be located elsewhere on the property, so as to avoid or minimise such an adverse effect.
- d) The effect that any dwellings or the creation of new lots will have on ACCESSIBILITY and VERSATILE SOILS.



- e) Whether the resulting development is in harmony with and does not detract from the landscape sensitivity and natural and rural character of the area.
- f) Type of fencing for protection.
- g) Assessment of ecology, natural feature, cultural feature, landscape certification or matters set out in certification reports.
- h) The type of plant species for planting programs including the use of exotic species, where appropriate. This may include the application of CONTINUOUS COVER FORESTRY principles.
- i) The location of title boundaries in relation to feature or area being protected or enhanced.
- j) The size of the new lot created. As a guide, the lot area exclusive of the protected area should be no larger than 2ha. However, Council will also take into consideration the extent to which some additional area/s could be included due to topography, landscape, existing access ways or factors related to farm management (where this would not diminish the effective or efficient management of the balance lot).
- k) The Assessment Criteria and those matters specified in 52.3.1 for Natural Areas and/or habitats of significant indigenous flora and fauna.
- l) The significance of the area being protected in accordance with Regional Council significance guidelines or criteria.
- m) Whether the coastal environment, features identified in Schedule 5 and Appendix 2 and any other features that would be protected by Section 6 of the Resource Management Act 1991, may be compromised
- n) Recognised ecological principles and Regional Council or Department of Conservation guidelines in the assessment of planting plans
- o) Compliance with relevant Regional Council guidelines, publications or plans.



22.11.2 REMNANT INDIGENOUS VEGETATION AND WETLANDS – PERFORMANCE STANDARDS AND ASSESSMENT CRITERIA

Explanation:

Subdivision opportunity is available for the creation of Environmental Lots that protect and enhance remnant indigenous vegetation, wetlands and significant flora and fauna and their habitats. The opportunity provides for the physical and legal protection of a natural feature in return for a subdivision opportunity that creates a new title and associated dwelling site.

Note:

A new lot can be created off the property in another location using the TRANSFERABLE RURAL LOT RIGHT subdivision option in rules 22.18 and 22.19.

1. SPECIFIC PERFORMANCE STANDARDS

The creation of Environmental Lots as provided for in Rule 22.3 for the protection and enhancement of remnant indigenous vegetation and wetlands shall meet the following standards;

- a) The features are to be protected and certified in accordance with 22.11.8.1 and 22.11.8.2.
- b) The Lot entitlement shall be as follows:

Table 1

Biodiversity Significance	Minimum Size of Natural Feature(s) for 1 Lot	Minimum additional area of Natural Feature(s) for each Additional Lot	Maximum Number of Lots
CRITICAL	0.5 ha	2.0 ha	5 lots Coastal zone 10 Lots Rural zone
HIGH	0.5 ha	3.0 ha	5 lots Coastal zone 10 Lots Rural zone
MODERATE	1.0 ha	5.0 ha	5 lots Coastal zone 10 Lots Rural zone

- Provided that where any lot contains a natural feature of high or critical conservation value those features are protected in their entirety regardless of the number of additional lots created.
- c) Information to be included in an application for subdivision under this rule shall include an assessment of the natural feature in accordance with the Natural Feature Assessment Criteria specified in 52.3.1 and a completed Natural Assessment Form 52.3.2 to be prepared by an appropriately qualified independent person.



2. SPECIFIC ASSESSMENT CRITERIA

In addition to Rule 22.11.1.2 Assessment Criteria for all Environmental Lots proposed subdivision under this rule shall be assessed in accordance with the following assessment criteria:

For the determination of Critical, High and Moderate Biodiversity Significance the following criteria shall be assessed by an appropriately qualified independent person:

a) Critical Biodiversity Significance

- (i) it is, or is part of, an INTERNATIONALLY RECOGNISED NATURAL AREA
or;
- (ii) it is vegetation or habitat that is currently habitat for indigenous species or associations of indigenous species that are:
 - Listed as THREATENED in the categories NATIONALLY CRITICAL OR NATIONALLY ENDANGERED, NATIONALLY VULNERABLE, SERIOUS DECLINE or GRADUAL DECLINE; or
 - UNDER-REPRESENTED nationally (10% or less remains)**and;**
- (iii) has a Natural Feature Assessment Criteria Score (see Rule 52.3.1) of 1,500 or more.

b) High Biodiversity Significance

- (i) it is vegetation or HABITAT TYPE that is identified as being UNDER-REPRESENTED or recommended for protection in a published report by or on behalf of: Franklin District Council, Auckland Regional Council, Waikato Regional Council or the Department of Conservation.
or;
- (ii) it is a natural area specifically assessed and mapped as a Recommended Area for Protection or Significant Natural Area, in a publicly available report or plan published by, or on behalf of, Franklin District Council, Auckland Regional Council, Waikato Regional Council, the Ministry for the Environment or the Department of Conservation.
or;
- (iii) it is vegetation or habitat that is currently habitat for indigenous species or associations of indigenous species that are:
 - Listed as THREATENED in the categories SPARSE or RANGE RESTRICTED; or
 - UNDER-REPRESENTED in either the Auckland or Waikato Ecological Regions (10% or less remains); or
 - is a species ENDEMIC to the Waikato or Auckland Ecological Regions**and;**
- (iv) has a Natural Feature Assessment Criteria Score (see Rule 52.3.1) of between 900 & 1,500.

c) Moderate Biodiversity Significance

- (i) Has a Natural Feature Assessment Criteria Score (see Rule 52.3.1) of between 500 & 900



22.11.3	RESTORATION OF INDIGENOUS VEGETATION AND WETLANDS – PERFORMANCE STANDARDS AND ASSESSMENT CRITERIA
----------------	--

Explanation:

Subdivision opportunity is available for the creation of Environmental Lots that protect and enhance and restore indigenous vegetation, wetlands and significant flora and fauna and their habitats that do not meet the minimum area requirements for Moderate, High or Critical Biodiversity Significance.

Given the success of the Conservation Lot rules of the Operative District Plan 2000 and other past Bush Lot rules there are now fewer remnant natural features in the District that meet the minimum area requirements specified in Table 1 of Rule 22.11.2.1(b). Therefore this subdivision opportunity provides for the restoration and enhancement of these areas to a specified minimum area requirement through restoration planting, and the physical and legal protection of a natural feature in return for a subdivision opportunity that creates a new title and associated dwelling site.

Note:

A new lot can be created off the property in another location using the TRANSFERABLE RURAL LOT RIGHT subdivision option in rules 22.18 and 22.19.

1. SPECIFIC PERFORMANCE STANDARDS

- a) The features are to be protected and certified in accordance with 22.11.8.1 and 22.11.8.2.
- b) Where any site contains remnant indigenous vegetation, wetlands and significant flora and fauna and their habitats that do not meet the minimum area requirements as specified in Table 1, Rule 22.11.2.1(b) the feature shall be increased through restoration and enhancement planting to no less than 1 ha.

2. SPECIFIC ASSESSMENT CRITERIA

In addition to Rule 22.11.1.2 Assessment Criteria for all Environmental Lots a proposed subdivision under this rule shall be assessed in accordance with the following assessment criteria:

- a) Applications under this rule will be assessed against the extent to which the planting guidelines as specified in 22.11.8.3 in terms of planting, management and monitoring programs are achieved.



22.11.4	CULTURAL, HISTORIC OR ARCHAEOLOGICAL FEATURES – PERFORMANCE STANDARDS AND ASSESSMENT CRITERIA
----------------	--

Explanation:

Subdivision opportunity is available for the creation of Environmental Lots that protect and enhance the Cultural, Historic or Archaeological resources of the District.

The Operative District Plan 2000 contains a Schedule of Cultural Features (8A) that provides protection for a list of features that have met specific criteria for inclusion in the District Plan. A Plan Change is the only method for adding new items to Schedule 8A and this can be a costly exercise for private applicants. Therefore, this subdivision opportunity provides an incentive for private applicants to protect existing Schedule 8A features or undertake a Plan Change and associated assessment to include new items in the Schedule and thereby apply for subdivision consent.

Cultural, Historic or Archaeological features are required to be physically and legally protected, in return for a subdivision opportunity that creates a new title and associated dwelling site.

Note:

A new lot can be created off the property in another location using the TRANSFERABLE RURAL LOT RIGHT subdivision option in rules 22.18 and 22.19.

Notwithstanding the controls and standards specified in this or any part of the Plan the Objectives, Policies and Rules of Part 8 apply.

1. SPECIFIC PERFORMANCE STANDARDS

- a) Environmental Lots under Rule 22.11.4 shall contain a cultural, historic, or archaeological feature that is either:
 - i) listed in a Schedule 8A of the Plan; or
 - ii) listed in the Historic Places Trust: Register of Historic Places, Historic Areas, Waahi Tapu and Waahi Tapu Areas.
- b) Lot entitlement shall be 1 Lot for every cultural, historic, or archaeological feature Protected and Certified in accordance with 22.11.8.1 and 22.11.8.2.
- c) The proposed subdivision shall be of sufficient area to enable the feature to be sensitively integrated into the site, or locality, particularly where the land contributes significantly to the cultural, historic or archaeological value of the feature.

2. SPECIFIC ASSESSMENT CRITERIA

In addition to Rule 22.11.1.2 Assessment Criteria for all Environmental Lots a proposed subdivision under this rule shall be assessed in accordance with the following assessment criteria:

- a) Applications under this rule will also be assessed in terms of the ability to effectively protect the cultural, historic or archaeological feature, including the provision of sufficient site area to integrate the feature into the site.
- b) Where a new dwelling is proposed to be co-located with the cultural, historic or archaeological feature, the effect of that dwelling on that feature will be considered. Where there is likely to be an adverse effect on the feature, the Council may decline consent.



22.11.5 RIPARIAN VEGETATION PROTECTION AND ENHANCEMENT – PERFORMANCE STANDARDS AND ASSESSMENT CRITERIA

Explanation:

Subdivision opportunity is available for the creation of Environmental Lots that protect and enhance riparian vegetation and the riparian margins.

Given the success of the Conservation Lot rules of the Operative District Plan 2000 and other past Bush Lot rules, there is now a significant number of protected areas across the District. It is desirable that where possible these areas are linked and this is best achieved through corridors along riparian margins. The protection and enhancement of riparian vegetation will also achieve environmental results to enhance terrestrial and aquatic habitats and help address run-off issues.

This subdivision opportunity provides for the protection and enhancement of riparian vegetation and riparian margins through restoration planting, and physical and legal protection in return for a subdivision opportunity that creates a new title and associated dwelling site.

Note:

A new lot can be created off the property in another location using the TRANSFERABLE RURAL LOT RIGHT subdivision option in rules 22.18 and 22.19.

1. SPECIFIC PERFORMANCE STANDARDS

a) Environmental Lots under Rule 22.11.5 shall contain:

- (i) riparian margins of naturally occurring water bodies including streams less than 3m in average width across the property that have continuous annual water flow.
- (ii) riparian margins of wetlands.
- (iii) riparian margins of the coast or lakes.

b) Riparian protection and enhancement shall be undertaken in accordance with the following requirements:

Table 1

Riparian Margin	Planting Requirement Depth *	Planting Requirement Length - No Less Than
Along coastal or lake margins	10m	500m
Along margins of any naturally occurring waterbody or wetland where that margin forms a property boundary.	10m	500m
Along margins of any other naturally occurring waterbody or wetland, where both margins or the entire feature falls within the property.	5m – along each side of a waterbody	500m (along each side)
Along other margins of any other naturally occurring waterbody or wetland contiguous with an adjoining protected natural area.	20m	250m



- c) Where riparian protection and enhancement is undertaken the principles, work sheets and planting guidelines for sustainable riparian management in Auckland Regional Council TP148 June 2001 – Riparian Zone Management shall apply, and to the extent that key run-off sources are targeted and fragments of riparian vegetation are linked where possible.
- d) Riparian Planting Areas shall be made up of contiguous areas along the margins of a stream or natural waterbody.
- e) *The riparian margins defined in Table 1 of Rule 22.11.5.1(b) require a minimum riparian area of 5000m². The required planting depths are desirable. However, provided that the minimum planting area is no less than 5000m² and no less than 5 m in depth and provided that a complete riparian margin analysis of the site is undertaken by an appropriately qualified person in accordance with the Auckland Regional Council TP148 June 2001 "Riparian Zone Management Strategy and Guideline" and submitted with the application, the appropriate standard shall be determined by assessment and shall be the subject of a condition of consent.
- f) The lot entitlement for the protection and enhancement of riparian vegetation shall be:
 - (i) 1 Lot for a minimum of 5000m² riparian area;
 - (ii) 2 Lots where the feature is increased through restoration & enhancement planting of any adjoining riparian margin to a minimum of 1.0 ha;
 - (iii) 1 additional lot for every additional 1.0 ha of restoration and enhancement planting up to a maximum of 5 Lots.

2. SPECIFIC ASSESSMENT CRITERIA

The Assessment Criteria shall be that as specified in 22.11.1.2 Assessment Criteria for all Environmental Lots.





22.11.6	MANUKAU HARBOUR FRINGE: PUBLIC COASTAL ACCESS AND WADER BIRD HABITAT PROTECTION – PERFORMANCE STANDARDS AND ASSESSMENT CRITERIA
----------------	--

Explanation:

Subdivision opportunity is available for the creation of Environmental Lots that provide, form and landscape public coastal access to or along the coast in the Manukau Harbour Fringe Management Area from Hingaia Bridge (Drury Creek) to Clarks Beach. Environmental Lots are also available for the protection and enhancement of wader bird habitat along this margin.

Public access to the coastal margin between Hingaia Bridge (Drury Creek) to Clarks Beach is severely limited with few direct public access points. As maintaining and enhancing public access is a matter of national importance emphasised in relevant statutory documents and Councils Recreation Plan priority is given to enhancing public access to and along this coastal margin. This is particularly important given the proximity of the area to major population centres, and increasing demand for coastal recreation opportunities.

However, improved public access will need to be carefully managed and controlled in the immediate vicinity of ecologically sensitive areas such as the wader bird habitat at Karaka Point and Seagrove. It will be important to complement improved public access with education, advocacy and management plans to encourage appropriate community attitudes and understanding of the coastal environment.

This subdivision opportunity provides for the formation, and landscaping of appropriate public access through the vesting of land as reserve and the opportunity for subdivision where significant wader bird habitat is physically and legally protected in return for a subdivision opportunity that creates a new title and associated dwelling site.

Note:

A new lot can be created off the property in another location using the TRANSFERABLE RURAL LOT RIGHT subdivision option in rules 22.18 and 22.19.

Notwithstanding the controls and standards specified in this or any part of the Plan the Objectives, Policies and Rules of Part 5 apply.

1. SPECIFIC PERFORMANCE STANDARDS

- a) The provision, formation and landscaping of public access in the Manukau Coast Management Area, specifically to or along the coast from Hingaia Bridge (Drury Creek) to Clarks Beach, or the protection of significant wader bird habitat.
- b) 5 ha or more of land is to be vested as reserve or provided by way of easement (in addition to any obligations to vest esplanade reserve or strip under the Act).
- c) Lot entitlement shall be one Lot for every 5 ha of land vested as reserve up to a maximum of 5 lots in the Coastal Zone and 10 lots in the Rural Zone.
- d) All new SPECIFIED BUILDING SITES are located outside the COASTAL PROTECTION SETBACK



2. SPECIFIC ASSESSMENT CRITERIA

In addition to Rule 22.11.1.2 Assessment Criteria for all Environmental Lots, a proposed subdivision under this rule shall be assessed in accordance with the following assessment criteria:

- a) Assessment of the effect of public access on significant wader bird habitat
- b) The applicant shall consult with the Department of Conservation and the South Auckland Regional Representative of the Ornithological Society of New Zealand and provide written verification from these parties that such consultation has occurred.
- c) The applicant shall assess the construction and operational effects of public access on directly effected or directly adjacent natural features and any significant habitats of indigenous wader birds. Where there is likely to be an adverse effect, the Council may decline consent or require that the location or use of the access be amended so as to avoid or minimise such adverse effect. This may include provisions to include part or all of any affected wader bird habitat in a protective covenant in accordance with 22.11.8.1.
- d) Whether sufficient information is available or has been provided by the applicant to enable a management plan to be prepared containing such information as:
 - (i) a scale location map outlining all roads and main features.
 - (ii) the characteristics of the soil (clay, silt, loam etc).
 - (iii) soil drainage.
 - (iv) topography of the area.
 - (v) proximity of adjacent dwellings.
 - (vi) description of existing landuse and adjacent land uses.
 - (vii) presence and extent of animal pests and weeds.
 - (viii) extent of existing vegetation and species composition.
 - (ix) location and distance from formed public roads.
 - (x) an assessment of vehicle parking potential, potential road safety issues and measures to avoid, remedy or mitigate these.
 - (xi) any restrictions on any proposed landscaping or planting, such as restriction of access during wader bird breeding periods, safety issues, maintenance of views etc.





22.11.7	RETIREMENT OF CLASS VIII SOILS SUBDIVISION – PERFORMANCE STANDARDS AND ASSESSMENT CRITERIA
----------------	---

Explanation:

Subdivision opportunity is available for the creation of Environmental Lots for the retirement and sustainable management of steep, erosion prone and unstable land within a lot shown on the Land Use Capability maps as Class VIII.

There are areas in the District of Class VIII land with significant land management issues whereby factors such as erosion, sand movement and topography render these areas almost impossible to sustainably farm. This subdivision opportunity provides for the retirement of these areas and the promotion of sustainable land management practices through appropriate planting and soil conservation and erosion control measures in return for a subdivision opportunity that creates a new title and associated dwelling site.

Note:

A new lot can be created off the property in another location using the TRANSFERABLE RURAL LOT RIGHT subdivision option in rules 22.18 and 22.19.

1. SPECIFIC PERFORMANCE STANDARDS

- a) All steep, erosion prone and unstable land within a lot shown on the Land Use Capability maps as Class VIII and as determined and certified by a suitably qualified independent person, shall be legally and physically protected in accordance with 22.11.8.1, retired and sustainably managed.
- b) Subdivision entitlement shall be 1 lot for every 10 ha of Class VIII land retired from active farming up to a maximum of 5 lots in the Coastal Zone and 10 lots in the Rural Zone.
- c) Retirement of land shall include soil conservation and implementation of best land management practice to prevent erosion and sedimentation of waterbodies. This shall be carried out by fencing gully areas and steep land off from stock and by planting suitable tree and shrub species on hills, gullies and stream banks. The area retired and methods to be applied shall be certified as per 22.11.8.2.

2. SPECIFIC ASSESSMENT CRITERIA

The Assessment Criteria shall be that as specified in 22.11.1.2 Assessment Criteria for all Environmental Lots.



22.11.8. PROTECTION AND CERTIFICATION REQUIREMENTS

1. PROTECTION

For the purpose of Rule 22.11, Protection means:

- a) Legal protection in perpetuity of the nominated or suitable certified area, site, feature or land. An agreement regarding an encumbrance, bond, consent notice, covenant or vesting as reserve must be entered into before the issue of the Section 224 Certificate under the Act. The legal protection mechanism shall be in accordance with the relevant terms of the Reserves Act 1977 or the Historic Places Act 1993, or the Queen Elizabeth II National Trust Act 1977 (or to like effect in the case of cultural sites or areas). The legal instrument shall provide protection in perpetuity, and shall include enforcement and penalty provisions. Legal protection shall be prepared and implemented at the applicant's expense.

(Note: Areas already protected in accordance with the methods of this clause but which have not been used to justify the creation of a house site may be eligible under this Rule for consideration. However, any rates relief that may apply will cease to apply on consent being granted under this Rule).

- b) The area, site, feature, or land protected is maintained free of livestock through appropriate stock proof fencing or other means in accordance with certification recommendations.
- c) In every case where enhancement planting, restoration or the retirement of land is required as a condition of the subdivision consent, the release of a completion certificate will only be issued after the required works have been undertaken and all additional planting has reached the required consent conditions.
- d) In every case where legal protection is to be placed on a Natural Feature or a Riparian Margin Planting Area or Significant Wader Bird Habitat Protection Area or for Manukau Coastal Public Access, the subdivision will be approved only after all invasive weeds are eradicated from the area, both at time of planting and/or completion of the protective fencing. "Invasive weeds" are those plant species listed as "total control pests", "containment pests", or "surveillance pests" in the Auckland Regional Council's or Waikato Regional Council's proposed or operative Regional Pest Management Strategy.
- e) In every case where legal protection is to be placed on a natural feature or riparian margin planting areas, subdivision consent conditions will be included to provide effective animal pest management requirements. "Animal pests" are those animal species listed as "total control pests", "containment pests", or "surveillance pests" in the Auckland Regional Council's or Waikato Regional Council's proposed or operative Regional Pest Management Strategy.
- f) Where an area, site, feature or land being vested as reserve is additional to that defined in the Act as esplanade reserve or to the circumstances under which a reserve may be vested, then the enhancement is not eligible for compensation. Note: Reserve Contributions payable under Part 10 relates to additional houses not enhancement reserves under Rule 22.11.



2. CERTIFICATION

For the purposes of Rule 22.11, Certification or Certified means a report from an appropriately qualified independent person that certifies:

- a) In the case of existing indigenous vegetation, the vegetation has been assessed in accordance with the Natural Feature Criteria outlined in 52.3.1 and Natural Feature Assessment Form contained in 53.2.3.
- b) In the case of riparian management and streamside protection, enhancement or restoration, it has been assessed against Council information and waterbody schedules and Auckland Regional Council TP148 June 2001 guidelines.
- c) Restoration and enhancement planting has been assessed against the extent to which the planting guidelines as specified in 22.11.8.3 in terms of planting, management and monitoring programs are achieved.
- d) Details of the attributes of the area, feature or site recommended for protection and of the area for enhancement or restoration have been addressed. Details include an on-going management program setting out the protection, enhancement and other measures deemed appropriate to meet desired environmental outcomes.
- e) In the case of public access to the coast, the access does not compromise ecological, natural character values and enhances amenity values.
- f) In the case of public access or wader bird protection habitat assessment against Council information, natural feature and waterbody schedules has been undertaken.
- g) In the case of any other natural feature or an area to be retired from active farming, or area or feature to be restored, the feature or area is to be able to be managed in such a way as to preserve and enhance its existing conservation value;
- h) In the case of features of cultural, historical or archaeological significance, the area, site or structure in question is of such significance to the community, Iwi or Hapu as to warrant its protection, enhancement or restoration in the public interest and will retain and enhance the feature in its cultural context.
- i) In every case where enhancement planting, restoration or the retirement of land is required as a condition of the subdivision consent, the release of the completion certificate will only be issued after the required works and all additional planting has reached such a standard so as to be considered self sustaining. Note: It is expected that an area may become self sustaining after a period of 3 years or more to be determined by council or an independent qualified person. Subdivision approval may be granted where appropriate legal mechanism can render the new owners responsible for consent conditions.



3. GUIDELINES FOR RESTORATION AND ENHANCEMENT PLANTING

For the purpose of Protection and Certification, where restoration planting and enhancement is required, the following guidelines shall be used for Certification by an appropriately qualified independent person;

Where riparian protection and enhancement is undertaken the principles, work sheets and planting guidelines for sustainable riparian management in Auckland Regional Council TP148 June 2001 – Riparian Zone Management shall apply, and to the extent that key run-off sources are targeted and fragments of riparian vegetation are linked where possible.

a) Planting Plan

Applicants should provide a Planting Plan containing the following to be submitted with an application:

- (i) the ecological district of the site.
- (ii) the characteristics of the soil (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, sunlight and salt spray.
- (vii) presence of animal pests and weeds.
- (viii) extent of existing vegetation and species composition.
- (ix) distance from established bush and the state of established bush if there is none on site.
- (x) any restrictions on planting, such as safety issues, maintenance of views, etc.
- (xi) purpose of the planting eg erosion control, riparian restoration, habitat restoration.
- (xii) location, species type and extent of planting on a plan.
- (xiii) site preparation for planting including stock proof fencing, and weed and pest control.
- (xiv) site planting including species to be planted, size of plants, where they are to be planted, density of planting and sourcing of plants and fertiliser.
- (xv) maintenance program of planting, including releasing plants, fertiliser, animal pest and weed control, and mulching and replacement of plants which do not survive.

b) Planting

The planting of **indigenous vegetation** should meet the following standards;

- (i) a survival rate of 90% after 24 months from initial planting.
- (ii) plant centre densities as appropriate after 24 months from initial planting.
- (iii) a stock proof fence shall be erected at the time of planting.
- (iv) the area shall be permanently legally protected as specified in 22.11.8.1.
- (v) appropriate plant species including primary use of plants from the relevant ecological district or ENVIRONMENTAL DOMAIN in accordance with Regional Council guidelines. Plants should also be appropriate for the particular soil, aspect and topography of the site.
- (vi) each plant shall be fertilised at the time of planting to ensure adequate growth.

Planting of **exotic vegetation** where appropriate ie for areas of Class VIII land should meet the following standards:

- (i) a survival rate of 90% after 24 months from initial planting
- (ii) an appropriate density as set out in a report by a person qualified and experienced in erosion management and vegetation restoration.
- (iii) a stock proof fence to be erected on the periphery of the planting.
- (iv) the area shall be permanently legally protected as specified in 22.11.8.1.
- (v) no invasive species shall be planted.
- (vi) maintenance shall occur for five years from initial planting.
- (vii) all invasive weeds shall be eradicated from the planting site before planting.



c) **Maintenance**

The maintenance of all planting should meet the following standards:

- (i) a maintenance program should occur for a minimum of five years or until canopy closure has occurred.
- (ii) maintenance shall include the ongoing replacement of plants that do not survive with plants of the same species or as otherwise approved by Council.
- (iii) all invasive weeds shall be eradicated from the planting site at time of planting and on an ongoing basis.
- (iv) ongoing animal pest control shall occur.
- (v) the vegetation shall be for the purposes set out in a Planting Plan and shall not be clear felled or removed for commercial purposes.
- (vi) "Invasive weeds" and "animal pests" are those species listed as "total control pests", "containment pests", or "surveillance pests" in the Auckland Regional Council's or Waikato Regional Council's proposed or operative Regional Pest Management Strategy as appropriate to the location of the site.

All maintenance and plant replacement costs are to be born by the consent holder until such time as that the Council is satisfied the planting is self-sustaining. The appropriate legal mechanism may be used to enforce conditions of consent.

d) **Monitoring**

A Monitoring Report should be provided annually until such time as Council is satisfied that the planting is self sustaining. The report should include information on the following:

- (i) Success rates, including growth rates and number of plants lost.
- (ii) Canopy closure, beginnings of natural ecological processes – natural regeneration in understorey, use by native fauna, etc.
- (iii) Recommendations for replacement of dead plants and implementation of these recommendations.





22.12 FARM PARKS

Explanation:

For the purpose of Rules 22.12, a Farm Park shall include land based Permitted Activities, including FARMING, HORTICULTURE AND FORESTRY but does not include quarrying and mineral extraction and production activities, sawmilling, cleanfilling or waste disposal sites. The Farm Park provides the opportunity for Countryside Living whereby the principle farming activities are maintained and promoted, and natural and environmental features are protected and enhanced.

1. SPECIAL PERFORMANCE STANDARDS

a) Common Land Area and Lot Entitlements

- (i) The common land shall have a minimum size of 40ha excluding that required for Farm Park Residential Sites.
- (ii) The creation of Farm Park Residential Sites in the Coastal or Rural Zone as provided for in 22.4 in accordance with the following entitlement.

ZONE	Number of Farm Park Residential Sites for minimum Common Lot size of 40 ha	Number of Farm Park Residential Sites for every 8 ha of common land in excess of 40 ha	Maximum total number of Farm Park Residential Sites
Coastal Zone	5	1	10
Rural Zone	10	1	15

b) Farm Park Design/Development Plan

All Farm Park applications shall be submitted with a Development Plan that details the Farm Park design, in accordance with the following requirements:

- (i) Farm Park Residential Sites shall have a minimum area of 5000m².
- (ii) DWELLING HOUSE SITES must be defined on the Development Plan and shall be located no closer than 25m from any SITE boundary including other Farm Park Residential Site boundaries and the common area boundary unless in accordance with an approved Rural Cluster Housing Concept Plan in accordance with 22.12.1(d).
- (iii) The design and layout of Farm Park Residential Site must take into account landscape features and reduce amenity conflicts with the rural activity on the common land and the rural landscape. A Landscape Plan prepared by a suitably qualified independent person shall be submitted with the application and shall identify:
 - Rural and coastal landscape features such as ridges, knolls and headlands, outlooks and open space;
 - Noteworthy vegetation and planting;
 - Proposed landscaping required to screen proposed Farm Park Residential Sites access ways and roads, and to enhance the rural and natural character and its establishment and ongoing maintenance.



- (iv) All land in any one Farm Park shall be either comprised in one certificate of title under the Land Transfer Act 1952 and shall constitute one lot being one parcel of land with a continuous perimeter boundary or, the common land shall be held in equal undivided shares by each of the owners of the Farm Park Residential Sites as tenants in common. The means of ownership for all Farm Parks shall be established by way of unit title, covenant or consent notice, or any other legal instrument, which ensures an ongoing clear legal obligation between the Farm Park Residential Sites and the common land and prevents further subdivision, to the satisfaction of the Franklin District Council.
- (v) The means of ownership shall clearly distinguish between Farm Park Residential Sites owned by individual owners and the land owned in common. A Body Corporate shall ensure that the common land is put to rural use as delineated on a Development Plan, is operated as one farm and it shall enter into a consent notice with Council as is necessary to ensure the continuance of the rural use of the common land, in accordance with the approved Farm Management Plan.

c) Farm Management Plan Requirements

A Farm Management Plan shall be submitted with a Farm Park application that provides details to address issues concerning the operational farming activities and the environmental matters. Matters to be addressed include:

- (i) location of principal buildings and structures;
- (ii) effluent and stormwater disposal field locations for all activities;
- (iii) access ways and roads;
- (iv) proposed Farm Park activity and methods of operation;
- (v) best rural land and rural activity management practice regimes in accordance with any relevant Regional Council plans, criteria or guidelines or Codes of Practice;
- (vi) forestry plan including assessment of effects of providing access and harvesting in the case of production forestry;
- (vii) soil conservation measures;
- (viii) riparian management protection and enhancement;
- (ix) natural stream catchment protection;
- (x) identification of any natural or cultural features on the site with appropriate management or protection measures in accordance with 22.12.2;
- (xi) such other matters as may be relevant to or significant for the Farm Park.

d) Rural Cluster Housing Concept Plan Requirements.

Where Farm Park Residential Sites are to be grouped in nodes or clusters where dwellings will be sited closer than specified in 22.12.1(b)(ii), the Farm Park Management Plan shall include a Rural Cluster Housing Concept Plan submitted to Council and approved prior to the granting of the subdivision consent. Where practical, clusters should be located to maximise buffering from adjoining agricultural or other landuse activities, landscaping to maintain natural and rural character and amenity, methods of wastewater and stormwater treatment and disposal, access way design and location, minimising earthworks, buffer distances to streams and natural features.



2. PROTECTION

For the purpose of Rule 22.12, Protection means:

- a) Legal protection in perpetuity of the identified site, feature or land. An agreement regarding an encumbrance, bond, consent notice, covenant or vesting as reserve must be entered into before the issue of the Section 224 Certificate under the Act. The legal protection mechanism shall be in accordance with the relevant terms of the Reserves Act 1977 or the Historic Places Act 1993, or the Queen Elizabeth II National Trust Act 1977 (or to like effect in the case of cultural sites or areas). The legal instrument shall provide protection in perpetuity, and shall include enforcement and penalty provisions. Legal protection shall be prepared and implemented at the applicant's expense.
- b) The area, site, feature, or land protected is maintained free of livestock through appropriate stock proof fencing or other means in accordance with certification recommendations.
- c) Where an area, site, feature or land being vested as reserve is additional to that defined in the Act as esplanade reserve or to the circumstances under which a reserve may be vested, then the enhancement is not eligible for compensation. Note: Reserve Contributions payable under Part 10 relates to additional houses not enhancement reserves under Rule 22.11.

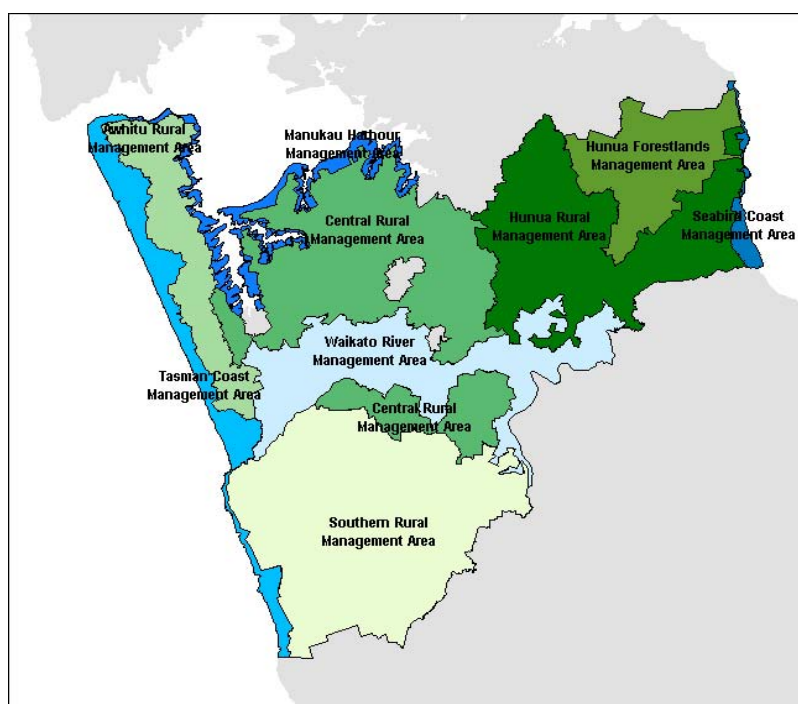
3. SPECIFIC ASSESSMENT CRITERIA

In addition to Rule 22.9, a proposed subdivision under this rule shall be assessed in accordance with the following assessment criteria:

- a) The efficient and effective operation of the balance farm in the long term.
- b) The availability and effectiveness of appropriate mechanisms, including covenants, to secure long term administration and maintenance of common land to prevent subdivision.
- c) The compatibility of the proposal with the pattern of development on adjoining land and avoidance of conflict with land based activities.
- d) The ability of the development to include methods, which mitigate against reverse sensitivity issues, both within the Farm Park and across boundaries.
- e) The provision of safe access to the Farm Park and within the Farm Park for both the Farm Park Residential Sites and the farming operation.
- f) Location, siting and size of all building areas in relation to amenity, reverse sensitivity, ecology, natural character and landscape, soil values and any features or areas being protected or enhanced.
- g) Design and appearance of potential buildings and structures and whether the resulting overall Farm Park development is in harmony with and does not detract from, the landscape sensitivity and natural character of the area.
- h) Assessments as required, of ecological, natural, cultural or landscape features by appropriately qualified person.
- i) Appropriate mechanisms for the protection and enhancement of natural, cultural and landscape features, including planting programs, fencing, covenants, and the use of Regional Council or DoC guidelines.



- j) The effect that a dwelling will have on the natural and cultural features and their ongoing protection. Where there is likely to be adverse effects, the Council may decline consent or require that the house site or lot be located elsewhere on the property so as to avoid or minimise such adverse effect.
- k) The effect that any dwellings or the creation of new lots will have on ACCESSIBILITY and VERSATILITY particularly in respect of land containing Class I, II and IIIe soils.
- l) Whether the coastal environment, features identified in Schedule 5 and Appendix 2 and any other features that would be protected by Section 6 of the Resource Management Act 1991 may be compromised
- m) The extent to which the location and design of new dwellings are in accordance with an approved Rural Cluster Housing Concept Plan (see Rule 22.12.1(d)).
- n) Compliance with relevant Regional Council guidelines, publications or plans.





22.13 LOTS FOR NETWORK AND OTHER UTILITIES

1. SPECIFIC PERFORMANCE STANDARDS:

The Utility is required:

- a) to be a Permitted Activity in terms of Part 15.1 and to have been established on the site; or
- b) to have been granted resource consent for the Utility; or
- c) to have had land designated for the required purpose.

2. SPECIFIC MATTERS OVER WHICH COUNCIL MAY EXERCISE CONTROL

In addition to the general matters for control specified in Rule 22.8, the Council reserves control over the following matters:

- a) The degree to which the proposed size of the allotment allows sufficient land area to:
 - (i) Accommodate the activity and associated structures; and
 - (ii) Provide amenity treatment sufficient to mitigate potential adverse effects where it is practicable to do so.
- b) The extent to which the creation of a new lot is consistent with the resource consent approval or where the activity is permitted, any of the relevant standards and assessment criteria in Part 15.
- c) The extent to which the creation of a new lot will affect the practical utilisation of the balance area.

22.14 LOTS FOR ROAD SEVERANCES

Explanation:

Houses on a road severance lot require resource consent to ensure they are appropriate for the site. Road severance lots are often poorly located and of difficult sizes and shapes. A land use consent process can deal with adverse effects and can set appropriate conditions or decline an inappropriate land use at the outset. If a land use can occur after a rigorous assessment, then once established, subdividing around it should not create any further adverse effects.

1. SPECIFIC PERFORMANCE STANDARDS:

- a) A Resource Consent has been granted to erect a dwelling on the ROAD SEVERANCE.
- b) The new lot has a minimum area of 4000m².
- c) Compliance with the General Performance Standards in 22.7.

2. SPECIFIC MATTERS OVER WHICH COUNCIL MAY EXERCISE CONTROL:

General matters Council may exercise control over in 22.8.



22.15 BOUNDARY RELOCATION OR ADJUSTMENT

Explanation:

Where a property contains either an existing title or a lot which Council has consented to, then one or the other may be relocated within the property or with common property boundaries, subject to the standards and criteria set out below. Lots are to be relocated within the property and reduced down to a minimum size of 4000m² each, provided that the balance lot is in one title.

Many properties in the District consist of more than one title as subdivision has occurred in accordance with various rules over the years but the titles have never been sold. Often these titles are not ideal sizes and do not correspond well with either countryside living needs or rural activity needs, that is, they are too big or too small. Boundary Relocation rules in the operative District Plan attempted to provide for the re-organisation of titles into a more appropriate and logical layout. However, they were not utilised due to the requirement that titles had to be reduced in number upon relocation. The Boundary Adjustment rule has been used instead to achieve more logical layout of existing titles.

The new provision merges the adjustment and relocation rules so that no titles need to be lost in the process. A key consideration when creating countryside living lots adjacent to rural production lots is reverse sensitivity. It is important that lots and house sites are located in ways that reduce the potential for conflict between landowners. It is also imperative that the configuration, size and location of lots reflect the soil resource, landform and landscape. The re-configuration of lots is particularly necessary in the Central Rural Management Area to preserve versatile soils and enable it to be effectively used for rural production.

1. SPECIFIC PERFORMANCE STANDARDS:

- a) Compliance with Rule 22.7.
- b) The subdivision must not result in the creation of additional titles. The number of resulting lots shall equal or be less than the number of existing eligible titles.
- c) All lots shall have a minimum area of 4000m²

2. SPECIFIC MATTERS OVER WHICH COUNCIL MAY EXERCISE CONTROL

In addition to the general matters for control specified in Rule 22.8 the Council reserves control over the following matters:

- a) The extent to which the subdivision:
 - (i) reduces or constrains the ACCESSIBILITY and VERSATILITY of land and soil resources (particularly VERSATILE SOILS) on the balance of the property. The location of the proposed lot(s) is important in this matter. For example lots should not be located at the rear of the property and be served by long driveways or driveways that dissect parcels of VERSATILE LAND; where possible, and appropriate in terms of environmental effects, lots and driveways should be located on the poorest or least VERSATILE LAND;
 - (ii) adversely affects the rural landscape due to layout of lots and proposed building areas
- b) SPECIFIED BUILDING AREAS may be registered against the title by way of a consent notice.



22.16 VILLAGE COUNTRYSIDE LIVING ZONE LOTS

Explanation:

The Village Countryside Living zone is applied to land identified adjacent to Rural and Coastal Villages as shown in the Planning Maps. Subdivision options in the Village Countryside Living zone are available on three levels:

- Option 1 Large Lot Village Countryside Living
- Option 2 Large Lot Village Countryside Living with Transfer Titles
- Option 3 Structure Plan Subdivision

1. SPECIFIC PERFORMANCE STANDARDS

a) Option 1 Large Lot Village Countryside Living

In an identified Village Countryside Living Zone:

- Minimum new Lot size of 1 ha.
- All subdivision shall be subject to an approved Concept Plan prepared in accordance with Part 55.
- For lots in excess of 5000m² SPECIFIED BUILDING AREAS shall be identified on the plan for subdivision and a consent notice registered against the title requiring all buildings to be located within SPECIFIED BUILDING AREAS.
- For lots in excess of 5000m², SPECIFIED BUILDING AREAS shall be identified no closer than 20 metres from any adjoining Rural or Coastal Zone boundary.

b) Option 2 Large Lot Village Countryside Living with Transfer Titles

In an identified Village Countryside Living Zone where there are lots resulting from an approved TRANSFERABLE RURAL LOT RIGHT in accordance with Rule 22.17.

- Minimum new Lot size of 5000m² for each additional lot qualifying as a TRANSFERABLE RURAL LOT RIGHT in accordance with Rule 22.17.
- All subdivision shall be subject to an approved Concept Plan prepared in accordance with Part 55.
- For lots in excess of 5000m² SPECIFIED BUILDING AREAS shall be identified on the plan for subdivision and a consent notice registered against the title requiring all buildings to be located within SPECIFIED BUILDING AREAS.
- For lots in excess of 5000m², SPECIFIED BUILDING AREAS shall be identified no closer than 20 metres from any adjoining Rural or Coastal Zone boundary.

c) Option 3 Structure Plan Subdivision

In an identified Village Countryside Living Zone, further subdivision opportunities are available where:

- Council has approved a Structure Plan for the whole of the Growth Area, or for the area that is the subject of the subdivision (where Council has determined that a Structure Plan can be finalised for only part of a relevant Growth area); or
- Council has publicly notified (at its own initiative) a Plan Change for the relevant area as a result of the Structure Plan procedure.



2. SPECIFIC MATTERS OVER WHICH COUNCIL MAY EXERCISE CONTROL

- a) The location and layout of lots and SPECIFIED BUILDING AREAS to achieve integration of development within the existing landscape structure and to integrate with landscape elements and patterns; and where necessary, the design and appearance of houses, location of buildings, and restriction on the size and bulk of buildings to ensure, privacy, outlook and rural amenity of adjacent countryside living lots are not compromised.
- b) The management of reverse sensitivity issues and the extent to which additional buffers or setbacks may be required internally to avoid or mitigate adverse effects, particularly at the boundaries of the zone.
- c) The need for planting and landscaping to enhance natural features, to provide landscape rehabilitation or to screen or soften the visual effects of buildings, roads, access ways and driveways.
- d) The need to maintain view corridors for houses located within SPECIFIED BUILDING AREAS.
- e) The protection of any natural or cultural feature of national, regional or district significance.
- f) The need to carry out ecological enhancements, such as providing connections and corridors between indigenous habitats and riparian planting along water bodies within the property and to link with habitats on adjacent land.





22.17 TRANSFERABLE RURAL LOT RIGHT TO VILLAGE COUNTRYSIDE LIVING ZONE SUBDIVISION

Explanation:

As discussed in relation to the boundary relocation provisions, there are many properties in the District which have several titles not yet developed. In some areas these titles are on land that is highly valuable for rural production as the soil is very versatile or are held in large property holdings which rely on large land areas and accessibility. The existing titles, if developed, would introduce further rural residential living with an increase in reverse sensitivity issues, greater conflict and greater irreversible fragmentation. Transferring titles to village countryside living zone areas encourages amalgamation of rural land which provides greater accessibility and the retention of the rural resources notably Versatile Soils and Minerals, while promoting opportunities for rural residential lifestyle choice around existing rural and coastal villages. Therefore an incentive is provided to further encourage such amalgamations and transfers.

Note:

The TRANSFERABLE RURAL LOT RIGHT can be used for Environmental Lots created under Rule 22.11.

1. SPECIFIC PERFORMANCE STANDARDS

- a) TRANSFERABLE RURAL LOT RIGHTS are given to existing RURAL LOTs which:
 - (i) Comply with 'RURAL LOT' in Rule 50.
 - (ii) Have no DWELLING HOUSE present on the RURAL LOT or valid consent to build a DWELLING HOUSE on the RURAL LOT.
 - (iii) Has a DWELLING HOUSE present on the RURAL LOT or valid consent to build a DWELLING HOUSE on the RURAL LOT, but where the amalgamation of the RURAL LOTS will result in a Permitted Activity in terms of sites in excess of 40 hectares.
- b) TRANSFERABLE RURAL LOT RIGHTS may be used to create new titles in any Village Countryside Living Zone on the basis of two new titles for one TRANSFERRED RURAL LOT RIGHT.
- c) Each new title shall meet the subdivision standards for the zone or Structure Plan area where the new title is created, including the performance standards and matters over which Council may exercise control.
- d) A condition shall be placed on the subdivision consent utilising the TRANSFERABLE RURAL LOT RIGHTS requiring that the amalgamation of the titles from which the TRANSFERABLE RURAL LOT RIGHTS emanated, be carried out in accordance with the provisions of the Resource Management Act 1991.

Note:

Under section 241 of the Resource Management Act when titles are amalgamated as a condition of subdivision, the amalgamation condition for the original Lots must be endorsed on the survey plan for the new subdivision utilising the TRANSFERABLE RURAL LOT RIGHT.

Because the amalgamation of the titles is a condition of a subdivision under section 241, the previously separate parcels of land shall not be capable of being held in separate certificates of title again without Council consent.



22.18 TRANSFERABLE RURAL LOT RIGHT WITHIN THE SAME MANAGEMENT AREA

Explanation:

As discussed in rule 22.17, there are many properties in the District which have several titles not yet developed. In some areas these titles are on land that is highly valuable for rural production as the soil is very versatile or are held in large property holdings which rely on large land areas and accessibility. The existing titles, if developed, would introduce further rural residential living with an increase in reverse sensitivity issues, greater conflict and greater irreversible fragmentation.

Through the transfer titles system landowners are offered another option for the use of these titles. Many landowners would like to realise the financial benefits of selling vacant titles, and with no other option may eventually sell these titles in their current form and location. The ability to transfer titles provides an opportunity for people living on VERSATILE SOILS and productive agricultural units to gain better land management and use of good soil while still benefiting from the fragmentation and selling of land.

The transfer of titles to more environmentally sustainable locations enables the vacant lots to be used for countryside living opportunities. It is considered that the effects of transfer of titles within the same Management Area can be avoided, remedied or mitigated when appropriate performance standards and assessment criteria are met. It is likely that the transfer of titles within the same Management Area will have little or no adverse effect given that the Management Areas have been defined based on an assessment of the natural and physical resources at a local level.

Note:

The TRANSFERABLE RURAL LOT RIGHT can be used for Environmental Lots created under Rule 22.11.

1. SPECIFIC PERFORMANCE STANDARDS

- a) TRANSFERABLE RURAL LOT RIGHTS are given to existing RURAL LOTS which:
 - (i) Comply with 'RURAL LOT' in Rule 50 and are transferred to another 'RURAL LOT';
 - (ii) Have no DWELLING HOUSE present on the RURAL LOT or valid consent to build a DWELLING HOUSE on the RURAL LOT.
 - (iii) Has a DWELLING HOUSE present on the RURAL LOT or valid consent to build a DWELLING HOUSE on the RURAL LOT, but where the amalgamation of the RURAL LOTS will result in a Permitted Activity in terms of sites in excess of 40 hectares.
- b) TRANSFERABLE RURAL LOT RIGHTS may be used to create new titles anywhere within the same Management Area on the basis of one new title for one TRANSFERRED RURAL LOT RIGHT.
- c) The following Maximum Lot Number and Average Lot Size requirements apply:

Receiver RURAL LOT Size	Minimum Average Lot Size Of New Lots Created Excluding Balance Lot	Maximum number of Transferable Lots To Any One RURAL LOT.
0.0 – 4.0 ha	na	1
> 4.0 ha	2.0 ha	4

* Note the Balance Lot shall be the largest lot within the proposed subdivision.



- d) TRANSFERABLE RURAL LOT RIGHTS may be used to create new titles anywhere within the same Management Area on land with the equivalent or a lesser percentages of VERSATILE SOILS.
- (i) Where a new lot is created using a TRANSFERABLE RURAL LOT RIGHT, the new lot must contain the same or lesser percentages of each of VERSATILE SOILS than that contained on the lot used to create the TRANSFERABLE RURAL LOT RIGHT.
 - (ii) A detailed Landuse Capability (LUC) Soil assessment may be required and is to be undertaken by a suitably qualified independent person. The LUC shall show the percentages of VERSATILE SOILS on each of the existing lots used to create the TRANSFERABLE RURAL LOT RIGHT and the percentages of VERSATILE SOILS on each of the proposed new lots.
 - (iii) The Landuse Capability (LUC) Soil assessment will be used to demonstrate compliance with d(i) while recognising the limitations in determining precise percentage measurements. As a guide a margin of error of plus or minus 10% of the calculated percentage figure is considered acceptable.
- e) Each transferred new title shall meet the subdivision standards for the zone the title has been transferred to, including the performance standards and matters over which Council may exercise control.
- f) A condition shall be placed on the subdivision consent utilising the TRANSFERABLE RURAL LOT RIGHTS requiring that the amalgamation of the titles from which the TRANSFERABLE RURAL LOT RIGHTS emanated, be carried out in accordance with the provisions of the Resource Management Act 1991.

Note:

Under section 241 of the Resource Management Act when titles are amalgamated as a condition of subdivision, the amalgamation condition for the original lots must be endorsed on the survey plan for the new subdivision utilising the TRANSFERABLE RURAL LOT RIGHT.

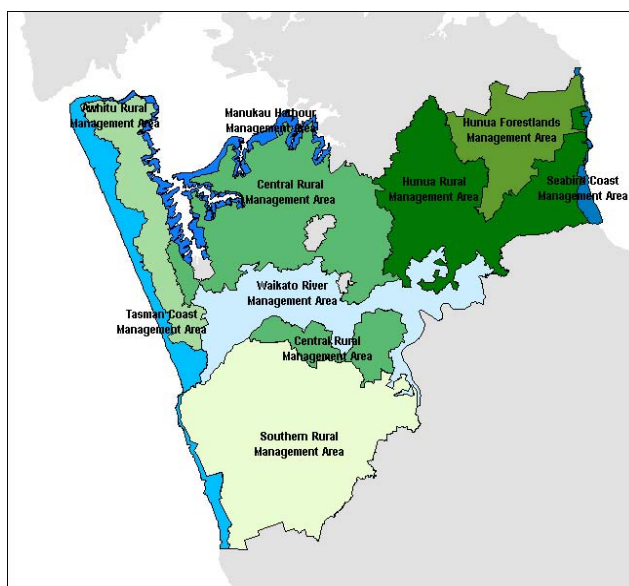
Because the amalgamation of the titles is a condition of a subdivision under section 241, the previously separate parcels of land shall not be capable of being held in separate certificates of title again without Council consent.





2. SPECIFIC ASSESSMENT CRITERIA

- a) The extent to which the size, shape, minimum dimensions, and placement of boundaries of the lots:
 - (i) recognises and provides for topography, aspect, water supplies, and mature vegetation;
 - (ii) reduces or constrains the ACCESSIBILITY and VERSATILITY of land and soil resources (particularly VERSATILE SOILS) on the balance of the property. The location of the proposed lot(s) is important in this matter. For example lots should not be located at the rear of the property and be served by long driveways or driveways that dissect parcels of VERSATILE LAND; where possible, and appropriate in terms of environmental effects, lots and driveways should be located on the poorest or least VERSATILE LAND;
 - (iii) adversely affects the rural landscape and rural amenity, due to layout of lots and proposed building areas;
 - (iv) recognises and provides for existing and proposed buildings, developments, driveways, access lots, rights-of-way and easements or encumbrances of any type;
 - (v) recognises and provides for probable buildings and developments on the lots and addresses reverse sensitivity issues (given the provisions of the zone and the Management Area in which they are located);
 - (vi) recognises and provides for existing and probable activities on adjoining properties (given the provisions of the zone and the Management Area in which they are located);
- b) Adverse impacts on rural amenity, landscape and topography shall be avoided, remedied or mitigated through lot design and SPECIFIED BUILDING SITES that:
 - (i) Encourage innovative design styles of lots and buildings to avoid ribbon development and multiple access points, and retain rural amenity.
 - (ii) Use a variety of techniques including, varied road frontage lengths, separation distances between building and varied setbacks.
- c) SPECIFIED BUILDING AREAS may be registered against the title by way of a consent notice.





22.19 TRANSFERABLE RURAL LOT RIGHT BETWEEN DIFFERENT MANAGEMENT AREAS

Explanation:

As discussed in rule 22.17 and 22.18, there are many properties in the District which have several titles not yet developed. In some areas these titles are on land that is highly valuable for rural production as the soil is very versatile or are held in large property holdings which rely on large land areas and accessibility. The existing titles, if developed, would introduce further rural residential living with an increase in reverse sensitivity issues, greater conflict and greater irreversible fragmentation.

Through the transfer titles system, landowners are offered another option for the use of these titles. Many landowners would like to realise the financial benefits of selling vacant titles, and with no other option may eventually sell these titles in their current form and location. The ability to transfer titles provides an opportunity for people living on VERSATILE SOILS and productive agricultural units to gain better land management and use of good soil, while still benefiting from the fragmentation and selling of land.

The transfer of titles to more environmentally sustainable locations enables the vacant lots to be used for countryside living opportunities. It is considered that the effects of the transfer of titles between different Management Areas can be avoided, remedied or mitigated when appropriate performance standards and assessment criteria are met. However, the transfer of titles between different Management Areas will require a more rigorous assessment given that the effects of this activity may be more significant.

Note:

The TRANSFERABLE RURAL LOT RIGHT can be used for Environmental Lots created under Rule 22.11.

1. SPECIFIC PERFORMANCE STANDARDS

- a) TRANSFERABLE RURAL LOT RIGHTS are given to existing RURAL LOTs, which:
 - i) Comply with 'RURAL LOT' in Rule 50 and are transferred to another 'RURAL LOT';
 - ii) Have no DWELLING HOUSE present on the RURAL LOT or valid consent to build a DWELLING HOUSE on the RURAL LOT.
 - iii) Has a DWELLING HOUSE present on the RURAL LOT or valid consent to build a DWELLING HOUSE on the RURAL LOT, but where the amalgamation of the RURAL LOTS will result in a Permitted Activity in terms of sites in excess of 40 hectares.
- b) TRANSFERABLE RURAL LOT RIGHTS may be created as new titles anywhere within a different Management Area on the basis of one new title for one TRANSFERRED RURAL LOT RIGHT.
- c) The following Maximum Lot Number and Average Lot Size requirements apply:

Receiver RURAL LOT Size	Minimum Average Lot Size of New Lots Created Excluding Balance Lot	Maximum Number Of Transferable Lots To Any One RURAL LOT.
0.0 – 4.0 ha	na	1
> 4.0 ha	2.0 ha	4

* Note the Balance Lot shall be the largest lot within the proposed subdivision.



- d) TRANSFERABLE RURAL LOT RIGHTS may be used to create new titles anywhere within the same Management Area on land with the equivalent or a lesser percentages of VERSATILE SOILS.
- i) Where a new lot is created using a TRANSFERABLE RURAL LOT RIGHT, the new lot must contain the same or lesser percentages of VERSATILE SOILS than that contained on the lot used to create the TRANSFERABLE RURAL LOT RIGHT. For example:
 - ii) A detailed Landuse Capability (LUC) Soil assessment may be required and is to be undertaken by a suitably qualified independent person. The LUC shall show the percentages of VERSATILE SOILS on each of the existing lots used to create the TRANSFERABLE RURAL LOT RIGHT and the percentages of VERSATILE SOILS on each of the proposed new lots.
 - iii) The Landuse Capability (LUC) Soil assessment will be used to demonstrate compliance with d(i) while recognising the limitations in determining precise percentage measurements. As a guide a margin of error of plus or minus 10% of the calculated percentage figure is considered acceptable.
- e) Each transferred new title shall meet the subdivision standards for the zone the title has been transferred to, including the performance standards and matters over which Council may exercise control.
- f) A condition shall be placed on the subdivision consent utilising the TRANSFERABLE RURAL LOT RIGHTS requiring that the amalgamation of the titles from which the TRANSFERABLE RURAL LOT RIGHTS emanated, be carried out in accordance with the provisions of the Resource Management Act 1991

Note:

Under section 241 of the Resource Management Act when titles are amalgamated as a condition of subdivision, the amalgamation condition for the original lots must be endorsed on the survey plan for the new subdivision utilising the TRANSFERABLE RURAL LOT RIGHT.

Because the amalgamation of the titles is a condition of a subdivision under section 241, the previously separate parcels of land shall not be capable of being held in separate certificates of title again without Council consent.

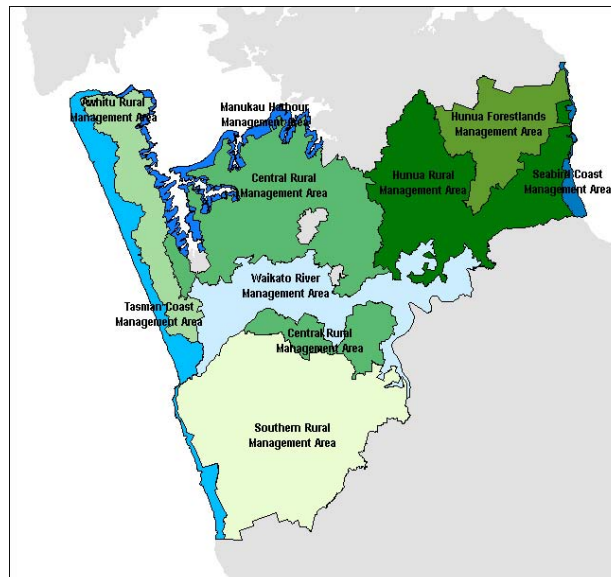
- g) TRANSFERABLE RURAL LOT RIGHT subdivision will be assessed against the Objectives and Policies of the relevant Management Area.

2. SPECIFIC ASSESSMENT CRITERIA

- a) The extent to which the size, shape, minimum dimensions, and placement of boundaries of the lots:
- (i) recognises and provides for topography, aspect, water supplies, and mature vegetation;
 - (ii) reduces or constrains the ACCESSIBILITY and VERSATILITY of land and soil resources (particularly VERSATILE SOILS) on the balance of the property. The location of the proposed lot(s) is important in this matter. For example lots should not be located at the rear of the property and be served by long driveways or driveways that dissect parcels of VERSATILE LAND; where possible, and appropriate in terms of environmental effects, lots and driveways should be located on the poorest or least VERSATILE LAND; (Note: A detailed Landuse Capability (LUC) Soil assessment may be required);
 - (iii) adversely affects the rural landscape and rural amenity due to layout of lots and proposed building areas;



- (iv) recognises and provides for existing and proposed buildings, developments, driveways, access lots, rights-of-way and easements or encumbrances of any type;
 - (v) recognises and provides for probable buildings and developments on the lots and addresses reverse sensitivity issues (given the provisions of the zone and the Management Area in which they are located);
 - (vi) recognises and provides for existing and probable activities on adjoining properties (given the provisions of the zone and the Management Area in which they are located);
- b) Adverse impacts on rural amenity , landscape and topography shall be avoided, remedied or mitigated through lot design and SPECIFIED BUILDING SITES that:
- i) Encourage innovative design styles of lots and buildings to avoid, ribbon development, multiple access points and retain rural amenity.
 - ii) Use a variety of techniques including, varied road frontage lengths, Separation distances between building, varied setbacks.
- c) SPECIFIED BUILDING AREAS may be registered against the title by way of a consent notice
- d) In addition to the Management Areas Objectives and Policies, there are particular sensitive environments such as within the Coastal Zones and the Central Rural Management Area, which may be adversely affected by the agglomeration of a larger number of Transferred titles to any one area. Significant issues to be addressed include, but are not limited to:
- (i) potential impacts on rural amenity and character.
 - (ii) avoidance of clustering on any one location.
 - (iii) adverse impacts upon the ecology and natural environment of the receiving location.
 - (iv) conflicts arising between adjacent permitted activities.
 - (v) effects on coastal features.





RURAL VILLAGE ZONE AND COASTAL VILLAGE ZONE SUBDIVISION

22.20 GENERAL REQUIREMENTS

1. APPLICATION OF THIS RULE

- a) The General Requirements set out in 22.20 shall apply to the Rural Village and Coastal Village Zones, including Identified Business Sites, as shown on the planning maps unless the Plan specifically states otherwise in respect of any other Zone.
- b) Where subdivision is occurring within a “Village Structure Plan Area” depicted on the Plan Maps, applications will, in addition to meeting these general requirements, be assessed in terms of the specific Structure Plan provisions applying to that area (Refer to Part 54 of this District Plan).
- c) Where any rule under 22.20 is not complied with, Council may:
 - (i) request further information in accordance with the Act where the rule is related to information requirements; or
 - (ii) consider the application as a Non complying Activity.

Note:

Subdivision which is a Prohibited Activity cannot be subject of an application for resource consent and is therefore not considered under this Rule.

2. CONSENT REQUIRED

- a) Subject to the provisions of the Act, the subdivision of land for any purpose can only proceed following the granting of resource consent by the Council and compliance with any conditions of consent.
- b) No work on the subject land in connection with the subdivision may proceed unless it is essential investigatory work, with prior written approval from Council.
- c) Applications shall be in the prescribed form and must contain all the information, assessments and reports as required by the Act or this Plan. (Refer to Rules 52 and 53 of the Plan as appropriate).
- d) The status of the subdivision activity in Rural Village and Coastal Village Zones shall be that stated in Rules 22.21, 22.22 and 22.23 that follow.



3. REPORTS/CONSULTATION

- a) In accordance with the Act, Council may require an applicant to provide technical or other reports, prepared by suitably qualified specialists, to address matters pertaining to or arising from the proposal, including:
- (i) Geotechnical/soil mechanics/coastal erosion reports.
 - (ii) Landscape change assessment reports.
 - (iii) Water quality/quantity analyses.
 - (iv) Effluent disposal/soakage field tests and design calculations.
 - (v) Bush quality and condition analysis.
 - (vi) Stormwater flow analysis, design calculations and proposals for treatment and disposal.
 - (vii) Heritage/archaeological/ecological/biological value investigations and any consultation related thereto.
 - (viii) Assessments of the effects that could result from proximity to existing high pressure gas, high voltage electricity and similar 'trunk' utility services, including effects on the safe and efficient operation of these services.
- b) Where SITES proposed for subdivision consent include contaminated land, reports, prepared in accordance with the following Ministry for Environment Guideline, may be required:
- (i) Preliminary Site Investigation Report(PSI)
 - (ii) Detailed Site Investigation Report(SIR)
 - (iii) Site Remedial Action Plan (RAP).
 - (iv) Site Validation Report (SVR).
 - (v) ongoing monitoring and management plan (MMP).
- The report structure can be found in the Ministry for Environment Guidelines for Reporting Contaminated Sites in New Zealand – Contaminated Site Management Guidelines No.1.

4. ASSESSMENT & INFORMATION REQUIREMENTS

Assessment of applications for subdivisions in the Rural Village and Coastal Village Zones shall be in accordance with the standards, terms and conditions, matters over which Council exercises control or criteria, set out in the Plan. The general, particular and specific sections that shall apply are set out under the activity status for each type of subdivision.

5. CONDITIONS

Where a resource consent is granted, conditions may be imposed to deal with any matter as provided for by the Act or this Plan, and as appropriate to the circumstances, the status of the application and the effects of the proposal on the environment. This may include:

- a) Conditions which are necessary to ensure the subdivision is in the public interest;
- b) Conditions to be complied with on a continuing basis by any subsequent owner of a newly created property. These conditions in terms of Section 221 of the Act can relate to uses of and developments on the new properties.
- c) The requirement to remove or put in place a bond, covenant, deed or other legal instrument.



6. NON-COMPLYING ASPECTS

No subdivision may render any activity or development non-complying, either on the subject SITE or notional lot, or any abutting SITE or notional lot, without specifically obtaining prior consent to that non-complying aspect or seeking consent at the time of subdivision.

7. CODE OF PRACTICE FOR URBAN SUBDIVISION (NZS 4404 :1981)

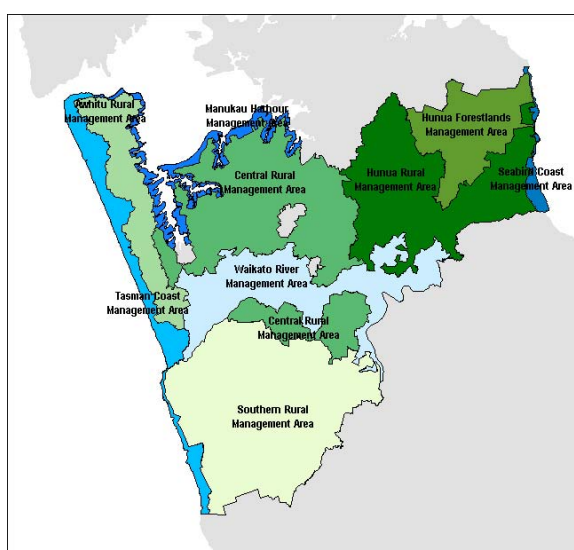
- a) Unless this Plan specifies a different standard, the standards for the design and construction of subdivisions shall be determined in accordance with the provisions of NZS 4404:1981.
- b) NZS 4404:1981 shall be read subject to the changes in the legislation that have occurred since 1981 (in particular the Resource Management Act 1991) and the Council will interpret and apply the provisions of this standard accordingly.

8. STAGING

- a) Where subdivision is to be staged, this shall be clearly explained and depicted on plans in the application and in the assessment of environmental effects. The Council will not release, under the Act, any one stage unless it is satisfied that all conditions pertaining to that stage have been satisfied, or that appropriate instruments have been entered into in respect of any conditions that have not been met.
- b) Where a survey plan is submitted for approval, the balance area (not subject to the approval) must comply with the relevant provisions of the Plan, remain accessible from a legal road and must not be rendered incapable of accommodating one or more Permitted Activities.

9. FINANCIAL CONTRIBUTIONS

- a) Financial contributions will be set at the time of subdivision consent in accordance with the Policies and requirements of Part 10 of this Plan.
- b) For the avoidance of doubt: - Unless a resource consent specifically states otherwise, those works and installations which a subdivider is required to complete in order that subdivided land is fully serviced and finished to the required standard, are not deemed to be "financial contributions", and the full cost of all such works, services and installations shall be met by the subdivider. Notwithstanding Section 108 (9) of the Act, esplanade reserves set aside at the time of subdivision may qualify as financial contributions. Refer to Part 10.1.9 of the Plan.





22.21 CONTROLLED ACTIVITIES

1. Within the Rural Village Zone, Coastal Village Zones and the Village Structure Plan Areas, the activities listed below are Controlled Activities except in respect of: Lot 19 DP 145211 (Clive Howe Road, Patumahoe);
2. Applications will be assessed in terms of the matters set out in Rules:

Rule 22.24	General Performance Standards
Rule 22.25	Matters over which Council may exercise Control
Rule 22.27	Subdivision in Identified Village Structure Plan Areas

1. The creation of rights of way provided that all SITES applied for are within the same zone.
2. The adjustment of boundaries between two or more SITES provided that all SITES that are the subject of the application, are within the same zone.
3. The creation of company leases in respect of any building located within an Identified Business Site.
4. The creation of units under the Unit Titles Act 1972, but not in stages, unless a compliance certificate has been issued or resource consent granted for the final form of the SITE development.
5. The creation of titles by cross leasing of land located within an Identified Business Site.
6. The leasing of any part of an allotment where a cross-lease, company lease or unit title is not involved.
7. The creation of freehold titles.
8. The conversion of cross-lease titles into freehold titles where all the standards of this Plan relating to multi-unit residential developments can be complied with.
9. The creation of a title around an existing building located on land within an Identified Business Site.
10. The creation of lots in terms of 1-9 within a "Village Structure Plan Area" in accordance with Rule 22.27.

Notes:

- a) Controlled Activities require resource consent and consent will be granted. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in Rules 22.24, 22.25 and 22.7 - as well as any specific matters in the relevant subdivision rule. Conditions of consent will only relate to those matters.
- c) The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough consideration in terms of the matters over which the Council has reserved control. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Controlled Activity may be considered without public notification or with limited notification where Council so determines, in terms of Section 94 of the Act.



22.22 DISCRETIONARY ACTIVITIES

1. Within the Rural Village and Coastal Village Zones the activities listed below are Discretionary Activities:

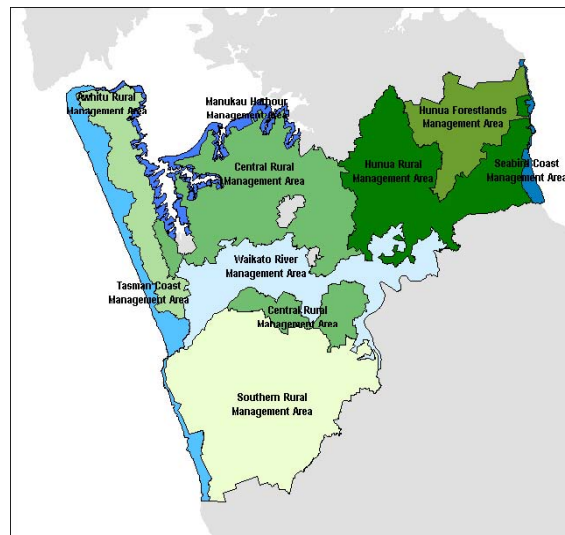
2. Applications will be assessed in terms of the matters set out in Rules:

Rule 22.24	General Performance Standards
Rule 22.26	Assessment of Discretionary Activities
Rule 53	Assessment Criteria for Resource Consent Applications

- Subdivision activities not provided for as Controlled Activities but not including any subdivision activity in respect of Lot 19 DP 145211 (Clive Howe Road, Patumahoe).

Notes:

- a) Discretionary Activities require resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in Rules 22.24, 22.26 and 53 and where appropriate, the matters specified in the relevant rule. Where consent is granted, conditions of consent may be imposed.
- c) The information submitted with the application must be in terms of 'Rule 52.'





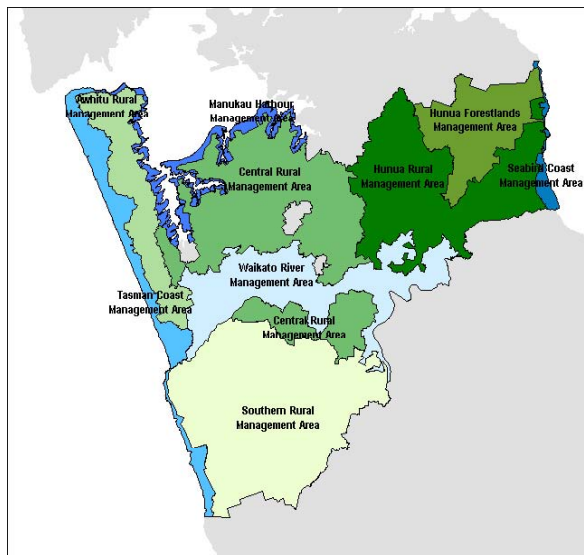
22.23 NON-COMPLYING ACTIVITIES

- 1. The activities listed below are Non-complying Activities in the Rural Village and Coastal Village Zones:
- 2. Applications will be assessed in terms of the matters set out in Rules:
Rule 53 Assessment Criteria for Resource Consent Applications

- 1. Subdivision which does not comply with the rules set out in 22.20.
- 2. Subdivision which does not meet the minimum net lot area standards in 22.24.1.
- 3. Any activities not provided for under Rules 22.21 or 22.22.
- 4. Subdivision Activities for any lots created for Mineral Extraction and Processing.

Notes:

- a) Non-complying Activities require resource consent and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in Rule 53, the Objectives and Policies of the Plan, and where appropriate, the matters applying to Controlled, Restricted Discretionary or Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- c) The information submitted with the application must be in terms of Rule 52.





22.24 GENERAL PERFORMANCE STANDARDS

1. **Rural and Coastal Village Zone Minimum Net Lot area** of 800m² except on land within an Identified Business Site, which may be subdivided to a Minimum Net Lot area of 400m².

Note:

For Subdivision in the Village Structure Plan Areas refer Rule 22.27.

2. **Shape Factor**

- a) Village subdivision - Every lot and every notional lot intended for residential purposes must be capable of accommodating wholly within it, a square having sides measuring at least 12 metres, or a circle with a diameter of at least 15 metres, provided that for lots or notional lots that have building sites that are at least 16 metres from a road, a shape of 10 metres by 15 metres may be used as the alternative standard. Where a subdivision, or part thereof, relates to a new semi-detached residential development, a lesser shape factor may be permitted for the relevant lots or notional lots, where all of the Plan's standards for multi-unit developments are complied with.
- b) Non-residential subdivision - Every lot and every notional lot intended for non-residential purposes and located outside the Business (retail) Centres defined on Map 104 (Rule 29), must be capable of accommodating wholly within it a rectangle of dimensions 30 metres by 15 metres, provided that a rectangle of lesser dimensions may be permitted where:
 - (i) the ultimate form of development of the SITE is submitted for approval at the time of subdivision; and
 - (ii) the Council is satisfied that the shape and size of the lot/s are appropriate to the intended activities; and
 - (iii) all the development standards in the Zone will be satisfied; and
 - (iv) the developed lot/s would not preclude a range of other Permitted activities from establishing.
- c) Position of shape - Any required shape should be clear of any of the following whether existing or proposed:
 - (i) areas required for landscaping;
 - (ii) any tree protected by Part 8 of the Plan, Schedule 8A;
 - (iii) network utility installations (other than private lines);
 - (iv) building line restrictions (of this Plan);
 - (v) private ways;
 - (vi) rights of way;
 - (vii) access lots;
 - (viii) common areas;
 - (ix) esplanade reserves;
 - (x) esplanade strips;
 - (xi) coastal protection yards or other required setbacks from water.



3. Residential Cross Lease Subdivision

- a) Every cross lease subdivision plan shall show the notional lot boundaries for each allotment and for each part of the SITE capable of being developed and separately owned or occupied. A part of the SITE shall be deemed capable of being developed, where a land area exists that could contain a unit or house of 60 m² gross floor area, complying with the Plan in all respects.
- b) Notional lot boundaries shall comply with the notional lot boundaries (and common area boundaries) defined on the SITE plan of the building consent or compliance certificate or resource consent for the development of the SITE, or be positioned so as to wholly contain the following and not render any aspect of them non-complying in terms of the relevant standards for the Zone as if the notional lot boundaries were freehold lot boundaries:
 - (i) the proposed allotment (ie the house or dwelling unit); and
 - (ii) any accessory buildings used, or to be used in connection with that allotment; and
 - (iii) the parking space/s used or to be used in connection with that allotment, such spaces to comply with the requirements of Rule 35; and
 - (iv) the OUTDOOR LIVING COURT area for that allotment; and
 - (v) a yard of minimum dimension of 1.5 metres out from any wall of the house or unit except a wall, which is a common boundary wall, shared with any other house or unit on the SITE.
- c) The notional lots defined in (b) above shall not contain or be traversed by any utilities or services which relate to any other house or unit unless they are to a public standard accepted by the Council or to a standard which the relevant utility operator or service provider accepts full financial responsibility for.

4. Frontage to Road (Vehicular Access Requirement)

- a) Subject to the provisions of Section 321 of the Local Government Act 1974, every new lot shall have a minimum frontage to a legal road (which may be in the form of a common access lot) of:
 - (i) 3 metres where that lot is intended for residential purposes; or
 - (ii) 5 metres where that lot is intended for any other purpose,
- b) Provided that these may be reduced where:
 - (i) a driveway (private way) is to be used in common and separate strips over which rights of access are to be granted or reserved combine to form a width not less than that specified, or
 - (ii) the subdivision involves existing lots which have less than the required frontage, no additional lots with a lesser frontage will be created, and all the lots in the subdivision will be capable of accommodating a range of Permitted Activities without compromising on-site parking or loading requirements.



5. Private Way (Roding) Standards

a) Every private way shall comply with the following requirements:

Potential No Of Units/Houses Served	Legal Width Minimum (Metres)	Formed Width Minimum (Metres)	Maximum Length (Metres)
Up to 5	5	3	100 or longer where passing bay(s) provided
6 to 10	8	5.4 with T turning head	100
11 or more	Refer to NZS 4404:1981 as guide but tailored for village scale & character		

- b) The number of units or houses being served will be determined by dividing the area of the SITE by the figure of 800m².
- c) The gradient of any part of a sealed private way shall not be steeper than 1 (vertical) in 5 (horizontal) and for an unsealed private way, 1 in 7.
- d) All underground utility services and, where practicable and agreed with the land owner, any ducting for likely future services, shall be positioned and completed prior to driveway construction in a way that facilitates maintenance activities. (Note: This shall not preclude the laying of new or additional capacity service lines in the future).
- e) Provision shall be made for a "T" turning head in private ways serving 6 to 10 houses.
- f) Where a fire hydrant is required to be sited in a private way then special provision shall be made to provide for the manoeuvring of fire fighting appliances (which may include extra width up to the hydrant from the road and extra width adjacent to the hydrant), and the flushing of any excess water in a way that will not cause damage to adjacent properties.
- g) The maximum length of a private way is measured from the public road. The length may be greater than 100 metres where the subdivision involves re-subdivision of existing SITES or where the construction of a public road is impracticable and the subdivision has merit in all other respects.



- h) All private ways shall be formed to no less than the following standards provided that the Chief Executive or officer(s) acting under delegated authority may also require kerbing and/or channelling on one or both sides of the private way, and drainage pits at one or more points, where there is likely to be an adverse effect for any adjoining road or SITE, or for the private way, due to uncontrolled stormwater flows. The stated basecourse metal depths are minimums and may need to be increased depending on the subgrade, intended uses, and surfacing option.

BASECOURSE:	SURFACE:
1. 100 mm GAP 40	100 mm of 17.5 mPA concrete
Or	
2. 150 mm GAP 40	Grade 4 chip seal, or 25 mm asphaltic concrete overlaying a Grade 5 membrane seal.
Or	
3. Such equivalent as may be approved by the Chief Executive or officer(s) acting under delegated authority before any work commences.	

6. Fire Hydrants

The requirements of NZS 4404:1981 for fire hydrants shall apply

7. Water Supply and Metering

- a) All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public water supply that can be metered at the road frontage in accordance with the Council's requirements.
- b) Where a public supply is not available, the applicant shall provide a water supply meeting World Health Organisation standards before or at the time of building consent.

8. Sewage Disposal

- a) All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public sewerage system.
- b) Where a public system is not available the applicant must demonstrate that an on-site disposal system meeting relevant Regional Council standards can be installed. It shall be demonstrated in particular that a reserve area is available so that the system will cope with a combination of high effluent flows and very wet conditions without any likelihood that effluent will enter any abutting property or any land within 10 metres of a watercourse.



- c) Where a SITE has an area below 2500m² and/or there is any doubt as to the performance of a proposed system with respect to compliance with Regional requirements or this rule, the Council will require that soakage or other appropriate tests are carried out prior to uplifting Section 224 certificates, and may impose consent notices to ensure ongoing performance of any system.

Note:

No consent will be granted in the Village Structure Plan Area until Servicing has been addressed.

9. Electricity and Telephone

All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with electricity and telecommunication lines in accordance with the requirements of the relevant supply authority.

10. Undergrounding

Subject to what is more specifically provided for in terms of Part 15 of the Plan, all electricity and telecommunications lines within the land that is the subject of the subdivision proposal, shall be placed underground unless the relevant supply authority confirms in writing that for specified reasons this is not practicable or reasonable.

11. Gas Supply

Where an existing gas line is within 100 metres of a proposed subdivision and the subdivider does not intend to reticulate the subdivision with gas the applicant shall demonstrate to the Council that it is not practicable or economically feasible to do so.

12. Stormwater Management - Volume Control

- a) Each new lot or SITE within the subdivision intended for individual ownership shall provide for a stormwater management system deemed by Council to be effective and appropriate. Regional Council discharge consents may be required to accommodate stormwater discharges from some developments. The landowner shall be responsible for the ongoing maintenance of the private on site stormwater system upon its implementation to its continuing HYDROLOGICAL NEUTRALITY.
- b) An effective and appropriate stormwater management system in the Rural or Coastal Village Zone shall be achieved by providing for either A, B, C, D or E following:
- A. An independent connection to a PUBLIC STORMWATER SYSTEM, and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the SITE equivalent to that generated by: 70% impervious surface covering for all SITES less than 425 m² in area; and 55% impervious surface covering for all SITES between 425m² and 1000m² in area. The detention structure must be able to completely empty via an orifice controlled outlet over a 24 hour period. For SITES over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

OR:



- B. An independent connection to a PUBLIC STORMWATER SYSTEM, and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the SITE equivalent to that generated by: 70% impervious surface covering for all SITES less than 425 m² in area; and 55% impervious surface covering for all SITES between 425m² and 1000m² in area. The soakage system must be able to completely empty via soakage within a 24 hour period. For SITES over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

OR:

- C. Where connection to a PUBLIC SYSTEM IS NOT AVAILABLE, the applicant shall provide an on-site soakage system to contain a 5% AEP 10 minute storm event without overflowing, which is able to collect stormwater from the SITE equivalent to that generated by: 70% impervious surface covering for all SITES less than 425 m² in area; and 55% impervious surface covering for all SITES between 425m² and 1000m² in area. The soakage system must empty within a 24 hour time period. For SITES over 1000m² the stormwater system must be able to collect stormwater equivalent to 550m² of impervious surface cover.

OR:

- D. An alternative method of stormwater management for the subdivision and/or SITE/S which achieves a standard of stormwater management equal to or better than that achieved by compliance with A, B or C above, such that the adverse effects of stormwater are avoided, remedied or mitigated.

OR:

- E. Where existing development has occurred in the Rural Village or Coastal Village Zone the on site stormwater management system shall be deemed to be effective and appropriate where it is found to be in compliance with Rule 23C.2.1(16).

- c) Where subdivision consent is sought in an Identified Business Site, the effective and appropriate stormwater management system provided for must be consistent with a method described in A, B, C or D, but be able to collect stormwater from the SITE equivalent to that generated by 100% impervious surface covering.
- d) The stormwater management system shall be maintained to achieve the standard of management provided for under A, B, C, D or E.

13. Open Drains

Any open drain within the SITE being subdivided shall be re-profiled and landscaped or piped, unless it can be demonstrated that leaving it (or them) open would produce a more sustainable outcome without compromising safety, health, village character or amenity value considerations.

14. Contaminated Sites

- a) Soil testing is required for the purpose of identifying contaminated sites if the lot:
- (i) Was used for any horticulture processes prior to 1975.
 - (ii) Had a sheep dip occupying on any part of the lot.
 - (iii) Had a history of any storage of contaminants.
- b) SITES identified as having a history of contamination shall provide a detailed Site Investigation Report (SIR). Refer 22.20.3



22.25 MATTERS OVER WHICH COUNCIL WILL EXERCISE CONTROL:

1. The effects on the public services the Council is responsible for in the locality or District and which the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which "financial contributions" may be required to offset adverse effects or to ensure or achieve positive effects).
2. The supply of electricity, natural gas and telecommunications lines to each lot or notional lot within the subdivision.
3. The undergrounding of any utility lines within or outside the SITE being subdivided.
4. The relevant sections of the Building Act 1991 and Council bylaws relating to the structures on the land.
5. The need to encumber titles to highlight the unavailability of any 'balance area' for further development where no development potential is deemed to exist in terms of this Plan.
6. The relevant sections of the Local Government Act 1974 and Council bylaws relating to road access and vehicle crossings.
7. The extent to which any aspect of the subdivision complies with or would hinder or assist compliance with the New Zealand Standard for Disabled Persons.
8. The matters which are the subject of standards for Permitted land use Activities in the Zone in which the activity is located, and the extent to which compliance with those standards will be affected as a result of the subdivision.
9. The extent to which conditions of any land use or other resource consent for the land or buildings will continue to be complied with, or otherwise.
10. The areas and buildings intended for public or common use within the development.
11. The OUTDOOR LIVING COURT or storage or clothes drying areas for the activity and for each residential building or house on the SITE.
12. The extent to which the subdivision could give rise to development opportunities which would have adverse consequences for the SITE, adjacent SITES or other notional lots on the SITE, or for protected natural or cultural heritage resources (refer to Schedules 5A and 8A).
13. The extent to which the size, shape, slope and orientation of the new allotments would facilitate or hinder the use of passive solar heating and other energy saving methods in buildings.
14. The extent to which the design and layout of parking, loading, and manoeuvring areas and vehicle crossings will be affected by the position of new boundaries.
15. The position, design and construction of any vehicle crossing related to the activity.
16. The position, design and construction standard of existing and proposed common driveways, service lanes, or common or on-site loading zones.
17. The naming or signposting or illumination of any private way.
18. The effects on, or the implications for, the provision of any public or private network utility services, including their efficient installation.



19. The natural or heritage features of the SITE/S, which are protected, or which warrant protection or enhancement and the use of legal instruments such as covenants to secure protection.
20. The safety, appearance and functioning of any open drain or natural or artificial water body within the SITE.
21. The extent and engineering details of any earthworks related to the activity or the likely land use activities on, or in, the resultant titles.
22. The stability and suitability of any building platforms and the practicality of the lot or notional lot boundaries relative to them.
23. The position, design, construction and maintenance of any on-site effluent disposal system and the practicality of any lot boundaries relative to them.
24. The position, design and construction of any sewage reticulation system that is, or is to be, connected to a public disposal system.
25. The method or design of any on-site water supply system and the quality, or likely quality, of water supplied thereby.
26. The position, design and metering of any water supply reticulation that is, or is to be, connected to a public system.
27. The availability of, or need for, additional water supply capacity or fire hydrants for firefighting purposes.
28. The position, design and appearance of any stormwater control or disposal system and the likely downstream effects of the flows through that system.
29. The layout of buildings, building platforms or underground services and the way this might compromise future subdivision proposals, restrict reasonable development opportunities, or cause inefficient use of land.
30. The need for easements or other mechanisms for securing access to services or utilities on properties that are not owned by the user/s of those utilities or services or the network utility operators or service providers.
31. The extent to which the following factors of the catchment, subdivision and SITES within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse affect on the subdivision and any other SITE or property:
32. The relationship of the individual SITE and stormwater system, to the location of other SITES and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment.
33. The change, from the SITE prior to development to the SITE once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system.
34. The change, from the SITE prior to development to the SITE once it has been developed, in the volume and rate of stormwater discharged.
35. The potential for an increase in impervious surface cover of the SITE/S.



36. The stability of the SITE/S.
37. Natural drainage conditions of the SITE/S and locality, such as ground levels, presence of natural watercourses and soil soakage potential.
38. Obstruction of any overland flow-path.
39. The matters which are referred to in Section 106 of the Act.





22.26 ASSESSMENT OF DISCRETIONARY ACTIVITIES

1. The provisions of Rule 22.25 above will apply to applications for Discretionary Activities except that where consent is granted, the Council may impose conditions that relate to matters other than those stated in Rules 22.24 and 22.25. The Council may refuse to grant consent to any application.
2. The provisions in Rule 54 shall be applied to subdivision applications within Village Structure Plan Areas.
3. Where any requirement of Rule 22.24 is clearly not satisfied or a subdivision incorporates designs or aspects which are inconsistent with the Plan's Objectives and Policies or outside accepted practice, then the assessment of effects accompanying the application must directly address those matters. It must incorporate specific and clear justification for, and outline the costs and benefits of, each aspect with particular regard to the implications for future landowners and occupiers, as well as for existing ratepayers and residents of the District. The Council may require further reports or impact assessments, which address the actual or potential effect/s.
4. Where a subdivision relates to a non-residential or multi-unit residential development that exists as at 30 September 2003 and no further potential for development exists on the SITE, the 'minimum' requirements of Rule 22.24 need not apply where the overall standard of SITE development, and the level of amenity and servicing available to each area or house or unit to be separately owned or occupied, are consistent with the objectives, policies and rules of the Plan.
5. Additionally, applications will be assessed in terms of the following matters:
 - a) The extent to which alternative designs and engineering techniques have been, or could successfully be, incorporated into the subdivision.
 - b) The extent to which the final pattern of development and character of the locality has been considered, including the wishes of local people.
 - c) The extent to which the development of individual sites have been built into the design of the subdivision.
 - d) The degree of conformity with the standards and guidelines of relevant New Zealand Standards relating to the design, construction and completion of the subdivision, and the justification for any deviations there from.
 - e) The likely effects of traffic flows arising from the development of the new allotments and the implications for the roading hierarchy, and the design and construction of affected roads and intersections.
 - f) The design of the illumination system for the road and its effectiveness in ensuring that driver visibility is assured in all conditions.
 - g) The effects in terms of any policies of the Council relating to the provision of recreational facilities.
 - h) The effects on the subdivision or development potential of land in the vicinity of the proposal, including the servicing of those lands.
 - i) The extent to which the subdivision may create unreasonable expectations as to the future development of any one or more of the new allotments, particularly in areas subject to drainage, land stability or other natural resource constraints.



- j) The extent to which any earthworks would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff.
 - k) The extent to which it would be reasonable and appropriate to depart from the normal subdivision standards because of the nature of the existing or intended land use, particularly where that use is a 'network utility'.
 - l) The effects in terms of public health and safety, and the cultural, economic and social welfare of the people of the District.
 - m) Such other matters as are specified in Rule 53 that relate to the SITE or locality.
6. Where subdivision is occurring within a "Structure Plan Area" depicted on the Plan Maps, applications will also, and primarily, be assessed in terms of the specific Structure Plan provisions applying to that area (Refer to Part 54 of this District Plan).





22.27 SUBDIVISION IN IDENTIFIED VILLAGE STRUCTURE PLAN AREAS

Explanation:

The Village Structure Plan Area is applied to land identified adjacent to Rural and Coastal Villages as shown in the Planning Maps. Subdivision options in the Village Structure Plan Areas are available on two levels.

Firstly, subdivision opportunities are available as a Controlled activity (subject to performance standards and criteria) to a Minimum Lot size of 2500 m²

Note: Any subdivision using this option will require an approved Concept Plan. The Concept Plan is required to ensure that any development at this large lot size level will not reduce the opportunities for more intensive future development at Rural or Coastal Village zone level.

Secondly, subdivision and development opportunities are available through the Structure Plan and Plan Change process whereby the requirements of Part 54 are met.

Note: The Structure Plan and Plan Change Process available for the Village Structure Plan Areas provides the opportunity to more intensively develop land at a Rural and Coastal Village zone level. The Structure Plan and Plan Change process provides a mechanism to address servicing issues for smaller lot size subdivision.

1. SPECIFIC PERFORMANCE STANDARDS

- a) That either:
 - (i) Council has approved a Structure Plan for the whole of the Growth Area, or for the area that is the subject of the subdivision (where Council has determined that a Structure Plan can be finalised for only part of a relevant Growth Area); or
 - (ii) Council has publicly notified (at its own initiative) a Plan Change for the relevant area as a result of the Structure Plan procedure.
- b) Where Council has not approved a Structure Plan or publicly notified a Plan Change for the relevant area as a result of the Structure Plan procedure, the following standards apply:
 - (i) subdivision may occur with an approved Concept Plan in accordance with Part 55; and
 - (ii) minimum lot size of 2500 m².
- c) That subject to Performance Standard 1, the subdivision must satisfy the requirements of Rule 22.24.
- d) For the avoidance of doubt, a Structure Plan (or its provisions) may override the effect of Rule 22.24 or one or more of its provisions.



2. MATTERS OVER WHICH COUNCIL MAY EXERCISE CONTROL

- a) Where Council has approved a Structure Plan or publicly notified a Plan Change for the relevant area as a result of the Structure Plan procedure;
 - (i) The extent to which the subdivision conforms with, and gives effect to, the Structure Plan and its relevant requirements and provisions, or as the case may be, to the provisions of the relevant Plan Change.
- b) Where Council has not approved a Structure Plan or publicly notified a Plan Change for the relevant area as a result of the Structure Plan procedure;
 - (i) The extent to which the subdivision conforms with and gives effect to the approved Concept Plan and its relevant requirements and provisions.
- c) Subject to 22.27.1(a), the relevant assessment criteria set out in Rules 22.25 shall apply.





[THIS PAGE IS INTENTIONALLY BLANK]