Subdivision

Issues

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

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

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

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

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

Objectives

SUB-O1 Zone, Overlay and District- Wide Objectives

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

SUB-O2 Valued Features and Resources

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

1. *Highly versatile soil*s.
2. Outstanding Natural Features.
3. Outstanding Natural Landscapes.
4. Coastal Environment.
5. Areas of High Natural Character.

6. Outstanding Natural Character.
7. Significant Natural Areas.
8. Sites of Significance to Māori.
9. Historical Heritage.

SUB-O3 Community Needs

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

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

SUB-O4 Infrastructure

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

SUB-O5 Managing Adverse Effects

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

Policies

SUB-P1 Zone, Overlay and District-Wide Policies

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

1. Reflect patterns of development that are compatible with the role, function, *amenity values* and predominant character of the zone.
2. Maintain the integrity of the zone with *site* sizes sufficient to accommodate intended land uses.
3. Respond positively to and integrate with the surrounding context.
4. Appropriately avoid, remedy or mitigate adverse effects on:
    a. Outstanding Natural Features.

b. Outstanding Natural Landscapes.

c. Coastal Environment.

d. Areas of High Natural Character.

e. Areas of Outstanding Natural Character.

f. Sites of Significance to Māori.

g. Historical Heritage.

h. Significant Natural Areas.

i. *Highly versatile soil*s.

SUB-P2 Existing Development

To provide for *subdivision*:

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

SUB-P3 Boundary Adjustment

To provide for minor *boundary adjustment*s in specified zones which enable a more efficient and effective use of *land* where:

1. There is compliance with district-wide, overlay and zone rules.
2. The number and location of *accessway*s is not altered.
3. The number of *site*s is not altered.
4. Additional capacity for *residential unit*s is not created in the Rural Production Zone.

SUB-P4 Minor Residential Unit

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

SUB-P5 Infrastructure

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

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

- *FUZ - Future Urban Zone*
- *GRZ - General Residential Zone*
- *HIZ - Heavy Industrial Zone*
- *LIZ - Light Industrial Zone*
- *LLRZ - Large Lot Residential Zone*
- *MRZ - Medium Density Residential Zone*
- *RLZ - Rural Lifestyle Zone*
- *RPZ - Rural Production Zone*
- *SETZ - Settlement Zone*
- *SRIZ - Strategic Rural Industries Zone*

Rules

SUB-R1 Any Subdivision

1. Is subject to all relevant Overlay and District-Wide *subdivision* and land use rules.
2. Is subject to all relevant Matters of Control and Matters of Discretion detailed in the Relationship Between Spatial Layers Chapter.
3. In the following Zones, shall refer to the relevant zone chapter for *subdivision* rules (except for SUB-R2 below):
    a. Ruakaka Equine Zone.
    b. Port Nikau Development Area.

SUB-R2 Any Subdivision

1. Activity Status: Controlled

    Where:

    a. In All Zones:

        i. The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of

Significance to Māori or area of historic heritage is entirely within one of the *site*s produced by the *subdivision*.

ii. The land contains existing *building*s or *major structures* and the boundaries of the proposed *site*s result in compliance with the relevant zone permitted activity *building* and *major structure setback*, *building coverage*, *impervious areas*, *outdoor living court*, and *height in relation to boundary* rules.

iii. An underground electrical supply system is provided where the *subdivision* is within an Outstanding Natural Landscape Area or Outstanding Natural Character Area.

iv. The most efficient route for electrical supply to any *site* is across other *sites* or other land owned by the subdivider, easements are provided to secure the route.

b. In All Zones other than SRIZ, HIZ, LIZ, FUZ, RLZ, RPZ, SETZ Centre and Industry Sub-Zones, except for any *boundary adjustment* or *boundary relocation subdivision*:

i. Every new *allotment* (excluding any *allotment* for access, *road*s, and reserves) is provided with:

a) An underground connection or easements to secure connection to a *reticulated* electrical supply system at the boundary of the new *allotment*.

b) A connection, or the ability to connect to a wireless, above ground, or underground *telecommunication*s system.

c. In the FUZ, except for any *boundary adjustment* or *boundary relocation subdivision*:

i. Every new *allotment* (excluding any *allotment* for access, *road*s, and reserves) is provided with:

a) A connection, or easements to secure connection, to a *reticulated* electrical supply system at the boundary of the new *allotment*.

b) A connection, or the ability to connect to a wireless, above ground, or underground *telecommunication*s system.

d. In RPZ and RLZ, except for any *boundary adjustment* or *boundary relocation subdivision*:

i. Every new *allotment* (excluding any *allotment* for access, *road*s, and reserves) is provided with:

a) The ability to connect, or easements to secure the ability to connect, to an electrical supply system at the boundary of the new *allotment*.

b) A connection, or the ability to connect to a wireless, above ground, or underground *telecommunication*s system.

e. In SRIZ, HIZ, LIZ, SETZ Centre Sub-Zone and SETZ Industry Sub-Zone, except for any *boundary adjustment* or *boundary relocation subdivision*:

i. Every new *allotment* (excluding any *allotment* for access, *road*s, and reserves) is provided with:

a) A connection to a *reticulated* electrical supply system at the *boundary* of the new *allotment*; and the electrical supply is underground where new *road*s are to be formed within the *subdivision* or the existing electrical supply is underground.

b) A connection, or the ability to connect to a wireless, above ground, or underground *telecommunication*s system.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

2. The location and design of *telecommunications* and electricity *infrastructure* to service potential future development in a coordinated and efficient manner.

2. Activity Status when compliance not achieved with SUB-R2.1.a.ii.: Restricted Discretionary

Where:

a. The activity status of the infringement with the zone *building* and *major structure setback*, *building coverage*, *impervious areas*, *outdoor living court*, and *height in relation to boundary* rules is Restricted Discretionary.

Matters of discretion:

1. The effect of the design and layout of the *site*s and whether it enables the efficient use of land.

2. The effects of *infrastructure* and servicing.

3. The matters of discretion of the relevant zone land use rule that is infringed.

4. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

3. Activity Status when compliance is not achieved with any rule other than SUB-R2.1.a.ii or the *subdivision* is not a Controlled or Restricted Discretionary activity: Discretionary.

SUB-R3 Subdivision in the Large Lot Residential Zone

1. Activity Status: Controlled

Where:

a. 50% of the total *site* area (excluding public road, *accessway*s and *impervious areas*) shall be retained indefinitely:

   i. By legal protection such as covenant, consent notice or encumbrance that precludes building *principal residential units* and *minor residential units*.

   ii. As a contiguous area.

b. The maximum *site* size does not exceed 2,500m2, except that:

   i. 1 *site* may be larger.

   ii. Any *site* may be larger where that *site* in its entirety is subject to a conservation covenant, Reserve Act covenant or similar restriction.

c. Every *site* connected to a *reticulated* sewerage system has a minimum *net site area* of at least 500m2.

d. The yield of a *subdivision* shall not exceed 1 *site* per 5,000m2 of *net site area*.

e. Every *site* shall identify a *building area* within 50m of an existing *building* or proposed *building area* within the Large Lot Residential Zone.

f. Every *site* contains an identified *building area* of at least 100m2 within which a *residential unit* can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.

g. Every *site* can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

Matters of Control

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

2. Activity Status: Discretionary

Where:

a. Compliance with Rule SUB-R3(1) is not achieved.

b. The *subdivision* is of a *site* containing an area subject to any form of covenant, consent notice, or encumbrance that was created after 23 June 2013 and that precludes building a *principal residential unit* and *minor residential unit*.

SUB-R4 Subdivision in the Low Density Residential Zone

Activity Status: Controlled

Where:

1. Every *site*:

    a. Where the *site* is vacant contains an identified *building area* of at least 100m^2 within which a *residential unit* can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.

    b. Has a *net site area* of at least 2,000m^2.

    c. Can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

Matters of control:

1. Matters listed in the Relationship Between Spatial layers Chapter, HPW-R9.

Activity Status when compliance not achieved: Discretionary

SUB-R5 Subdivision in the General Residential Zone and Neighbourhood Centre Zone

Activity Status: Controlled

Where:

1. Every vacant *site*:

    a. For *subdivision*s involving parent *site*s of less than 1ha, has a *net site area* of at least 400m^2; or

    b. For *subdivision*s involving parent *site*s equal to or greater than 1ha:

        i. Has a *net site area* of at least 320m^2; and

        ii. The average *net site area* of all proposed *site*s is at least 400m^2.

2. Every *site* can contain a rectangle of at least 8m by 15m; and

3. Every *site* has a minimum *frontage* width of 14m in the Neighbourhood Centre Zone.

4. The *site* is in the General Residential Zone and is vacant, contains an identified *building area* of at least 100m^2 within which a *residential unit* can be built so there is compliance:

    a. As a permitted activity with the relevant rules in the District Plan (except NAV-R9)

    b. As a controlled activity with NAV-R9.

Matters of control:

1. Matters listed in the Relation Between Spatial Layers Chapter, HPW-R9.

2. The ability of future *building*s and *accessway*s to comply with the relevant district-wide and zone rules.

3. The location and design of *site*s to enable efficient use of land.

Compliance Standard:

1. *For the purposes of SUB-R5.1 and R5.4, "vacant" means a site that does not contain an existing residential unit.*

Activity Status when compliance not achieved: Discretionary

SUB-R6 Subdivision in the Medium Density Residential Zone

Activity Status: Controlled

Where:

1. Every unit title *site* created under the Unit Titles Act 2010 has a *net site area* of at least 50m^2.

2. Every vacant *site*:

   a. For *subdivision*s involving parent *site*s of less than 1ha, has a *net site area* of at least 300m^2; or

   b. For *subdivision*s involving parent *site*s equal to or greater than 1ha, has a *net site area* of at least 240m^2.

3. Every *site* can contain a rectangle of at least 8m by 15m.

4. Where the *site* is vacant, contains an identified *building area* of at least 100m^2 within which a *residential unit* can be built so there is compliance as a permitted activity with the relevant rules in the District Plan.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

2. The ability of future *building*s and *accessway*s to comply with the relevant district-wide and zone rules.

3. The location and design of *site*s to enable efficient use of land.

Compliance Standard:

1. *For the purposes of SUB-R6.2 and R6.4, "vacant" means a site that does not contain an existing residential unit.*

Activity Status when compliance not achieved: Discretionary

SUB-R7 Subdivision in the City Centre, Mixed Use, Waterfront or Local Centre Zones

Activity Status: Controlled

Where:

1. Every unit title *site* created under the Unit Titles Act 2010 has a *net site area* of at least 50m^2.
2. Every *site* has a:
    a. Net site area not less than 100m^2.
    b. *Frontage* no less than 6m, or 12m in the case of a corner *site*.
    c. *Frontage* no greater than 30m, or 60m in the case of a corner *site*.

Matters of control:

1. Matters listed in the Relationship between Spatial Layers Chapter, HPW-R9.
2. Physical and visual linkages provided between *site*s and surrounding *public place*s.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The effect of the design and layout of the *site*s and whether it enables the efficient use of land.
2. The effects of *infrastructure* and servicing.
3. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

SUB-R8 Subdivision in the Marsden City Town Centre Zone

Activity Status: Controlled

Where:

1. Every unit title *site* created under the Unit Titles Act 2010 has a *net site area* of at least 50m^2.
2. Every *site* has a:
    a. Net site area not less than 100m^2.
    b. *Frontage* no less than 6m, or 12m in the case of a corner *site*.
    c. *Frontage* no greater than 30m, or 60m in the case of a corner *site*.
3. An area of land is proposed as publicly accessible open space reserve that:
    a. Has an area of at least 1,800m^2 with a minimum dimension of 30m over that area.

b. Is not a *rear site*.

c. Has at least two *site* boundaries directly adjoining a *road* where at least one of those boundaries is on the northern side of the reserve area.

Matters of control:

1. Matters listed in the How the Plan Works Chapter HPW-R9.
2. Physical and visual linages provided between *site*s and surrounding *public place*s.
3. The vesting of the reserve with the Whangarei District Council or where alternative ownership arrangements are proposed, appropriate mechanisms for ongoing management and maintenance.
4. The design and location of the reserve, including access.

Compliance Standard:

1. SUB-R8.3 does not apply where an area of land that complies with SUB-R8.3(a) – (c) has already been confirmed as reserve elsewhere within the TCZ.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of Discretion:

1. The effect of the design and layout of the *site*s and whether it enables the efficient use of land.
2. The effects of *infrastructure* and servicing.
3. Where SUB-R8.3 is infringed:

    a. The matters which control is reserved.

    b. The extent to which the open space areas and reserves have already been provided within the TCZ.

    c. The extent to which any proposed open space and reserve areas provide sufficient recreational and leisure opportunities for residents, employees and visitors within the TCZ.

SUB-R9 Subdivision in the Commercial Zone

Activity Status: Controlled

Where:

1. Every unit title *site* created under the Unit Titles Act 2010 has a *net site area* of at least 50m^2.

2. Every *site* has a:

    a. Net site area not less than 300m^2.

    b. *Frontage* no less than 15m, or 30m in the case of a corner *site*.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The effect of the design and layout of the *site*s and whether it enables the efficient use of land.
2. The effects of *infrastructure* and servicing.
3. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

SUB-R10 Subdivision in the Light Industrial Zone

Activity Status: Controlled

Where:

1. Every *site* has a *net site area* greater than 500m^2.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. The location and design of *site*s to ensure that they are suitable for future *industrial activities*.

Activity Status when compliance not achieved: Discretionary

SUB-R11 Subdivision in the Heavy Industrial Zone

Activity Status: Controlled

Where:

1. Every *site* has a *net site area* greater than 8,000m^2.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. The location and design of *site*s to ensure that they are suitable for future *industrial activities*.

Activity Status when compliance not achieved: Discretionary

SUB-R12 Subdivision in the Rural Lifestyle Zone

1. Activity Status: Controlled

   Where:

   a. The proposed *site*s are created from a *site* that existed on 12 December 2018.

   b. The proposed *site*s have an average size of at least 2ha and a minimum size of 4,000m^2.

   c. Every proposed *site* can accommodate a minimum 100m^2 *building area* on which a *sensitive activity* can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.

2. Activity Status when compliance not achieved with SUB-R12.1(a-c): Discretionary

3. Activity Status: Non-Complying

   Where:

   a. A minimum 100m^2 *building area* is located within 500m of a Strategic Rural Industries Zone or a *Mining Area* of a Quarrying Resource Area; or

   b. The average *site* size is less than 1ha; or

   c. Any *site* is less than 2,000m^2.

4. Activity Status: Prohibited

   Where:

   a. A *minor residential unit* is subdivided from a *principal residential unit*.

SUB-R13 Subdivision in the Settlement Zone

1. Activity Status: Controlled

   Where:

   a. In the SETZ Residential Sub-Zone:

      i. Every *site* connected to a public *reticulated wastewater* system has a *net site area* of at least 500m^2.

      ii. Every *site* not connected to a public *reticulated wastewater* system has a *net site area* of at least 2,000m^2.

iii. Every *site* contains an identified *building area* of at least 100m^2 on which a *residential unit* can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.

b. In the SETZ Centre Sub-Zone:

i. Every *site* connected to a public *reticulated wastewater* system has a minimum *net site area* of at least 100m^2.

ii. Every *site* not connected to a public *reticulated wastewater* system has a minimum *net site area* of at least 2,000m^2.

c. In the SETZ Industry Sub-Zone:

i. Every *site* has a *net site area* of at least 1,000m^2.

ii. Every *site* is provided with connections to Council maintained services (*water*, *wastewater*, *stormwater*, roading) within the *net site area.*

2. Activity Status when compliance not achieved with SUB-R13.1(a-c): Discretionary

3. Activity Status: Prohibited

Where:

a. In All SETZ:

i. A *minor residential unit* is subdivided from a *principal residential unit* that is not serviced by a public *reticulated wastewater* system.

Note:

1. Any application for subdivision within Lot 1 DP 559393 (Mahanga Road) shall comply with information requirement rule SUB-REQ1.

SUB-R14 Subdivision in the Future Urban Zone

1. Subdivision where the proposed *site*s will be connected to Council *reticulated water*, *wastewater* and *stormwater* services and have a *net site area* of at least 500m^2 shall be:

a. Addressed using the objectives, policies and rules that apply to the serviced *site*s in the General Residential Zone.

2. Activity Status: Controlled

Where every proposed *site*:

a. contains an identified *building area* of at least 100m^2 within which a *residential unit* can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.

b. has a *net site area* of at least 1ha.

c. contains an identified *building area* that is located further than 500m from all Strategic Rural Industries Zones and all *Mining Area*s of a Quarrying Resource Area.

d. Except in ToeToe Road and Whau Valley Road, the *subdivision* design and layout sets aside (by way of easements, bonds, covenants, consent notices or *segregation strips*) land for the future provision or extension of *reticulated* water, *wastewater* and *stormwater* and of *road*s, within the *site* and to adjoining *site*s to urban standards.

Matters of control:

1. Matters listed in Relationship Between Spatial Layers Chapter.
2. The extent to which the *site*s appropriately address effects on the transportation network, including through:
    a. The current or future provision of a well-connected street and transport network.
    b. Facilitation of walking, cycling and public transport.
    c. Methods to manage significant localised traffic effects.

Note:

1. The Council will use information requirement rule SUB-REQ2 for assessing compliance with SUB-R14.2(d).

Activity Status when compliance not achieved with SUB-R14.2(a): Discretionary

Activity Status when compliance not achieved with SUB-R14.2(b)-(d): Non-Complying

SUB-R15 Boundary Relocation Subdivision in the Rural Production Zone

Activity Status: Restricted Discretionary

Where:

1. All *site*s:
    a. Are able to accommodate a minimum 100m2 *building area* on which a *residential unit* can be built so that there is compliance as a permitted activity with all zone, overlay, and district-wide rules.

b. Have a minimum *net site area* of at least 2,000m2.

2. The *subdivision* does not:

   a. Alter the ability of existing permitted activities to continue to be permitted under all zone, overlay, and district-wide rules.

   b. Alter the extent or degree to which any consented or otherwise lawfully established activity does not comply as a permitted activity with all zone, overlay, and district-wide rules.

   c. Reduce the area of highly productive land within a *site*.

   d. Result in additional capacity for *residential unit*s permitted on the proposed *site*s beyond the overall number of *residential unit*s permitted on the parent *site*s prior to the *boundary relocation subdivision*.

   e. Result in the ability to create additional *site*s as a controlled activity beyond the overall number of *site*s that could have been created as a controlled activity in accordance with SUB-R16.1 prior to the *boundary relocation subdivision*.

Matters of Discretion

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. Effects on rural character and *amenity values* relative to the existing environment.
3. Effects on the overall productive capacity of highly productive land.
4. The effects of *infrastructure* and servicing.
5. The size, design, and layout of *site*s and *allotment*s that would exist after the *boundary relocation subdivision*, including:

   a. The effects of any additional permitted activity development potentially resulting from the reconfigured layout.

   b. The ability to accommodate permitted land uses.

Compliance Standard:

1. *For the purposes of SUB-R15.2(c), "highly productive land" means land that is identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification that has been accepted by the Northland Regional Council.*

Activity Status when compliance not achieved with SUB-R15.2(a) – (d): Discretionary

Activity Status when compliance not achieved with SUB-R15.1 or SUB-R15.2(e): Non-Complying

SUB-R16 Subdivision in the Rural Production Zone

1. Activity Status: Controlled

   Where:

   a. Every *site* has a minimum *net site area* of 20ha.

   b. Every *site* can accommodate an identified *building area* of at least 100m^2 on which a *residential unit* can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.

2. Activity Status: Discretionary

   Where:

   a. The *subdivision* is of existing lawfully established *residential units*:

      i. With a *net site area* of 2,000m^2 or less that are able to accommodate on-site servicing of *wastewater* disposal.

      ii. Resulting in no more than one additional title from the parent title within any 10-year period.

      iii. Providing a balance *site* equal to or greater than 80ha in *net site area.*

3. Activity Status: Discretionary

   Where the *subdivision* is of a *site* greater than 20ha that existed on 12 December 2018:

   a. For categories A and C, that are outside areas of Outstanding Natural Landscape, Outstanding Natural Feature, Outstanding Natural Character or High Natural Character overlay and do not contain a Heritage Building or Site of Significance to Māori.

   b. Where the environmental protection area is:

      i. For Category A, an existing area of *wetland* or *indigenous vegetation* (terrestrial bush, riparian margin or coastal dune) of significant ecological value as determined by Appendix 5 of the Northland Regional Policy Statement 2016.

      ii. For Category B:

         a) An area of land identified in the District-Wide matters Maps as one or more of the following: Outstanding Natural Feature, Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character; or

         b) A Heritage Building or Site of Significance to Māori; and

c) To include a covenant forming a legally established buffer of 50m around any area of Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character to be protected, preventing future *building*s and *major structures* and *accessway*s.

iii. For Category C:

a) An unvegetated area or area in pasture or non-indigenous plants to be retired and rehabilitated identified either as *Highly Erodible Land* or as land within a riparian margin of a *stream*, *river*, estuary or the coast located within Acutely or Chronically threatened land environments associated with Land Environments of New Zealand Level 4.

b) To be planted to an average density of 1.4m centres (5,100 stems per hectare), reducing to 1m centres (10,000 stems per hectare) in kikuyu and riparian margins and 0.5 – 1m centres in *wetland* environments.

iv. Legally unprotected at the time of application.

v. To be:

a) Legally protected in perpetuity in its entirety.

b) Managed on an on-going basis in accordance with a Management Plan.

c) Held within a single *site*.

c. Where the environmental protection area shall include the entire area within the *site* that meets Category A, B or C (excluding any *Highly Erodible Land* not proposed to be retired and rehabilitated under this rule).

d. Where every *site* shall be:

i. Between 2,000m^2 and 4,000m^2 in *net site area*:

a) Excluding one balance *site*.

b) Provided that one *site* may contain the environmental protection area plus 2,000m^2 -4,000m^2 *net site area.*

ii. In-situ.

iii. Able to accommodate a minimum 100m^2 *building area*.

a) On which a *residential unit* can be built so that there is compliance as a permitted activity with the relevant rules within the district plan.

b) Located no closer than 50m from the environmental protection area.

e. Where the extent of the environmental protection area and the maximum number of additional *site*s shall comply with the requirements specified in Figure SUB 1., provided that an area of land must be nominated under only one type of environmental protection area.

4. Activity Status: Non-Complying

   Where:

   a. Compliance is not achieved with SUB-R16.1 – 3.

   b. A minimum 100m^2 *building area* is located within 500m of a Strategic Rural Industries Zone or a *Mining Area* of a Quarry Resource Area.

   c. Any *subdivision* under SUB-R16.3, where the *site* is located in the Coastal Environment, resulting in 4 or more additional *site*s (excluding 1 balance *site*).

5. Activity Status: Prohibited

   Where:

   a. A *minor residential unit* is subdivided from a *principal residential unit*.

Notes:

1. *Any subdivision under SUB-R16.3(b)(i) shall comply with information requirement rule SUB-REQ3.1.*

2. *Any subdivision under SUB-R16.3(b)(iii) shall comply with information requirement rule SUB-REQ3.2 – 3.*

3. *Any subdivision under SUB-R16.3 where the site is located in the Coastal Environment, shall comply with information requirement rule SUB-REQ3.3.*

4. *Any subdivision under SUB-R16.3 resulting in 3 or less additional sites (excluding one balance sites) shall comply with information requirement rule SUB-REQ3.5*

5. *Any subdivision under SUB-R16.3 resulting in 4 or more additional sites (excluding one balance site) shall comply with information requirement rule SUB-REQ3.6.*

6. *Any subdivision under SUB-R16.3 shall comply with information requirement rule SUB-REQ3.7.*

7. *Any non-complying subdivision that proposes environmental protection and on-going management of an area or feature shall comply with information requirement rule SUB-REQ3.6 – 7.*

8. *Boundary relocation subdivisions under SUB-R15 and boundary adjustment subdivisions under SUB-R17 are exempt from SUB-R16.*

Type of environmental protection area(s)	Extent of environmental protection area(s) (increments)	Must be contiguous	Maximum number of additional allotments (per increment) (excluding 1 balance allotment)		
			Category A. Indigenous Vegetation	Category B. Resource Areas	Category C. Retirement & Rehabilitation
Wetland or Coastal dunes	5,000m² – 1.99ha	No	1	Nil	Nil
	2ha – 4ha		+1		
	Every additional 2ha, beyond the first 4ha		+1		
Terrestrial indigenous vegetation (bush)	4ha – 9.99ha **Where at least 4ha must be contiguous*	Yes*	1		
	10ha – 15ha	No	+1		
	Every additional 10ha, beyond the first 15ha	No	+1		
Riparian margins of both banks of a freshwater stream or river in Acutely or Chronically threatened land environments associated with the LENZ Level 4.	At least 2ha*	Yes	1		1
	Every additional 2ha, beyond the first 2ha* **Where every 2ha has a minimum width of 15m on each side of the water body and a minimum lineal length along the* water body *of 300m (except for one elevated stock crossing with a maximum width of 20m).*	No	+1		+1
High Natural Character, Outstanding Natural Character, Outstanding Natural Feature or Outstanding Natural Landscape Overlay mapped in District Wide Matters Maps.	All mapped Overlay(s) on the site, where the minimum extent of mapped Overlay(s) on the site is 1ha.	No	Nil	1	Nil
A Heritage Building or Site of Significance to Māori identified in the District Plan	All present on the site.	No		1	
Highly Erodible Land	At least 4ha	Yes		Nil	1
	Every additional 4ha, beyond the first 4ha	No			+1
Coastal or estuarine margins in Acutely or Chronically threatened land environments associated with LENZ Level 4	At least 2ha*.	Yes	1		1
	Every additional 2ha, beyond the first 2ha* **Where every 2ha has a minimum width of 50m from the Coastal Marine Area and a minimum lineal length along the water body of 300m*	No	+1		+1

Figure SUB 1. Environmental Protection Area Requirements for SUB-R16.3

SUB-R17 Boundary Adjustment Subdivision

Activity Status: Controlled

Where in the LRZ, GRZ, MRZ, LCZ, NCZ, COMZ, MUZ, CCZ, WZ, SCZ, LIZ, HIZ, RPROZ, SETZ, and SRIZ:

1. The *boundary adjustment subdivision* does not alter:
    a. The ability of existing permitted activities to continue to be permitted under the relevant rules in the District Plan.
    b. The extent or degree to which any consented or otherwise lawfully established activity does not comply as a permitted activity with all zone, overlay, and district-wide rules in the District Plan.
    c. The number and location of any *vehicle crossing*s.
    d. The number of sites.
2. The *boundary adjustment subdivision* results in *site*s which comply with the controlled activity *subdivision* rules in the District Plan, except where an existing site is already non-compliant, the extent and degree of non-compliance shall not be increased.
3. In the Rural Production Zone, the *boundary adjustment subdivision* does not:
    a. Result in the potential for additional principal *residential unit*s as a permitted activity.
    b. Reduce the area of highly productive land within a *site*.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. Effects on the overall productive capacity of highly productive land.
3. The size, design, and layout of sites and *allotment*s that would exist after the *boundary adjustment subdivision*, including:
    a. The effects of any additional permitted activity development potentially resulting from the reconfigured layout.
    b. The ability to accommodate permitted land uses.
4. Legal and physical access affected by the *boundary adjustment*.

Compliance Standard:

1. *For the purposes of SUB-R17.3(b), "highly productive land" means land that is identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification that has been accepted by the Northland Regional Council.*

Activity Status when compliance not achieved with SUB-R17.1 – 2: Discretionary

Activity Status when compliance not achieved with SUB-R17.3: Non-Complying

SUB-R18 Subdivision in the Open Space and Recreational Zones

Activity Status: Controlled

Where:

1. The *subdivision* is a *boundary adjustment subdivision*.

Matters of control:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.

Activity Status when compliance not achieved: Discretionary

SUB-R19 Subdivision of Consented Residential Units

Activity Status: Restricted Discretionary

Where in the GRZ and MRZ:

1. The *subdivision* enables the creation of *site*s for *residential units* that have an approved land use consent under GRZ-R15.1, GRZ-R23, MRZ-R14.1 or MRZ-R22.

Matters of discretion:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. The extent to which the design and layout of the proposed *site*s result in new or increased non-compliance with the underlying zone or district-wide rules.
3. The extent to which there is appropriate provisions made for *infrastructure*.
4. The extent to which there is appropriate creation of common areas over parts of the parent *site* that require access by more than one *site* within the *subdivision*.

Compliance Standard:

1. *Any subdivision proposed under SUB-R19 is exempt from compliance with SUB-R5 and R6 but shall be assessed against all other relevant subdivision rules.*

Activity Status when compliance not achieved: Discretionary

SUB-R20 Subdivision in the Strategic Rural Industries Zone

Activity Status: Discretionary

Where:

1. In all SRIZ Areas

SUB-R21 Subdivision in the Shopping Centre Zone, Port Zone, Airport Zone or Hospital Zone

Activity Status: Discretionary

Information Requirement Rules

SUB-REQ1 Subdivision Information Requirement for Lot 1 DP 559393 in SETZ Residential Sub Zone

1. Any application for *subdivision* within Lot 1 DP 559393 (Mahanga Road) shall include a comprehensive visual and landscape assessment and design, prepared by a suitably qualified and experienced landscape architecture professional which shall be referred to Council's Parks and Landscape Officer for review. The assessment shall provide detail regarding the following matters over which control is reserved (in addition to those contained within the Relationship Between Spatial Layers Chapter):

    a. The location, height and appearance of future *building*s and *major structures* and their potential effect on the amenity and landscape values of the locality.

    b. The visibility of future *building*s and *major structures* from the marine environment.

    c. Effect of *building*s and *major structures* on the appearance of skylines and ridgelines.

    d. Effect of *accessway*s and *building*s and *major structures* on known historic heritage sites and Sites of Significance to Māori.

    e. Location and finished appearance of a*ccessway*s.

    f. The potential effect of *subdivision* patterns on the landscape values of the locality.

    g. Extent and nature of landscape planting proposed, and measures proposed to implement and maintain such plantings.

    h. The use of recessive colours and non-reflective finishes to minimise potential adverse effects on landscape values.

Note:

1. Refer to the Relation Between Spatial Layers Chapter HPW-R8 and HPW-R9.

SUB-REQ2 Assessment Criteria for Subdivision in Future Urban Zone

1. When assessing whether provision SUB-R14.2.d has been complied with Council will consider whether a plan has been provided that includes the following:

    a. Indication of proposed urban *site* boundaries.

    b. The location of future urban *infrastructure* that demonstrates ease of access to the *infrastructure* for maintenance purposes and is sensitively placed to avoid environmental damage, including *reticulated* water, *wastewater*, and *stormwater*, roading network, and pedestrian network.

    c. Consideration of how future urban *infrastructure* will link to adjacent land and to any existing areas set aside for future urban *infrastructure*.

    d. How areas set aside for future urban *infrastructure* will be protected (for example through easements, covenants, bonds, consent notices or *segregation strips*).

    e. Regard to the natural features of the *site*, including recognising the natural values of *streams*, vegetation and fauna habitat and linkages between these areas.

    f. Identification and protection of any heritage and natural features.

    g. Provision of linkages to existing open space and consideration of proposed open space.

Note:

1. *Acceptable means of compliance for urban standards required under SUB-R14.2.d can be found in the Whangarei District Council Engineering Standards.*

SUB-REQ3 Information Requirement for Subdivision in Rural Production Zone

1. Any application under rule SUB-R16.3.b.i (Category A) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:

    a. The ecological significance value of the *indigenous vegetation* or habitat within the *site* in terms of the standard ecological criteria - Representativeness, Rarity/Distinctiveness, Diversity and Pattern, and Ecological Context. Further details on the definitions of these criteria, and the matters that should be assessed are contained within:

        i. Appendix 5 of the Northland Regional Policy Statement 2016.

        ii. Department of Conservation guidelines for assessing significant ecological values 2016.

    b. The report shall also include at a minimum the following information:

        i. Size and extent of the environmental protection area.

ii. Any other feature or area that does not meet the criteria in rule 1a that may require protection.

iii. Quantitative data confirming the current wildlife habitat values, where relied upon for assigning significance values.

iv. The ecological long term viability of the environmental protection area, including but not limited to:

a) Ecosystem function.

b) Structure.

c) Indigenous integrity, i.e. how natural is the environmental protection area? Is it self-sustaining and resilient?

d) Health, i.e. the extent to which a more modified ecosystem (e.g. condition varies due to exotics, drainage, fragmentation etc.) is still stable and resilient.

e) Restoration potential.

v. The underlying physical characteristics of the environmental protection area, including but not limited to:

a) Soil type.

b) Topography.

c) Aspect.

d) LENZ classification.

e) PNAP classification.

vi. The effects of the potential development on the environmental protection area, including but not limited to:

a) Location and proximity of proposed *site*s and *building* platforms to the environmental protection area;

b) Orientation of light, noise, reflective sources to minimise impact on resident fauna

c) *Building* platforms;

d) *Accessway*s;

e) Earthworks;

f) Services, including:

i. Stormwater to achieve hydrological neutrality;

ii. *Reticulated* sewer or septic tanks, particularly effects on *wetland* fertility;

iii. *Reticulated* freshwater or water tanks;

iv. Telecommunications networks;

v. Energy (electricity or gas) networks;

g) Pets, farmed animals, weeds, garden escapes and green waste dumping.

2. Any application under rule SUB-R16.3.b.iii (Category C) where the environmental protection area is located on *highly erodible land* must include a soil assessment report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of the existing conditions of the *site* and land to be retired and rehabilitated including the following:

a. Topography and slope analysis;

b. Existing vegetation;

c. Hydrology;

d. Soil analysis;

e. Land use capability;

f. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.

3. Any application under rule SUB-R16.3.b.iii (Category C) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:

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

i. The appropriateness and practicability of the proposed replanting:

a) To be native vegetation which is sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography;

b) To reflect the composition of former natural vegetation likely to have occupied the *site* and include appropriate native species that will enable natural processes of succession.

ii. The ecological district of the *site*.

iii. The characteristics of the soil (i.e. clay, silt, loam etc.).

iv. Soil drainage.

v. Topography of the area to be planted.

vi. Aspect of the area to be planted.

vii. Exposure of *site* to wind, frost, sunlight and salt spray.

viii. Presence of plant and animal pests.

ix. Any restrictions on planting, such as safety or existing access issues etc.

x. The purpose of the planting in relation to the surrounding environment (including buffering, corridors, linkages).

xi. The location and extent of planting.

xii. *Site* preparation for planting, including stock-proof fencing of planting areas, weed and animal pest control.

xiii. *Site* planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants.

xiv. Maintenance plan of planting, including releasing plants, *fertiliser*, plant and animal pest control and mulching and replacement of plants which do not survive, and a management plan for animal and plant pest control.

xv. An assessment of the effects of the potential development on the environmental protection area, including but not limited to SUB-REQ3(1)(b)(vi).

b. A plan that specifies the protection measures proposed to ensure the *indigenous vegetation* remain protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:

i. The establishment of secure stock exclusion.

ii. The maintenance of plantings, which must occur until the plantings have reached 80% canopy closure. Forest diversity planting (typically at Year 4 of the project) will have occurred. The survival rate must ensure a minimum 90% of the original density and species.

iii. The maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth.

iv. The maintenance of *indigenous vegetation* must ensure animal and plant pest control occurs.

4. Any *subdivision* under rule SUB-R16.3, where the *site* is located within the Coastal Environment, shall provide an assessment of environmental effects, which shall contain the following information:

    a. Context analysis, including how development integrates with existing and possible development in adjacent properties and other Environments.

    b. Future *building* and *accessway* location and design assessment including consideration of *building* envelopes, exterior materials and colours, factors contributing to low energy sustainable design.

    c. Timing of development.

    d. Landscape and visual effects assessment, including natural character and rural character.

    e. The extent to which the proposed location of any new *site*s utilises existing topography and/or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to locate and design development within areas where impacts on the Coastal Environment can be avoided or reduced.

    f. The location of future *building areas* and *accessway*s, and the extent to which the proposal will mitigate adverse visual effects on the Coastal Environment, including through methods such as *landscaping*, screening, *building* height, design and/or reflectivity.

5. Any application under rule SUB-R16.3 resulting in 3 or less additional *site*s (excluding one balance *site*) must include an assessment of effects from the design and layout of the *subdivision* including the following:

    a. The potential for *reverse sensitivity* effects arising from the location of the proposed *site*s in relation to any existing *rural production activity* or strategic rural industry.

    b. Adverse effects on the productive potential of the *site* based on the topography and characteristics of the *site*s, including soil qualities.

    c. Where the proposed *site*s are not arranged in a cluster to share common boundaries:

        i. Adverse effects in relation to the fragmentation of productive land.

        ii. Adverse effects on the openness and extent of rural outlook arising from sporadic and/or ribbon development.

        iii. Adverse effects on natural character elements such as *indigenous vegetation*, landforms and *water bodies*.

        iv. Adverse effects on the transport network where multiple *accessway*s are proposed.

6. Any application under rule SUB-R16.3 resulting in 4 or more additional *site*s (excluding one balance *site*), or any non-complying *subdivision* that proposes environmental protection and on-going management of an area or feature, must include the following:

    a. An Assessment of Environmental Effects, which shall contain the following information, as is relevant to the proposed development and activities and to a level of detail that is commensurate with the anticipated effects associated with the *subdivision* and/or development:

        i. Context analysis, including how development integrates with existing activities and possible development in adjacent properties and other zones/ Environments.

        ii. Traffic effects assessment, within the *site* and on the local roading and state highway networks.

        iii. *Building* and *major structure* design assessment including consideration of exterior materials and colours, and factors contributing to low energy sustainable design.

        iv. Consideration of Adaptive Management Staging.

        v. Timing of development.

        vi. Landscape and visual effects assessment, including natural character and assessment of urban form.

        vii. Infrastructure effects assessment.

        viii. Stormwater management effects assessment.

        ix. Cultural effects assessment by tangata whenua.

        x. Archaeological effects assessment.

        xi. Urban design assessment where development results in urban form.

        xii. Additional management methods, such as Council bylaws, Memoranda of Encumbrance, and Memoranda of Understanding.

    b. A Subdivision Layout Plan, which shall set out how the *site* area is to be subdivided or developed, responding to, and compatible with, the assessment of environmental effects and relevant objectives and policies and must depict, as a minimum, the following (as relevant):

        i. Location and types of proposed activities.

        ii. *Building* envelopes (footprints, height, separation/*setback*s, coverage).

iii. Proposed public road and internal *accessway* layout.

iv. Pedestrian and cycle facilities.

v. Proposed *landscaping*.

vi. Proposed fencing.

vii. Areas of cultural significance, including *archaeological site*s.

viii. Subdivision or development design, including number, size and shape of *site*s or *building* sites; *infrastructure*, servicing, *accessway*s and engineering details; land tenure (e.g. freehold, leasehold, cross lease, company leases, unit titles); and any staging/timing of *subdivision* or development.

c. An Ecological Plan, which shall describe the values on-site to be protected and demonstrate how the attributes and values of the environmental protection area are to be maintained or restored and protected, including means of managing potential ecological effects identified in the ecological effects assessment. The ecological plan shall:

i. Be prepared by a suitably qualified ecologist.

ii. Provide a description and assessment of the existing ecological values of the *site*. It should detail the range of existing vegetation, wildlife, habitat values and special values within the application area and the surrounding area.

iii. Provide an assessment of ecological effects.

iv. Specify the range of management strategies required to avoid, remedy or mitigate adverse effects of development.

v. Specify monitoring requirements and performance indicators to identify when successful implementation of management options has been achieved and if desired outcomes have been realised.

d. An Ecological Effects Assessment, which shall identify and assess actual and potential ecological effects arising from human disturbance and plant and animal pests associated with existing and proposed development within the application area. The Ecological Effects Assessment shall take into account:

i. The nature of development and level of intensity proposed.

ii. Direct effects (resulting from physical development of the application area including land clearance, earthworks, construction, *stormwater*).

iii. Secondary effects (resulting from increased activities and habitat modifications within the application area and the surrounding area, following proposed development).

iv. Cumulative effects (resulting from future development that might occur, and additional to the effects that can be expected to have already occurred as a result of development of the wider area which will also increase in the future).

v. Existing threats and risks including:

a) Weed and plant pests.

b) Increased people pressure.

c) Threats/risks to plant communities based on existing and proposed use of *site* (e.g. fire, vehicle *accessway*s, grazing, stock access, and plant pests).

d) Range of animal pest species.

e) Risks to wildlife from known animal pests.

f) Disturbance as a result of existing land use and activities.

g) Threats/risks to habitats as a whole from existing land use (e.g. stock access, human activities/disturbance, *stormwater*, *wastewater*).

h) Other threats/risks to special values.

e. Any proposed conditions of consent, which may include (but shall not be limited to) the following matters:

i. Visual amenity, car parking, traffic management.

ii. *Building* and *major structure* design implementation.

iii. Fencing.

iv. *Landscaping*.

v. Adaptive Management Staging/Timing of development (if proposed).

vi. Stormwater management, including groundwater quality.

vii. Identification, protection, and monitoring of areas of cultural significance, including *archaeological site*s.

viii. Ecological requirements.

ix. Subdivision or development design and associated Whangarei District Council engineering standards including financial and monitoring mechanisms such as bonds.

x. A means by which conditions are binding such as covenants or consent notices.

xi. Compliance with Subdivision Layout Plan.

f. A soil assessment report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of any land to be retired and rehabilitated including the existing conditions on the *site* including:

   i. Topography and slope analysis.

   ii. Existing vegetation.

   iii. Hydrology.

   iv. Soil analysis.

   v. Freshwater habitat.

   vi. Land use capability.

   vii. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.

7. Any *subdivision* under rule SUB-R16.3 or any non-complying *subdivision* that proposes environmental protection and on-going management of an environmental protection area, must provide a Management Plan setting out (to the extent relevant to the proposal):

   a. The key protection and enhancement objectives and outcomes to be met, including the qualities and characteristics of the environmental protection area that are to remain protected in perpetuity

   b. The protection and ongoing management methods required to achieve the objectives and outcomes, including but not limited to:

      i. Weed control.

      ii. Pest animal control.

      iii. Pest organism control, including kauri dieback disease and myrtle rust.

      iv. Pet (including cat and dog) control.

      v. Re-vegetation and restoration opportunities.

      vi. Fencing plan.

      vii. Fire risk management.

      viii. Access limitations.

      ix. Nutrient and sediment control.

      x. *Building*, *major structure* and *accessway* location.

c. The on-going monitoring methods to measure the success or otherwise of the implementation of the management methods, including feedback to Council and provision for review of the management plan.

d. The mechanisms to ensure that the management plan applies to and binds future owners as responsible for the costs of implementing the management plan.

Note:

1. *Refer to the Relationship Between Spatial Layers Chapter HPW-R8.*